

699 HCRA HB 69 - HB 132 80072

HB

69

AMENDED TITLE:

AN ACT RELATING TO HIRING OF EMERGENCY FIRE FIGHTING PERSONNEL

PRIME SPONSORS: HOUSE RULES COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 2/13/79 IN (H) RULES

HB 69 HOUSE ACTION

13-27 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/24/79	01	0063	FIRST READING -- COMMITTEE REPORTS
02/13/79	04	0217	CRA -- DP01, CS04 RULES
01/24/79	02	0063	GOV TRANSMITTAL LETTER
01/31/79	03	0063	FISCAL NOTE-HSE SUPPL #3
****	XX	XX	*** **

MINUTES --C&RA COMMITTEE HEARING

Feb. 5, 1979

ALL COMMITTEE MEMBERS PRESENT

H.B. 69-- An Act relating to hiring of emergency fire-fighting personnel

By Rules Committee by Request of the Governor

Testifying:

Sheri Shelley, Attorney for Alaska Public Employees Association

Encourages adoption of APEA proposed amendment if bill passes. APEA neither supports nor opposes bill.

Ken Spray -- Vice Pres of Local 71

Gave history of fire fighters .
Discussed current wage scales and difference between wages if they are Union laborers or exempt.

Opposed to passage of bill.

See Tape #1 Side 2 Sections 670-988

Feb. 9. 1979

HB 69 -- Emergency Fire-fighting

COMMITTEE MEMBERS PRESENT

MEMBERS ABSENT

Branson
Carney
Parr
Parker
Metcalf

O'Connell
Zharoff

Testifying:

Ted Smith, Director Division of Forest, Land and Water Management
Supports removal of man hour limitations.

Committee passes CS including 60 day limitation with exempt language in.

See Tape #1 Side 2 Sections 1300-1410

COMMITTEE REPORT
HOUSE

FURTHER:

1-24-79

Date: 1 Feb 79

Mr. Speaker:

The Committee on C&RA has had HB 69

"An Act relating to hiring of emergency fire-fighting personnel."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 69 same title
 new title
- and recommends DO PASS IF AMENDED
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Bin Pal
John ...
...
Ray ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Bin Pal
 CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 9, 1979

SUBJECT: CSHB 69, relating to emergency fire-fighting
personnel

TO: Representative Bill Parker
ATTN: Marge Corsuch, A.A.

FROM: John B. Chenoweth
Legislative Council

I have taken the liberty of excising all reference to the language which you provided to me from the draft Committee Substitute. When I finally figured out what was being said, I could not help but think that a limitation on emergency employment expressed in terms which refer to "conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest" had absolutely no applicability in the context of fighting fires. However, if you think that it ought to go back in, let me suggest something like

". . .only if his employment is critical if work that is in the public interest is to be continued."

You might also wish to consider inclusion of an immediate effective date. If this bill becomes effective in its present form, the effective date might well be mid-summer, when hiring activity for fire-fighting is at its height. An immediate effective date clause could alleviate problems arising out of a summer implementation.

JBC:jdn

Enclosure

HB 69

* Section 2. AS 39.25.110 is amended by adding a new paragraph to read:

(22) emergency fire-fighting personnel hired by the commissioner of natural resources under AS 41.15.030(b). Individuals hired as an emergency appointment may be hired for a period not to exceed thirty (30) calendar days, and must be made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest.

BILL WORK SHEET
(for optional use of committee aides)

No. 4

COMMITTEE ON _____

Received from _____ DATE _____

BILL NO. HB69 ORIGINAL SPONSOR Rules - Request of Gov. OTHER _____

THIS COMMITTEE RECOMMENDED --

Majority Recommendation: _____

Supported by _____

Minority Recommendation: _____

Supported by _____

Other: _____

Brief/flag title: Emergency Fire Fighters

What bill does:

OUR COMMITTEE AMENDMENTS (what they are and what they do (attach if lengthy))

Fiscal Impact -- Is there a fiscal note for the original bill and one which reflects changes made by the amendments: (attach details).

LAA Legal/Research contact:

Research/supporting information

Attached (?) _____

PERSONS/ORGANIZATIONS:

Supporting bill: Ken Spray 586-6793
Pat Hunt 14421
George Howlett 279-5577
Opposing bill: A.P.G.A. 6-2334
Matt McQuinn
Pat Conkundy 2400
George Hallett 279-5577
Dir. of Land

REMARKS: (use reverse side if necessary)

Hallett - no man he limitation in original bill. Usually no one stays longer than 3 mths. Valley crews come & go together. BLM has pay scale comparable to lower 48th conflict with state workers. Concern Carson if pay is high enough. Seasonal people on payroll sometimes do work. BLM still protects Native lands - then C become state responsibility after 2 yrs. Home taken over urban areas. John Sackett may know ~ about 30,000 hrs.

Sec. 41.15.010. Intent. It is the intent of §§ 10 — 170 of this chapter to provide protection for the timber resources and watersheds on all lands in the state. (§ 1 ch 138 SLA 1961)

Am. Jur. reference. — 34 Am. Jur., Logs and Timber, § 4, 53.

Sec. 41.15.020. Regulations. The commissioner shall, by regulation, make provision for the protection of forested lands in the state from fire and other destructive agents. (§ 2 ch 138 SLA 1961)

Sec. 41.15.020. Commissioner may make contracts for forest protection. (a) The commissioner may enter into protection contracts which he considers necessary.

(b) The commissioner may hire emergency fire-fighting personnel up to a total of 30,000 man-hours each year, and shall establish classifications and rates of pay for the emergency fire-fighting personnel consistent with the compensation paid by other fire-fighting agencies. The commissioner may adjust the classifications and rates based on findings of the federal Bureau of Land Management in Alaska. (§ 2 ch 138 SLA 1961; am § 1 ch 100 SLA 1976)

Effect of amendment. — The 1976 SLA 1976, provides an effective date amendment added present subsection (b). 100, SLA 1976.

Editor's note. — Section 119, ch. 218,

Sec. 41.15.046. Right of entry to control and suppress fires. With approval by the commissioner or his authorized agent, employees of a division of lands, or of any organization authorized to prevent, control or suppress fires or destructive agents, and others assisting in the control or suppression of fires upon request of an officer or agent of the United States or the state may at any time enter upon any land, whether publicly or privately owned, for the purpose of preventing, suppressing or controlling forest fires and destructive agents. (§ 1 ch 138 SLA 1961)

Am. Jur. and ALR references. — 22 Am. Jur., Fires, § 2. provisions of forest conservation legislation. 13 ALR 2d 1127
Constitutionality of fire prevention

Sec. 41.15.050. Fire season. The period from May 1 to September 30 inclusive, of each year is designated the fire season. The commissioner may designate other periods as fire season. The commissioner may proclaim an additional period for all or any portion of the state if weather or other conditions require action for the protection of forest lands. The commissioner may also, during the fire season, prohibit, or allow only by permit, the setting of fires, smoking, entry or occupancy on the land, when, in his judgment, the activities would unduly increase the fire danger. (§ 3 ch 138 SLA 1961; am § 1 ch 27 SLA 1976)

Title 39
Public Officers
and Employees

Title 40
Public Records
and Recordors

Title 41
Public Resources

Title 42
Public Lands

HB

70

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1-24-79

Date: 12 Feb 79

Mr. Speaker:

The Committee on C&RA has had HB 70

"An Act making a special appropriation to the Department of Community and Regional Affairs for the purchase of public safety and public works equipment for the cities of Craig and Klawock; eff. date."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

B. D. P.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

B. D. P.

CHAIRMAN

HB 70 TITLE & SPONSOR SUMMARY

13:37 3/20/79 PAGE 1 OF 2

~~AMENDED TITLE:~~

~~AN ACT MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT
OF COMMUNITY AND REGIONAL AFFAIRS FOR THE PURCHASE OF
PUBLIC SAFETY AND PUBLIC WORKS EQUIPMENT FOR THE CITIES
OF CRAIG AND KEADOCK; AND PROVIDING FOR AN EFF. DATE~~

~~\$133,600 (APEQOP)~~

~~PRIME SPONSORS: FREEMAN.~~

~~CO-SPONSORS: GARDINER.~~

~~CURRENT STATUS: 2/13/79 IN (H) FINANCE~~

HB 70 HOUSE ACTION

13:39 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/24/79	01	0064	FIRST READING -- COMMITTEE REPORTS
02/13/79	02	0217	CRA -- DP04 FINANCE RULES

**

**

MINUTES -- CRA COMMITTEE

2/12/79

HB 70 -- Making a special appropriation to the Department of Community and Regional Affairs for the purchase of public safety and public works equipment for the cities of Craig and Klawock

COMMITTEE MEMBERS PRESENT

Parker
Branson
Parr
Metcalfe

MEMBERS ABSENT

O'Connell
Carney
Zharoff

Testifying:

Rep. Oral Freeman -- Sponsor

Bob Speed -- Administrative Assistant for Rep. Gardinar (co-sponsor)

(See attached comments)

Bill was passed out of C&RA with the four present members voting "Do Pass"

See TAPE #3 -- Section 2-200 for recorded minutes of hearing.

BILL:

HB 70 Appropriation Craig and Klawock

Sponsors: Freeman and Gardiner

This appropriation was introduced last year--was vetoed by Hammond.

Craig--crawler tractor needed for road work.

Klawock-- now they are using vintage fire truck (circa '39)
The fire alarm system proposed would be an electrical one. They presently use a bell and telephones. Klawock is spread out so an alarm system is vital.

Backhoe is needed for city construction work...primarily for putting in sewers required by Federal law.

Contacted: Freeman 4993

Gardiner 3720

C&RA Lynn Wagener contacted. Dept. has no objection to bill

Underground Man
Disturbance

H B

83



March 12, 1979

Mr. Bill Parker, Chairman
House Community and Regional Affairs Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Gentlemen:

The Council took action at their meeting of March 8, opposing HB 83. The Council definitely feels that a higher percentage of the raw fish tax should be returned to the municipalities. However, Kodiak is in a unique situation in that the major portion of the revenue is produced inside the boundaries of the City of Kodiak. Yet the Borough receives twice the amount of refund.

I do not know how the amendment to the Statutes, giving the borough an additional percentage, was passed several years ago or which area was in favor of it, but it is certainly unfair.

The City of Kodiak has 15 year-round processing plants and the Kodiak Island Borough has 3 or 4 seasonal plants. The City provides all services to the canneries; fire protection, police, water, sewer, streets, etc. For all these services necessary to obtain the revenue, the City of Kodiak has received only 10% and the Kodiak Island Borough has received 20% of the monies collected.

To explain the extent the City assists the canneries and fishermen, I would like to address certain services. The City pays the Borough for personal property tax and does not levy any City personal property tax. This is a real advantage to canneries with a great deal of equipment and boat owners, who may be residents of the Borough or another State, with boats stored inside the City limits.

The real emergency on the Monashka Dam repair was to provide water to the canneries. If it had not been for the canneries' need, the City could have waited and attempted to obtain State or federal grants. It now appears that the City is stuck with a \$250,000 repair bill!

Several years ago the canneries were directed to provide for the disposal of their fish wastes. The City not only coordinated a necessary study to entice a private company to establish a plant and process the waste, but also leased land from the State and provided it for locating the plant at a subsidized rental. To this day, the City provides a reduced rental for the waste plant.

Community and Regional Affairs Committee
Page Two
March 12, 1979


The City of Kodiak also operates the boat harbor and for many years, as you know, has attempted to obtain federal funding for a larger boat harbor (Dug Bay).

For the reasons stated above and others that could be mentioned, it is felt that the city or borough providing the services to those generating the revenues should receive the largest share of the raw fish tax.

Thank you for your consideration and attention in this matter.

Sincerely,

CITY OF KODIAK



Gary Stevens
Mayor

GS/yb

cc: Members of the House Community and Regional Affairs Committee
House Finance Committee
Representative Fred Zharoff

25% COTTON FIBER

Exchange Bond



STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5 - JUNEAU 99811

February 12, 1979

The Honorable Alvin Osterback
 Co-Chairman
 House Resources Committee
 Room 118 - Capitol Building
 Juneau, Alaska

Re: House Bull No. 83

Dear Mr. Osterback:

House Bill No. 83, an Act relating to the raw fish tax, was introduced in the House on January 25, 1979 and was referred to the House Resources and Finance Committees. The bill was given a further referral on January 30, 1979 to the House Community and Regional Affairs Committee.

For the consideration of the House Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phil Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely

R. D. Stevenson
 Special Assistant

cc: The Honorable Bill Miles
 Co-Chairman
 House Resources Committee

The Honorable Bill Parker
Chairman
House Community & Regional Affairs Committee

The Honorable Russ Meekins
 Chairman
 House Finance Committee

John Messenger
 Acting Commissioner
 Department of Revenue

Phil Wall, Director
 Administrative Services Division
 Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 83
 Title Raw Fish Tax
 Requested by House Resources Committee Date 1/25/79

II. FISCAL DETAIL
 Agency Affected Revenue
 Program Category Affected Development
 Budget Request Unit(s) Affected Shared Taxes

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

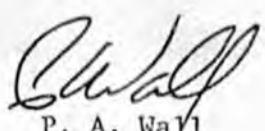
GENERAL FUND	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

There is no additional cost to administer the Bill. The General Fund will decrease in the amount shown as the additional raw fish tax revenue is shared.

IV. DATE 2/13/79 PREPARED BY 
 AGENCY Revenue
 PHONE 465-2313
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Fisheries Tax

Cities	FY 77 Actual	ACTUAL	FY 78 Actual	ACTUAL	FY 79 Authorized	EST.	FY 80 Request	EST
		FY 77 @ 30%		FY 78 @ 30%		FY 79 @ 30%		FY 80 @ 30%
Cordova	86477	259,431	111791	335,313	69500	208,500	89988	269,764
Craig	4260	12,780	3273	9,819	5000	15,000	4433	13,299
Dillingham	29669	89,007	32792	98,376	30000	90,000	30874	92,622
Fairbanks	15	45	3	9	15	45	16	48
Haines	-0-	-0-	5	15	-0-	-0-	-0-	-0-
Hoonah	1952	5,856	2249	6,747	2000	6,000	2031	6,093
Homer	2697	8,091	6475	19,425	2000	6,000	2806	8,418
Hydaburg	1659	4,977	1564	4,692	2000	6,000	1726	5,178
Kake	391	1,173	-0-	-0-	500	1,500	407	1,221
Kenai	35639	106,917	34010	102,030	30000	90,000	37086	111,258
Ketchikan	14860	44,580	27290	81,870	15000	45,000	15463	46,389
King Cove	85810	257,430	11593	34,779	80000	240,000	89294	267,882
Klawock	10858	32,574	22716	68,148	10000	30,000	11299	33,897
Kodiak	74439	223,317	98465	295,395	70000	210,000	77461	232,383
Nenana	92	276	79	237	100	300	96	288
Pelican	12447	37,341	13153	39,459	12000	36,000	12952	38,856
Petersburg	36904	110,712	99651	298,953	35000	105,000	38402	115,206
Seldovia	1233	3,699	1151	3,453	1000	3,000	1283	3,849
Seward	21220	63,660	26850	80,50	20000	60,000	22081	66,243
St. Marys	-0-	-0-	235	05	-0-	-0-	-0-	-0-
Unalaska	101417	304,251	154901	464,703	90000	270,000	105534	316,602
Valdez	-0-	-0-	5	15	-0-	-0-	-0-	-0-

AGENCY Revenue BRU Shared Taxes COMPONENT Fisheries Tax DATE REVISED

Fisheries Tax (Con't.)

Cities	FY 77 Actual	Actual FY 77 @ 30%	FY 78 Actual	Actual FY 78 @ 30%	FY 79 Authorized	Est. FY 79 @ 30%	FY 80 Request	Est. FY 80 @ 30%
Wrangell	6482	19,446	11571	34,713	5000	15,000	6745	20,235
Yakutat	1227	3,681	1456	4,368	2000	6,000	1277	3,831
Total Cities	529748	1,589,244	661279	1,983,837	481115	144,345	551254	1,653,762
Boroughs								
North Star	15	45	3	9	100	300	16	48
Anchorage	25367	76,101	40525	121,575	35000	105,000	26397	79,191
Bristol Bay	93101	279,303	92881	278,643	100000	300,000	96881	290,643
Fairbanks	-0-	-0-	-0-	-0-	100	300	-0-	-0-
Haines	4669	14,007	35467	106,401	6000	18,000	4859	14,577
Juneau	7054	21,162	8159	24,477	10000	30,100	7340	22,020
Kenai	58248	174,744	133925	401,775	75000	225,000	71019	213,057
Ketchikan	34018	102,054	81946	245,838	40000	120,000	35399	106,197
Kodiak	251716	755,148	182348	547,044	232685	698,055	261968	785,904
Mat-Su	-0-	-0-	-0-	-0-	10000	30,000	-0-	-0-
Sitka	5734	17,202	3289	9,867	10000	30,000	5967	17,901
Total Boroughs	489922	1,469,766	583544	1,750,632	518885	1,556,655	509846	1,529,538
Total Cities & Boroughs	1019670	3,059,010	1244821	3,734,469	1000000	3,000,000	1061100	3,183,300

AGENCY Revenue BRU Shared Taxes COMPONENT Fisheries Tax DATE REVISED

HB

95

MINUTES -- C&RA

February 7, 1979

HB95 -- Relating to sanitary landfills

ALL COMMITTEE MEMBERS PRESENT

Sponsor: Rep. Nels Anderson

Testifying:

Rep. Anderson -- Read into record letter from constituent who has been experiencing problems which led to introduction of bill.

Dick Stokes -- D.E.C. representative
Spoke of pollution problems, particularly in Dillingham where there are open burns, a stream being polluted, as well as problems between sea gulls and jet aircraft due to the placement of the sanitary landfill and the airport. Relocation problems discussed as well as Dillingham's problems in meeting D.E.C.'s compliance schedule.

Bill to be taken up again.

See Tape 1 Side 2 Sections 925-1300 for taped recording of hearing.

February 9, 1979

HB 95

MEMBERS PRESENT

Branson
Carney
Parr
Parker
Metcalf

MEMBERS ABSENT

Zharoff
O'Connell

Due to new information received subsequent to a meeting held in Dillingham on Feb. 8, (see attached memo) the Committee decided to take no action on HB 95. Rep. Anderson conveyed this information to the Committee re changing circumstances in Dillingham.

See Tape 1 Side 2 Sections 1433-1475

2/15/78

Telephone message from Laura Schroder, Mgr. City of
Dillingham

Chagion Limited ~~✓~~ - Bristol Bay Native Corp.
Agreement reached for use of part of gravel pit for sanitary landfill.
Lease arrangement or part of 14C settlement (latter agreed to)
Problem with flooding out of road to gravel pit site so\$ might
be needed.

Dillingham might still need an appropriation. *Extra equipment*
needed -

BILL WORK SHEET

No. 4

(for optional use of committee aides)

COMMITTEE ON _____

Received from _____ DATE _____

BILL NO. 95 ORIGINAL SPONSOR _____ OTHER _____

THIS COMMITTEE RECOMMENDED --

Majority Recommendation: _____

Supported by _____

Minority Recommendation: _____

Supported by _____

Other: _____

Brief/flag title: Sanitary Landfills

What bill does:

OUR COMMITTEE AMENDMENTS (what they are and what they do (attach if lengthy))

Fiscal Impact -- Is there a fiscal note for the original bill and one which reflects changes made by the amendments: (attach details).

LAA Legal/Research contact:

Research/supporting information

Attached (?) _____

PERSONS/ORGANIZATIONS:

Supporting bill: Rep. Nels Anderson 3738
Manufacturing League - doesn't oppose

Opposing bill: Dept. C. C.
Sub. Stokes 2635
Dale Mattenrayton (to testify)

REMARKS: (use reverse side if necessary)


Laura Schroder

TO: Mr. Keith Specking
Legislative Assistant
Office of the Governor

DATE: February 6, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Ernst W. Mueller
Commissioner
Department of Environmental
Conservation

SUBJECT: HB 95

House Bill 95 relating to sanitary landfills, is the same as HB 707 introduced during the last session. The remarks which follow are substantially the same as our previous comments. The immediate focus of the bill appears to be to assist the City of Dillingham in its opposition to the department's attempts to alleviate the public safety and environmental hazards created by that city's dump. That matter has long been in the courts. In the long run, however, this bill could preclude approval of Alaska's solid waste management plan by the U. S. Environmental Protection Agency. Aside from being an embarrassment to a state trying to demonstrate its environmental responsibility, EPA disapproval would also involve a loss of federal solid waste management funds to the state, and, in the future, local governments, and may very well result in increased federal involvement in solid waste management in Alaska.

In analyzing the bill, it is important to understand the concept of a "sanitary landfill." A sanitary landfill has been universally defined as a solid waste facility sited to avoid safety, health and environmental hazards, confined to the smallest practicable area, and covered on a daily basis. Over the past several years, the Department of Environmental Conservation has worked closely with Alaska municipalities to convert their "dumps" to "sanitary landfills." Normally, this can be accomplished without requiring the closing of the existing facility. The program, I believe, has met with a substantial amount of success.

In some cases, however, cooperation has not been enough, and enforcement action is necessary. The City of Dillingham provides a case in point. Because of its location, the Dillingham dump creates both water pollution and public safety hazards. The proximity of the dump to the airport is the department's greatest concern. Dumps--particularly poorly operated ones--attract birds, which in turn threaten air safety. A near catastrophe in Homer in September, 1976, which was disclosed at hearings on the Dillingham facility, illustrates well the magnitude of that threat. A Wien 737 jet with 52 passengers encountered a flock of seagulls upon takeoff. One engine exploded and another stalled as several birds were ingested into the jet engines. Thankfully, the pilot was able to restart one engine and return to Homer without crashing into the sea. The cost to Wien from this one incident exceeded \$250,000.

Because of this hazard, dumps located close to airports must, in certain circumstances, be relocated. Dillingham has recognized that this is the case with their facility, but has been, in our view, less than aggressive

in finding other sites. HB 95, by precluding the department from directing relocation in the event that eminent domain is necessary, would substantially impair the department's ability to reduce adverse impacts associated with local dumps. While we are confident that relocation of the Dillingham facility can be accomplished without the use of eminent domain, the bill may well thwart necessary remedial action in future cases.

This is particularly true in light of the Resource Conservation and Recovery Act, passed by Congress in 1976 (PL 94-580). The Act authorizes the establishment of minimum standards for both hazardous waste disposal and solid waste management in general (secs. 3004, 4002), and provides states with the opportunity to develop solid waste programs to implement those standards (secs. 3006, 4007). My department is working hard to develop such a state program. The primary consequences of failure to develop an adequate program are (1) loss of solid waste management grant funds (sec. 4007(b)); and (2) direct U. S. Environmental Protection Agency involvement in local solid waste management (secs. 3005, 3006). EPA, it should be noted, can directly enforce its guidelines for solid waste management if an imminent environmental or public health hazard is present (sec. 7003).

The fundamental goal of the federal Act is to convert existing dump facilities to sanitary landfills--which will be defined by EPA according to criteria scheduled for promulgation this summer. The Act also mandates the closure of open dumps. To accomplish this, relocation of municipal facilities will sometimes be required. The draft EPA guidelines, for example, require relocation where the facility is in close proximity to an airport--as is the case in Dillingham, unless it can be determined that the facility does not cause a conflict between birds and air traffic. Because HB 95 would deny the department the enforcement authority necessary to carry out the federal guidelines, and because the bill defines "sanitary landfill" to include open dumps--no matter how great the hazards they pose to the environment and human life--the likely consequence of its enactment would be substantial direct federal control over Alaska's solid waste problems. This would not only make solid waste control substantially more onerous on Alaska's municipalities, but would add considerable ammunition to the assertion that Alaska is incapable of managing its own affairs.

Bill's notes
(Hold in committee)

Introduced: 1/30/79
Referred: Community &
Regional Affairs

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 95

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sanitary landfills."

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

8 * Section 1. AS 46.03.020 is amended by adding a new paragraph to read:

9 (12) require relocation of municipal sanitary landfills; if
10 the municipality has not received patent to the total amount of land for
11 which it is eligible under AS 29.18.201 - 29.18.213, and if exercise of
12 the municipality's power of eminent domain would be required to provide
13 a suitable relocation site, the department may not require relocation
14 until a suitable relocation site becomes available without requiring the
15 use of the power of eminent domain.

16 * Sec. 2. AS 46.03.900 is amended by adding a new paragraph to read:

17 (26) "sanitary landfill" means a land area used for the dis-
18 posal of solid waste.

19
20 was HB 707 last year
21 went nowhere

22
23 tapes for previous year

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26 Dick Stokes:
27 Solid Waste Management, DEC
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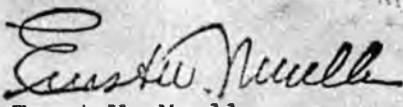
29

TO: Mr. Keith Specking
Legislative Assistant
Office of the Governor

DATE: February 6, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Ernst W. Mueller
Commissioner
Department of Environmental
Conservation

SUBJECT: HB 95

House Bill 95 relating to sanitary landfills, is the same as HB 707 introduced during the last session. The remarks which follow are substantially the same as our previous comments. The immediate focus of the bill appears to be to assist the City of Dillingham in its opposition to the department's attempts to alleviate the public safety and environmental hazards created by that city's dump. That matter has long been in the courts. In the long run, however, this bill could preclude approval of Alaska's solid waste management plan by the U. S. Environmental Protection Agency. Aside from being an embarrassment to a state trying to demonstrate its environmental responsibility, EPA disapproval would also involve a loss of federal solid waste management funds to the state, and, in the future, local governments, and may very well result in increased federal involvement in solid waste management in Alaska.

In analyzing the bill, it is important to understand the concept of a "sanitary landfill." A sanitary landfill has been universally defined as a solid waste facility sited to avoid safety, health and environmental hazards, confined to the smallest practicable area, and covered on a daily basis. Over the past several years, the Department of Environmental Conservation has worked closely with Alaska municipalities to convert their "dumps" to "sanitary landfills." Normally, this can be accomplished without requiring the closing of the existing facility. The program, I believe, has met with a substantial amount of success.

In some cases, however, cooperation has not been enough, and enforcement action is necessary. The City of Dillingham provides a case in point. Because of its location, the Dillingham dump creates both water pollution and public safety hazards. The proximity of the dump to the airport is the department's greatest concern. Dumps--particularly poorly operated ones--attract birds, which in turn threaten air safety. A near catastrophe in Homer in September, 1976, which was disclosed at hearings on the Dillingham facility, illustrates well the magnitude of that threat. A Wien 737 jet with 52 passengers encountered a flock of sea gulls upon takeoff. One engine exploded and another stalled as several birds were ingested into the jet engines. Thankfully, the pilot was able to restart one engine and return to Homer without crashing into the sea. The cost to Wien from this one incident exceeded \$250,000.

Because of this hazard, dumps located close to airports must, in certain circumstances, be relocated. Dillingham has recognized that this is the case with their facility, but has been, in our view, less than aggressive

in finding other sites. HB 95, by precluding the department from directing relocation in the event that eminent domain is necessary, would substantially impair the department's ability to reduce adverse impacts associated with local dumps. While we are confident that relocation of the Dillingham facility can be accomplished without the use of eminent domain, the bill may well thwart necessary remedial action in future cases.

This is particularly true in light of the Resource Conservation and Recovery Act, passed by Congress in 1976 (PL 94-580). The Act authorizes the establishment of minimum standards for both hazardous waste disposal and solid waste management in general (secs. 3004, 4002), and provides states with the opportunity to develop solid waste programs to implement those standards (secs. 3006, 4007). My department is working hard to develop such a state program. The primary consequences of failure to develop an adequate program are (1) loss of solid waste management grant funds (sec. 4007(b)); and (2) direct U. S. Environmental Protection Agency involvement in local solid waste management (secs. 3005, 3006). EPA, it should be noted, can directly enforce its guidelines for solid waste management if an imminent environmental or public health hazard is present (sec. 7003).

The fundamental goal of the federal Act is to convert existing dump facilities to sanitary landfills--which will be defined by EPA according to criteria scheduled for promulgation this summer. The Act also mandates the closure of open dumps. To accomplish this, relocation of municipal facilities will sometimes be required. The draft EPA guidelines, for example, require relocation where the facility is in close proximity to an airport--as is the case in Dillingham, unless it can be determined that the facility does not cause a conflict between birds and air traffic. Because HB 95 would deny the department the enforcement authority necessary to carry out the federal guidelines, and because the bill defines "sanitary landfill" to include open dumps--no matter how great the hazards they pose to the environment and human life--the likely consequence of its enactment would be substantial direct federal control over Alaska's solid waste problems. This would not only make solid waste control substantially more onerous on Alaska's municipalities, but would add considerable ammunition to the assertion that Alaska is incapable of managing its own affairs.

Taken from Departmental Regulations

Register 47, October 1973

ENVIRONMENTAL CONSERVATION

18 AAC 60.130

18 AAC 60.130. DEFINITIONS. Unless the context indicates otherwise, in this chapter:

- (1) "commissioner" means the commissioner of the Department of Environmental Conservation;
- (2) "department" means the Department of Environmental Conservation;
- (3) "hazardous waste" means waste that is capable of causing injury, disease or impairment of health, or property damage, including but not limited to poisons, pesticides, acids, caustics, infectious or pathological wastes, radioactive materials, explosive materials and oil and petroleum products;
- (4) "incineration" means the process of burning solid, liquid or gaseous combustible wastes to gases and a residue, within an incinerator;
- (5) "incinerator" means any equipment, device or contrivance excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste;
- (6) "landfill" means a land area used for the disposal of solid waste;
- (7) "leachate" means water that has percolated through solid waste and contains dissolved or suspended portions from the solid waste;
- (8) "lift" means a compacted layer of solid waste and its overlying earth cover in a landfill;
- (9) "open burning" means the burning of any material such that the products of combustion are emitted directly into the ambient air without passing through a stack or flare;
- (10) "permit" means written authorization from the department;
- (11) "person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any other entity whatsoever;
- (12) "public litter receptacle" means a container provided for the public, as a convenience, in order to dispose of solid waste;
- (13) "putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors;
- (14) "reclamation facility" means a facility in which solid waste is stored, dismantled or reprocessed to recover salvageable materials for purposes of sale or reuse.

Introduced: 1/30/79
Referred: Community &
Regional Affairs

3738
BY ANDERSON

1 IN THE HOUSE

2 HOUSE BILL NO. 95

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sanitary landfills."

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

8 * Section 1. AS 46.03.020 is amended by adding a new paragraph to read:

9 (12) require relocation of municipal sanitary landfills; if
10 the municipality has not received patent to the total amount of land for
11 which it is eligible under AS 29.18.201 - 29.18.213, and if exercise of
12 the municipality's power of eminent domain would be required to provide
13 a suitable relocation site, the department may not require relocation
14 until a suitable relocation site becomes available without requiring the
15 use of the power of eminent domain.

16 * Sec. 2. AS 46.03.900 is amended by adding a new paragraph to read:

17 (26) "sanitary landfill" means a land area used for the dis-
18 posal of solid waste.

*Call C.A. M...
Larry...
299-...
8636*

*Anderson says
Cord...
AAC 18, 60.130
see "land fill" definition*

*Dick Stokes
City...
street...
Chas...
* see gulls & jet aircraft -
polluted -
"shoot" stream being...
Cont find new location of...
Full method required by DEC -
\$ is bottom line.
new site not being met.
Municipal League
supports - doesn't oppose*

Taken from Departmental Regulations

Register 47, October 1973

ENVIRONMENTAL CONSERVATION

18 AAC 60.130

18 AAC 60.130. DEFINITIONS. Unless the context indicates otherwise, in this chapter:

(1) "commissioner" means the commissioner of the Department of Environmental Conservation;

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(5) "incinerator" means any equipment, device or contrivance excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste.

→ (6) "landfill" means a land area used for the disposal of solid waste;

(7) "leachate" means water that has percolated through solid waste and contains dissolved or suspended portions from the solid waste;

(8) "lift" means a compacted layer of solid waste and its overlying earth cover in a landfill;

(9) "open burning" means the burning of any material such that the products of combustion are emitted directly into the ambient air without passing through a stack or flare;

(10) "permit" means written authorization from the department;

(11) "person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any other entity whatsoever;

(12) "public litter receptacle" means a container provided for the public, as a convenience in order to dispose of solid waste;

(13) "putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors;

(14) "reclamation facility" means a facility in which solid waste is stored, dismantled or reprocessed to recover salvageable materials for purposes of sale or reuse.

Sanitary Landfills
has been introduced / HB 95 "Sanitary Landfills" Sponsor: Mike Anderson

Main problem is to provide for adequate landfill in Pellissippi

(12) Citation AS 29.18.201 - 29.18.213 Refers to General Grant Lands (municipal entitlements due from the State)

Says the Department of Environmental Conservation may not require relocation of a sanitary landfill if a municipality has not received patent to all the land to which it is entitled from the State and if eminent domain powers would be required to provide a suitable relocation site.

Sec. 2 AS 46.03.900

(26) There is currently no definition for "sanitary landfill" in the statute. However, the Administrative Code defines "land fill" in (AAC 18.60.130) the same way as Anderson Definitions should be consistent!

HB

97

MINUTES

HB 97 Relating to historical artifacts

Feb. 9. 1979

MEMBERS PRESENT

Branson
Carney
Barr
Parker
Metcalf

MEMBERS ABSENT

O'Connell
Zharoff

Testifying:

Rep. Nels Anderson, Sponsor

Dick Engen, Director of State Library and Museum
Problem with definition of "excavation and
fragmen". Opposed to bill as it "opens the
door" to many problems.

Pat Conheady -- representing Dept. of Natural
Resources-- Opposed

Bill JOrgenson--Opposed

Many concerns and problems with HB 97. NOT ready to
pass it out of Committee

See Tape 1 Side 2 Sections 1475-1730

Introduced: 1/30/79
Referred: Community &
Regional Affairs

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 97

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to historic, prehistoric, and arche-
7 ological resources."

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

9 * Section 1. AS 41.35.230(4) is amended to read:

10 (4) "historic, prehistoric and archeological resources" in-
11 cludes deposits, structures, ruins, sites, buildings, graves, artifacts,
12 fossils, or other objects of antiquity which provide information per-
13 taining to the historical or prehistorical culture of people in the
14 state as well as to the natural history of the state but does not in-
15 clude fragments of fossilized ivory which can be removed without exca-
16 vation and which are not located on state monuments or historic sites.

17 *Bill Honorable 274-4676 - Approved*
18 *Ferry M. Williams*
19 *Fossilized fragment can provide archeological info*
20 *often associated with early finds*
21 *Legal - state lands - wouldn't change Antiquities*
22 *so on Fed. & private lands it would still*
23 *be illegal. Likely to cause enforcement*
24 *problems on other lands.*
25 *Vague as to what "fragment" is. Could*
26 *be important find.*
27 *Amendment & lead to deletions other*
28 *provision Historic Preservation Act.*
29 *Fed. subject requested - take action on sale*
30 *"equity" & on set artifacts on Fed. lands*

BILL WORK SHEET
(for optional use of committee aides)

No. 4

COMMITTEE ON _____

Received from _____ DATE _____

BILL NO. 97 ORIGINAL SPONSOR _____ OTHER _____

THIS COMMITTEE RECOMMENDED --

Majority Recommendation: _____

Supported by _____

Minority Recommendation: _____

Supported by _____

Other: _____

Brief/flag title: Historic, pictorial & archeological resources

What bill does:

OUR COMMITTEE AMENDMENTS (what they are and what they do (attach if lengthy))

Fiscal Impact -- Is there a fiscal note for the original bill and one which reflects changes made by the amendments: (attach drafts)

LAA Legal/Research contact:

Jim McHenry

Research/supporting information

Attached (?) _____

PERSONS/ORGANIZATIONS:

Supporting bill:

Don Clarkson - 586-6425

Opposing bill:

Dick Berger 2910-

Bill Hannibal 274-4676

Bill Yorganson HSS 465-3388 (W)
Frank P. Ah. 6-322 (W)
Historical Society

REMARKS: (use reverse side if necessary)

Jim McHenry 44-35-020

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1979

SUBJECT: Criminal penalties for possession of artifacts
(Work Order No. 5826)

TO: Representative Nels A. Anderson, Jr.

FROM: James A. McKenzie *JAM*
Legislative Counsel

In this work order I was asked to construct a solution to the problem of administrative approval being required for removal of relatively insignificant artifacts from state land. The enclosed bill amends the definition of "historic, prehistoric, and archeological resources" in the Alaska Historic Preservation Act to exclude fragments of fossilized ivory which can be removed without excavation and which are not located on state monuments or historic sites.

It can be expected that this type of exception will cause some problems in enforcement of the Act. According to the House Resources committee report on the Act, a copy of which is enclosed, "Testimony was presented to the committee indicating that in the absence of this or similar legislation, an increasing number of tourists, souvenir hunters, and amateur artifact diggers can soon be expected to seriously disturb the existing archeological remains of Alaska's indigenous cultural groups." Richard Engen, Director of Libraries and Museums, feels that a complete ban on removal of artifacts from state land without a permit is necessary to discourage souvenir hunters from digging up and possibly damaging artifacts of substantial historical value. Proving that someone obtained an artifact by excavation is difficult unless the excavating is observed, but proof of possession is much easier. Hence, even though the exception in this bill does not apply to the excavation of fossilized ivory, it could increase the risk that excavation will occur. It is possible as well that some fragments of fossilized ivory may be of historical value. Finally, it should be noted that existing law provides that nothing in the Alaska Historic Preservation Act diminishes the cultural rights and responsibilities of persons of aboriginal descent or infringes upon

Representative Nels A. Anderson, Jr.

Page 2

January 20, 1979

their right of possession and use of those resources which may be considered of historic, prehistoric, or archeological value. AS 41.35.020.

In sum, I was unable to construct a wholly satisfactory solution to the problem you raised because the basic policy of the Alaska Historic Preservation Act is to discourage souvenir hunters, while the likely result of any exception is to encourage them.

JAMcK:jdn

Enclosure

Chapter 35 Alaska Historic Preservation Act

§ 41.35.010

PUBLIC RESOURCES

§ 41.35.020

Section

220. Enforcement authority

230. Definitions

240. Title of chapter

Legislative committee report. — For report on ch. 130, SLA 1971 (HCSSB 119 am H), see 1971 House Journal, p. 579.

Sec. 41.35.010. Declaration of policy. It is the policy of the state to preserve and protect the historic, prehistoric and archeological resources of Alaska from loss, desecration and destruction so that the scientific, historic and cultural heritage embodied in these resources may pass undiminished to future generations. To this end, the legislature finds and declares that the historic, prehistoric and archeological resources of the state are properly the subject of concerted and coordinated efforts exercised on behalf of the general welfare of the public in order that these resources may be located, preserved, studied, exhibited and evaluated. (§ 1 ch 130 SLA 1971)

Sec. 41.35.020. Title to historic, prehistoric and archeological resources; local display. (a) The state reserves to itself title to all historic, prehistoric and archeological resources situated on land owned or controlled by the state, including tideland and submerged land, and reserves to itself the exclusive right of field archeology on state-owned or controlled land. However, nothing in this chapter diminishes the cultural rights and responsibilities of persons of aboriginal descent or infringes upon their right of possession and use of those resources which may be considered of historic, prehistoric or archeological value.

(b) Although title to historic, prehistoric and archeological resources is in the state, local cultural groups may obtain from the state, or retain, for study or display, artifacts and other items of these resources from their respective cultures or areas if the advisory committee created in § 110 of this chapter finds that (1) the group has a durable building with weatherproof and fireproof construction and humidity control and other factors necessary to serve as a museum which will assure safe preservation of the items, (2) the item sought to be obtained is not one for which there is an undue risk of damage during transportation, and (3) the item sought to be obtained or retained is not one requiring special treatment or care beyond the ability or means of the group requesting it. A group retaining such an item or obtaining one from the state shall house it in the museum building and shall make every reasonable effort to assure its safe preservation. If the advisory committee finds that a local cultural group is not properly taking care of an item the group shall return it to the department. (§ 1 ch 130 SLA 1971)

Sec. 41.35.030. Designation of monuments and historic sites. Upon the recommendation of the Historic Sites Advisory Committee, the governor may declare by public order any particular historic, prehistoric or archeological structure, deposit, site or other object of scientific or historic interest that is situated on land owned or controlled by the state to be a state monument or historic site and he may designate as a part of the monument or site as much land as is considered necessary for the proper access, care and management of the object or site to be protected. When an object or site is situated on land held in private ownership, it may be declared a state monument or historic site in the same manner, with the written consent of the owner. (§ 1 ch 130 SLA 1971)

Sec. 41.35.040. Administration and financial support of monuments and historic sites. State-owned monuments, sites and other historic, prehistoric or archeological properties owned or purchased by the state are under the control of the Department of Natural Resources and their maintenance shall be covered in the appropriations made to that department. Privately owned state monuments or historic sites are eligible to receive state support for their maintenance, restoration and rehabilitation if they are kept accessible to the general public and application for support is made in conformity with regulations adopted by the commissioner of natural resources. (§ 1 ch 130 SLA 1971)

Sec. 41.35.050. Regulations. The commissioner of natural resources shall adopt regulations to carry out the purposes of this chapter. (§ 1 ch 130 SLA 1971)

Sec. 41.35.060. Power to acquire historic, prehistoric or archeological properties. (a) The department, with the recommendation of the Historic Sites Advisory Committee, may acquire real and personal properties that have statewide historic, prehistoric or archeological significance by gift, purchase, devise or bequest. The department shall preserve and administer property so acquired. The department may acquire property adjacent to the property having historic, prehistoric or archeological significance when it is determined to be necessary for the proper use and administration of the significant property.

(b) If an historic, prehistoric or archeological property which has been found by the department, upon the recommendation of the Historic Sites Advisory Committee, to be important for state ownership is in danger of being sold or used so that its historic, prehistoric or archeological value will be destroyed or seriously impaired, or is otherwise in danger of destruction or serious impairment, the department may establish the use of the property in a manner necessary to preserve its historic, prehistoric or archeological character or value. If the owner of the property does not wish to follow the restrictions of the department, the department may acquire the property by eminent domain under AS 09.55.240 — 09.55.460. (§ 1 ch 130 SLA 1971)

Sec. 41.35.070. Preservation of historic, prehistoric and archeological resources threatened by public construction. (a) The department shall locate, identify and preserve in suitable records information regarding historic, prehistoric and archeological sites, locations and remains. The information shall be submitted to the heads of the executive departments of the state.

(b) Before public construction or public improvement of any nature is undertaken by the state, or by a governmental agency of the state or by a private person under contract with or licensed by the state or governmental agency of the state, the department may survey the affected area to determine if the area contains historic, prehistoric or archeological values.

(c) If the department determines that historic, prehistoric or archeological sites, locations or remains will be adversely affected by the public construction or improvement, the proposed public construction or improvement may not be commenced until the department has performed the necessary investigation, recording and salvage of the site, location or remains. All investigation, recording and salvage work shall be performed as expeditiously as possible so that no state construction project will be unduly impaired, impeded or delayed.

(d) If in the course of performing public construction or improvements, historic, prehistoric or archeological sites, locations, remains or objects are discovered, the department shall be notified and its concurrence shall be requested in continuing the construction or improvement. Upon receipt of this notice, the department shall survey the area to determine whether the area contains historic, prehistoric or archeological data which should be preserved in the public interest. The survey shall be conducted as expeditiously as possible. If, as a result of the survey, it is determined that (1) this data exists in the area, (2) the data has exceptional historic, prehistoric or archeological significance, and should be collected and preserved in the public interest, and (3) it is feasible to collect and preserve the data, the department shall perform the necessary work to collect and preserve the data. This work shall be performed as expeditiously as possible.

(e) If the concurrence of the department, required under (b) and (c) of this section, is not obtained after 90 days from the filing of a request for its concurrence to proceed with the project, the agency or person performing the construction or improvement may apply to the governor for permission to proceed without that concurrence and the governor may take the action he considers best in overruling or sustaining the department.

(f) The costs of investigation, recording and salvage of the site shall be reimbursed by the agency sponsoring the construction project.

(g) Notwithstanding (a) — (f) of this section, all actions to stop any project must first be approved in writing by the commissioner of natural resources. (§ 1 ch 130 SLA 1971; am § 1 ch 112 SLA 1974)

Revisor's note (1971). — In ch. 130, SLA 1971, subsection (g) referred to "(a) and (f)." However, the 1974 amendment adding (g) read "(a) — (f)," and the text has been corrected here. (See 1974 Alaska State Journal, p. 1251).

Effect of amendment. — The 1974 amendment substituted "department" for "state archeologist" throughout the

section, deleted "in cooperation with the state archeologist" in the first sentence of subsection (c) and in the fourth sentence of subsection (d), substituted "its concurrence" for "his concurrence" in the first sentence of subsection (d) and in subsection (e), and deleted "of the archeologist" following "all actions" in subsection (g).

Sec. 41.35.080. Permits. The commissioner may issue a permit for the investigation, excavation, gathering or removal from the natural state, of any historic, prehistoric or archeological resources of the state. A permit may be issued only to persons or organizations qualified to make the investigations, excavations, gatherings or removals and only if the results of these authorized activities will be made available to the general public through institutions and museums interested in disseminating knowledge on the subjects involved. If the historic, prehistoric or archeological resource involved is one which is, or is located on a site which is, sacred, holy or of religious significance to a cultural group, the consent of that cultural group must be obtained before a permit may be issued under this section. (§ 1 ch 130 SLA 1971; am § 2 ch 112 SLA 1974)

Effect of amendment. — The 1974 amendment deleted "with the advice and concurrence of the state archeologist"

following "commissioner" near the beginning of the first sentence.

Sec. 41.35.090. Notice required of private persons. Before any construction, alteration or improvement of any nature is undertaken on a privately owned, officially designated state monument or historic site by any person, he shall give the department three months notice of intention to construct on, alter or improve it. Before the expiration of the three-month notification period, the department shall either begin eminent domain proceedings under § 60(b) of this chapter or undertake or permit the recording and salvaging of any historic, prehistoric or archeological information considered necessary. (§ 1 ch 130 SLA 1971; am § 3 ch 112 SLA 1974)

Effect of amendment. — The 1974 amendment deleted "and the state

archeologist" following "department" in the first sentence.

Sec. 41.35.100. Excavation and removal of historic, prehistoric or archeological remains on private land. Before any historic, prehistoric or archeological remains are excavated or removed from private land by the department, the written approval of the owner shall first be secured. When the value of the private land is diminished by the excavation or removal, the owner of the land shall be compensated for the loss at a monetary sum mutually agreed on by the department and

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the owner or at a monetary sum set by the court. (§ 1 ch 130 SLA 1971; am § 4 ch 112 SLA 1974)

Effect of amendment. — The 1974 archeologist" following "department" in amendment deleted "or the state the first sentence.

Sec. 41.35.110. Historic sites advisory committee. There is created in the Department of Natural Resources the Historic Sites Advisory Committee. (§ 1 ch 130 SLA 1971)

Sec. 41.35.120. Composition of committee. The committee consists of the following persons:

- (1) the director of the Alaska State Museum;
- (2) the state liaison officer appointed under the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);
- (3) three persons with professionally relevant backgrounds appointed from each of the following fields: history, architecture and archeology; and
- (4) two persons appointed to represent indigenous ethnic groups. (§ 1 ch 130 SLA 1971; am §§ 5, 6 ch 112 SLA 1974)

Effect of amendment. — The 1974 paragraph (3) inserted "each of" and amendment substituted "director of the Alaska State Museum" for "state archeologist" in paragraph (1), and in deleted anthropology, paleontology, geology and natural history from the list of fields.

Sec. 41.35.130. Appointment of members. Members of the committee are appointed by the governor and confirmed by the legislature meeting in joint session. The members of the committee shall serve at the pleasure of the governor. (§ 1 ch 130 SLA 1971)

Sec. 41.35.140. Term of membership. The term of office for a member of the committee is three years, except for those who are members by virtue of their positions with the state. They serve for as long as they remain in the position by virtue of which they are members of the committee. A member appointed to fill a vacancy serves for the unexpired term of the member he succeeds. Of those members listed under § 120(3) and (4) of this chapter, upon initial appointment, one shall serve for one year, two for two years, and two for three years. (§ 1 ch 130 SLA 1971)

Sec. 41.35.150. Compensation. The members of the committee serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (§ 1 ch 130 SLA 1971)

Cross reference.— As to transportation and per diem expenses for members of boards, commissions, etc., see AS 39.20.180.

Sec. 41.35.160. Officers. At the first meeting of each year, the committee shall elect a chairman from among its members. (§ 1 ch 130 SLA 1971)

Sec. 41.35.170. Meetings and quorum. The committee shall meet at least twice a year. Additional meetings may be called by the chairman or by petition of at least five members. Five members of the committee constitutes a quorum. (§ 1 ch 130 SLA 1971)

Sec. 41.35.180. Duties of the committee. The Historic Sites Advisory Committee shall

(1) develop criteria for the evaluation of state monuments and historic sites and all real and personal property which may be considered to be of historic, prehistoric or archeological significance as would justify their acquisition and ownership by the state;

(2) cooperate with the Department of Natural Resources in formulating and administering a statewide historic sites survey under the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);

(3) review those surveys and historic preservation plans that may be required, and approve properties for nomination to the National Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);

(4) provide necessary assistance to the governor and the legislature for achieving balanced and coordinated state policies and programs for the preservation of the state's historic, prehistoric and archeological resources.

(5) consult with local historical district commissions regarding the establishment of historical districts under AS 29.48.108 — 29.48.110 and the approval of project alterations under AS 45.98.040; recommend, if appropriate, the formulation of additional criteria for the designation of historical districts under AS 29.48.110(b); approve plans for and evaluate the suitability of specific structures for purposes of loan eligibility and continuance under the historical district revolving loan fund (AS 45.98); and consult with the Department of Commerce and Economic Development relative to the adoption of regulations for historical district loans under AS 45.98. (§ 1 ch 30 SLA 1971; am § 7 ch 112 SLA 1974; am § 4 ch 139 SLA 1977)

Effect of amendments. — The 1974 amendment deleted "and the state archeologist" following "Department of Natural Resources" in paragraph (2).

The 1977 amendment added paragraph (5).

Editor's note. — Section 1, ch. 139, SLA 1977, provides: "INTENT. It is the intent

of the legislature to foster an awareness of the need to preserve our historic past to protect those visible aspects of our invaluable heritage so that present and future generations may continue to be enriched by the originality and strength of Alaska's architectural and cultural beginnings."

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Sec. 41.35.190. Powers of chairman. Subject to available appropriations the chairman may, with the concurrence of a majority of the committee, employ necessary personnel and may contract for the services of experts and other persons who may be needed. (§ 1 ch 130 SLA 1971)

Sec. 41.35.200. Unlawful acts. (a) It is unlawful for a person to appropriate, excavate, remove, injure, or destroy, without a permit from the commissioner, any historic, prehistoric or archeological resources of the state.

(b) It is unlawful for a person to possess, sell, buy or transport within the state, or offer to sell, buy or transport within the state, historic, prehistoric or archeological resources taken or acquired in violation of this section or 16 U.S.C. 433.

(c) No person may unlawfully destroy, mutilate, deface, injure, remove or excavate a gravesite or a tomb, monument, gravestone or other structure or object at a gravesite, even though the gravesite appears to be abandoned, lost or neglected.

(d) An historic, prehistoric or archeological resource which is taken in violation of this section shall be seized by any person designated in § 220 of this chapter wherever found and at any time. Objects seized may be disposed of as the commissioner determines by deposit in the proper public depository. (§ 1 ch 130 SLA 1971; am § 8 ch 112 SLA 1974)

Effect of amendment. — The 1974 "possess, sell, buy or transport" near the amendment deleted "knowingly" preceding beginning of subsection (b).

Sec. 41.35.210. Penalties. A person who violates a provision of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both. (§ 1 ch 130 SLA 1971)

Sec. 41.35.220. Enforcement authority. The following persons are peace officers of the state and shall enforce this chapter:

- (1) an employee of the department authorized by the commissioner;
- (2) a peace officer in the state;
- (3) any other person authorized by the commissioner. (§ 1 ch 130 SLA 1971)

Cross reference. — For definition of "peace officer," see AS 01.10.060(6).

Sec. 41.35.230. Definitions. In this chapter, unless the context otherwise requires,

- (1) "commissioner" means the commissioner of natural resources;
- (2) "committee" means the Historic Sites Advisory Committee;
- (3) "department" means the Department of Natural Resources;

§ 41.35.240

ALASKA STATUTES

§ 41.40.040

(4) "historic, prehistoric and archeological resources" includes deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state. (§ 1 ch 130 SLA 1971)

Sec. 41.35.240. Title of chapter. This chapter may be cited as the Alaska Historic Preservation Act. (§ 1 ch 130 SLA 1971)

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PMS REP NELS ANDERSON

JUN

I SUPPORT HOUSE BILL 97

PAULINE FARR

9427 JEWELL LAKE RD

ANCHORAGE AK 99502

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PMS REP NELS ANDERSON

JUN

I SUPPORT HOUSE BILL 97

BERTHA MIDYETT

1011 WEST 12TH APT 3

ANCHORAGE ALASKA 99501

Bill -

You might ask Dick
or Bill Engelsen how

Sec. 41-35.020 (marked
sections) is applied?

Chapter 35 Alaska Historic Preservation Act

§ 41.35.010

PUBLIC RESOURCES

§ 41.35.020

Section

220. Enforcement authority

230. Definitions

240. Title of chapter

Legislative committee report. — For report on ch. 130, SLA 1971 (HCSSB 119 am H), see 1971 House Journal, p. 579.

Sec. 41.35.010. Declaration of policy. It is the policy of the state to preserve and protect the historic, prehistoric and archeological resources of Alaska from loss, desecration and destruction so that the scientific, historic and cultural heritage embodied in these resources may pass undiminished to future generations. To this end, the legislature finds and declares that the historic, prehistoric and archeological resources of the state are properly the subject of concerted and coordinated efforts exercised on behalf of the general welfare of the public in order that these resources may be located, preserved, studied, exhibited and evaluated. (§ 1 ch 130 SLA 1971)

Sec. 41.35.020. Title to historic, prehistoric and archeological resources; local display. (a) The state reserves to itself title to all historic, prehistoric and archeological resources situated on land owned or controlled by the state, including tideland and submerged land, and reserves to itself the exclusive right of field archeology on state-owned or controlled land. However, nothing in this chapter diminishes the cultural rights and responsibilities of persons of aboriginal descent or infringes upon their right of possession and use of those resources which may be considered of historic, prehistoric or archeological value.

(b) Although title to historic, prehistoric and archeological resources is in the state, local cultural groups may obtain from the state, or retain, for study or display, artifacts and other items of these resources from their respective cultures or areas if the advisory committee created in § 110 of this chapter finds that (1) the group has a durable building with weatherproof and fireproof construction and humidity control and other factors necessary to serve as a museum which will assure safe preservation of the items, (2) the item sought to be obtained is not one for which there is an undue risk of damage during transportation, and (3) the item sought to be obtained or retained is not one requiring special treatment or care beyond the ability or means of the group requesting it. A group retaining such an item or obtaining one from the state shall house it in the museum building and shall make every reasonable effort to assure its safe preservation. If the advisory committee finds that a local cultural group is not properly taking care of an item the group shall return it to the department. (§ 1 ch 130 SLA 1971)

Sec. 41.35.030. Designation of monuments and historic sites. Upon the recommendation of the Historic Sites Advisory Committee, the governor may declare by public order any particular historic, prehistoric or archeological structure, deposit, site or other object of scientific or historic interest that is situated on land owned or controlled by the state to be a state monument or historic site and he may designate as a part of the monument or site as much land as is considered necessary for the proper access, care and management of the object or site to be protected. When an object or site is situated on land held in private ownership, it may be declared a state monument or historic site in the same manner, with the written consent of the owner. (§ 1 ch 130 SLA 1971)

Sec. 41.35.040. Administration and financial support of monuments and historic sites. State-owned monuments, sites and other historic, prehistoric or archeological properties owned or purchased by the state are under the control of the Department of Natural Resources and their maintenance shall be covered in the appropriations made to that department. Privately owned state monuments or historic sites are eligible to receive state support for their maintenance, restoration and rehabilitation if they are kept accessible to the general public and application for support is made in conformity with regulations adopted by the commissioner of natural resources. (§ 1 ch 130 SLA 1971)

Sec. 41.35.050. Regulations. The commissioner of natural resources shall adopt regulations to carry out the purposes of this chapter. (§ 1 ch 130 SLA 1971)

Sec. 41.35.060. Power to acquire historic, prehistoric or archeological properties. (a) The department, with the recommendation of the Historic Sites Advisory Committee, may acquire real and personal properties that have statewide historic, prehistoric or archeological significance by gift, purchase, devise or bequest. The department shall preserve and administer property so acquired. The department may acquire property adjacent to the property having historic, prehistoric or archeological significance when it is determined to be necessary for the proper use and administration of the significant property.

(b) If an historic, prehistoric or archeological property which has been found by the department, upon the recommendation of the Historic Sites Advisory Committee, to be important for state ownership is in danger of being sold or used so that its historic, prehistoric or archeological value will be destroyed or seriously impaired, or is otherwise in danger of destruction or serious impairment, the department may establish the use of the property in a manner necessary to preserve its historic, prehistoric or archeological character or value. If the owner of the property does not wish to follow the restrictions of the department, the department may acquire the property by eminent domain under AS 09.55.240 — 09.55.460. (§ 1 ch 130 SLA 1971)

Sec. 41.35.070. Preservation of historic, prehistoric and archeological resources threatened by public construction. (a) The department shall locate, identify and preserve in suitable records information regarding historic, prehistoric and archeological sites, locations and remains. The information shall be submitted to the heads of the executive departments of the state.

(b) Before public construction or public improvement of any nature is undertaken by the state, or by a governmental agency of the state or by a private person under contract with or licensed by the state or governmental agency of the state, the department may survey the affected area to determine if the area contains historic, prehistoric or archeological values.

(c) If the department determines that historic, prehistoric or archeological sites, locations or remains will be adversely affected by the public construction or improvement, the proposed public construction or improvement may not be commenced until the department has performed the necessary investigation, recording and salvage of the site, location or remains. All investigation, recording and salvage work shall be performed as expeditiously as possible so that no state construction project will be unduly impaired, impeded or delayed.

(d) If in the course of performing public construction or improvements, historic, prehistoric or archeological sites, locations, remains or objects are discovered, the department shall be notified and its concurrence shall be requested in continuing the construction or improvement. Upon receipt of this notice, the department shall survey the area to determine whether the area contains historic, prehistoric or archeological data which should be preserved in the public interest. The survey shall be conducted as expeditiously as possible. If, as a result of the survey, it is determined that (1) this data exists in the area, (2) the data has exceptional historic, prehistoric or archeological significance, and should be collected and preserved in the public interest, and (3) it is feasible to collect and preserve the data, the department shall perform the necessary work to collect and preserve the data. This work shall be performed as expeditiously as possible.

(e) If the concurrence of the department, required under (b) and (c) of this section, is not obtained after 90 days from the filing of a request for its concurrence to proceed with the project, the agency or person performing the construction or improvement may apply to the governor for permission to proceed without that concurrence and the governor may take the action he considers best in overruling or sustaining the department.

(f) The costs of investigation, recording and salvage of the site shall be reimbursed by the agency sponsoring the construction project.

(g) Notwithstanding (a) — (f) of this section, all actions to stop any project must first be approved in writing by the commissioner of natural resources. (§ 1 ch 130 SLA 1971; am § 1 ch 112 SLA 1974)

Revisor's note (1971). — In ch. 130, SLA 1971, subsection (g) referred to "(a) and (f)." However, the floor amendment adding (g) read "(a) — (f)," and the text has been corrected here. (See 1971 House Journal, p. 1251).

Effect of amendment. — The 1974 amendment substituted "department" for "state archeologist" throughout the

section, deleted "in cooperation with the state archeologist" in the first sentence of subsection (c) and in the fourth sentence of subsection (d), substituted "its concurrence" for "his concurrence" in the first sentence of subsection (d) and in subsection (e), and deleted "of the archeologist" following "all actions" in subsection (g).

Sec. 41.35.080. Permits. The commissioner may issue a permit for the investigation, excavation, gathering or removal from the natural state, of any historic, prehistoric or archeological resources of the state. A permit may be issued only to persons or organizations qualified to make the investigations, excavations, gatherings or removals and only if the results of these authorized activities will be made available to the general public through institutions and museums interested in disseminating knowledge on the subjects involved. If the historic, prehistoric or archeological resource involved is one which is, or is located on a site which is, sacred, holy or of religious significance to a cultural group, the consent of that cultural group must be obtained before a permit may be issued under this section. (§ 1 ch 130 SLA 1971; am § 2 ch 112 SLA 1974)

Effect of amendment. — The 1974 amendment deleted "with the advice and concurrence of the state archeologist" following "commissioner" near the beginning of the first sentence.

Sec. 41.35.090. Notice required of private persons. Before any construction, alteration or improvement of any nature is undertaken on a privately owned, officially designated state monument or historic site by any person, he shall give the department three months notice of intention to construct on, alter or improve it. Before the expiration of the three-month notification period, the department shall either begin eminent domain proceedings under § 60(b) of this chapter or undertake or permit the recording and salvaging of any historic, prehistoric or archeological information considered necessary. (§ 1 ch 130 SLA 1971; am § 3 ch 112 SLA 1974)

Effect of amendment. — The 1974 amendment deleted "and the state archeologist" following "department" in the first sentence.

Sec. 41.35.100. Excavation and removal of historic, prehistoric or archeological remains on private land. Before any historic, prehistoric or archeological remains are excavated or removed from private land by the department, the written approval of the owner shall first be secured. When the value of the private land is diminished by the excavation or removal, the owner of the land shall be compensated for the loss at a monetary sum mutually agreed on by the department and

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the owner or at a monetary sum set by the court. (§ 1 ch 130 SLA 1971; am § 4 ch 112 SLA 1974)

Effect of amendment. — The 1974 archeologist" following "department" in amendment deleted "or the state the first sentence.

Sec. 41.35.110. Historic sites advisory committee. There is created in the Department of Natural Resources the Historic Sites Advisory Committee. (§ 1 ch 130 SLA 1971)

Sec. 41.35.120. Composition of committee. The committee consists of the following persons:

- (1) the director of the Alaska State Museum;
- (2) the state liaison officer appointed under the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);
- (3) three persons with professionally relevant backgrounds appointed from each of the following fields: history, architecture and archeology; and
- (4) two persons appointed to represent indigenous ethnic groups. (§ 1 ch 130 SLA 1971; am §§ 5, 6 ch 112 SLA 1974)

Effect of amendment. — The 1974 paragraph (3) inserted "each of" and amendment substituted "director of the Alaska State Museum" for "state archeologist" in paragraph (1), and in deleted anthropology, paleontology, geology and natural history from the list of fields.

Sec. 41.35.130. Appointment of members. Members of the committee are appointed by the governor and confirmed by the legislature meeting in joint session. The members of the committee shall serve at the pleasure of the governor. (§ 1 ch 130 SLA 1971)

Sec. 41.35.140. Term of membership. The term of office for a member of the committee is three years, except for those who are members by virtue of their positions with the state. They serve for as long as they remain in the position by virtue of which they are members of the committee. A member appointed to fill a vacancy serves for the unexpired term of the member he succeeds. Of those members listed under § 120(3) and (4) of this chapter, upon initial appointment, one shall serve for one year, two for two years, and two for three years. (§ 1 ch 130 SLA 1971)

Sec. 41.35.150. Compensation. The members of the committee serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (§ 1 ch 130 SLA 1971)

Cross reference.— As to transportation and per diem expenses for members of boards, commissions, etc., see AS 39.20.180.

Sec. 41.35.160. Officers. At the first meeting of each year, the committee shall elect a chairman from among its members. (§ 1 ch 130 SLA 1971)

Sec. 41.35.170. Meetings and quorum. The committee shall meet at least twice a year. Additional meetings may be called by the chairman or by petition of at least five members. Five members of the committee constitutes a quorum. (§ 1 ch 130 SLA 1971)

Sec. 41.35.180. Duties of the committee. The Historic Sites Advisory Committee shall

(1) develop criteria for the evaluation of state monuments and historic sites and all real and personal property which may be considered to be of historic, prehistoric or archeological significance as would justify their acquisition and ownership by the state;

(2) cooperate with the Department of Natural Resources in formulating and administering a statewide historic sites survey under the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);

(3) review those surveys and historic preservation plans that may be required, and approve properties for nomination to the National Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);

(4) provide necessary assistance to the governor and the legislature for achieving balanced and coordinated state policies and programs for the preservation of the state's historic, prehistoric and archeological resources.

(5) consult with local historical district commissions regarding the establishment of historical districts under AS 29.48.108 — 29.48.110 and the approval of project alterations under AS 45.98.040; recommend, if appropriate, the formulation of additional criteria for the designation of historical districts under AS 29.48.110(b); approve plans for and evaluate the suitability of specific structures for purposes of loan eligibility and continuance under the historical district revolving loan fund (AS 45.98); and consult with the Department of Commerce and Economic Development relative to the adoption of regulations for historical district loans under AS 45.98. (§ 1 ch 30 SLA 1971; am § 7 ch 112 SLA 1974; am § 4 ch 139 SLA 1977)

Effect of amendments. — The 1974 amendment deleted "and the state archeologist" following "Department of Natural Resources" in paragraph (2).

The 1977 amendment added paragraph (5).

Editor's note. — Section 1, ch. 139, SLA 1977, provides: "INTENT. It is the intent

of the legislature to foster an awareness of the need to preserve our historic past to protect those visible aspects of our invaluable heritage so that present and future generations may continue to be enriched by the originality and strength of Alaska's architectural and cultural beginnings."

Sec. 41.35.190. Powers of chairman. Subject to available appropriations the chairman may, with the concurrence of a majority of the committee, employ necessary personnel and may contract for the services of experts and other persons who may be needed. (§ 1 ch 130 SLA 1971)

Sec. 41.35.200. Unlawful acts. (a) It is unlawful for a person to appropriate, excavate, remove, injure, or destroy, without a permit from the commissioner, any historic, prehistoric or archeological resources of the state.

(b) It is unlawful for a person to possess, sell, buy or transport within the state, or offer to sell, buy or transport within the state, historic, prehistoric or archeological resources taken or acquired in violation of this section or 16 U.S.C. 433.

(c) No person may unlawfully destroy, mutilate, deface, injure, remove or excavate a gravesite or a tomb, monument, gravestone or other structure or object at a gravesite, even though the gravesite appears to be abandoned, lost or neglected.

(d) An historic, prehistoric or archeological resource which is taken in violation of this section shall be seized by any person designated in § 220 of this chapter wherever found and at any time. Objects seized may be disposed of as the commissioner determines by deposit in the proper public depository. (§ 1 ch 130 SLA 1971; am § 8 ch 112 SLA 1974)

Effect of amendment. — The 1974 “possess, sell, buy or transport” near the amendment deleted “knowingly” preceding beginning of subsection (b).

Sec. 41.35.210. Penalties. A person who violates a provision of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both. (§ 1 ch 130 SLA 1971)

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Sec. 41.35.230. Definitions. In this chapter, unless the context otherwise requires,

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§ 41.35.240

ALASKA STATUTES

§ 41.40.040

(4) "historic, prehistoric and archeological resources" includes deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state. (§ 1 ch 130 SLA 1971)

Sec. 41.35.240. Title of chapter. This chapter may be cited as the Alaska Historic Preservation Act. (§ 1 ch 130 SLA 1971)

HB

103

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

January 31, 1979

Date: ~~1/5 1979~~ ~~1/15 79~~

Mr. Speaker:

The Committee on C&RA has had HB103

"An Act increasing the optional resident's real property tax exemption; eff. date."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Fred L. Jones

Robert L. Jones

Bill Pate

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Don Williams

Charles P. ...

Fred L. Jones

Ray ...

Bill Pate
CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 3/15/79

BILL NUMBER AND TITLE: HB 103 Increasing the optional residential real property tax exemption

ORIGINAL SPONSOR : Randolph & Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Members passed out HB103 with the following recommendations:

DO PASS

Carney- No Recommendation

Branson-Do NOT Pass

O'Connell

Parr- Do Not Pass

Parker

Zharoff-No recommendation

Metcalfe-Do Not Pass

COMMITTEE ACTION: See above

TAPE # 4 SIDE 1

Sections 1102-1120

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill #103

Title An Act increasing the optional Residential Real Property Tax Exemption

Requested by Representatives Randolph and Malone Date 2-23-79

II. FISCAL DETAIL

Agency Affected General Fund

Program Category Affected All

Budget Request Unit(s) Affected All

EXPENDITURES (Thousands of Dollars)

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



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 2/19/79

BILL NUMBER AND TITLE: HB 103 Increasing the optional residential real property tax exemption; and providing for an effective date

ORIGINAL SPONSOR : Randolph & Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: finance

MEMBERS PRESENT:

MEMBERS ABSENT: Carney
Metcalfe

Parker Parr
Zharoff Branson

O'Connell
INDIVIDUALS CONTACTED:

Rep. Malone

WITNESSES TESTIFYING:

Rep. Malone-- Raising the limit to \$50,000 increases the value of the bill to those communities which can use it. (Initiative in Kenai enables residents to take advantage of exemption) Lines 13-15 were added in 1973. The entire Section (a) was originally added to give local governments increased flexibility re taxing.

Concerns were expressed related to what the net effect of this change would be fiscally. Fiscal note was requested of Palmer McCarter representing the Dept. of Community and Regional Affairs. Parr pointed out that the main concern was the effect it could have on pipeline related monies.

"Alaska Taxable" was consulted. It was determined that presently North Slope, Valdez, Fairbanks North Star Borough (and Kenai by Initiative) are presently used AS29.53.025 (a)

COMMITTEE ACTION: Held pending receipt of Fiscal Note from CRA

TAPE # 2 SIDE 1 Sections 2165- to end



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 2/28/79

BILL NUMBER AND TITLE: HB 103 Increasing the optional residential real property tax exemption

ORIGINAL SPONSOR : Randolph & Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Finance

MEMBERS PRESENT:

Parker
Metcalf
Zharoff
Parr

Branson
Carney

MEMBERS ABSENT:

O'Connell

INDIVIDUALS CONTACTED:

Malone 3799
Randolph 4955

Dept. of C&RA
Lee Sharp

Marilyn Miller

WITNESSES TESTIFYING:

Randolph -- Sees bill as self explanatory.

Terry Earley, State Assessor, Dept. of C&RA Fiscal note for \$850,000 includes North Pole, North Slope and Valdez.

Rep. Parr questions re letter from Kenai Borough and non-inclusion of Kenai in fiscal note.

COMMITTEE ACTION: No action (pending written copy of fiscal note)

TAPE # 2 SIDE 2

Sections 958-1083

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to
Received from Finance

BILL NO. HB 103 re National residential real property tax exemption

Original Sponsor Malone & Randolph

Fiscal Note Requested of CIRA \$50,000 -

Contacts:

LAA Legal Research contact: _____

- ✓ Malone 3799
 - ✓ Randolph 4955
 - ✓ CIRA
 - ✓ Dr. Sharp
 - ✓ M. Miller
- } Notified on 2/28
hearing



KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669
PHONE 262-4441

February 22, 1979

DON GILMAN
MAYOR

HB 103
cc. CARRA

The Honorable Hugh Malone
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Representative Malone:

This letter is written to provide you with an analysis of the fiscal implications to the Borough of a \$50,000 real property exemption. Representative Branson and I have talked about this concept via telephone, and at her suggestion the following information is provided:

1. Currently there are approximately 5,000 owner occupied residences within this Borough. The Assembly has declared that trailer units, multi-family dwelling units, living areas attached to or included in a business, are considered to be residential for the purposes of exemption as long as the owner resides at that address. There are about 4,500 hundred single family residences occupied by the owner.
2. The average assessment on land and improvements is well over \$50,000, therefore we must assume that nearly all of the 4,500 residences would qualify.
3. $4,500 \times \$50,000 = \$225,000,000$ reduction of current assessed value - (\$1,800,000,000 approximately).
4. With current mill rate (4.5) a loss of revenue of \$1,012,500.
5. A mill rate increase of .64 mill would need to be levied on remaining assessed value (\$1,575,000,000) to make up lost revenue, or 5.14 mill equivalent.
6. Oil and gas properties subject to 20 mill gas tax equals \$450,000,000. With .64 mill rate increase the State would receive \$288,000 less than at current rate.

The Honorable Hugh Malone
February 22, 1979
Page 2

In fairness it must be pointed out that businesses, vacant land, and those portions of multi-family dwellings over and above the \$50,000 exemption would be having an increase in taxes both from increased assessments and increase in rates.

If I can be of further assistance please contact my office.

Sincerely,

Donald E. Gi'man, Mayor
Kenai Peninsula Borough

DEG:mw

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill #103
 Title An Act increasing the optional Residential Real Property Tax Exemption
 Requested by Representatives Randolph and Malone Date 2-23-79

II. FISCAL DETAIL

Agency Affected General Fund
 Program Category Affected All
 Budget Request Unit(s) Affected All

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

GENERAL FUND	N/A					
FEDERAL FUNDS	N/A					
OTHER (Specify)	N/A					
	N/A					
	N/A					

POSITIONS

FULL TIME	N/A					
PART TIME						
TEMPORARY						

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

Based on the assumption that those units that grant the optional \$10,000 exemption would also grant the \$50,000 authorized in this bill. The State would lose approximately \$850,000 in revenue. Currently three of the taxing jurisdictions that grant the \$10,000 current exemptions have their taxing ability limited by AS 29.53.045 & 50 and also AS 43.56.010. Therefore, any additional exemptions would decrease locally generated revenue but be offset by Oil and Gas Tax revenues. This increase in oil and gas tax revenues would be a direct dollar for dollar reduction in State General Fund.

IV. DATE 2-23-79 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)

HB 103 TITLE & SPONSOR SUMMARY

14:01 3/20/79 PAGE 1 OF 2

AMENDED TITLE:

AN ACT INCREASING THE OPTIONAL RESIDENTIAL REAL PROPERTY

TAX EXEMPTION;

AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSORS: RANDOLPH.

CO-SPONSORS: MALONE.

CURRENT STATUS: 3/15/79 IN (H) FINANCE

HB 103 HOUSE ACTION

14:02 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/31/79	01	0106	FIRST READING -- COMMITTEE REPORTS
03/15/79	02	0593	CRA -- DP02, DNF03, NR02
			FINANCE
			RULES
****	**	**	*** ** *

HB

127



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 9

Official Business

DATE: 4/23/79

BILL NUMBER AND TITLE: CSSB201 Relating to the Salaries of elected municipal officials

ORIGINAL SPONSOR : Community and Regional Affairs Committee by request

OTHER SPONSORS: (Rules)CS

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

Bill Parker X
Margaret Branson X
Pat O'Connell X

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

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Ginny Chitwood, Municipal League

Refers to Senate rationale for removing reference to mayor's salary not being able to be reduced. The only public officials at the present time who can't have salaries reduced are judges. Senate did not want to include mayors.

Parr- Concerned about the need for balance. O'Connell agrees with Parr. Sees that the Senate wording might allow the Council or Assembly to use mayor's salary as a weapon. Would like to see the assurance that the mayor's salary not be reduced back in the bill as it was contained in HB 127. Allows mayors to keep up with the cost of living. Parr says leave statute as is or use House version.

Consensus is that the House version of the bill, HB 127, replace CSSB201 as a House Committee Substitute.

Passed out with a unanimous DO PASS recommendation.

COMMITTEE ACTION: Passed out DO PASS

TAPE # 7 SIDE 2

Sections 1150-1235

3/2/79

Workshop with Municipal League

Ron Larson--Mayor, Mat-Su Borough- on Municipal League Legislative Committee
HB 127 Top priority of Municipal League
Local level would amke the decisions themselves
If you establish a salary are you "changing" a salary?

Tom Bearup--Mayor, Soldotna
Supports HB 127

Jim NOrdale -- Attorney, North Star Borough. On Municipal League Leg. Committee
Home Rule communities are (aren't) under the bill.
Supports HB 127.

Dr. Mike Emmick--Kodaik (Port Lions)
Supports HB 192 (Revenue Sharing)
On 40% bill--In Kodaik they take total number of votes and divide by # of people who
voted. Expense to local government should be considered.
This is a problem if you are voting in a fire service area. Perhaps
300 people live in the area. You need 40% and only 100 people vote.
It should be local option to allow municipality to retain the 40% provision
in elections.

Martin Tengs-- Haines Borough Mayor.

Mike Emmick--Anchorage had been supportive of HB 192 when it was being
drafted.

Re HB 192 suggests using 17Million rather than 27Million \$ to get
realistic formula.

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to --
Received from --

BILL NO. HB 127 re Salaries of elected municipal officials

Original Sponsor (H) C&RA Committee

Fiscal Note Received from C&RA (\$0 impact)

Contacts:

Lee Sharp
Marilyn Miller
Dept. of D&RA

LAA Legal Research contact Chenoweth

Bill was introduced last year ('78) as HB ⁸⁷³ ~~125~~ or ~~127~~.
Introduced this yr. at request of Municipal League.

Mayor of Soldotna doesn't receive salary. Wanted to give him some compensation so bill being introduced to say you can raise amount but not change it. (reduce it)

Hearing to be held on March 2 when Municipal League Legislative Committee and Mayors are in Juneau.

3/2/79

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realistic formula.

I. REQUEST

Bill/Resolution No. Senate Bill No. 201 (HB 127)
Title "An Act relating to the salaries of elected municipal officials."
Requested by Community & Regional Affairs Committee Date 2-27-79

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs
Program Category Affected _____
Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		-0-	-0-	-0-		
200 TRAVEL		-0-	-0-	-0-		
300 CONTRACTUAL		-0-	-0-	-0-		
400 COMMODITIES		-0-	-0-	-0-		
500 EQUIPMENT		-0-	-0-	-0-		
600 LAND & STRUCTURES		-0-	-0-	-0-		
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-		
TOTAL		-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

NO FISCAL IMPACT TO THE STATE

IV. DATE February 27, 1979 PREPARED BY Palmer, McFarter, Director
AGENCY Community & Regional Affairs, LGAD
PHONE 465-1707

I. REQUEST

Bill/Resolution No. Senate Bill No. 201 (HB 127)
Title "An Act relating to the salaries of elected municipal officials."
Requested by Community & Regional Affairs Committee Date 2-27-79

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs
Program Category Affected _____
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300 CONTRACTUAL		-0-	-0-	-0-		
400 COMMODITIES		-0-	-0-	-0-		
500 EQUIPMENT		-0-	-0-	-0-		
600 LAND & STRUCTURES		-0-	-0-	-0-		
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-		
TOTAL		-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

NO FISCAL IMPACT TO THE STATE

IV. DATE February 27, 1979 PREPARED BY Palmer, McCarter, Director
AGENCY Community & Regional Affairs, LGAD
PHONE 465-4707

HB

132

HB 132 TITLE & SPONSOR SUMMARY

13:29 3/20/79 PAGE 1 OF 2

~~AMENDED TITLE:~~

AN ACT MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT
OF COMMUNITY AND REGIONAL AFFAIRS FOR A GRANT TO THE
CITY OF DILLINGHAM FOR RELOCATING A SANITARY LANDFILL;
AND PROVIDING FOR AN EFFECTIVE DATE

\$250,000 (APPROP)

~~PRIME SPONSORS: ANDERSON.~~

~~CO-SPONSORS:~~

~~CURRENT STATUS: 3/14/79 IN THE FINANCE~~

HB 132 HOUSE ACTION

13:31 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/06/79	01	0146	FIRST READING -- COMMITTEE REPORTS
03/14/79	02	0574	CRA -- CS03, NR03 FINANCE RULES

**** ** ** *** ** *



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 3/14/79

BILL NUMBER AND TITLE: HB132 Appropriation to DEC re grant to City of Dillingham for relocating a sanitary landfill

ORIGINAL SPONSOR : Anderson

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Finance

MEMBERS PRESENT: Branson
Parker Zharoff
Carney O'Connell
Metcalf Parr

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Anderson -- Reduce appropriation to \$225,000

Branson -- Have bailer operations been looked into as a reasonable alternative?

Parr -- Can the community fund it themselves?

DO PASS

Parker
Branson
O'Connell

No Recommendation

Carney
Parr
Metcalf

COMMITTEE ACTION: Bill amended to \$225,000 appropriation and passed out.

TAPE # A SIDE 1 Sections 861-905

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

February 6, 1979

Date: 14 Mar 79

Mr. Speaker:

The Committee on C&RA has had HB 132

"An Act making a special appropriation to the Department of Community and Regional Affairs for a grant to the City of Dillingham for re-locating a sanitary landfill; eff. date."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 115 127 same title
 new title
- and recommends 15 11 1055
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Bill P...
...
...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

...
...
...

Bill P...

 CHAIRMAN

COMMITTEE SUBSTITUTE
~~AMENDMENT~~

OFFERED IN THE HOUSE:

By: _____

To: _____ HOUSE BILL No. 132

SENATE BILL No. _____

PAGE: 1

LINE: 11

Change \$250,000 to \$225,000