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678 HCRAD C/R PROPERTY TAX ASSESSMENT COASTAL ZONE

1979-1980

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

LIST OF FILES (PAGE 1)

C/RA PROPERTY TAX ASSESSMENT STUDY

INTERN PROGRAM

STATE ASSESSMENT BOARD APPOINTMENTS

COASTAL ZONE MANAGEMENT DISTRICT PROGRAMS

NOTEBOOK - KODIAK ANNEXATION

KODIAK ISLAND BOROUGH, OUTER CONTINENTAL SHELF
IMPACT STUDY, VOLUME 1

KODIAK ISLAND BOROUGH, CUTER CONTINENTAL SHELF
IMPACT STUDY, VOLUME 2

KODIAK ISLAND BOROUGH REGIONAL PLAN & DEVELOPMENT
STRATEGY: SUMMARY REPORT

CORRESPONDENCE RE: KODIAK ANNEXATION

KODIAK ANNEXATION

SKAGWAY ANNEXATION

HB 9

HB 51

HB 68

HB 69

HB 70

HB 83

HB 95

HB 97

HB 103

HB 127

HB 132

HB 134

HB 146

HB 172

1979-1980

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

LIST OF FILES (PAGE 2)

HB 174

HB 184

HB 192

HB 223

HB 245

HB 293

HB 300

HB 301

HB 302

HB 314

HB 331

HB 332

HB 341

HB 342

HB 343

HB 344

HB 375

HB 383

HB 384

HB 417

HB 429

HB 574

HB 580

HB 581

HB 582

HB 583

HB 584

1979-1980

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

LIST OF FILES (PAGE 3)

HB 585 - FILE 1

HB 585 - FILE 2

HB 586

HB 594

HB 625

HB 626

HB 636

HB 640

HB 641

HB 648

HB 663

HB 685

HB 689

HB 698

HB 797

HB 804

HB 846

HB 886

HB 897

HB 932

HB 947

HB 947 (FREE CONFERENCE)

HB 974

HB 992

HB 1010

HR 20

HCR 15

1979-1980

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

LIST OF FILES (PAGE 4)

HCR 45

HCR 67

HCR 70

HJR 10

HJR 39

HJR 60

HJR 62

HJR 65

SB 132

SB 134

SB 137

SB 145

SB 201

SB 311

SB 334

SB 562

SB 641

SCR 7

SCR 12

SCR 51

HOUSE

C+RA

1979-80

Property
TAX ASSESSMENT
STUDY



Official Business

Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

May 1, 1979

Lee McAnerney
Commissioner
Community & Regional Affairs
Pouch B
Juneau, Alaska 99811

Dear Lee,

I was pleased to learn that the Department of Community and Regional Affairs, through the Office of the State Assessor, is preparing to do a study of a more equitable approach to providing residents of Alaska with property tax relief--particularly those in need of relief as a result of limited incomes.

I concur that this study would indeed be a worthwhile endeavor and that the current "piece-meal" approach of providing property tax relief to certain groups of taxpayers needs revision.

As this study will presumably result in legislation which would be reviewed by the Community and Regional Affairs Committee, I would appreciate being informed of its progress. Please send any pertinent information to the following addresses.

Rep. Bill Parker
200 Denali
Anchorage, Ak. 99801

Marjorie Gorsuch
411 Coleman
Juneau, Ak. 99801

Yours truly,

Bill Parker
Chairman

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

JAY S. HAMMOND, GOVERNOR

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

April 16, 1979

The Honorable Bill Parker
Chairman
Community and Regional Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

RE: PROPERTY TAX ADMINISTRATION

The enclosed article was published in the April/May edition of the "Assessment Digest" and is one of the better dissertations on need for property tax reform and some current thinking on alternate approaches.

Realizing that you and your committee are very busy at this time, these are being transmitted for your review at your convenience. It does, however, appear certain that tax reform measures will continue to be one of the major issues of concern in future sessions of the legislature.

This article, which is relatively well written, points out some basic ideas and may be helpful as these items are discussed and legislative action is proposed.

Sincerely,

Lee McAnerney
Commissioner

By: Palmer McCarter
Director

Enclosure

The Only Alternative to the Property Tax—A Better Property Tax

Walter Rybeck

In one sense there is no alternative to the property tax. It is unique. It performs good and necessary functions that no other tax duplicates.

Yet none of us would claim that the property tax in its present form is a model of perfection. In that sense, the best alternative to the property tax is a better property tax.

There are no practical or logical reasons that we cannot attain that better property tax. Perhaps the chief obstacles are the mental images that stand in the way of understanding. How these images hold us captive was nicely explained by Don Marquis, the light-hearted philosopher. In what he modestly dubbed "The Almost Perfect State," Marquis wrote:

Personally, I was never able to see the remotest resemblance to anything like a human face in the moon. But when I was a child I was told that there was a face in the moon; presently, I thought I should see it, and began to say I saw it. And all my life I have gone on lying about it—talking and even writing about the Man in the Moon.¹

The myths surrounding the property tax are more formidable than how the moon appears to earthlings. But if Marquis, back in the 1920s and long before moon landings could discern that there was no face on the moon, and could further conclude that the moon was not made of green cheese, we should not now despair about the public's ability to sift through the

bizarre notions that momentarily obscure a clear vision of property tax issues.

Whatever the power of false images, in this year of the "Great Tax Revolt" it could be perilous to fail to stand up to those who seek to maim or abolish the property tax. For if they succeed, it would be a calamity of the first magnitude, depriving us of a tax that can be one of our keys to an independent and prosperous future.

Howard Jarvis made himself a legitimate target when he designed the amendment that erodes the California property tax and sets back assessment administration in that state by light years. We can aim our retaliatory barbs at him in the spirit of the spearthrower who said, as he took aim at his foe, "This should put some iron in his blood." Of course, Jarvis is far from the only villain in the act. In passing out responsibility, we should not overlook the long parade of economists who have gained the spotlight by kicking the property tax.² Nor should we forget all the politicians who have won acclaim by taking cheap shots at property taxes and assessments.³ How long has it been since you heard public finance specialists or local politicians stand up in public to say anything favorable about the property tax?

No wonder, after continuously hearing property taxes bashed, by their leaders, citizens consistently list the property tax as their least popular tax. And no wonder they will follow a Jarvis, or his clone, that are cropping up elsewhere, giving up their birthright in good property taxation for a mess of tax relief potage.

It cannot be emphasized too much that the property tax is one of the best taxes in our fiscal kit of tools. Property values grow as the community grows, providing a kind of natural income for it. Tapping a local source of revenue, the property tax can prevent communities from becoming too dependent on distant, centralized governments. The property tax alone enables the city or county to recoup values which they create through public works and services. And the tax is one of the few that citizens can readily speed up or slow down to exercise control over their officials.

Prevalent Myths about the Property Tax

To restore this tax to the reputation it deserves requires weeding out its counterproductive features. The most notorious of these features, in my view, is the taxation of improvements.

A look at some of the false images surrounding the property tax may suggest why the untaxing of housing and other buildings should take high

priority in the battle to save the property tax.

FABLE NUMBER 1. A site value tax would be a new tax. Far from being a new tax, we already have the site value or land value tax. We have always had it. Are there any assessors who are not assessing land or any jurisdictions that are not taxing it? We do not base the tax on land exclusively, but we certainly tax land.

A pure site value tax is what remains when improvements are excluded from the tax. Such an exclusion would not be novel. In the United States, the property tax started out mostly as a land tax. Then we went through a long period of adding a wide array of things to produce an all-encompassing general property tax. More recently, as John B. Rockham has pointed out, there has been a trend to get back to basics. Among the items that many states have discarded--because of their negative impacts or the difficulty in their enforcement--have been business inventories and personal property. Clearly, after these facets of the tax had outlived their usefulness and had been eliminated, the property tax that remained was not viewed as some strange, unfamiliar creature. The site value tax has always been an integral part--and in the opinion of many, the best part--of the property tax. All the good things that may be said about the site value tax, therefore, refer at least in some degree to the property tax that is now under siege.

FABLE NUMBER 2. The property tax is inelastic. According to this old saw, property tax receipts fail to keep pace with economic expansion and growth of incomes. The public finance experts who used to repeat this alleged weakness were remarkably silent when Californians and others began protesting that the property tax was too elastic. These experts claimed that the tax had reached its upper limits by World War II. If so, it has certainly been reborn as a revenue producer. From 1920 through 1945, property tax collections nationwide ranged from four to five billion dollars a year. By 1955 they rose to \$11 billion. By 1970 to \$30 billion. And now to \$65 billion. So much for inelasticity.

FABLE NUMBER 3. The property tax is regressive. Strong evidence to the contrary has been developed by Mason

Gaffney, Henry Aaron, and others.⁴ Where faulty assessment procedures favor wealthy property holders, the tax may weigh more heavily on the poor. But a tax system cannot be fairly condemned because its rules are disregarded in particular instances. The warranty for the evenhandedness of the tax assumes normal care and handling.

However, the regressive theory wins adherents to the extent taxes on rental homes and apartments are passed on to low-income tenants. Untaxing these buildings would make the property tax decidedly more progressive. And because valuable lands are highly concentrated in the hands of the rich, a site value tax would offer substantial relief to middle-income and lower-income families.⁵

FABLE NUMBER 4. The property tax is confiscatory. Jarvis revived this myth during the Proposition 13 campaign. He urged citizens to save themselves from the oppressive taxation of Latin America's "dictator countries" and from what he called the "English disease." On this point, Jarvis scores high on inventiveness.

As Gaffney remarked, poor South American nations have had Proposition 13 for most of their history.⁶ When I worked in Ecuador, property was barely taxed at all. Ecuadorians had a saying, "We're a rich land but a poor people." While this was mostly true, some of the people--those in the small landholding class that held rural and urban areas in their grip--were fabulously wealthy. One would have to be exceedingly naive to suppose that this ruling class shielded the property they owned from taxation out of concern for the impoverished masses. England's landed gentry, too, have managed fairly well to shelter property from taxation; it is the incomes of England's working people that are being taxed to the bone.

One of the virtues of the property tax which emerges from the pages of our history is that it can be a brake against the confiscation of land by the few from the many. The contrast between socioeconomic conditions in the nations settled by the British, which relied almost exclusively on the property tax for local revenues, and the nations settled by the Portuguese and Spanish, which did not, speaks eloquently to this point.

Until a century ago, virtually all local government revenue and the bulk of state funds in the United States were derived from property taxes; federal taxes, except for tariffs, were minute. This era when the property tax reigned supreme coincided with the nation's most dynamic growth. Upward mobility was at a maximum. The very idea of a poverty class seemed unAmerican. The property tax, far from being considered confiscatory, was widely accepted as a necessary element of a just economy.

FABLE NUMBER 5. The property tax is inflationary. This is half fable, half truth. The tax on buildings is inflationary, the tax on land is not. When both are linked together, their opposing impacts somewhat cancel each other out. This helps explain why the substantial property tax cut in California did not bring tenants the instant rent reductions Jarvis promised. Because Jarvis was a long-time lobbyist for apartment owners, some suspect his promise was simply a cynical ploy to win votes. It is conceivable, nevertheless, that Jarvis was really confused, along with the typical American, thanks to the failure of most economists to spell out how taxes on land and on buildings behave differently.

It is a common experience to watch taxes force prices up. We see this tax inflation at the gasoline pump, or at checkout counters where sales taxes are added to the cost of purchases. Taxes on houses and commercial structures follow this pattern. The higher the taxes, the higher the total prices.

Taxes on land, however, do not work this way. Mysterious or contrary to intuition as it may appear, the higher the tax on land, the lower its price falls, as real estate brokers know from practical experience. Because of this, I predicted that Proposition 13 may have an inflationary impact on land prices:

Of (California's) \$7 billion tax cut, at least 40 percent, or \$2.8 billion, represents land values. This is likely to be capitalized in increased land prices, adding \$45 billion or more on top of already staggeringly high land prices.⁷

How this capitalization effect occurs is illustrated by the following specific example.

You bought a piece of land in 1975 for \$150,000; annual property taxes were \$4,200. Under Proposition 13, the tax is cut to \$1,500. This annual tax savings of \$2,700 makes the land more attractive by the amount one would have to put in the bank to reap \$2,700 a year. At 6 percent interest, this would be \$45,000. Thus, the \$150,000 property now sells for \$195,000, a 30 percent increase.

I hope I am wrong about this prediction of escalating land prices in California. Since my example deals exclusively with a case of bare land, the effect may be mitigated somewhat by the reduction in taxes on buildings.⁷ But what land economics teaches in general is this: high taxes on buildings and low taxes on land create a double-barreled inflationary effect. The maximum anti-inflationary effects can be realized by reducing or eliminating the taxes on buildings and shifting them to land values.

TABLE NUMBER 6. Property taxes don't make much difference. Tell it to Governor Brown and the legislators in Sacramento who disregarded citizen pleas for relief. Tell it to cities like Boston where little private commercial building occurs unless developers first win property tax abatements for twenty years or more. Tell it to communities that lure commerce and industry with property tax reductions. Tell it to the Minneapolis-St. Paul region where, to halt tax warfare among neighboring jurisdictions, a tax-base sharing system was instituted.

Tell it to all the people sitting on land ripe for development who find it more profitable to hold their parcels out of use. From their perspective, a land tax is a holding cost. If this cost is low relative to the annual increase in value of the site (actual or anticipated), owners sit patiently while gains accrue without any effort on their part. These decisions to withhold land from use are reinforced by the knowledge that any buildings they construct on the site will immediately bring forth higher taxes.

The fairy tale that property taxes make little difference to land speculation, blight, urban sprawl, housing supply, and business locations has been peddled by many academics. This is puzzling until you realize that those who state this viewpoint have neglected to differentiate between land taxes and improvement taxes. Both taxes are very potent. But they

pull in opposite directions, like two locomotives on either end of a train, one chugging north and the other chugging south. An observer looking only at the way the freight cars jerk back and forth might falsely conclude the locomotives were weak.

Jarvis recognized that the property tax did make a difference. Focusing exclusively on the building tax locomotive, he struck paydirt with voters by reminding them how the tax, in effect, punished property owners who built or remodeled, even though these activities put people to work and improved city neighborhoods. The quarrel with Jarvis on this point is that he tarred and feathered the whole property tax, not just the building tax that has been causing so much individual and social pain.

Cartoonist Herblock recently pictured a renovated home and a homeowner proudly telling the wife and kids, "we had to break the piggy bank to do it, but we finally got the old house fixed up." An assessor is shown slinking around the side of the house, toting up its higher taxable value. What bothered me was the implication that the assessor was the villain. He merely carries out the laws mandating that improvements be included in the property tax base. The laws, not the assessors, impose this disincentive to housing construction and maintenance. Homeowners and other citizens who tolerate such laws are not without blame. If citizens dislike the laws, they may look to Pennsylvania and the District of Columbia for examples of enabling laws that permit taxes on improvements to be reduced or eliminated. Australia and New Zealand have undertaken wholesale abandonment of property taxes on buildings, and with good results.

TABLE NUMBER 7. Site value reform must await assessment reform. I confess that for years I have often gone along with this view. But it proved to be a soap bubble punctured by Proposition 13. California has been among the nation's leaders in the drive to achieve accurate, uniform, frequent assessments, yet that is where the ax fell. Was this coincidental? Apparently, the full and timely reassessments during a highly inflationary period exaggerated the defects of the property tax, making it more onerous and contributing to the

taxpayer revolt. Political leaders welcomed assessment reforms and the greater revenues they produced. When taxpayers complained about escalating burdens, politicians blamed assessments, conveniently forgetting to mention that they alone had the power to raise—and lower—property tax rates.

Let me stress that my support of reforms to make assessments as uniform and fair as humanly possible is in no way diminished.¹⁰ But these reforms should be undertaken in tandem with the move to rid the tax of its punitive impact on those who build and maintain our communities. A clock seems to be running out on the public's tolerance of the property tax in its present state. We no longer have the luxury of dealing with its problems one at a time.

TABLE NUMBER 8. The property tax is the most burdensome tax. This myth is so much at odds with the facts that many commentators concluded that Proposition 13 supporters simply cloistered property taxes to register their displeasure with all taxes. The polls do not entirely support this view; they reveal tremendous anti-property tax sentiment. Perhaps tax administrators unwittingly perpetuate this sentiment by their inattention to a small but critical detail—the method of payment.

Why not take a cue from the income tax fraternity? They collect taxes, seemingly painlessly, via paychecks. They often take out too much, using interest-free money that does not belong to them until accounts are settled each year. Instead of resenting these excess payments, most taxpayers look at the refunds as windfalls. They are so grateful they tell friends how many hundreds they get back, hardly noticing how many thousands they paid in.

In contrast, the annual lump sum payment of property taxes hits many homeowners like a ton of bricks. The cash flow problem is avoided when mortgage lenders require property taxes to be paid in advance in monthly installments, along with capital, interest, and insurance. For owners who lack this mechanism, why not devise property tax payroll deduction plans for people on wages and salaries? And for retirees and others who do not receive regular payroll checks, why not

devise automatic monthly payment plans through checking accounts, of the sort that many insurance firms utilize?

Officials who resolve this seemingly minor payments problem are likely to become heroes to their constituents. No doubt they will be widely copied, and they will do much to strengthen property tax support in the future.

Suggestions and Conclusion

If there is a move to modernize the property tax, leaving it as a tax on land values alone, some have suggested that the tax rate on land values be progressive. Jefferson, according to a letter written in 1795,¹¹ favored such an approach. Among nations that have levied land taxes at increasingly high rates as parcels become larger or more valuable are Australia, Brazil, Egypt, and Poland. Taiwan offers an interesting current example.

Taiwan levies a flat 1 percent land tax on small plots of urban land occupied by owners. It levies a flat 1.5 percent land tax on sites in industrial use. But it levies a progressive land tax ranging from 2 to 7 percent on large, valuable holdings. According to Shih-ko Shen, director of Taiwan's Land Bureau, this strategy prevents land speculation and facilitates land acquisition by actual users.¹² There is reason to believe that Taiwan's landlords, after seeing landlords literally wiped out by Communists on the Chinese mainland, accepted this remarkable system as their ticket to survival.

My preference is for a neutral property tax. It is now biased in the United States against land use in favor of land holding. This could be corrected by removing the tax on improvements, requiring land users to pay no more than their adjacent land bankers. I would rather see how this kind of neutral tax functions before adding a special sting through a progressive tax rate. Yet one can imagine circumstances—for example, where landlordism of an almost feudal nature had taken hold—in which a progressive land tax might be considered necessary.

Let me conclude by stressing again that the property tax is one of the best taxes. The tax on buildings, however, strikes me as one of the least desirable

taxes—a weakness that detracts from our property tax. Removing this building tax will help defuse the taxpayer revolt by combining relief with tax equity. It will do this without strangling local government finances; on the contrary, taxing site values should strengthen the local tax base. It will encourage more compact land use which is no small matter in an era of energy shortages.¹³ And it will help suppress the inflation that has become one of our most critical domestic problems.

In sum, it makes sense to appreciate and hold fast to what is best in the property tax.

The views expressed are the author's and do not necessarily reflect those of the organization with which he is associated.

1. Don Marquis, *The Almost Perfect State*, (New York: Doubleday, Page & Co., 1927).

2. Some of the current generation of economists present far more balanced views of the property tax, including its merits. Notable among them are Mason Gaffney, C. Lowell Harriss, Arthur P. Becker, Dick Netzer, Donald C. Shoup, Gene Wunderlich, John Shannon, and L. L. Ecker-Kacz.

3. Exceptions to this rule appear to be so rare that it might be worthwhile for IAAO to search out state and local public officials who have the integrity to speak forthrightly about property taxes, and then to give appropriate awards to such individuals.

4. Henry J. Aaron, *Who Pays the Property Tax: A New View* (Washington, D.C.: Brookings Institution, 1975); Mason Gaffney, "The Property Tax Is a Progressive Tax," *Proceedings, National Tax Association*, 1971.

5. Mason Gaffney, "Tax Limitation: Proposition 13 and Its Alternatives," mimeographed, remarks to Center for the Study of Democratic Institutions, August, 1978.

6. Rybeck, "Urban Sounding Board," *Nation's Cities*, vol. 16, no. 8, August 1978.

7. Inflationary impacts are far too complex to treat in detail in this summary. For an example of this complexity, the lower taxation of buildings tend to contribute to higher land values at the same time that it reduces building prices.

8. *Washington Post*, May 24, 1978.

9. R. W. Archer, *Site Value Taxation in Central Business District Redevelopment, Sydney, Australia* (Washington, D.C.: Urban Land Institute, 1972); Rolland O'Regan, *Rating in New Zealand* (Wainuiomata, New Zealand: Baranduin Publishers, Ltd., 1973). Both of these publications are unusually evenhanded, indicating problems as well as advantages of site value taxation.

10. IAAO's major new work on adminis-

trative streamlining, *Improving Real Property Assessment: A Reference Manual*, was published in November 1978. The author was privileged to participate in the preparation of this comprehensive and current guidebook.

11. Letter to James Madison, quoted by Aaron M. Sakolski, *Land Tenure and Land Taxation in America* (New York: Robert Schalkenbach Foundation, 1957), p. 62.

12. Archibald M. Woodruff, James R. Brown, and Sein Lin, eds., *International Seminar on Land Taxation, Land Tenure, and Land Reform in Developing Countries* (West Hartford, Conn.: John C. Lincoln Foundation, 1966), pp. 304-348.

13. Some land use implications of site value taxation are discussed in Rybeck, "Can the Property Tax Be Made to Work for Rather Than Against Urban Development?" in *Property Tax Reform* (Chicago: International Association of Assessing Officers, 1973).

Walter Rybeck is Special Assistant to the Chairman, Committee on Banking, Finance, and Urban Affairs, U.S. House of Representatives.

LAW

Supreme Court Decision Exposes Assessors to Potential Liability

On January 15, 1979 the United States Supreme Court entered a brief order which may have the profound effect of exposing local and state property tax officials, for the first time, to personal liability in certain narrowly defined situations. The Supreme Court exercised its discretion not to hear an appeal of *Cullerton v. Fulton Market Cold Storage Co.*, No. 78-748, letting stand the decision of the lower Court of Appeals for the Seventh Circuit, No. 77-2133, August 7, 1978.

Fulton Market claimed that, from 1958 to 1973, its property in Cook County, Illinois had systematically and intentionally been assessed at levels of up to two and one half times that at which property was generally assessed in the county in those years. In 1974, Fulton Market filed suit in the United States District Court for the Northern District of Illinois against the two Cook County assessors in

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH 6 - JUNEAU 99811

March 14, 1979

The Honorable Bill Parker
Chairman
House Community and Regional
Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Parker:

RE: HOUSE BILL NO. 223

At the request of the members of the House Community and Regional Affairs Committee, State Assessor Terry Earley has attempted, given information available from the Federal Veterans Administration, to analyze the cost of alternatives to House Bill No. 223. The five requested alternatives are recapped on the attached summary sheet; an individual fiscal note is also attached for each alternative.

I would like to again call your attention to the position stated by the State Assessor in his testimony before your committee on March 7, 1979. The Department is strongly opposed to the "piece-meal" approach of providing property tax relief to certain groups of taxpayers in Alaska (i.e., senior citizens and farmers). House Bill No. 223 would extend this type of tax relief program to disabled veterans.

Property tax relief should be made available to those in need throughout the State of Alaska but should not be provided to those residents who do not have a demonstrated need for State refunded property tax relief payments. We believe a more comprehensive program of property tax relief ought to be made available by the Legislature, preferably in the form of a reimbursement or rebate based upon income as determined through the filing of Alaska State income tax returns.

The Department, through the Office of the State Assessor, is prepared to pursue a more equitable approach to providing residents of Alaska with property tax relief - particularly those in need of relief as a result of limited incomes. Proposed legislation could be made available for consideration by the next session of the State Legislature. We would appreciate an expression from your committee as to whether or not this is a worthwhile endeavor for the Department to pursue prior to the next session.

The Honorable Bill Parker
March 14, 1979
Page Two

If you have questions regarding the attached alternatives to House Bill No. 223, Mr. Earley or I will be pleased to respond.

Sincerely,

Lee McAnerney
Commissioner

Palmer McCarter
By: Palmer McCarter
Director
Local Government Assistance Division

Attachments

cc: Senator Arliss Sturgulewski, Chair
Senate Community and Regional Affairs Committee

Representative Joe McKinnon (Sponsor of HB 223)

Senator Brad Bradley (Sponsor SB 154)

During the meeting of the House Committee on Community and Regional Affairs of March 7, 1979 property tax exemptions for Disabled Veterans were discussed. The following is a recap of fiscal impacts of the several proposals discussed.

	TOTAL ELIGIBLE	TOTAL COST
1. Exempting veterans over 40% disabled both homeowners and renters and leaving the \$20,000 income limit.	670	\$311,280
2. Exempting veterans over 40% disabled both homeowners and renters and reducing income limit to \$10,000.	424	\$197,948
3. Exempting veterans over 40% disabled both homeowners and renters and also including veteran's widows and reducing income limit to \$10,000.	544	\$253,698
4. Exempting veterans over 40% disabled both homeowners and renters and eliminating income restrictions.	681	\$317,044
5. Exempting veterans over 40% disabled both homeowners and renters, also including veteran's widows and eliminating income restrictions.	876	\$407,902

Prepared by:

Department of Community and Regional Affairs
Office of the State Assessor

Other Approaches & Comments

An eligible veteran shall be exempt from a portion of his local property taxes or rent equivalent based on the following chart:

Percent of Disability	Taxes Payable as a Percentage of Income
10% to 30%	5%
30% to 40%	4%
40% to 50%	3%
50% to 60%	2%
60% to 70%	1%
70% and up	0%

Examples -

A veteran who is 25% disabled and has total income of \$15,000 would be required to pay the first \$750 of the tax bill on his residence.

A veteran who is 55% disabled and has an income of \$10,000 would be required to pay the first \$200 of the tax bill on his residence.

This approach ties the exemption to both income and percent of disability.

Because of the reliance on income there is some difficulty in administration.

The simplest way to administer this approach would be as a credit on state income tax. This is, of course, a refund that requires taxpayer outlay of cash and then a refund.

This program could also be administered much in the same manner as the senior citizen renters equivalency program with the Department of Community & Regional Affairs making the refunds directly to the disabled veteran.

Yet another approach would be to make the reimbursement completely contingent on income. Something to the effect: "disabled veterans with a disability greater than ____ % shall be entitled to a refund of property taxes in the amount that the annual property tax bill or rent equivalent exceeds the appropriate percentage of their income based on the following table":

Income	Percentage
Under \$4,000	0%
\$4,000 but under \$5,000	1%
\$5,000 but under \$6,000	2%
\$6,000 but under \$7,000	3%
\$7,000 but under \$10,000	4%
\$10,000 and up	5%

Examples -

An eligible veteran has an income of \$9,000 and pays taxes of \$800.
 $\$9,000 \times 4\% = \360 $\$800 - \$360 = \$440$ refund

An eligible veteran has an income of \$4,500 and pays taxes of \$1,000.
 $\$4,500 \times 1\% = \45 $\$1,000 - \$45 = \$955$ refund

The easiest approach to administration of this type of reimbursement is an income tax rebate, but could be handled like the senior citizen renters program, with rebates by the Department to the eligible applicant.

One of the major complaints about the property tax over the years is that it is not responsive to the earning power of the taxpayer. The two alternatives mentioned do make property taxes more responsive to the taxpayers ability to pay.

However, it should also be pointed out that every class of taxpayers exempted increases the burden on the balance of the taxpayers.

There are approximately 380,000 people living in areas of the state where property taxes are levied. There are currently 5,400 senior citizens and 200 farmers being exempted; that is a total of 5,600 or 1 1/2 percent of the total population being subsidized. Although 5,600 residents does not sound like a lot when considered independently, the addition of the more standard type of exempt properties such as governmental, churches, charitable institutions, and property of veterans organizations make properties that are currently tax exempt a very substantial part of the property tax base throughout Alaska.



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Department Adjutant - Service Officer
Box 250, Juneau, Alaska 99802

March 5, 1979

Representative Joseph H. McKinnon
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative McKinnon:

I thank you for the opportunity to comment on House Bill No. 223. As you may recall, I had the opportunity to testify at a hearing on substantially the same bill of the Community & Regional Affairs Committee two years ago.

The proposed amendments to AS 29.53.020 were discussed and the gross income limitation and eligibility (40% service-connected disability) were adjudged fair.

The American Legion, Department of Alaska, has had many opportunities to discuss the proposed amendments. We wholeheartedly endorse the concept of exempting from taxation the real property owned and occupied by a disabled veteran.

As stated above, the conditions for exemption are reasonable and just.

Please accept this statement as giving full support to House Bill No. 223. If further testimony is desired, I will be more than happy to appear before the committee seeking information.

Sincerely,

William C. Kelm

WILLIAM C. KELM
Department Adj'tant

cc: Department Officers

February 20, 1979

2 B.C.

Representative Joyce Munson
Pouch V
Juneau, Alaska 99311

Dear Joyce,

I received a number of bills from Juneau recently and noted that you are a co-sponsor on HB 223. I want to suggest a slight change. I would like to see the addition of (unremarried widow of the disabled veteran) without the inclusion of the adjusted gross income of (less than \$20,000).

It could also read (unremarried widow and/or the principal abode of the children of the disabled veteran).

I approve the 40% disability clause vs the Senate Bill 154 which reads 50% disability of the disabled veteran.

I have rewritten sections of HB 223 so you can see what I mean.

HB 223 An Act providing for exemption of disabled veterans (or unremarried widows who maintain the principal abode of the children of the disabled veteran) from payment of real property taxes;

(e) The real property owned and occupied as a permanent place of abode by a resident 65 years of age or over or by a disabled veteran (or unremarried widow who maintains the principal abode of the children of the disabled veteran) without regard to his age is exempt from taxation of the assessed value of the real property.

I am assuming that the bill has been written in order to provide relief to a disabled veteran and his dependents or minor children. I contend that if the veteran dies, that it is even more important to provide a home for the children of the veteran because of the stress encountered upon the absence of the (probably) major wage-earner. Therefore I feel that widows and minor children should be included.

I don't believe this addition is going to cost very much because, lets face it, how many unremarried widows with minor children of a disabled veteran do we have maintaining a home in Alaska?

Good luck in Juneau.

Cheers!!

Lis Pilligant

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATUREFISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 223

Title Provides for exemption from property taxes for disabled Veterans

Requested by Rep. McKinnon, Buchholdt, Meekins & Munson

Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Grants

Budget Request Unit(s) Affected Senior Citizen Homeowners - State Assessor

EXPENDITURES (Thousands of Dollars)

		FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100	PERSONAL SERVICES						
200	TRAVEL						
300	CONTRACTUAL		.5				
400	COMMODITIES						
500	EQUIPMENT						
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.		279.0				
TOTAL			279.5				

FUNDING (Thousands of Dollars)

GENERAL FUND		279.5					
FEDERAL FUNDS		0					
OTHER (Specify)		0					

POSITIONS

FULL TIME		0					
PART TIME		0					
TEMPORARY		0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal veteran's Administration, there are approximately 706 disabled veterans receiving compensation for 40% or greater disability. Assuming about 25% rent their homes, 530 may be presumed eligible. Assuming that another 30 would be ineligible for either exceeding the income limit or being 65 years of age and already exempt leaves approximately 500 eligible veterans.

500 (veterans) times \$558 (average senior citizen tax savings) = \$279,000.

IV. DATE 3-6-79

PREPARED BY Terry L. Earley, State Assessor

AGENCY Department of Community and Regional Affairs

PHONE 465-4730

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

REVISED 3-6-79

AS IF AMENDED TO REDUCE INCOME LIMIT TO \$10,000 AND INCLUDE RENTERS

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATUREFISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 223 PROPOSED SUBSTITUTE

Title Provides for exemption from property taxes for disabled Veterans

Requested by Community and Regional Affairs Committee

Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Grants

Budget Request Unit(s) Affected Senior Citizen Homeowners and Renters Equivalency -

STATE ASSESSOR

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		196.9				
TOTAL		197.9				

FUNDING (Thousands of Dollars)

GENERAL FUND		197.9				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal Veterans Administration there are 706 veterans receiving compensation for 40% disability or greater. Assuming 25% of that number to be renters, we then have 176 renters and 530 homeowners. Further assuming that 40% of these numbers are ineligible due to either exceeding income limit or being over 65 years of age and already eligible for exemption. Therefore we end up with 318 eligible homeowners and 106 eligible renters.

318 homeowners @ \$558 (average senior citizens savings) = 177,444

106 renters @ \$184 (average renters equivalency payment) = 19,504

424 TOTAL \$196,948

IV. DATE 3-7-79

PREPARED BY Terry L. Earley, State Assessor

AGENCY Department of Community and Regional Affairs

Original: Legislative Finance

PHONE 465-4730

cc: Budget and Management

Prime Sponsor (First Legislator Named)

AS IF AMENDED TO INCLUDE RENTERS IN EXISTING BILL

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATUREFISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 223 PROPOSED SUBSTITUTE

Title Provides for exemption from property taxes for Disabled Veterans
Requested by Community and Regional Affairs Committee Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Grants

Budget Request Unit(s) Affected Senior Citizens Homeowners and Renters Equivalency -
STATE ASSESSOREXPENDITURES (Thousands of Dollars)

		FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100	PERSONAL SERVICES						
200	TRAVEL						
300	CONTRACTUAL		1.0				
400	COMMODITIES						
500	EQUIPMENT						
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.		310.3				
TOTAL			311.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		311.3				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal Veterans Administration there are 706 Veterans receiving compensation for 40% disability or greater. Assuming 25% of that number are renters, we would have 530 homeowners and 176 renters. Further assuming 30 of the homeowners and 6 of the renters would be ineligible for either income reasons or being 65 years of age and therefore already exempt leaves 500 eligible homeowners and 170 eligible renters.

500 (Homeowners) @ \$558 (average senior citizen savings) 279,000

170 (Renters) @ \$184 (average renters equivalency payment) = 31,280

670 TOTAL \$310,280

IV. DATE 3-7-79

PREPARED BY Terry L. Earley, State Assessor

AGENCY Department of Community and Regional Affairs

Original: Legislative Finance

PHONE 465-4730

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATUREFISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 223 PROPOSED SUBSTITUTE

Title Provides for exemption from property tax for disabled Veterans

Requested by House Community & Regional Affairs Committee Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Grants

Budget Request Unit(s) Affected Senior Citizens Homeowners and Renters Equivalency -
STATE ASSESSOREXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		252.7				
TOTAL		253.7				

FUNDING (Thousands of Dollars)

GENERAL FUND		253.7				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal Veterans Administration there are 706 veterans receiving compensation for 40% disability or greater. Our best estimate is that there are 200 additional unremarried widows of disabled veterans. This makes a total of 906 persons initially eligible. Assuming 25% of these people rent, we would have 226 renters and 680 homeowners. If we assume 40% of those are ineligible for exceeding the income limitation or being over 65 years of age and already eligible for exemptions, we end up with 408 homeowners and 136 renters.

408 homeowners @ \$558 (average senior citizens savings) = \$227,664

136 renters @ \$184 (average senior citizen renter reimbursement) = 25,024

544 TOTAL \$252,688

IV. DATE 3-7-79

PREPARED BY Terry L. Earley, State Assessor

AGENCY Department of Community and Regional Affairs

Original: Legislative Finance

PHONE 465-4730

cc: Budget and Management

Prime Sponsor (First Legislator Named)

AS IF AMENDED TO INCLUDE RENTERS AND EXCLUDE INCOME RESTRICTIONS

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 223 PROPOSED SUBSTITUTE

Title Provided for exemption from property taxes for disabled Veterans

Requested by Community and Regional Affairs Committee

Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Grants

Budget Request Unit(s) Affected Senior Citizen Homeowners and Renters Equivalency

STATE ASSESSOR

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		316.0				
TOTAL		317.0				

FUNDING (Thousands of Dollars)

GENERAL FUND	317.0					
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal Veterans Administration, there are 706 veterans receiving compensation for 40% disability or greater. Assuming 25% of these are renters, we have 176 renters and 530 homeowners. Assuming 20 homeowners and 5 renters are 65 years of age and already exempt, we have 510 homeowners and 171 renters.

510 (homeowners) @ \$558 (average senior citizens savings) = \$284,580

171 (renters) @ \$184 (average senior citizen renter reimbursement) = 31,464

681 TOTAL \$316,044

IV. DATE 3-7-79

PREPARED BY Terry L. Earley, State Assessor

AGENCY Department of Community and Regional Affairs

Original: Legislative Finance

PHONE 465-4730

cc: Budget and Management

Prime Sponsor (First Legislator Named)

AS IF AMENDED TO INCLUDE RENTERS AND WIDOWS AND EXCLUDE INCOME LIMITATIONS

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

1. REQUEST

REQUEST
Bill/Resolution No. House Bill 223 PROPOSED SUBSTITUTE
Title Provides for exemption from property taxes for disabled Veterans
Requested by Community and Regional Affairs Committee Date

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs
Program Category Affected Grants
Budget Request Unit(s) Affected Senior Citizen Homeowners and Renters Equivalency - STATE ASSESSOR

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		406.9				
TOTAL		407.9				

FUNDING (Thousands of Dollars)

GENERAL FUND	407.9			
FEDERAL FUNDS				
OTHER (Specify)				

POSITIONS

<u>FULL TIME</u>	0					
<u>PART TIME</u>	0					
<u>TEMPORARY</u>	0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

According to the Federal Veterans Administration, there are 706 veterans receiving compensation for 40% disability or greater. Our best estimate is that there are an additional 200 unremarried widows of disabled veterans. Assuming 30 of these 906 are over 65 years of age and already are eligible for exemption, leaves 876 eligible. If we assume 25% of these are renters we end up with 219 renters and 657 homeowners.

657 (homeowners) @ \$558 (average senior citizens savings) = \$366,606

219 (renters) @ \$184 (average senior citizens renter reimbursement) = 40,296

876 TOTAL \$406,902

IV DATE 3-7-79

PREPARED BY Terry L. Earley, State Assessor
AGENCY Department of Community and Regional Affairs

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

INTERN
Program

3828

WORK ORDER REQUEST FORM

KEYWORDS: APRA
Employment, state

ASSIGNED TO Humphreys

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Permitting Student Interns to Continue Employment

REQUESTED FOR Rep. Bill Parker BY Marg Gorsuch EXT. 3824

* DELIVER TO Rep. Bill Parker TAKEN BY Behr

INSTRUCTIONS, EXPLANATIONS

Community and Regional Affairs and other departments currently have student interns working (part-time) during the school year. The interns are considered temporary employees. The departments would like to continue hiring the students on a temporary basis during summer vacations, etc. They find that the departments cannot, due to personnel and/or APPA union policies regarding the situation. Rep. Parker would like the situation looked into and what remedies can be offered to allow these students to continue working for longer periods of time.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED AUTHORIZED TO CONFER WITH as required

RETURN

TO REQUESTER

APPROVED: Director, Legal ServicesGKA Director, Research

REVIEWED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

IN 3/22 DUE 3/29TYPED - Draft DATE Final DATE PROOFED DELIVERED DRAFT FINAL

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

March 29, 1979

MEMORANDUM

SUBJECT: Continuation of Student Intern Employment (W.O.#6944)

TO: The Honorable Bill Parker
FROM: Ken Humphreys *J.K.H.*
Senior Policy Analyst

In response to your request, we have investigated alternatives under which student interns may be allowed to continue working beyond the time limits set out in the Personnel Rules and the APEA agreement. There are actually three types of "student" interns: student (high school), college and graduate interns. All are classified as temporary employees.

Personnel Rule 5 05.0 provides in part that, "No temporary appointment shall exceed six months except where the Director grants an extension of a temporary appointment because of extenuating circumstances. Article 2, section 2(b)1 of the current APEA agreement limits the employment of a temporary employee in any one department to nine consecutive months in any twelve month period with no extensions. Copies of these provisions are attached.

The least expensive and, if APEA is agreeable, the most straightforward solution to the tenure problem is a letter of agreement between the state and APEA to the effect that the time limitations on temporary employment will not be applied to the interns. This solution was initially employed in a recent, very similar case involving the "Older Americans" program (see attached letter of December 13, 1978).

A second solution would be to create permanent positions for the interns. Since they would no longer be classed as temporary employees, the time limitations would not apply. Whether these permanent positions were created by request of the various departments through the Office of Budget and Management or through legislative action, it would involve additional expense for benefits. If the positions were in the classified service, there would be difficulties with recruitment and examination procedures.

A third possibility is to place the intern positions in the partially exempt service under AS 39.25.130(a). This requires action by the Commissioner of Administration and by the Personnel Board and is the

Hon. Bill Parker

-2-

March 29, 1979

solution which was ultimately used in the recent "Older Americans" case. It avoided the ordinary recruitment and examining procedures and, since those positions were permanent, provided benefits to the "Older Americans" (see attached letter of January 16, 1979). This solution might meet with resistance from APEA on the grounds that it is an unwarranted erosion of the bargaining unit.

Finally, the legislature might act to directly place these intern positions into the partially exempt or the exempt service. Again, this would likely be opposed by APEA and there is the possibility that they still might succeed in representing those employees.

We will be happy to contact APEA or to delve further into any of these approaches or others you might care to pursue.

KH:dh
Attachments

Personnel Rules

5-6
(781)

5-6
(781)

5 06.0 Temporary Appointments

Temporary appointments shall, when practicable, be made from eligible lists. If the Director has found it impracticable to make certification because of non-availability of eligibles, he may authorize the temporary appointment of a qualified individual designated by the appointing authority. No temporary appointment shall exceed six months except where the Director grants an extension of a temporary appointment because of extenuating circumstances. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the eligible list. The period of temporary service shall not be counted as part of his probationary period in case of subsequent appointment to a permanent position.

5 06.1 Short Term Appointments

When the Director determines it is in the best interest of the State to do so, he may authorize a short-term appointment. Such appointments shall not exceed 90 days in any calendar year and shall be for specific work in remote areas only. When authorized, an appointing authority may make a selection only from among Alaskans residing in the remote area in which the short term employment exists. The minimum rate of pay in that area for the assigned salary range shall normally be the compensation for such work. However, the Director may authorize exceptions based on local economic conditions. Short term appointments may be made only on forms approved by the Director.

5 07.0 Emergency Appointments

An emergency appointment is an appointment for a period not to exceed thirty (30) calendar days, made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest. Successive emergency appointments or more than three emergency appointments for one person within one calendar year are prohibited.

An emergency appointment shall be reported to the Director the day it is made. The report should state why the emergency appointment was made, the expected duration of the work, any other pertinent information, and what action, if any, is requested of the Director.

However, whenever circumstances require immediate need of a guard or attendant for a prisoner, patient or ward in custody of the State, the department responsible may employ a suitable person on an emergency basis, and the limit of three emergency appointments for one person within one calendar year shall not apply. The Director shall notify the Departments of classes to which emergency guard or attendant appointments are authorized and prescribe the procedures to be followed in effecting such appointments.

AGREEMENT

between

the

STATE OF ALASKA

and

ALASKA PUBLIC
EMPLOYEES
ASSOCIATION

covering

General Government Unit Employees

1977-1979

Bargaining Unit Member leaves and returns to his/her home if travel begins and ends outside assigned working hours.

(r) "Work Week" in this Agreement shall consist of thirty-seven and one-half (37 1/2) hours in pay status within a maximum of five (5) consecutive days and all employees shall be guaranteed a full work week.

Article 2
RECOGNITION

Section 1 — General Recognition

The State of Alaska, hereinafter referred to as the Employer, recognizes the Alaska Public Employees Association, hereinafter referred to as APEA, as the exclusive representative of all permanent, probationary, provisional and temporary employees in the General Government Unit for collective bargaining with respect to salaries, wages, hours and other terms and conditions of employment. It is recognized that all new classifications created by the Employer shall be placed in the appropriate bargaining unit, consistent with prior Labor Relations Agency rulings on the type of work involved. Subsequent to the effective date of this Agreement, the Labor Relations Agency and APEA shall be notified of all new classifications created within ten (10) days of such action and such notification to include the specifications of the job classifications. Both parties recognize that the Labor Relations Agency shall retain its authority to make final determination of unit classification assignments. No position shall be reclassified to a class outside this bargaining unit without written notification to APEA of such action concurrent with the notification to the department. The words "employee" and "employees" as used in this Agreement shall mean only employees serving in the General Government Unit except temporaries, provided that temporaries, while not defined as employees under this Agreement, are nevertheless members of the General Government Unit.

Section 2 — Representation of Temporaries Recognized

It is recognized that the need exists to hire temporaries in positions similar in duties and requirements to permanent positions in the bargaining unit. The Employer and APEA now agree that all determinations concerning the terms and conditions of temporary employment shall be made independently by the Employer, except as provided for in this Article or as specifically provided for in subsequent Articles.

(a) All temporaries shall meet the minimum qualification, as required of individuals seeking permanent employment in the class into which they are to be hired.

(b) 1. A temporary employee may be employed by any one department for a maximum of nine (9) consecutive months in any twelve (12) month period. Such appointment may not be extended.

2. The individual would then be entitled to immediately seek further temporary employment with another department.

(c) An individual hired into a class covered by this Agreement as a temporary must perform the work of that class and may not be paid less than the entry salary step of the range assigned to the class in which he/she is to work.

(d) 1. Temporary employees are covered by the holiday provisions of this Agreement and the Personnel Regulations.

2. Temporaries who begin a shift and are then sent home during the first half of the shift shall receive four (4) hours pay or their normal hours of work, whichever is less. Temporaries who are sent home during the second half of a shift shall receive seven and one-half (7 1/2) hours pay or their normal hours of work, whichever is less.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL AND LABOR RELATIONS

POUCH C
JUNEAU, ALASKA 99811

December 13, 1978

DIRECTOR'S OFFICE

Mr. Patrick Murphy
Executive Director
Alaska Public Employees Association
130 Seward Street, Suite 508
Juneau, Alaska 99801

DEC 18 1978

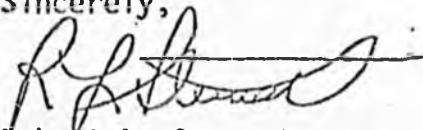
DIV. OF PERSONNEL
& LABOR RELATION

Dear Pat:

This will confirm the results of our meeting of December 8 concerning the "Older Americans" program. It is my understanding that we agreed that due to the nature of the program\temporaries employed under the "Older Americans" program would be exempt from the time limitation provisions of Article 2, Section 2(b)1, Letter of Agreement #6, and Personnel Rule 5 06.0.

Please indicate your concurrence, if my recollection is consistent with yours, by signing below and returning a copy to me for my records: If what I have written is not your understanding of our agreement, please let me know at your earliest convenience.

Sincerely,



Robert L. Stewart
Deputy Director
Division of Personnel/Labor Relations

Patrick E. Murphy
Alaska Public Employees Association

RLS/mlh

STATE OF ALASKA
RECECTOR'S OFFICE DEPARTMENT OF ADMINISTRATION
OFFICE OF THE COMMISSIONER

JAY S. KAHNMAN GOVERNOR

FEB 20 1979

FEU
DIV. OF PERSONNEL
& LABOR RELATIONS

Mr. C.R. "Steve" Hafling, Chairman
Alaska State Personnel Board
1147 "G" Street
Anchorage, Alaska 99501

OFFICE OF THE COMMISSIONER

POUCH C
JUNEAU, ALASKA 99811

January 16, 1979



Dear Mr. Hafling:

The Department of Health and Social Services has requested that the positions listed herein be placed in the partially exempt service. Under AS 39.25.130(a), the Personnel Board may extend the partially exempt service to include additional classifications, upon the recommendation of the Commissioner of Administration. Such extensions may be made only when the Board finds that the position in question meets the following criteria: .

1. involves principal responsibility for the determination of policy;
2. involves principal responsibility for the way in which policy is carried out; or
3. involves responsibilities and duties of a type not susceptible to ordinary recruitment and examining procedures.

I recommend that the positions in question be placed in the partially exempt service for reason of meeting the third criteria set forth above.

The purpose of recruitment and examining procedures for the classified service is to identify and select those individuals best qualified to perform a set of established duties. The procedures are designed to disregard social, economic and other characteristics which have no bearing on expected job performance.

The positions in question are funded under Federal Title V, Senior Community Service Employment Program of the Older Americans Act as amended. The program is designed to address social and economic

Mr. Hafling

(2)

January 16, 1979

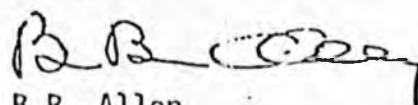
needs of the participants. Their useful employment meets program goals without regard to the quality of service they may or may not provide. The federal requirements mandate eligibility based on the applicant's age and economic condition. These restrictions are not consistent with merit principles of selection nor is the concept of duties and responsibilities susceptible to ordinary recruiting and examining procedures.

The positions established for this program are:

<u>PCN</u>	<u>CLASS TITLE</u>
06-0345	Employment Security Specialist IA
06-0346	Employment Security Specialist IA
06-0347	Employment Security Specialist IA
06-0348	Employment Security Specialist IA
06-0349	Employment Security Specialist IA
06-0350	Clerical Aide
06-0351	Clerk II
06-0352	Health Aide
06-0353	Clerk I

All positions shall remain in the Department of Health and Social Services.

Very truly yours,



B.B. Allen
Commissioner

Approved

C.R. Hafling
Chairman
State Personnel Board

Not Approved

Date

2/7/79



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

DATE: 4/12/79

TO: Commissioner McAnerney
FROM: Rep. Bill Parker, Chairman
RE: Intern Program

Attached for your information is the response to our request for background and options on the question of hiring of interns.

We have discussed the subject with Cherie Shelley of A.P.E.A. and she is of the opinion that the passage of CSSB198 am will solve the problem as she would classify interns as "project employees" (See Sec. 39.25.198 (5) of attached bill)

She further stated that if they were to remain classified as "temporary" employees, she would not see any difficulty in A.P.E.A. specifically exempting such interns.



Official Business

Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

DATE: 4/12/79

TO: Commissioner McAnerney
FROM: Rep. Bill Parker, Chairman
RE: Intern Program

Attached for your information is the response to our request for background and options on the question of hiring of interns.

We have discussed the subject with Cherie Shelley of A.P.E.A. and she is of the opinion that the passage of CSSB198 am will solve the problem as she would classify interns as "project employees" (See Sec. 39.25.198 (5) of attached bill)

She further stated that if they were to remain classified as "temporary" employees, she would not see any difficulty in A.P.E.A. specifically exempting such interns.

ASSM'T Bd
Appts.



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 3/21/79.

COMMITTEE MINUTES

BILL NUMBER AND TITLE: Confirmations of Cooper and Miller to State Assessment Review Bd.

ORIGINAL SPONSOR :

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

Carney	Parker
Parr	Branson
O'Connell	Zharoff
Metcalfe	

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

The Committee was presented with the background information on the appointees and was told to review it with the final confirmation recommendation to be made on 3/23/79.

COMMITTEE ACTION:

See above.

TAPE # 5 SIDE 1

Sections

480-518



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Representative Bill Parker
Chairman, House Community & Regional Affairs Committee

From: Representative Terry Gardiner *T.G.*

Date: February 20, 1979

Re: Legislative confirmation of Governor's appointees.

The following Governor's appointments have been assigned to your committee for review. Please report back to the House by March 25, 1979.

STATE ASSESSMENT BOARD

Robert Erle Cooper, no term
Earl Miller, no term

MEMORANDUM

TO: Sterling Gallagher
Commissioner
Department of Revenue

DATE : May 1, 1978

FROM: *CDH/fin*
Gerald D. Heier
Petroleum Property Assessor
Petroleum Revenue Division

SUBJECT: State Assessment Review Board

The State Assessment Review Board established under AS 43.56.040 currently has only three members of an authorized five. I would like to submit the following two names for consideration for appointment to the Board:

Earl Cooper, Box 177, Homer, Alaska
Earl Miller, 3500 Hiland Drive, Anchorage, Alaska 99504

Earl Cooper has been in private business in Homer since 1957. He currently owns Homer Transfer, a local freight service in Homer. He served on the Homer Public Utility District for three and one-half years prior to the incorporation of Homer as an organized municipality. He has served on the Homer City Council for 12 years and as an assemblyman on the Kenai Peninsula Borough Assembly for ten years. For further reference, both Senator Clem Tillion and Representative Leo Rhude are from Homer and know Mr. Cooper. I have personally known Earl for approximately twelve years and believe that he would be a conscientious member on the State Assessment Review Board.

Attached is Earl Miller's resume. I believe that he too would be a conscientious Board member.

GDH/fm
Attachment



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Background information on Earl Miller of Anchorage as conveyed via the Governor's Office.

Earl Miller
3500 Hiland Drive
Anchorage, Ak. 99504

Resident of Alaska for thirty two years.
Attended High School in Fairbanks
Associated with Alaska Mutual Bank since 1963.
Has served as Executive Vice President of Alaska Mutual and presently is President of the Bank.
Recently elected as President of Citizens for the Management of Alaska's Lands (CMAL)
Recommended by Oil & Petroleum Staff Division



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

REPORT OF STANDING COMMITTEE

The Community and Regional Affairs Committee recommends confirmation of the appointment of Robert Erle Cooper and Earl Miller as members of the State Assessment Board. Concurring:



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: All House Committee Chairmen
From: Representative Terry Gardiner *T.G.*
Date: March 22, 1979
Re: Status of committee review of Governor's appointees.

On 19 February each House Committee was assigned the appropriate Governor's appointees for review. At that time, I requested that you report back to the House your recommendations by March 25, 1979.

Please advise my office of the status of this review.

B. II -

Confirmations -

Responsibilities for State Assessment
Board, are as in 43.56.060 -

Board consist of 5 persons appointed
by Gov. to serve at his pleasure

They act as the Board of Appeals in
matters related to oil & gas exploration,
production & pipeline transportation
proximately taxes.

SCR 12

See Senate letter of intent. Does
the Committee want to adopt the
Senate's change?

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Received from _____

BILL NO.

re Legislative Confirmation of Gov's. appointees to State Assessment Board

Original Sponsor _____

Fiscal Note _____

Contacts:

Gerald D. Heier, Petroleum Property
Assessor 276-1363

LAA Legal Research contact: _____

Present Board members:

Paul Hupert, Palmer

J.m Reilly, Fbks.

John Cerrutti, Valdez

New appointments for confirmation :

Robert Erle Cooper, Homer

Earl Miller, Anch.

Attempt at geographic representation even though it is not required
in the statutes. (43.56.040)

Deal with oil and gas assessments. Appeals or review board. Div. of
Revenue makes initial evaluation.

John Messenger has information on background of appointees.

Information from Gov's. Office

Cooper (R) In business since 1957 --transfer and freight. Member of City
Council and Borough Assembly Homer Public Utility District.
Has served on Council 10 yrs. Also on Kenai Pen. Assembly.

Miller (R) Recommended by Oil & Petroleum Staff Div.

Pres. Ath. Mutual Bank (Pres. CIAL?)

Pres. 27/1/78

July 27/78

Ex Pres. of Bank

April-July Cap. Vice Pres.

32 yrs.

Net. Fibs.

Gov. 63-64 Board



Official Business

Alaska State Legislature

House of Representatives

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MEMORANDUM

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Chairman, House Community & Regional Affairs Committee

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Earl Miller, no term

TO: Sterling Gallagher
Commissioner
Department of Revenue

DATE : May 1, 1978

FROM: *CDH*
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Petroleum Property Assessor
Petroleum Revenue Division

SUBJECT: State Assessment Review Board

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Attached is Earl Miller's resume. I believe that he too would be a conscientious Board member.

GDH/fm
Attachment



Official Business

Alaska State Legislature

House of Representatives

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Has served as Executive Vice President of Alaska Mutual and presently is President of the Bank.
Recently elected as President of Citizens for the Management of Alaska's Lands (CMAL)
Recommended by Oil & Petroleum Staff Division

REPLY MEMO

State of Alaska

MESSAGE	REPLY
TO <u>Marjorie Gorsuch</u> DATE <u>3/13/79</u> Re: <u>Earl Cooper & Earl Miller, members of</u> <u>the State Assessment Review Board</u>	TO _____ DATE _____
Attached is the memo I referred to regarding Mr. Cooper. Mr. Miller's secretary (Ginger at 274-3561) will be mailing you a resume n him. Yours,	
<i>Jodine Reposa</i> Jodine Reposa Petroleum Revenue Division	SIGNED

1. KEEP YELLOW COPY 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

1. WRITE REPLY 2. DETACH STUB, KEEP PINK COPY. RETURN WHITE COPY TO SENDER.

COASTAL
ZONE

mat. Dist.
program



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: COASTAL MANAGEMENT DISTRICT PROGRAMS

ORIGINAL SPONSOR: _____
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: _____

HEARING DATE: 3/3/80

MEMBERS PRESENT: Bill Parker X
Margaret Branson
Pat O'Connell X

X Pat Carney X
Charlie Parr X
Fred Zharoff X
Ray Metcalfe X

Murray, Walsh, Office of Coastal Zone Management
Discussion of ALIVE opinion and the use of resolutions in regard
to coastal programs.

Ted Berns, Municipality of Anchorage

Anch. program is a policy document. Recommendations will be carried out in ordinances. The Anch. Comprehensive Plan will incorporate the policies of CZM planning. Significant compromises have been worked out. "Concept" approval means no ordinances are included. Wetlands ordinance and geophysical hazard ordinance are being worked on.

Richard Splitte, Haines planner with Dept. C&RA

Haines plan has three major sections. Entire corporate limit is 2 sq. miles. Economic development specialist will be hired. City supports timber development and has jointed with the borough in a law suit on the issue. Tourist development is the main concern in the area.

Bill Elmblad, Marine Fisheries

Questions Haines city limits as planning area for CZM. Planning is needed for the McCleugh Flats Wetlands area. Haines needs to determine the extent of the wetlands.

Lance Bousley, Metlakatla, Project Coordinator

Management of fisheries shared with the state. Financial ability to plan has been important.

Walsh - Cooperative planning for the region. Visible planning process allows adjacent residents to know what is happening. Area is going into aquaculture. Responds to questions raised by Senate C&RA re the CZM planning process.

COMMITTEE ACTION: No Action

TAPE # 4 SIDE 1 Footage 0 - 833

STATE OF ALASKA

3 reports
against the
advice for
proposals
Rec. 1/23/80 cc
C+RA

COASTAL POLICY COUNCIL

January 23, 1980

LOCAL MEMBERS:

Donald Gilman,
Lower Cook Inlet,
Co-Chairman
Stanley Anderson,
Bering Straits
Jon Halliwell,
Northern Southeast
Eben Hopson,
Northwest
Malcolm "Pete" Isleib,
Prince William Sound
John Nicori,
Southwest
Robert Sanderson,
Southern Southeast
Lidia Seikregg,
Upper Cook Inlet
Betty Wallin,
Kodiak-Alutians

Terry Gardiner, Speaker of the House
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

In accordance with AS 44.19.893(4), the Alaska Coastal Policy Council is pleased to present on this tenth day of the legislative session, the Municipality of Anchorage, City of Haines, and Annette Islands Indian Reserve District Coastal Management Programs as approved by the Council. These district programs:

STATE MEMBERS:

Frances Ulmer,
Director of Policy
Development &
Planning,
Co-chairman
Robert Ward,
Commissioner of
Transportation &
Public Facilities
Charles Webber,
Commissioner of
Commerce &
Economic
Development
Robert LoResche,
Commissioner of
Natural Resources
Leo McAnearney,
Commissioner of
Community &
Regional Affairs
Ernst Mueller,
Commissioner of
Environmental
Conservation
Ronald Skoog,
Commissioner of
Fish & Game

...take effect upon adoption of a concurrent resolution by a majority of members of each house of the legislature or by a vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor. (AS 46.40.080.)

The Council requests early consideration and approval of these additions to the Alaska Coastal Management Program (ACMP).

On January 16, 1979, the Council adopted the Office of Coastal Management's (OCM) findings and conclusions (see attachments) regarding the three district programs. OCM concluded that each of the three district programs submitted for review and approval by the Council was substantially consistent with the ACMP statutes and regulations and thus recommended approval of these programs.

It should be noted that the lands of the Annette Islands Indian Reserve are held in trust by the federal government. The Indian Reserve is therefore technically excluded from Alaska's coastal zone according to federal law. In the spirit of cooperation, however, OCM and the Alaska Department of Community and Regional Affairs encouraged the development of a district program because local residents were willing to pursue coastal planning and management under their own initiative and the benefits from such an effort were expected to outweigh the shortcomings of limited State jurisdiction. Although the Annette Islands Indian Reserve District Coastal Management Program can not technically become part of the ACMP, the Council is requesting the Legislature to informally approve the program as a courtesy to the community.

A fourth district coastal management program, the North Slope Borough,



Mid-Beaufort Segment District Program, had initially been submitted for consideration by the Council in November 1979. OCM had recommended disapproval of the program because of certain inconsistencies with ACMP statutes and regulations. Before the Council took final action on this program, the North Slope Borough Assembly, by formal resolution, repealed an earlier resolution giving conceptual approval of the program and withdrew the program from Council consideration. The North Slope Borough fully intends to refine their program to bring it into compliance with ACMP statutes and regulations as well as expanding the program to accommodate the entire portion of the North Slope Borough Coastal Area. It is anticipated that the North Slope Borough will re-submit its coastal program for consideration by the Council in approximately one year.

Your attention is also requested for one other action taken by the Council during the preceeding year. In accordance with a Senate Letter of Intent, dated March 13, 1979, the Council adopted the following amendment to the ACMP regulations:

6 AAC 80.100 (a)(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, minimize prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

Again, the Council requests early consideration and approval of this amendment to the ACMP regulations.

The Council and OCM look forward to working with you during the current session and we are available at your convenience for presentations and discussion on the three district programs, the amendment to the ACMP regulations, or any other topic relevant to the ACMP. In addition, upon your request or the request of a committee chairperson, OCM will be happy to provide draft language of resolutions for legislative approval of the three programs and the amendment to the ACMP regulations. To arrange for meetings or to obtain copies of any of the materials referenced, please contact Murray Walsh at OCM (465-3540).

If we may be of any assistance whatsoever, please do not hesitate to ask.

Sincerely,

Frances A. Ulmer *for*
Co-Chairman

Donald Gilman *for*
Co-Chairman

Attachments

cc: Jay S. Hammond, Governor

SENATE JOURNAL

SENATE LETTER OF INTENT

SENATE CONCURRENT RESOLUTION NO. 12

Testimony received by the Community and Regional Affairs Committee indicated the need for a change in the Alaska Coastal Policy Council's regulations. Specifically:

(1) 6 AAC 80.100 (a)(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

The testimony indicated the need:

following words "streambanks and shorelines," delete "prevent" insert "minimize"

A representative from the Alaska Coastal Policy Council and a representative from the Office of Coastal Management concurred with the need for this change.

It is the intent of this committee that the words "minimize adverse impacts" should apply to both fish resources and habitats and wildlife resources and habitats.

The Committee urges the Alaska Coastal Policy Council to consider and adopt this change at its earliest convenience.

Adopted as a Senate Letter of Intent March 13, 1979 by unanimous consent.

For your information in consideration of SCR 53

March 5, 1980

Arliss Sturgulewski
Senator Arliss Sturgulewski, Chairman
Senate Community & Regional Affairs Committee

MARGE

STATE OF ALASKA

THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

February 26, 1980

SUBJECT: Legislative role in approving coastal management programs.

TO: Senator Arliss Sturgulewski, Chairman
Senate Community and Regional Affairs Committee
Attr.: Margo Waring, A.A.

FROM: Tamara Brandt Cook *TBC*
Legislative Counsel

AS 46.40.080 simply provides for adoption by the legislature of coastal management programs which have already been reviewed and approved by the council. Clearly under the terms of this statute the legislature may approve the program or disapprove the program. Although the statute does not provide for the situation involving legislative approval of only part of a program, there is also no clear requirement that the legislature approve or disapprove the entire program. In fact, the legislature has done just that on previous occasions, so there is some precedent for the proposition that under the terms of AS 46.40.080 the legislature may approve a program in part and disapprove it in part. SLA 1978, Legislative Resolve Number 41.

Under AS 46.40.060 all district coastal management programs are submitted to the Alaska Coastal Policy Council for review and approval. Standards for council review are itemized in AS 46.40.070. In view of these provisions, an argument could be made that the legislature should not disapprove a program or part of a program that has been adopted by the council unless it finds that the council failed to properly apply the standards set out.

Since there is no case law on point and the language of the statute does not specifically restrict the legislative role, the legislature appears to be free to approve a management program, disapprove a program, or approve it in part and disapprove it in part. Note that the recent case, State of Alaska, and Department of Revenue v. A.L.I.V.E. Voluntary, No. 2022, February 19, 1980 casts considerable doubt upon the ultimate effect of legislative resolutions.

TBC:ljb

STATE OF ALASKA

COASTAL POLICY COUNCIL

LOCAL MEMBERS:

Donald Gilman,
Lower Cook Inlet,
Co-Chairman
Stanley Anderson,
Bering Straits
Jon Halliwell,
Northern Southeast
Eben Hopson,
Northwest
Malcolm "Pete" Iselb,
Prince William Sound
John Nicori,
Southwest
Robert Sanderson,
Southern Southeast
Lidia Selkregg,
Upper Cook Inlet
Betty Wallin,
Kodiak-Aleutians

December 11, 1979

The Honorable Arliss Sturgulewski
Chairman, Senate Community &
Regional Affairs Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99501

Dear Senator Sturgulewski:

The attached draft amendment to the Alaska Coastal Management Act was prepared by the Coastal Policy Council staff in response to a request presented by representatives of Nunam Kitlusisti at the Council meeting in Sitka on November 1. It is anticipated that the Council will vote on the amendment at our next meeting on January 16. We would appreciate it if you would review the draft and provide us with your comments in time for that meeting.

Thank you in advance for your help.

Sincerely,
John Halliwell Jr.

Frances Ulmer
Co-chairman

Donald Gilman
Donald Gilman
Co-chairman

Attachment



12/24/79 Sent to Maggie Grossman / Bea Walsh for
comment.

DRAFT AMENDMENT CT THE ALASKA COASTAL MANAGEMENT ACT

(This amendment has been proposed as a result of a request by Nunam Kitlusisti made to the Alaska Coastal Policy Council. At issue is the role of coastal resource service area planning boards after the coastal programs for the districts have been approved. As written, the Alaska Coastal Management Act does not specify what the role of such boards would be after approval of the programs, or even if they would continue to exist. The proposed amendment would provide for continued existence and a review and comment role for pending state and federal agency actions.)

The Alaska Coastal Management Act is amended by adding the following new section:

Sec. 46.40.185. COASTAL RESOURCE SERVICE AREA BOARDS AFTER APPROVAL OF DISTRICT PROGRAMS FOR THE SERVICE AREAS. (a) Coastal resource service area boards will participate in the implementation of their districts' coastal management program by reviewing and commenting on the actions and pending actions of the state agencies as those agencies carry out their responsibilities under section 46.40.090. (a) of this chapter.

(b) All state agencies shall inform the coastal resource service area boards of actions which would significantly affect the coastal resources of their respective districts and shall provide reasonable amounts of time for the boards review and recommendations on the proposed actions. When a state agency's decision differs from the recommendation of a coastal resource service board, the coastal resource service area board recommendation and the basis for the differences will be included in the decision.

(c) The coastal resource service area board may act on behalf of the coastal resource district for the purpose of implementing, enforcing or complying with the district coastal management program as provided in

sec. 46.50.100(b) of this chapter.

(d) Should the area, or a portion thereof, included in a district coastal management program developed by a resource service area board become organized to assume planning powers provided in AS 29.33.070-29.33.245 the district coastal management program may by ordinance be adopted by the organized municipality.

Box 461
Haines, Alaska 99827
February 14, 1980

Representative Bill Parker, Chairman
Committee on Community & Regional Affairs
House of Representatives
Pouch V
State Capitol
Juneau, Alaska 99811

Honorable Bill Parker:

Please accept this as written testimony for your public hearing on the Haines District Coastal Management Program, scheduled for February 27th and March 3, 1980.

The Haines plan covers a very small geographical area. For this reason future coastal plans of the area covering more territory are imminent. They will be conducted as municipal boundaries are adjusted through annexation or establishment of a Borough Government with planning powers.

Therefore little time should be spent on this plan and it should be adopted as submitted.

Although the Haines Plan went through extensive public hearing and reflects the local attitude, it's preparation was truly only to comply with state and federal regulations.

Yours truly,


Marvin P. Hartshorn

I'd like to comment on 2 areas within the Haines C2M Plan

One is the proposed usage of the McCollum Flats wetlands for "quite" light industrial and storage uses and "mobile home parks". We feel that this is contrary to the intent of the Alaska C2M guidelines for Coastal Development (6 AAC 80.130). Also the U.S. Fish and Wildlife Coordination Act mandates our agency to determine the water dependency or water relatedness of a project when reviewing the Public Notice for a Corps of Engineers permit. The National Marine Fisheries Service discourages general industrial and storage projects and mobile home parks in wetland areas when suitable upland sites are available as alternatives. Possibly the City of Haines should consider designating other areas for these uses, or request the Corps of Engineers to make a determination as to the extent of wetlands within the McCollum Flats area which falls within Section 404 jurisdiction.

Secondly, our agency recommends that
areas of special biological significance
are to be designated as "Area of High Priority"
with attention. Within this area we
have several ~~recommendations~~ recommendations
in particular we recommend the area
of the confluence of the Chilkat
River with the Tlingit River which was
designated as Critical Salmon habitat by
the Alaska Fish Hatchery. We also
recommend the Chilkoot Lake, of ~~the~~ Chilkoot
Chilkoot Lake because of its value as
a salmon spawning area and the
value of the Chilkoot Lake with
the ~~the~~ salmon spawning area and the
importance of its importance for salmonid
migration and spawning. Development which
could adversely impact the latter ~~the~~ 2
areas is considerable because of the
proximity of the Alaska Highway system.



TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

February 27, 1980

To: House CRA Committee
From: Ginny Chitwood, Executive Director
Re: Amendment to Coastal Policy Act

At the annual meeting of the Alaska Municipal League, held last fall in Sitka, the members adopted the following paragraph as part of the 1980 policy statement:

The League supports the concept of "extra-territorial" planning by municipalities in the unorganized borough with statutory provisions to permit the Alaska Coastal Policy Council to adopt said "extra-territorial" planning as part of the Alaska Coastal Management Program until such time as a resource district plan is adopted.

The enclosed bill, which is a starting point for implementing this section, and the memo from the Ketchikan Gateway Borough were endorsed by the AML Legislative Committee in December.

We believe it is very important that the concerns of adjacent areas addressed in each coastal management plan that is approved. An amendment to the act, along the lines of this proposal, will help to achieve that goal.

The enclosed material has been submitted to the Alaska Coastal Policy Council and will be considered at its next meeting scheduled for mid-March.

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

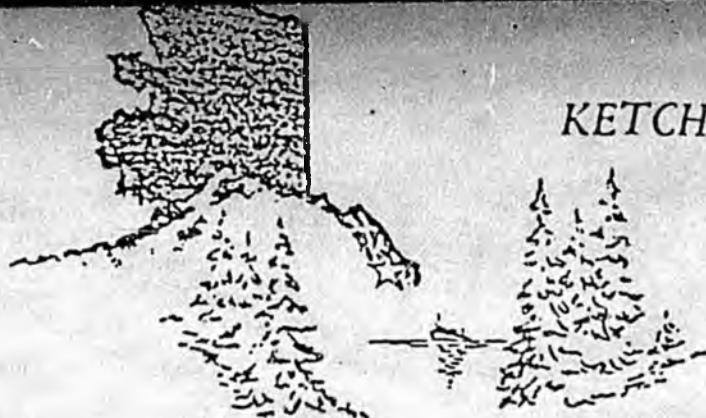
A BILL

For an Act entitled: "An Act relating to filing of notice of interest by adjoining cities or boroughs regarding proposed district coastal management plan in unorganized boroughs and providing opportunity to be heard prior to approval of district coastal management plan by Alaska Coastal Policy Council; and providing for an effective date.

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

* Section 1: AS 46.40.180 is amended by adding new subsections thereto to read:

(e) Any organized city or borough which claims to have an interest in the manner in which resources, or the use of resources, in any unorganized borough adjacent to its boundaries are developed shall notify the Department of Community and Regional Affairs of the nature and extent of such interest. Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under Section 170 of this chapter, a district coastal management program shall be submitted to each organized city or borough which has filed a notice of interest with the Department of Community and Regional Affairs.



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

TO: Legislative Committee of
Alaska Municipal League

THRU: Judith A. Slajer
Borough Manager

FROM: Marvin Yoder *my*
Economic Development Specialist

SUBJECT: Extraterritorial jurisdiction in Coastal
Management district

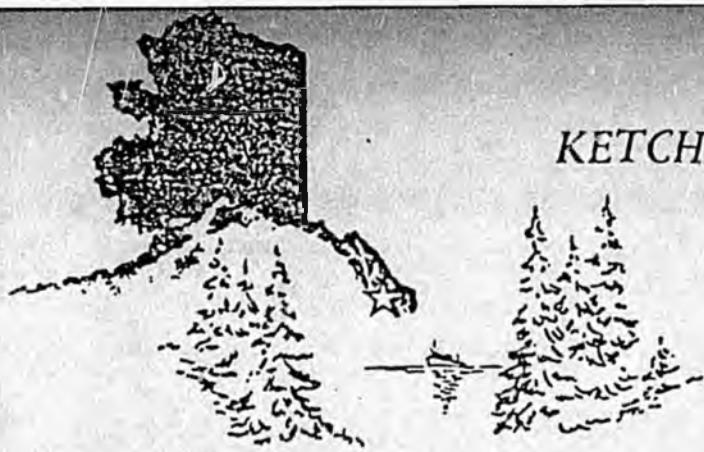
Working with our municipal attorney, Mr. Walker, we decided that the basic need of organized districts was to be able to have input into plans being compiled in adjacent resource service areas.

The two options available are for the organized municipalities to use its resources to physically inventory and plan for those areas that have direct influence on the municipality or to simply state that the impact exists and then request an opportunity to determine the extent of the impact when the resource service area begins to formulate its plan. After discussing these concepts with individuals involved in Coastal Management programs, we chose the latter option.

The second decision was whether the proposed new language should be added to the State statutes or to the regulations. In the statutes AS 46.40.180 describes the requirements necessary for a resource district to have its plan approved. The proposed addition stipulated that concerns expressed by adjacent districts must be addressed by public hearings and records of these hearings are to be documented in the permanent record of the district.

The second approach would be to amend the regulations. This would be done by the Alaska Coastal Policy Council with the legislative concurrence. Section 6 AAC 85.140 provides opportunities for other government agencies to coordinate and review coastal plans and specifically mentions adjacent districts.

Our recommendation is to attempt to change the statutes and assume that the regulations will be changed to conform to the intent of the act.



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

"H"

TO: Legislative Committee of
Alaska Municipal League

THRU: Judith A. Slajer
Borough Manager

FROM: Marvin Yoder *in my*
Economic Development Specialist

SUBJECT: Extraterritorial jurisdiction in Coastal
Management district

Policy Statement
P. 8 *IV E(2)*

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The two options available are for the organized municipalities to use its resources to physically inventory and plan for those areas that have direct influence on the municipality or to simply state that the impact exists and then request an opportunity to determine the extent of the impact when the resource service area begins to formulate its plan. After discussing these concepts with individuals involved in Coastal Management programs, we chose the latter option.

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HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to filing of notice of interest by adjoining cities or boroughs regarding proposed district coastal management plan in unorganized boroughs and providing opportunity to be heard prior to approval of district coastal management plan by Alaska Coastal Policy Council; and providing for an effective date.

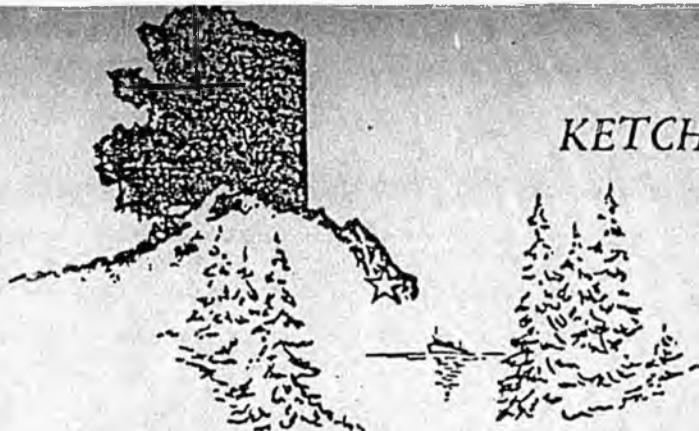
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(f) The council shall not approve a district coastal management program unless it finds that each organized city or borough that has filed a notice of interest under (e) above has received notice and an opportunity to present its concerns regarding such plan at a public hearing before the coastal service area board or the Department of Community and Regional Affairs which concerns shall become part of the record regarding such plan.

* Section 2: This Act takes effect immediately in accordance with AS 01.10.070(c).



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

TO: Legislative Committee of
Alaska Municipal League

THRU: Judith A. Slajer
Borough Manager

FROM: Marvin Yoder *my*
Economic Development Specialist

SUBJECT: Extraterritorial jurisdiction in Coastal
Management district

*Policy Statement
P. & IV E(2)*

Working with our municipal attorney, Mr. Walker, we decided that the basic need of organized districts was to be able to have input into plans being compiled in adjacent resource service areas.

The two options available are for the organized municipalities to use its resources to physically inventory and plan for those areas that have direct influence on the municipality or to simply state that the impact exists and then request an opportunity to determine the extent of the impact when the resource service area begins to formulate its plan. After discussing these concepts with individuals involved in Coastal Management programs, we chose the latter option.

The second decision was whether the proposed new language should be added to the State statutes or to the regulations. In the statutes AS 46.40.180 describes the requirements necessary for a resource district to have its plan approved. The proposed addition stipulated that concerns expressed by adjacent districts must be addressed by public hearings and records of these hearings are to be documented in the permanent record of the district.

The second approach would be to amend the regulations. This would be done by the Alaska Coastal Policy Council with the legislative concurrence. Section 6 AAC 85.140 provides opportunities for other government agencies to coordinate and review coastal plans and specifically mentions adjacent districts.

Our recommendation is to attempt to change the statutes and assume that the regulations will be changed to conform to the intent of the ac*.

Legislative Committee of
Alaska Municipal League
December 10, 1979
Page two

On November 30, 1979 the proposed amendment was placed before the Policy Council and received favorable comments; however no formal action was taken. It is my opinion as a member of the Council that if there is a statute change, the Policy Council will change the regulations to reflect that change.

MLY:jw

attachment

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled: "An Act relating to filing of notice of
interest by adjoining boroughs ^{or cities} _A regarding
proposed district coastal management plan
in unorganized boroughs and providing
opportunity to be heard prior to approval
of district coastal management plan by
Alaska Coastal Policy Council; and pro-
viding for an effective date.

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

* Section 1: AS 46.40.180 is amended by adding new sub-
sections thereto to read:

(e) Any organized borough or city which claims to
have an interest in the manner in which resources, or
the use of resources, in any unorganized borough adjacent
to its boundaries are developed shall notify the Department
of Community and Regional Affairs of the nature and
extent of such interest. Before adoption by a coastal
resource service area board, or by the Department of
Community and Regional Affairs under Section 170 of
this chapter, a district coastal management program
shall be submitted to each organized borough or city
which has filed a notice of interest with the Department
of Community and Regional Affairs.

(f) The council shall not approve a district coastal management program unless it finds that each organized borough or city that has filed a notice of interest under (e) above has received notice and an opportunity to present its concerns regarding such plan at a public hearing before the coastal service area board or Department of Community and Regional Affairs which concerns shall become part of the record regarding such plan.

* Section 2: This Act takes effect immediately in accordance with AS 01.10.070(c).

Introduced:
Referred:

IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

SENATE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

Endorsing an action of the Alaska Coastal
Policy Council.

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

WHEREAS Chapter 84, Session Laws of Alaska 1977, established the Alaska coastal management program, the Alaska Coastal Policy Council and the general obligation upon local governments to undertake coastal resource planning; and

WHEREAS the Annette Island Indian Reserve, while legally not a coastal resource district under the terms of Alaska law, and not part of Alaska's coastal zone under the terms of federal law, has nevertheless engaged in a cooperative coastal planning effort with the Alaska coastal management program; and

WHEREAS in a grant agreement between the Annette Islands Indian Reserve and the Department of Community and Regional Affairs, the Annette Islands Indian Reserve received funding with which to develop a coastal program and agreed to produce a coastal program that would be consistent with the Alaska coastal management act and the guidelines standards of the Alaska Coastal Policy Council; and

WHEREAS the Annette Islands Indian Reserve has completed and approved such a program and submitted it to the Alaska Coastal Policy

Council for review and approval, and

WHEREAS the Alaska Coastal Policy Council has conducted a regular review of the Annette Islands Indian Reserve coastal program and has approved it; and

WHEREAS the Alaska Coastal Policy Council has requested the legislature to endorse the Council's approval of the Annette Islands Indian Reserve coastal management program to acknowledge this achievement;

NOW THEREFORE BE IT RESOLVED, that in accordance with the findings and conclusions of the Alaska Coastal Policy Council. The Alaska State Legislature endorses the coastal management program of the Annette Island Indian Reserve, and offers appreciation for a job well done.

Introduced:
Referred:

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE SENATE

2 SENATE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Approving regulations adopted by the
6 Alaska Coastal Policy Council.

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

8 WHEREAS Chapter 84, Session Laws of Alaska 1977, established
9 the Alaska Coastal Policy Council and charged the Council with the
10 responsibility of adopting regulations establishing guidelines and
11 standards for the development of a coastal management program; and

12 WHEREAS the Alaska Coastal Policy Council has adopted guide
13 lines and standards in 6 AAC 80 and 6 AAC 85 for use by state
14 agencies in making land and water use decisions and for use by
15 municipalities and coastal resource service areas in the prepara-
16 tion and development of district coastal management programs; and

17 WHEREAS the guidelines and standards adopted by the Council
18 on March 31, 1978 have been approved by the legislature during the
19 Second Session of the Tenth Legislature with selective deletions
20 and letters of intent calling for further attention to certain
21 matters in the guidelines and standards; and

22 WHEREAS the Council adopted amendments to the guidelines and
23 standards on December 15, 1978, in response to the request of the
24 legislature and other parties; and

25 WHEREAS the guidelines and standards adopted by the Council
26 on December 15, 1978 have been approved by the legislature during

27 the First Session of the Eleventh Legislature with a letter of
28 intent calling for further attention to a certain matter in 6 AAC 30
29 80.100 of the guidelines and standards; and

30 WHEREAS the Council adopted an amendment on August 1, 1979
31 in response to the request of the legislature which reads:

32 "Change the word "prevent" which appears in
33 6 AAC 80.100. (a)(3) to "minimize";

34 and,

35 WHEREAS this amendment to the guidelines and standards
36 approved and adopted by the Alaska Coastal Policy Council is deemed
37 to be consistent with the policy and objectives for the state coastal
38 management program identified in chapter 84, SLA 1977; and

39 WHEREAS AS 46.40.080 requires approval of amendments to
40 the state coastal management program either by adoption of a
41 concurrent resolution by a majority of the members of each house
42 of the legislature or by majority vote of the members of each
43 house at the time of the houses are convened at a joint legisla-
44 tive session to confirm executive appointments submitted by the
45 governor; and

46 WHEREAS, in accordance with the statute, the Alaska Coastal
47 Policy Council has submitted its amendment to the guidelines and
48 standards for legislative approval;

49 BE IT RESOLVED, that in accordance with AS 46.40.080, the
50 Alaska State Legislature approves the amendment to 6 AAC 80.100 (a)(3)
51 adopted by the Alaska Coastal Policy Council on August 1, 1979.



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Representative Bill Parker, Chairman

2/8/80

Pouch V
State Capitol
Juneau, Alaska 99811

*Notice sent
to Standard
to J. J. C.*

PUBLIC HEARING NOTICE

The House Community and Regional Affairs Committee will hold public hearings regarding legislative approval of three district coastal management programs:

Annette Islands District Management Program

Haines District Coastal Management Program

Anchorage Municipal District Coastal Management Program

on

Wednesday, February 27, 1980

Monday, March 3, 1980

8:30 A.M.

Room 112, Capitol

Your testimony on the specific programs and on the Coastal Zone Management Program in general is invited in either written or oral form.

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