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1. Government, the Federal Government should offer to
2 transfer the railroad to the State, in accordance
3 with the provisions of this Act, in the same manner
4 in which other Federal transportation functions
5 (including highways and airports) have been
6 transferred since Alaska became a State in 1959.

7 DEFINITIONS

8 Sec. 3. As used in this Act, the term--

9 (1) "Alaska Railroad" means the agency of the
10 United States Government that is operated by the
11 Department of Transportation as a rail carrier in
12 Alaska under authority of the Act of March 12, 1914
13 (43 U.S.C. 975 et seq.) (popularly referred to as
14 the "Alaska Railroad Act") and section 6(i) of the
15 Department of Transportation Act (49 U.S.C.
16 1555(i));

17 (2) "Alaska Railroad Revolving Fund" means the
18 public enterprise fund maintained by the Department
19 of the Treasury into which revenues of the Alaska
20 Railroad and appropriations for the Alaska Railroad
21 are desposited, and from which funds are expended
22 for operation, maintenance and construction work on
23 the Alaska Railroad which is authorized by law;

24 (3) "date of transfer" means the date on which
25 the Secretary delivers to the State the deed of

1 conveyance referred to in section 4(a)(2) of this
2 Act;

3 (4) "employees" means all personnel employed
4 by the Alaska Railroad on the date of transfer,
5 including the officers of the Alaska Railroad,
6 unless otherwise indicated in this Act;

7 (5) "officers of the Alaska Railroad" means
8 the following specific positions established at the
9 Alaska Railroad as of July 1, 1981: General
10 Manager; Assistant General Manager; Assistant to
11 the General Manager; Chief of Administration; and
12 Chief Counsel;

13 (6) "rail properties of the Alaska Railroad"
14 means all right, title, and interest of the United
15 States, both tangible and intangible, to lands,
16 buildings, facilities, machinery, equipment,
17 supplies, records, and other real and personal
18 properties in which there is an interest reserved,
19 withdrawn, appropriated, owned, administered or
20 otherwise claimed by or for the Alaska Railroad as
21 of the date of enactment of this Act, but excluding
22 any such properties disposed of, and including any
23 such properties acquired, in the ordinary course of
24 business after that date but before the date of
25 transfer, and also excluding the following:

1 (A) the unexercised reservation to the
2 United States for future rights-of-way
3 required in all patents for land taken up,
4 entered, or located in Alaska, as provided by
5 the Act of March 12, 1914 (43 U.S.C. 975 et
6 seq.);

7 (B) the right of the Secretary to
8 exercise the power of eminent domain;

9 (C) any money in the Alaska Railroad
10 Revolving Fund which the State and the
11 Secretary agree is needed to satisfy
12 obligations incurred by the United States in
13 connection with the operation of the Alaska
14 Railroad which would have been paid from such
15 Fund but for this Act and which are not
16 assumed by the State pursuant to this Act;

17 (D) real or personal property which the
18 Secretary determines with the consent of the
19 State, prior to the date of transfer under
20 section 4 of this Act, to be necessary to
21 carry out functions of the Federal Government
22 after the date of transfer; and

23 (E) those Alaska Railroad properties near
24 McKinley Park Station, described in section 12
25 of this Act;

1 (notwithstanding the repeal of such Act by section 15
2 of this Act), regardless of whether such reservations
3 were expressed in a particular patent or other document
4 of title. In such deed, the United States shall
5 warrant to the State that the State receives a fee
6 simple title in the right-of-way for the main line and
7 branch line tracks and for lands not determined
8 pursuant to section 6 of this Act to be equitably owned
9 by a third party. This warranty obligation shall be
10 deemed an express contract of and with the United
11 States.

12 (B) In the deed of conveyance to the State, there
13 shall be reserved to the Secretary of the Interior the
14 right to use and occupy, without compensation, 5,000
15 square feet of land at Talkeetna, Alaska, as described
16 in ARR Lease Number 69-25-0003-5165 for National Park
17 Service administrative activities, if the use or
18 occupation does not interfere with the operation of the
19 State-owned railroad. This reservation shall be
20 effective on the date of transfer under this section or
21 the expiration date of such Lease, whichever is later.

22 (b)(1) Prior to transferring the rail properties of
23 the Alaska Railroad to the State, as provided in
24 subsection (a) of this section, the Secretary shall
25 certify that the State has agreed to operate the rail

1 properties of the Alaska Railroad as a rail carrier in
2 intrastate and interstate commerce.

3 (2)(A) The Secretary shall also certify that the
4 State has agreed to assume all rights, liabilities, and
5 obligations of the Alaska Railroad at the time of
6 transfer, including leases, permits, licenses,
7 contracts, agreements, claims, tariffs, accounts
8 receivable, and accounts payable, except as otherwise
9 provided by this Act.

10 (B) Notwithstanding the provisions of subparagraph
11 (A) of this paragraph, the United States shall be
12 solely responsible for--

13 (i) all claims and causes of action against
14 the Alaska Railroad that accrue on or before the
15 date of transfer, regardless of the date on which
16 legal proceedings asserting such claims were or may
17 be filed, except that the United States shall, in
18 the case of any tort claim, only be responsible for
19 any such claim against the United States that
20 accrues before the date of transfer and results in
21 an award, compromise, or settlement of more than
22 \$2,500, and the United States shall not compromise
23 or settle any claim resulting in State liability
24 without the consent of the State, which consent
25 shall not be unreasonably withheld; and

1 (ii) all claims that resulted in a judgment or
2 award against the Alaska Railroad before the date
3 of transfer.

4 (C) For purposes of subparagraph (B) of this
5 paragraph, the term "accrue" shall have the meaning
6 contained in section 2401 of title 28, United States
7 Code.

8 (3)(A) The Secretary shall also certify that the
9 State-owned railroad has established arrangements
10 pursuant to section 7 of this Act to protect the
11 employment interests of employees of the Alaska
12 Railroad during the two-year period commencing on the
13 date of transfer. These arrangements shall include
14 provisions--

15 (i) which ensure that the State-owned railroad
16 will adopt collective bargaining agreements in
17 accordance with the provisions of subparagraph (B)
18 of this paragraph;

19 (ii) for the retention of all employees, other
20 than officers of the Alaska Railroad, in their same
21 positions, except in cases of reassignment,
22 separation for cause, resignation, retirement, or
23 lack of work, who elect to transfer to the State-
24 owned railroad for the two-year period commencing
25 on the date of transfer;

1 (iii) for the payment of compensation to
2 transferred employees, except as provided in clause
3 (iv) of this subparagraph or except in cases of
4 separation for cause, resignation, retirement, or
5 lack of work, for two years at or above the base
6 salary levels in effect on the date of transfer,
7 unless the parties otherwise agree during that two-
8 year period;

9 (iv) for payment during the two-year period
10 commencing on the date of transfer to officers of
11 the Alaska Railroad not retained or separated by
12 the State-owned railroad of compensation equivalent
13 to that which such officers would receive in one
14 year at the salary levels effective for such
15 officers on the day before the date of transfer,
16 except that the Secretary, at the request of the
17 State-owned railroad, shall reassign any officer
18 who is a member of the Federal Senior Executive
19 Service, and the State-owned railroad shall not be
20 required to pay the compensation provided in this
21 clause in the event of such reassignment,

22 (v) for priority of reemployment at the State-
23 owned railroad during the two-year period
24 commencing on the date of transfer for transferred
25 employees who are terminated or laid off for lack

1 of work, in accordance with subparagraph (C) of
2 this paragraph;

3 (vi) for credit during the two-year period
4 commencing on the date of transfer for accrued
5 annual and sick leave, seniority rights, health and
6 life insurance benefits, and relocation and
7 turnaround travel allowances which have been
8 accrued by transferred employees retained by the
9 State-owned railroad; and

10 (vii) for payment to transferred employees
11 retained by the State-owned railroad during the
12 two-year period commencing on the date of transfer
13 of an amount equivalent to the cost-of-living
14 allowance to which they are entitled as Federal
15 employees on the day before the date of transfer,
16 in accordance with the provisions of subparagraph
17 (D) of this paragraph.

18 (B) The State-owned railroad shall adopt all
19 collective bargaining agreements which are in effect on
20 the date of transfer. Such agreements shall continue
21 in effect for the two-year period commencing on the
22 date of transfer, unless the parties agree to the
23 contrary before the expiration of that two-year period.
24 Such agreements shall be renegotiated during the two-
25 year period, unless the parties agree to the contrary.

1 (C) Federal service shall be included in the
2 computation of seniority for transferred employees with
3 priority for reemployment, as provided in subparagraph
4 (A)(v) of this paragraph.

5 (D) Payment to transferred employees pursuant to
6 subparagraph (A)(vii) of this paragraph shall not
7 exceed the percentage of any transferred employee's
8 base salary level provided by the United States on the
9 date of transfer, unless the parties agree to the
10 contrary.

11 (4) The Secretary shall also certify that the State
12 has agreed to allow representatives of the Secretary
13 adequate access to employees and records of the Alaska
14 Railroad when needed for the performance of functions
15 related to the period of Federal ownership.

16 TRANSITION PERIOD

17 Sec. 5. (a) Within 6 months after the date of
18 enactment of this Act, the Secretary and the Governor
19 of Alaska shall jointly prepare and deliver to the
20 Congress and the Legislature of the State of Alaska a
21 report that describes in detail the rail properties of
22 the Alaska Railroad, the liabilities and obligations to
23 be assumed by the State, and the sum of money, if any,
24 in the Revolving Fund to be withheld from the State
25 pursuant to section 3(5)(C) of this Act.

1 (b) During the period from the date of enactment of
2 this Act until transfer of the rail properties of the
3 Alaska Railroad pursuant to section 4 of this Act, the
4 State shall have the right to inspect, analyze,
5 photograph, photocopy and otherwise evaluate all of the
6 rail properties of the Alaska Railroad and all records
7 related to the rail properties of the Alaska Railroad
8 maintained by any agency of the United States under
9 conditions established by the Secretary to protect the
10 confidentiality of proprietary business data, personnel
11 records, and other information, the public disclosure
12 of which is prohibited by law. During that period, the
13 Secretary and the Alaska Railroad shall not, without
14 the consent of the State (except as required by law)--

25 (1) make or incur any obligation to make any
16 capital expenditure of money from the Alaska
17 Railroad Revolving Fund in excess of \$300,000;

18 (2) sell, exchange, give, or otherwise
19 transfer any real property included in the rail
20 properties of the Alaska Railroad; or

21 (3) lease any rail property of the Alaska
22 Railroad for a term in excess of 5 years.

23 (c) Prior to transfer of the rail properties of the
24 Alaska Railroad to the State, the Secretary shall
25 conform the Alaska Railroad's accounting practices and
26 systems to those required of comparable rail carriers

1 subject to the jurisdiction of the Interstate Commerce
2 Commission.

3 LANDS TO BE TRANSFERRED

4 Sec. 5. (a) Lands to be transferred by the Federal
5 Government under section 4 of this Act shall be
6 transferred subject to valid existing rights and
7 subject to reconveyance to satisfy final adjudications
8 of valid existing rights pursuant to this section, and
9 are--

10 (1) not public lands within the definition
11 contained in section 3(e) of the Alaska Native
12 Claims Settlement Act (43 U.S.C. 1602(e)), if such
13 lands are now or are subsequently determined to be
14 the "smallest practicable tract" within the meaning
15 of that section;

16 (2) excluded from selection under section 12
17 of the Act of January 2, 1976 (43 U.S.C. 1611,
18 note);

19 (3) excluded from selection under section 1425
20 of the Alaska National Interest Lands Conservation
21 Act (Public Law 96-487; 94 Stat. 2515); and

22 (4) not available for conveyance under section
23 1430 of the Alaska National Interest Lands
24 Conservation Act (Public Law 96-487; 94 Stat.
25 2531).

1 (b) (1) The Secretary of the Interior shall have the
2 continuing jurisdiction and duty to adjudicate claims
3 of valid existing rights arising under Federal law in
4 lands which are among the rail properties of the Alaska
5 Railroad transferred pursuant to section 4 of this Act.
6 The Secretary of the Interior shall issue written
7 decisions following such adjudication and, after such
8 reconveyance of legal title to the United States as may
9 be necessary, shall issue appropriate documents of
10 title.

11 (2) The Secretary of the Interior shall, within one
12 year after the date of enactment of this Act, complete
13 the determination of smallest practicable tract (within
14 the meaning of section 3(e)(1) of the Alaska Native
15 Claims Settlement Act (43 U.S.C. 1502(e)(1)) on lands
16 which are among rail properties of the Alaska Railroad.
17 In making such determination, the Secretary shall
18 consider the findings and policies of this Act,
19 including that--

20 (A) transfer of a right-of-way in fee is
21 necessary for the operation and future expansion of
22 the State-owned railroad, has been in actual use
23 within the meaning of section 3(e)(1) of the Alaska
24 Native Claims Settlement Act (43 U.S.C. 1602(e)),
25 and is warranted pursuant to section 4 of this Act;
26 and

1 (B) the characteristics of existing and future
2 rights-of-way of the State-owned railroad must, at
3 a minimum, conform to the physical characteristics
4 of the Alaska Railroad on the date of transfer, as
5 derived from common practice and authorized under
6 section 1 of the Act of March 12, 1914 (43 U.S.C.
7 975 et seq.), which is repealed by section 15 of
8 this Act.

9 (c)(1) The decision of the Secretary pursuant to
10 subsection (b) of this section shall be subject to
11 judicial review only in the United States District
12 Court for the District of Alaska. Review of agency
13 action pursuant to this Act shall be expedited to the
14 same extent as the expedited review provided by section
15 1109 of the Alaska National Interest Lands Conservation
16 Act (16 U.S.C. 3168).

17 (2) No administrative or judicial action under this
18 Act shall impair or impede the operations of the Alaska
19 Railroad.

20 (3) The State shall have standing to participate in
21 any administrative determination or judicial review
22 pursuant to this section.

23 (d) Nothing in this Act or any other provision of
24 law shall give rise to any claim for compensation for
25 use of lands among the rail properties of the Alaska
26 Railroad that are conveyed to any person by the United

1 States or are reconveyed to the United States pursuant
2 to the requirements of this Act. This subsection shall
3 not prevent or impair a claim founded on the warranty
4 obligation contained in section 4(a)(2)(A) of this Act.

5 EMPLOYEES OF THE ALASKA RAILROAD

6 Sec. 7. (a)(1) Any employees who elect to transfer
7 to the State-owned railroad and who on the day before
8 the date of transfer are subject to the civil service
9 retirement law (subchapter III of chapter 83 of title
10 5, United States Code) shall, so long as continually
11 employed by the State-owned railroad without a break in
12 service, continue to be subject to such law. Solely
13 for purposes of such law, employment by the State-owned
14 railroad without a break in continuity of service shall
15 be considered to be employment by the United States
16 Government. The State shall be the employing agency
17 for purposes of section 8334(a) of title 5, United
18 States Code, and shall contribute to the Civil Service
19 Retirement and Disability Fund a sum as provided by
20 section 8334(a) of title 5, United States Code, except
21 that such sum shall be determined by applying to the
22 total basic pay (as defined in section 8331(3) of title
23 5, United States Code) paid to the employees of the
24 State who are covered by the civil service retirement
25 law, the per centum rate determined annually by the
26 Director of the Office of Personnel Management to be

1 the excess of the total normal cost per centum rate of
2 the civil service retirement system over the employee
3 deduction rate specified in section 8334(a) of title 5,
4 United States Code. The State-owned railroad shall pay
5 into the Federal Civil Service Retirement and
6 Disability Fund that portion of the cost of
7 administration of such Fund which is demonstrated by
8 the Director of the Office of Personnel Management to
9 be attributable to its employees, except that the
10 State-owned railroad shall have the option of providing
11 benefits in accordance with the provisions of paragraph
12 (2) of this subsection.

13 (2) At any time during the two-year period
14 commencing on the date of transfer, the State-owned
15 railroad shall have the option of providing to
16 transferred employees retirement benefits, reflecting
17 prior Federal service, in or substantially equivalent
18 to benefits under the retirement program maintained by
19 the State for State employees. The State may provide
20 such benefits to all transferred employees, except
21 those employees who will meet the age and service
22 requirements for retirement under section 8336(a), (b),
23 (c) or (f) of title 5, United States Code, within 5
24 years after the date of transfer and who elect to
25 remain participants in the Federal retirement program.

1 (3) If the State elects to provide benefits under
2 paragraph (2) of this subsection--

3 (A) the provisions of paragraph (1) of this
4 subsection regarding payments into the Civil
5 Service Retirement and Disability Fund shall have
6 no further force and effect; and

7 (B) all of the accrued employee and employer
8 contributions and accrued interest on such
9 contributions made by and on behalf of the
10 transferred employees during their prior Federal
11 service (other than amounts for employees who will
12 meet the age and service requirements for
13 retirement under section 8336(a), (b), (c) or (f)
14 of title 5, United States Code, within 5 years
15 after the date of transfer and who elect to remain
16 participants in the Federal retirement program)
17 shall be withdrawn from the Federal Civil Service
18 Retirement and Disability Fund and shall be paid
19 into the retirement fund utilized by the State-
20 owned railroad for the transferred employees, in
21 accordance with the provisions of paragraph (2) of
22 this subsection. Upon such payment, credit for
23 prior Federal service under the Federal civil
24 service retirement system shall be forever barred,
25 notwithstanding the provisions of section 8334 of
26 title 5, United States Code.

1 (b) Employees of the Alaska Railroad who do not
2 transfer to the State-owned railroad shall be entitled
3 to all of the rights and benefits available to them
4 under Federal law for discontinued employees.

5 (c) Transferred employees whose employment with the
6 State-owned railroad is terminated during the two-year
7 period commencing on the date of transfer shall be
8 entitled under Federal law to all of the rights and
9 benefits of discontinued employees that such employees
10 would have had under Federal law if their termination
11 had occurred immediately before the date of the
12 transfer, except that financial compensation paid to
13 officers of the Alaska Railroad shall be limited to
14 that compensation provided pursuant to section
15 4(b)(3)(A)(iv) of this Act. Such employees shall also
16 be entitled to seniority and other benefits accrued
17 under Federal law while they were employed by the
18 State-owned railroad on the same basis as if such
19 employment had been Federal service.

20 STATE OPERATION

21 Sec. 8. (a)(1) After the transfer to the State
22 authorized by section 4 of this Act the State-owned
23 railroad shall be a rail carrier engaged in interstate
24 and foreign commerce subject to the jurisdiction of the
25 Interstate Commerce Commission under chapter 105 of
26 subtitle IV of title 49, United States Code, and all

1 other Acts applicable to rail carriers subject to that
2 chapter, except the Railroad Retirement Act of 1974 (45
3 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
4 151 et seq.), the Act of April 22, 1908 (45 U.S.C. 51
5 et seq.) (popularly referred to as the "Federal
6 Employers' Liability Act"), and the Railroad
7 Unemployment Insurance Act (45 U.S.C. 351 et seq.).

8 (2) All memoranda which sanction non-compliance
9 with Federal railroad safety regulations contained in
10 49 CFR Parts 209-236, and are in effect on the date of
11 transfer, will continue in effect according to their
12 terms as "waivers of compliance" (as that term is used
13 in section 202(c) of the Federal Railroad Safety Act of
14 1970 (45 U.S.C. 431(c)).

15 (3) The operation of trains by the State-owned
16 railroad shall not be subject to the requirement of any
17 State or local law which specifies the minimum number
18 of crew members which must be employed in connection
19 with the operation of such trains.

20 (4) Assets of and revenues generated by the State-
21 owned railroad shall be retained and managed by the
22 State-owned railroad for railroad and related purposes.

23 (b) The Interstate Commerce Commission shall
24 promulgate an expedited, modified procedure for
25 providing as soon as practicable after the transfer
26 authorized by section 4 of this Act, a certificate of

1 public convenience and necessity to the State-owned
2 railroad. The provisions of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section
4 382(b) of the Energy Policy and Conservation Act (42
5 U.S.C. 6362(b)) shall not apply to actions of the
6 Commission under this subsection.

7 (c) After the transfer to the State authorized by
8 section 4 of this Act, the Interstate Commerce
9 Commission may, after notice and opportunity for
10 hearing, exempt the State-owned railroad from any
11 applicable requirement of subtitle IV of title 49,
12 United States Code, under conditions prescribed by the
13 Commission.

14 (d). The State-owned railroad shall be eligible to
15 participate in all Federal railroad assistance programs
16 on a basis equal to that of other rail carriers subject
17 to the jurisdiction of the Interstate Commerce
18 Commission under subtitle IV of title 49, United States
19 Code.

20 (e) After the transfer to the State authorized by
21 section 4 of this Act, the portion of the rail
22 properties previously owned by the Alaska Railroad
23 within the boundaries of the Denali National Park and
24 Preserve shall be subject to such laws and regulations
25 for the protection of fish and wildlife and other park
26 values as the Secretary of the Interior may determine.

1 Such determination shall only be made with the
2 concurrence of the Governor of Alaska, who shall not
3 withhold concurrence unless such laws and regulations
4 would interfere with railroad operation and support
5 functions.

6 FUTURE RIGHTS-OF-WAY

7 Sec. 9. (a) After the date of enactment of this
8 Act, the State or State-owned railroad may request the
9 Secretary of the Interior or, when appropriate under
10 applicable law, the Secretary of Agriculture to grant
11 expeditiously a right-of-way in order that the Alaska
12 Railroad or the State-owned railroad may have access
13 across Federal lands for transportation and related
14 purposes. Prior to making a decision whether to grant
15 a right-of-way, the Secretary shall be consulted. When
16 such a right-of-way is granted, it shall be granted in
17 accordance with applicable provisions of law, except
18 that the right-of-way shall--

19 (1) be granted without compensation from the
20 State or State-owned railroad and without payment
21 of administrative fees or costs, or posting of
22 deposit or bond;

23 (2) extend not less than 100 feet on either
24 side of the center line of such railroad, unless
25 the United States does not own lands sufficient to
26 allow the grant of such width;

2 (3) include a lease, conveyance or permit to
3 the State or State-owned railroad of any necessary
4 or convenient terminal and station grounds and
5 material sites in the vicinity of the right-of-way;

6 (4) include, where requested by the State or
7 State-owned railroad, additional rights-of-way for
8 communication lines of not less than 25 feet on
9 either side of such lines;

10 (5) grant to the State or State-owned railroad
11 exclusive rights to use, quiet enjoyment, and
12 management of the surface and subsurface of the
13 lands within the right-of-way for transportation,
14 communication and transmission purposes;

15 (6) grant to the State or State-owned railroad
16 the right to authorize by lease or permit the use
17 of the right-of-way by parties other than the State
18 for any purpose authorized by paragraph (5) of this
19 subsection; and

20 (7) grant to the State or State-owned railroad
21 the exclusive right to extract and utilize
22 construction materials situated in the right-of-way
23 for any purpose authorized by paragraph (5) of this
24 subsection.

25 (b) Reversion to the United States of any right-of-
26 way granted to the State or State-owned railroad shall
27 occur only as provided in section 10 of this Act. The

1 date of the grant of any such right-of-way shall be
2 deemed the "date of transfer" within the meaning of
3 section 10 of this Act.

4 REVERSION

5 Sec. 10. (a) If, within five years after the date
6 of transfer to the State authorized by section 4 of
7 this Act, the Secretary finds that all or part of the
8 real property transferred to the State under this Act,
9 except--

10 (1) the portion of that real property which
11 lies within the boundaries of the Denali National
12 Park and Preserve; and

13 (2) any real property conveyed by the State in
14 satisfaction of claims of valid rights existing
15 under Federal law at the time of transfer;
16 is converted to a use that would prevent the State-
17 owned railroad from continuing to operate, that real
18 property (including permanent improvements to the
19 property) shall revert to the United States Government,
20 or (at the option of the State) the State shall pay to
21 the United States Government an amount determined to be
22 the value of that property at the time it ceased to be
23 used for railroad purposes.

24 (b) If rail service is abandoned over that portion
25 of the rail properties of the State-owned railroad that
26 lies within the boundaries of the Denali National Park

1 and Preserve, that property (including permanent
2 improvements to the property) shall revert to the
3 United States Government. Upon such reversion,
4 jurisdiction over that property shall be transferred to
5 the Secretary of the Interior for administration as
6 part of the Denali National Park and Preserve.

7 (c) The Attorney General, upon the request of the
8 Secretary, shall institute appropriate proceedings to
9 enforce this section in the United States District
10 Court for the District of Alaska.

11 OTHER DISPOSITION

12 Sec. 11. If the Secretary has not certified that
13 the State has satisfied the conditions under section 4
14 within one year after the date of delivery of the
15 report referred to in section 5(a) of this Act, the
16 Secretary may dispose of the rail properties of the
17 Alaska Railroad. Any disposal under this section shall
18 give preference to a buyer or transferee who will
19 continue to operate rail service.

20 MCKINLEY PARK STATION LANDS

21 Sec. 12. (a) On the date of transfer to the State
22 (pursuant to section 4 of this Act) or other
23 disposition (pursuant to section 11 of this Act), that
24 portion (except that portion specified in subsection
25 (b) of this section) of land of the Alaska Railroad
26 with improvements located within one-quarter mile of

1 the McKinley Park Station shall be transferred to the
2 Secretary of the Interior for administration as part of
3 the Denali National Park and Preserve.

4 (b) The right-of-way land with improvements located
5 one hundred feet on either side of the mainline track
6 and the land eight feet on either side of the "Y" track
7 to the power station shall not be transferred for
8 administration as part of the Denali National Park and
9 Preserve, as provided in subsection (a) of this
10 section.

11 APPLICABILITY OF OTHER LAWS

12 Sec. 13. (a) The provisions of chapters 5 and 7
13 (other than sections 704 through 706) of title 5,
14 United States Code (popularly known as the
15 Administrative Procedure Act, and including provisions
16 popularly known as the Government in the Sunshine Act),
17 the Federal Advisory Committee Act (5 U.S.C. Appx. 1 et
18 seq.), the National Historic Preservation Act (16
19 U.S.C. 470 et seq.), section 4(f) of the Department of
20 Transportation Act (49 U.S.C. 1653(f)), and the
21 National Environmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.) shall not apply to actions taken pursuant
23 to this Act.

24 (b) The enactment of this Act, actions taken during
25 the transition period as provided in section 5 of this
26 Act, and transfer of the rail properties of the Alaska

1 Railroad under authority of this Act shall not be
2 deemed the disposal of Federal surplus property under
3 sections 3 and 203 of the Federal Property and
4 Administrative Services Act of 1949 (40 U.S.C. 472 and
5 484). Such events shall not constitute or cause the
6 revocation of any prior withdrawal or reservation of
7 land for the use of the Alaska Railroad under the
8 Alaska Statehood Act (note preceding 48 U.S.C. 21), the
9 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et
10 seq.), the Act of January 2, 1976 (Public Law 94-204;
11 89 Stat. 1145), the Alaska National Interest Lands
12 Conservation Act (Public Law 96-487; 94 Stat. 2371),
13 and the general land laws of the United States.

14 CONFLICT WITH OTHER LAWS

15 Sec. 14. The provisions of this Act shall govern if
16 there is any conflict between this Act and any other
17 law.

18 REPEAL AND AMENDMENT OF EXISTING STATUTES

19 Sec. 15. (a) On the date of transfer to the State
20 (pursuant to section 4 of this Act) or other
21 disposition (pursuant to section 11 of this Act), the
22 following provisions are repealed:

23 (1) The Act of March 17, 1914, as amended (43
24 U.S.C. 975 et seq.).

1 (2) The Act of June 24, 1946, to authorize
2 certain expenditures by the Alaska Railroad (50
3 Stat. 304).

4 (3) The Act of July 19, 1932, concerning
5 mining of coal adjacent to the Alaska Railroad (30
6 U.S.C. 208a).

7 (4) Section 6(i) of the Department of
8 Transportation Act (49 U.S.C. 1655(i)).

9 (b) On the date of transfer to the State (pursuant
10 to section 4 of this Act) or other disposition
11 (pursuant to section 11 of this Act), the following
12 provisions are amended as follows:

13 (1) Title 5, United States Code, is amended-

14 (A) in section 305(a), by striking clause
15 (3), and by redesignating clauses (4)-(8) as
16 clauses (3)-(7), respectively;

17 (B) in section 3401(1), by striking
18 clause (iii), and by redesignating clauses
19 (iv)-(viii) as clauses (iii)-(vii),
20 respectively;

21 (C) in section 5102(a)(1), by striking
22 clause (iii), and by redesignating clauses
23 (iv)-(ix) as clauses (iii)-(viii),
24 respectively;

1 (D) in section 5342(a)(1), by striking
2 clause (C), and by redesignating clauses (D)-
3 (J) as clauses (C)-(I), respectively; and

4 (E) in section 7327, by striking
5 subsection (a), and the subsection designation
6 "(b)".

7 (2) Section 102(7) of the Railroad
8 Revitalization and Regulatory Reform Act of 1976
9 (45 U.S.C. 802(7)) is amended by striking "and the -
10 Alaska Railroad".

11 (3) Section 10749 of title 49, United States
12 Code, is amended--

13 (A) by inserting "or" at the end of
14 subsection (b)(1)(B);

15 (B) by striking "; or" at the end of
16 subsection (b)(2), and inserting in lieu
17 thereof a period; and

18 (C) by striking paragraph (3).

19 (4) Section 324(a)(1) of the Public Health
20 Service Act (42 U.S.C. 251(a)(1)) is amended by
21 striking "employees of the Alaska Railroad and".

22 (5) Section 202(3)(a) of the Alaska National
23 Interest Lands Conservation Act (16 U.S.C. 410hh-
24 1(3)(a)) is amended by striking the third sentence.

25 (6) Section 1(o) of the Railroad Retirement
26 Act of 1974 (45 U.S.C. 231(o)) is amended by

1 inserting immediately after "National
2 Transportation Safety Board," the following: "the
3 Alaska Railroad or the State-owned railroad, so
4 long as it is part of the government of the State
5 of Alaska.

6 SEPARABILITY

7 Sec. 16. If any provision of this Act or the
8 application thereof to any person or circumstance is
9 held invalid, the remainder of this Act and the
10 application of such provision to other persons or
11 circumstances shall not be affected thereby.

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B

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COMMITTEE REPORT

HOUSE

2/10
Rule

(9)

FURTHER:

1/20/82

Date: 2/9/82

Mr. Speaker:

The Committee on FINANCE has had SB 238am

"An Act relating to the practice of nursing; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached ¹amendments(s) *changes effective date*
- replace with CS for _____ same title
 new title

and recommends _____

- AND attaches a "Letter of Intent" *New Fiscal Note* (HIC 5)
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Naugle

R. Bittinworth

Sam Gertz *Cotton*

David P. ... *Cuddy*

Joseph ... *Chul ...*

Russ ...

Jack ...

Albert ...

Joe ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Robert ...

Albert ...
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: Finance Committee

To: _____ HOUSE BILL No. _____

SENATE BILL No. 238 am

PAGE: 13

LINE: 11

DELETE "1981"; INSERT "1982" IN ITS PLACE.

SB 238am

SB 238, introduced at the request of the Governor, makes a number of changes in the laws governing the practice of nursing. The bill incorporates recommendations made by the Board of Nursing to bring Alaska's laws regarding licensing of nurses into conformity with other states as well as adopts some of the recommendations made to the Board during its sunset review by the legislature.

In general, the bill:

- adds a licensed practical nurse to the Board of Nursing membership;
- clarifies the process for individuals to become a licensed practical nurse and registered nurse;
- clarifies the Board's responsibility in the denial of a license; and
- clarifies the board's responsibility in the accreditation of nursing education programs.

The Division of Occupational Licensing has prepared a fiscal note indicating that 10.5 will be needed for FY 83. Additional costs incurred by the Board of Nursing covered in the fiscal note include travel for the Board ^{to} attend one additional meeting required by the legislation, printing and mailing of new application forms and additional costs for administering nursing examinations throughout the state.

SB 238 TITLE & SPONSOR SUMMARY 12:00 2/11/82 PAGE 1 OF 3
 AMENDED TITLE: SB 238AM
 AN ACT RELATING TO THE PRACTICE OF NURSING; AND PROVIDING
 FOR AN EFFECTIVE DATE

PRIME SPONSOR: SENATE RULES COMMITTEE. GENERAL DOLLARS: \$10,000 (F. NOTE)
 OTHER DOLLARS: \$0

CO-SPONSORS:

CURRENT STATUS: 2/10/82 IN (H) RULES

SB 238 SENATE ACTION 12:01 2/11/82 PAGE 2 OF 3
 DATE SEQ PAGE LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/04/81	01	0367	FIRST READING -- COMMITTEE REPORTS
03/04/81	02	0368	GOV TRANSMITTAL LETTER
03/04/81	03	0368	FISCAL NOTE SEN SUPPL #17
04/14/81	04	0736	HESS -- DP(AM)04
06/18/81	05	1521	FIN -- OTHER05
06/19/81	06	1537	RLS -- OTHER04 TAKEN UP IMMEDIATELY
06/19/81	07	1542	SECOND READING
06/19/81	08	1542	AM01 ADOPTED BY UNAN CONSENT
06/19/81	09	1542	ADVANCED TO 3RD READING BY UNAN CONSENT
06/19/81	10	1542	THIRD READING
06/19/81	11	1543	PASSED BY DIV 19-00-01
06/19/81	12	1543	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** ** *

SB 238 HOUSE ACTION 12:01 2/11/82 PAGE 3 OF 3
 DATE SEQ PAGE LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
06/19/81	13	2259	FIRST READING -- COMMITTEE REPORTS
01/20/82	14	0098	HESS -- DP04, OTHER01
02/10/82	15	0368	FIN -- DP(AM)09, NR01
02/10/82	16	0369	F/NOTE HSE SUPPL #12 RULES RULES

THE LEGISLATURE OF THE STATE OF ALASKA
THE 12TH LEGISLATURE

FISCAL NOTE - Update

SB 238 am

I. REQUEST

Bill/Resolution No. SB 238 am (Page 1 of 3)
 Title An Act relating to the practice of nursing; and providing for an effective
 Requested by House Finance Committee Date 1-29-82 date.

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Regulation & Licensing of Professions: admin
 (Note: If more than one budget component is affected, separate line-item & Board amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		4.5	4.9	5.4	5.9	6.5
300 CONTRACTUAL		6.0	1.1	1.2	1.3	1.4
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		10.5	6.0	6.6	7.2	7.9

FUNDING (Thousands of Dollars)

See page 3 of Fiscal Note

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		10.5	6.0	6.6	7.2	7.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

Travel - 10% inflation factor projected.

Costs for one additional meeting in Anchorage area; 3 days @ \$80 per diem/day & travel, 7 members, 1 executive secretary, and 1 licensing examiner. (New practice act mandates four meetings per year. Nursing Board presently budgeted for three meetings per year). \$ 3,300.00

Travel and per diem costs for executive secretary to meet with nursing community and the public to discuss the new practice act, educational programs, and other public relation projects to be prescribed by regulation of the Nursing Board.

Average 3 trips/year (1 Fbks area, 1 Southeast, 1 Kodiak or Nome areas);
 avg. costs: \$230/trip and 2 days per diem @ \$80/day. 1,170.00
Total \$ 4,470.00

Revised 2/9/82--see page 3

IV. DATE 1-29-82 PREPARED BY Mariorie Odland, Regulations Specialist
 AGENCY Occupational Licensing

Original: Legislative Finance PHONE 765-2535
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

CONTRACTUAL - 9% inflation factor projected.

In FY'83, one time cost associated with printing and mailing of new practice act and amended application forms. \$ 5,000.00

Examinations - costs for head proctors and monitors administering nursing examinations throughout the State projected through 1987:

Head Proctor @ \$50/day (avg. 3 days), 4 locations* 600.00
Monitor @ \$35/day (avg. 3 days), 4 locations* 420.00

Total \$ 6,020.00

* Examination Location: Juneau, Fairbanks, Ketchikan, Kodiak

Projected increase in revenue for Board of Nursing, 08-53-5-035, due to increase of application, renewal, and examination fees in Sec.08.68.220.

RENEWAL FEE INCREASE

Based on license renewal year 1982. Renewal fees are the same for RN and LPN licenses.

3,954	-	licenses renewed in FY'80
<u>+ 1,625</u>	-	new licenses issued in FY'81 and to date
5,579	-	licenses expected to be renewed in 1982
<u>X \$20</u>	-	new renewal fee in SB 238 am
\$ 111,580		
5,579		
<u>X \$15</u>	-	old renewal fee
\$ 83,685		

\$111,580 - \$83,685 = \$27,895 expected increase in revenue from nursing license renewals.

APPLICATION AND LICENSE FEES

The license-by-examination fee or license-by-endorsement fee accompanies the application fee when received by the department.

Approximately 1,000 applications filed with the department per year:

- 600 - RN applications
- 400 - LPN applications

The increase for RN licensure occurs only in the application fee with an increase of \$10.

600 X \$10 = \$6,000 increase in revenue

The increase of the LPN application fee by \$5 is offset by the decrease of \$5 of the LPN license-by-examination fee and license-by-endorsement fee. No change in revenue.

EXAMINATION FEES

The National League for Nursing, Inc., charges the State \$25.95 for each RN examination provided and graded, and charges \$10.50 for each LPN examination provided and graded.

Average 55 RN examination applicants per year in Alaska.
Average 30 LPN examination applicants per year in Alaska.

Examination costs to the State for nursing examinations/yr =	\$ 1,427.25	RN exam
	<u>315.00</u>	LPN exam
	\$ 1,742.25	Total

Revenue from examination fees charged to applicants/yr =	\$ 1,100.00	RN exam
	<u>300.00</u>	LPN exam
	\$ 1,400.00	Total

Revenue	Expenditure	Deficit
\$1,400	- \$1,742.25	= (-\$342.25)

** Total revenue for the Board of Nursing in FY'80 was 71.7 (Included majority of 1980-81 renewal fees, application, examination and license fees).

Total revenue for the Board of Nursing in FY'81 was 46.7 (Included some late-renewal fees, application, examination and license fees).

By: Department of Commerce & Economic Development
Occupational Licensing - Marjorie Odland
465-2535

Marjorie Odland

FROM: ANNIE IN FAIRBANKS
TARGET: LJH2 SUBJ: POMS

TO: JUNEAU INFO.

PAGE 00

TO: REPS. BROWN, FANNING, RANDOLPH, ROGERS, AND SMITH
REPS. ADAMS, MONTGOMERY, HURLBERT, CHUCKWUK, FULLER, BETTISWORTH,
CUDDY, HAUGEN, COTTEN, MEEKINS, AND CARNEY

RE: SENATE BILL 238 (PRACTICE OF NURSING)

(ALL OF THE FOLLOWING MESSAGES GO TO THE ABOVE REPRESENTATIVES.)

MSG 82-00007181 PRTY 1 02/09/82 21:30:14 ORIG: LF01 IN= 0012 OUT= 0161
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.
TARGET: LJH2 SUBJ: POMS PAGE 0004

(S. B. 238 CONTINUED)

FROM: ELIZ WALDHAUS, 1006 10TH AVE., FAIRBANKS 99701

PLEASE CONSIDER THE PASSAGE OF THE NURSE PRACTICE ACT.

FROM: CATHY E. MORGAN, BOX 2672, FAIRBANKS 99707 456-6182

I URGE YOUR SUPPORT OF S.B. 238. NURSES NEED PASSAGE OF THIS BILL THIS YEAR.

MSG 82-00007181 PRTY 1 02/09/82 21:30:14 ORIG: LF01 IN= 0012 OUT= 0161
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.
TARGET: LJH2 SUBJ: POMS PAGE 0004

(S. B. 238 CONTINUED)

FROM: PHYLLIS HUNSUCKER, NURSES ASSOCIATION, S.R. BOX 30168, FAIRBANKS 9970

PLEASE PRESENT S.B. 238 FOR VOTE, AND VOTE TO PASS IT IN FAVOR OF ALL THE NURSES WITHIN THE STATE. WE NEED PASSAGE OF THIS BILL FOR LEGAL REPRESENTATION AS A PROFESSION, AND PROTECTION FOR PRACTICE. THANK YOU.

56238

March 4, 1981

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to qualifications for nursing practice in the state, and to the powers and duties of the Board of Nursing.

The bill would revise and clarify the powers and duties of the board and the qualifications required for service on the board. The bill would also require the board to conduct examinations in each region of the state.

In addition, the bill would clarify the requirements and procedures to be followed by applicants for licensing to engage in nursing practice and would clarify the status of nurse anesthetists. The bill would also add a requirement of continuing competence, which was recommended by the legislature during its sunset review of the board, and would bring criminal penalty provisions into conformity with the new criminal code. The bill also would amend the provisions which set out grounds for denial, suspension, or revocation of a license. The amendment deletes vague language and makes more specific the grounds for this type of disciplinary action.

The references in the bill to practical nurses do not reflect substantive changes in the regulation of these nurses, but only housekeeping amendments. The repeal of AS 08.68.270 and 08.68.275(b) which require compliance by the board with AS 44.62 (The Administrative Procedure Act) is also a technical amendment because the board is required by AS 08.18.140 and by AS 44.62.040, 44.62.310, and 44.62.330 to comply fully with the Administrative Procedure Act.

The bill would also repeal a provision which allows a nurse to be licensed as an inactive nurse rather than have his or her license lapse while the nurse does not

practice. I am proposing this repeal because I think that maintaining competence is more important in the provision of health care than the right to inactive status.

Sincerely,

Jay S. Hammond
Governor

<u>Section</u>	<u>Provision</u>	<u>Rationale</u>
Sec. 08.63.010 Creation & Membership of the Board	Composition of Board is changed to include a licensed practical nurse Deletes service categories for membership.	To reflect those the Board regulates. In the past this has proved cumbersome in appointing or maintain- ing members on the Board (existing members often changed from one category to another while serving their terms). Leaving these categories open affords needed flexibility in appointing members whose expertise can be best utilized to deal with nursing issues.
Sec. 08.68.060 Qualifications of Registered Nurse & LPN Board Members	States nurses appointed to Board must be involved in nursing for three years within 5 years of appointment.	Ensures currency and awareness of issues
Sec. 08.68.070 Election of Officers	Elects a chairman and secretary	"Secretary-treasurer" was misleading. Board members have no treasury duties.
Sec. 08.68.080 Meetings	Board shall have 4 meetings/ year.	The board has always needed 4 meetings/year to accomplish the large volume of work for which it is responsible. (This will ensu that the Division of Occupational Licensing's budget will reflect this need.) It will assure completion of the goals and objectives for the required performance report.
Sec. 08.68.100 Duties & Powers of the Board	Affirms the Board's responsi- bility to promulgate regulations for the advanced nurse practitioner and the nurse anethetist without mandatory joint promulgation with the State Medical Board.	Reflects how board actually functions and reflects responsibility required by Sunset review.
Sec. 08.68.111 Executive Secretary of Board	"Executive Officer" changed to "Executive Secretary"	The use of the word "Secretary" instead of "Officer" in the Title, "Executive Officer" more accurately describes the responsibilities and functions of the position as prescribed by the Board.

provided by State Board
of Nursing re: SB 238

<u>Section</u>	<u>Provision</u>	<u>Rationale</u>
Sec. 08.68.170 Qualifications of Registered or Practical Nurse Applicants	When referring to Registered Nurses the word professional is deleted throughout the bill.	The term "professional" is unnecessary in identifying "Registered Nurse." Includes both R.N. and L.P.N. in same section
Sec. 08.68.190 License by Examination	Provides for examination in different areas of state	Demanded by public because of the expense of traveling to Anchorage (each region of state needs defining?)
Sec. 08.68.200 License by Endorsement	Specifically names CNATS (Canadian Nurses Association Testing Service Exam) as being able to be considered by the Board as an acceptable licensing examination.	Updates statute to reflect current Board policy in accepting this examination which is comparable to the recognized American exam.
Section AS 08.68.210 Temporary Permits	Recognizes COGFNs (Commission on Graduates of Foreign Nursing Schools)	This will allow foreign nurse graduates to be granted a temporary permit, (as recommended by the Sunset Review committee) until they complete the required nursing exam.
Sec. 08.68.0220	Raises fees	Fee schedule was last revised 1970
Sec. 08.68270 Grounds for Denial Suspension or Revocation	(2) substituted for moral turpitude (4) needs revision before final form	Explicitly delineates grounds for suspension, denial or revocation of a license as requested by Sunset Review "The Board of Nursing, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations." The Board will find this most helpful in substantiating its decisions on violations. Sunset view committee recommended clarification of moral turpitude "which impairs ability to practice safely."
Sec. 08.68.276 Continuing Competence Required	Continuing Competence requirements which may be established by the Board by regulation	Continuing competence is a concern for all professional today. The Board is studying various methodologies for assuring competence. These include recent work experience, continuing education, and testing. Each of these areas are being researched in terms of impact on health care in the State, cost to the consumer, availability, and overall relation to the ongoing competency of the nurse to provide quality of care. While the Board is not ready to make a statement in relation to the best method(s) for insuring the competency of the Alaskan nurse, and much more time needs to be devoted to researching this area, it does feel it should have the authority to address ongoing competency. The Board was asked to address this by the legisla-

SectionProvisionRationale

Sec. 08.68.340
Violations

Violations

Classifies violations according to the new criminal code

Sec. 08.68.400 (a) (4)

Exempts inactive nurses
enrolled in an approved
"refresher" program from
licensure

Added to enable nurses to gain clinical experience in an
approved program to satisfy requirements for licensure and
re-enter the work force

Sec. 08.68.400
Exemptions

Exempts consultants from
licensure requirements

Allows nursing consultants to visit Alaska and provide
consultative service or education without having to
obtain Alaska licensure

Sec. 08.68.410
Definitions

Definitions

Updates the definition of the practice of registered nursing

Sec. 28

Merely clarifies the legal
status of regulations adopted
jointly by the Board of Nursing
and the State Medical Board.

re: practice of nursing; e.d.

SB 238 am

1. ok on notice

2. votes

3. need to amend ~~to~~ e.d. to 1982

4. attendance

5. fiscal note 10.5

6. who wants: Governor

7. does senate leadership want:

8. carrier: have him out

S

B

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STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

June 19, 1981

SUBJECT: HCS CSSB 244 (Finance)

TO: Representative John G. Fuller
Chairman, House Rules Committee

FROM: John B. Chenoweth
Legislative Counsel *JBC*

The Finance Committee reported this bill yesterday (June 18th). Its effective date clause, * Section 4 of the bill, should be changed, either by offer of a Rules Committee Substitute or 1 floor amendment, to read:

* Sec. 4. This Act takes effect on the effective date of an Act establishing the power development fund and entitled "An Act relating to energy projects and programs of the Alaska Power Authority; and providing for an effective date".

This is, of course, a reference to FCCSSB 25 -- part of the pending hydro project package.

JBC:ljb

Rule 2 CS signed by Sec 2/10

I. REQUEST
 Bill/Resolution No. CSSB 244 (Finance)
 Title _____
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Energy Development
 BRU, Program, or Subprogram(s) Affected Alaska Power Authority
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III) This bill has no impact on the Power Authority. Since the loans referred to in Sections 2 through 9 are based upon appropriations in FY 76 through FY 81, no additional appropriations are necessary. If the loans are converted to grants, the Treasury or the General Fund will be negatively impacted since the principal of the loans and interest return on principal will not be paid. If the Power Project Development Fund is not fully funded by 1986, there will be a return to the General Fund and no impact on the Treasury.

IV. DATE 3/27/81 PREPARED BY Terry V. McGuire
 AGENCY Alaska Power Authority

CSSB 244

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

June 19, 1981

SUBJECT: HCS CSSB 244 (Finance)
TO: Representative John G. Fuller
Chairman, House Rules Committee
FROM: John B. Chenoweth
Legislative Counsel

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This is, of course, a reference to FCCSSB 25 -- part of the pending hydro project package.

JBC:ljb

Rules CS requested 10:30 am 6/19

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 244 (Finance)
 Title _____
 Requested by _____ Date _____

CSSB 244

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Energy Development
 BRU, Program, or Subprogram(s) Affected Alaska Power Authority
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			-	-	-	

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND			-	-	-	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III) This bill has no impact on the Power Authority. Since the loans referred to in Sections 2 through 9 are based upon appropriations in FY 76 through FY 81, no additional appropriations are necessary. If the loans are converted to grants, the Treasury or the General Fund will be negatively impacted since the principal of the loans and interest return on principal will not be paid. If the Power Project Development Fund is not fully funded by 1986, there will be a return to the General Fund and no impact on the Treasury.

IV. DATE 3/27/81 PREPARED BY Terry V. McGuire
 AGENCY Alaska Power Authority
 PHONE 277-7641
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) zero FY

S

B

320

COMMITTEE REPORT

HOUSE

5/14

FURTHER: Finance

(5)

5/11/82

Date: 5/12/82

Mr. Speaker:

The Committee on Hess has had CSSSSB 320 (HESS)

"An Act relating to training for employees of borough or city school districts or regional educational attendance areas; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING DO PASS

Terry Mastros

Bette Cato

Paula Ben

MEMBERS HAVING OTHER RECOMMENDATIONS:

Paula Ben
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House HESS

To: _____ HOUSE BILL No. _____

SENATE BILL No. CSSSSB 320 (HESS)

PAGE: _____

LINE: _____

Amend as follows:

Page 1, line 13 Add: Contingent upon DOE approval under 14.20.658 and funding under 14.20.660.

Page 2, line 6 Del: (and implement)

Add: and make recommendations to the board for final approval of

Page 2, line 8 Del: (completed)

Add: board approved

Page 2, line 14 add: Nothing in this section shall be construed to prohibit a school board from conducting a staff development program outside of the provisions of AS.14.20.652-662.

COMMITTEE REPORT

HOUSE

5/27
Rules

(11)

FURTHER:

5/14/82

Date: 5-26-82

Mr. Speaker:

The Committee on Finance has had CSSSSB 320(Hess)

"An Act relating to training for employees of borough or city school districts or regional educational attendance areas; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^ACS for CSSSSB 320 (FIN) same title new title
- and recommends ~~no recommendation~~
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation zero attached to Bill
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Robert Adams

Thurgood

John Kinney

Jack Jolly

Montgomery

MEMBERS HAVING
OTHER RECOMMENDATIONS:

R. Bellamy No Rec

Thurmond No Rec

San Antonio No Rec

David Cudd "

Joseph H. P. - NO REC

Murphy - NO REC

Robert Adams
CHAIRMAN

SB 320 TITLE & SPONSOR SUMMARY 13:48 5/27/82 PAGE 1 OF 3

AMENDED TITLE: CS SSSB 320(HESS)

AN ACT RELATING TO TRAINING FOR EMPLOYEES OF BOROUGH OR
CITY SCHOOL DISTRICTS OR REGIONAL EDUCATIONAL
ATTENDANCE AREAS; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: STIMSON.

CO-SPONSORS: RODEY, FISCHER, COLLETTA, BRADLEY.

CURRENT STATUS: 5/14/82 IN (H) FINANCE

SB 320 SENATE ACTION 13:49 5/27/82 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
06/22/81	01	1609	FIRST READING -- COMMITTEE REPORTS
03/02/82	02	0420	HESS -- CS01, NR02
03/02/82	03	0421	HESS FISCAL NOTE SEN SUPPL #13
05/07/82	04	1195	FIN -- HESS CS04
05/07/82	05	1195	F/NOTE EQUALS ZERO
05/07/82	06	1195	ANALYSIS SEN SUPPL #42
05/08/82	07	1209	RLS -- OTHER03 TAKEN UP IMMEDIATELY
05/08/82	08	1210	SECOND READING
05/08/82	09	1210	HESS CS ADOPTED BY UNAN CONSENT
05/08/82	10	1211	ADVANCED TO 3RD READING BY UNAN CONSENT
05/08/82	11	1211	THIRD READING
05/08/82	12	1211	FAILED BY DIV 07-08-05
05/08/82	13	1211	NOTICE OF RECONSIDERATION GIVEN
05/10/82	14	1241	PASSED ON RECONSIDERATION BY DIV 11-08-01
05/10/82	15	1242	EFFECTIVE DATE PASSED BY DIV 19-00-01

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SB 320 HOUSE ACTION 13:49 5/27/82 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/11/82	16	1779	FIRST READING -- COMMITTEE REPORTS
05/14/82	17	1840	HESS -- DP(AM)03
05/14/82	18	1840	F/NOTE HSE SUPPL #56 FINANCE RULES

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS for SB 320 (HESS)
 Title An Act...training for employees of borough/city sch. dist or REA
 Requested by House HESS Date 5.13.82

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Financial Support Districts
 BRU, Program, Or Subprogram(s) Affected Staff Development Grants
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			500.0	660.0	836.0	1,029.6
TOTAL		- 0 -	500.0	660.0	836.0	1,029.6

FUNDING (Thousands of Dollars)

GENERAL FUND		- 0 -	500.0	660.0	836.0	1,029.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY	N/A					

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

1. It was the Department's position that FY-83 activities under this bill would be limited to assessing the fiscal impact associated with Secs. 14.20.658-660, and the scope of regulations required by Section 14.20.662. Actual FY-84 budget requests will reflect the result of those assessments.

ASSUMPTIONS:

2. Post FY 84 expenditures assume 10% inflation rate.
3. FY 84 amount based upon the assumption that 50% of the school districts will participate.
4. Post FY 84 expenditures assume annual increase of participating school districts at 10% per year.
5. The House HESS Committee feels that this revised fiscal note represents a more accurate prediction of fiscal impact.

IV. DATE 5.13.82

PREPARED BY House HESS Committee

AGENCY _____

PHONE _____

Original: Legislative Finance
 cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Chr.

FISCAL NOTE

I. REQUEST

Bill/Resolution Number: CS for SS for SB 320(HESS)

Title: An Act ... training for employees of borough/city sch. dist. of REAAs

Requested by: Senate Finance

Date: 5-7-82

II. FISCAL DETAIL

Agency Affected: Education

Program Category Affected: Financial Support Districts

BRU, Program, or Subprogram(s) Affected: Staff Development Grants

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC	-	-0-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL	-	-0-	-	-	-	-

FUNDING (Thousands of Dollars)

GENERAL FUND	-	-0-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS

FULL TIME	N/A	-	-	-	-	-
PART TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

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

It is the department's position that FY-83 activities under this bill would be limited to assessing the fiscal impact associated with Secs. 14.20.658-.660, and the scope of regulations required by Section 14.20.662. Post FY-83 budget requests will reflect the result of those assessments.

IV. DATE: 5-7-82

PREPARED BY: Steve Hole *Paula P...*
AGENCY: Department of Education
PHONE: 465-2890

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS for SB 320 (HESS)
 Title An Act ... training for employees of borough/city sch. dist. or REAAs
 Requested by Senate HESS Date 2-22-82

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Financial Support Districts
 BRU, Program, Or Subprogram(s) Affected Staff Development Grants
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		500.0	660.0	836.0	1,029.6	1,242.6
TOTAL		500.0	660.0	836.0	1,029.6	1,242.6

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		500.0	660.0	836.0	1,029.6	1,242.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY N/A						

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

Assumptions:

1. Post FY 83 expenditures assume 10% inflation rate.
2. FY 83 amount based upon the assumption that 50% of the school districts will participate.
3. Post FY 83 expenditures assume annual increase of participating school districts at 10% per year.

IV. DATE February 22, 1982 PREPARED BY Steve Hole
 AGENCY Education
 Original: Legislative Finance PHONE 465-2890

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS CSSS SB 320 (Finance)
 Title training for employees of borough/city school districts or
 Requested by _____ Date _____ REAA'

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Financial Support Districts
 BRU, Program, Or Subprogram(s) Affected Staff Development Grants
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 5/25/82

PREPARED BY Albert P. Adams, Chairman
 AGENCY House Finance Committee

Original: Legislative Finance
 cc: Budget and Management

PHONE _____

Prime Sponsor (First Legislator Named)

S

B

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OFFERED IN THE HOUSE:

BY: RULES

To: AMEND

HOUSE BILL No. _____

SENATE BILL No. HCS CS SB 351 (FIN)

PAGE: 1 (one)

LINE: between lines 8 and 9

Page 1, between lines 8 and 9 insert the following

*Sec. 1 AS 24.20 is amended by adding new section to read:

Sec. 24.20.025 Officers: The Council shall have a Chairman and vice-chairman and ^{may have} other officers as determined by the Council.

The Chairman and vice-chairman may not be from the same house.

If the terms of the members appointed by one house expire under the provisions of AS 24.20.030 (a) ^{and the chairman of the council is from the other house} the vice-chairman shall become Chairman and the appointing authority of the other house shall designate a vice-chairman from the members of the Council appointed ^{from} that house.

A M E N D M E N T

Offered in the House

By the Rules Committee

TO: HCS CSSR 351 (Finance)

Page 1, line 6 after "to" insert "officers and"

Page 1, after line 8 insert the following:

* Section 1. AS 24.20 is amended by adding a new section to read:

Sec. 24.20.025. OFFICERS. The council shall have a chairman and vice-chairman and may have other officers as determined by the council. The chairman and vice-chairman may not be from the same house. If the terms of the members appointed by one house expire under the provisions of AS 24.20.030(a) and the chairman of the council is from that house, the vice-chairman shall be the chairman, and the appointing authority of the other house shall designate a vice-chairman from the members of the council appointed from that house.

Page 1, line 9, delete "* Section 1" and insert "* Sec. 2"

Page 1, line 19, delete "* Sec. 2" and insert "* Sec. 3"

MEMORANDUM

TO: Rep. Jack Fuller
FROM: Linda Wild *lw*
DATE: June 22, 1981
RE: HCS CSSB 351(Rules)

Billy Berrier has sent over the attached memo which sets out technical amendments to the CS adopted by the Rules Committee this morning. His amendment had been drafted rather hurriedly last evening and now that he has had time to look at it he feels the changes should be made. The adoption of technical amendments such as these requires no further action by the Rules committee, but I will inform the committee members so that the changes won't take them by surprise. The final bill, with the changes, is being drafted now.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 22, 1981

SUBJECT: CS for HCS CSSB 351 (Finance) --
Legislative Council

TO: Representative John G. Fuller
Chairman, House Rules Committee

FROM: Billy G. Berrier
Director
Division of Legal Services

I have added some technical changes to the amendment I prepared for you last night and have incorporated them in the CS.

The title is amended to show that officers as well as terms of members are affected by the bill.

I have added "may have" preceding "other officers" to make it clear that other officers are not required.

I have added following "AS 24.20.030(a)" the phrase "and the chairman of the council is from the other house". Obviously the chairman would not change because of a change in the other house.

I have substituted "from" for "by" in the phrase "appointed by that house" since the presiding officer, not the house, makes the appointment.

BGB:ljb

Enclosure

OFFERED IN THE HOUSE:

By: RULES

To: AMEND

HOUSE BILL No. _____

SENATE BILL No. HCS CS SB 351 (FIN)

PAGE: 1 (one)

LINE: between lines 8 and 9

Page 1, between lines 8 and 9 insert the following

*Sec. 1 AS 24.20 is amended by adding new section to read:

Sec. 24.20.025 Officers: The Council shall have a Chairman and vice-chairman and ^{may have} other officers as determined by the Council.

The Chairman and vice-chairman may not be from the same house.

If the terms of the members appointed by one house expire under the provisions of AS 24.20.030 (a) ~~the vice-chairman shall~~ ^{and the chairman of the council is appointed}

become Chairman and the appointing authority of the other house shall designate a vice-chairman from the members of the Council appointed ^{from} by that house.

memo from Berrick

and the chairman of the council

Original sponsor: Finance Committee

Offered: 6/19/81
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 351 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to terms of members of the Legislative
7 Council; and providing for an effective date."

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

9 * Section 1. AS 24.20.030(a) is amended to read:

10 (a) Members serve for the duration of the legislature during
11 which they are appointed and, if they are reelected to or their term of
12 office extends into the next succeeding legislature, continue to serve
13 until reappointed or their successors are appointed, except the terms
14 of all members appointed by a president of the senate or a speaker of
15 the house expire if the president or speaker who made the appointments
16 ceases to hold office during the legislature in which the appointment
17 was made. The resultant vacancies shall be filled by appointment by
18 the successor president or speaker.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

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COMMITTEE REPORT

HOUSE

5/15
Ruler

FURTHER:

(9)

5/11/82

Date: 5-15-82

Mr. Speaker: (Taken from Rules
Returned to Finance) 5/11/82
The Committee on Finance has had ^{HCS} CSSB 365 (Fin)

"An Act providing for the issuance of general obligation bonds in the amount of \$45,000,000 for the purpose of paying the cost of University of Alaska and school district and educational center construction and improvement projects; eff date."

under consideration and reports it back as follows.

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^{2:1H} HCS for CS SB 365 (Finance) same title new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Robert A. Adams

Makins

Jaycee (unclear)

Thompson

Foster (unclear)

John (unclear)

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Hargrave - no rec

R B (unclear) No Rec

San Gte - no rec

Montgomery - no rec

Robert A. Adams
CHAIRMAN

COMMITTEE REPORT

HOUSE

4/23
Rules
5/11/82
from
Rules
Ret
JENNIFER

6/20/81

FURTHER:

(9)

Date: 4-23-82

Mr. Speaker: (HESS referral waived 6/19)

The Committee on FINANCE has had CSSB 365(Fin)

"An Act relating to special education; and providing for an effective date."

under consideration and reports it follows:

- do pass + pass
- do pass with attach
- replace with CS fo. [] same title
[X] new title
- and recommends _____
- AND attaches a "Letter o. _____" [] New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

5/11
from Rules
Ret to
JENNIFER

MEMBERS SIGNING
DO PASS

Jess Full
Shulton
Russ Murphy
Robert Adams
Montgomery

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Haugen - no rec
PK ... not no rec
Failed to advance
4/24
Ent. wire

Robert Adams
CHAIRMAN

AMENDED TITLE: HCS CSSB 365(FIN)
AN ACT PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION
BONDS IN THE AMOUNT OF \$45,000,000 FOR THE PURPOSE OF
PAYING THE COST OF UNIVERSITY OF ALASKA & SCHOOL DISTRICT
& EDUCATIONAL CENTER CONST & IMPROVEMENT PROJECTS;ED
GENERAL DOLLARS: \$45,000,000 (BONDS)

PRIME SPONSOR: STIMSON.

OTHER DOLLARS: \$0

CO-SPONSORS: FAHRENKAMP, BRADLEY, STURGULEWIS,T, FISCHER, KELLY, GILMAN, RODEY.

CURRENT STATUS: 5/15/82 IN (H) RULES

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/01/81	01	0608	FIRST READING -- COMMITTEE REPORTS
05/07/81	02	0986	HESS -- DNP01, CS02
05/07/81	03	0986	HESS F/NOTE SEN SUPPL #39
06/02/81	04	1317	FIN -- CS05
06/02/81	05	1317	FIN F/NOTE SEN SUPPL #51
06/02/81	06	1318	FIN LETTER OF INTENT
06/03/81	07	1342	RLS -- OTHER04 TAKEN UP IMMEDIATELY
06/03/81	08	1343	SECOND READING
06/03/81	09	1343	FIN CS ADOPTED BY UNAN CONSENT
06/03/81	10	1343	FIN LETTER OF INTENT ADOPTED
06/03/81	11	1343	ADVANCED TO 3RD READING BY UNAN CONSENT
06/03/81	12	1343	THIRD READING
06/03/81	13	1343	PASSED BY DIV 19-00-01
06/03/81	14	1344	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** *** ***

DATE	SEQ	PAGE	LEGISLATIVE ACTION
06/04/81	15	1926	FIRST READING -- COMMITTEE REPORTS
06/19/81	16	2275	MOVED FROM HESS TO FIN BY UNAN CONSENT
04/23/82	17	1553	FIN -- CS06, NR01
05/11/82	23	1790	MOVED FROM RLS TO FIN BY UNAN CONSENT
05/15/82	24	1884	FIN -- 2ND CS06, NR04 RULES RULES RULES
04/24/82	18	1560	SECOND READING
04/24/82	19	1560	FIN CS ADOPTED BY DIV 25-13-02
04/24/82	20	1561	FAILED TO ADV 3RD READING BY DIV 25-13-02
04/24/82	21	0900	RECOMMITTED TO RLS BY UNAN CONSENT
04/24/82	22	0900	RETURNED TO RLS/SINE DIE ADJOURNMENT
****	**	**	*** *** ***

SENATE
LETTER OF INTENT
TO ACCOMPANY
CS FOR SENATE BILL 365 (FINANCE)

It is the intent of this bill that at the end of FY 82 the Legislative Budget and Audit Committee will be requested to conduct a special program and performance audit of all school districts and Regional Educational Attendance Areas receiving special education funds under this bill and further that the Legislative Budget and Audit Committee will report its findings and recommendations to the Legislature no later than the fifteenth day of 1983.

Adopted by Senate as Senate Letter of Intent June 3, 1981

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Finance CS for CS SB-365(HESS)

Title An Act ... Special Education

Requested by Senate Finance

Date 6/1/81

II. FISCAL DETAIL

Agency Affected Education

Program Category Affected Elementary and Secondary Education

BRU, Program, or Subprogram(s) Affected Foundation Support, Financial Support, Districts

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		10,704.4	16,174.8	17,792.3	19,571.5	21,528.7
TOTAL		10,704.4	16,174.8	17,792.3	19,571.5	21,528.7

FUNDING (Thousands of Dollars)

GENERAL FUND		10,704.4	16,174.8	17,792.3	19,571.5	21,528.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This fiscal note predicated upon 1) devisor in districts with ADM of 3000 or more being changed to 14 pupils of fraction of 14, and; 2) House CS CS SB-18(Fin) being enacted with an appropriation of \$4,000.0 and amended to permit the appropriation to be used for support of special education programs during the 1981-82 school year in addition to 1981 summer school.

Foundation Special Education Adjustments:	\$12,404.4
Minus House CS CS SB-18(Fin) Appropriation:	(4,000.0)
	8,404.4

State Contract Schools	\$2,300.0
FY'82 Total This Bill	10,704.4

IV. DATE June 1, 1981

PREPARED BY Steve Hole

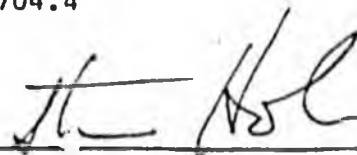
AGENCY Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 365
 Title An Act relating to State aid for Special Education
 Requested by Stimson Date 3/26/81

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, or Subprogram(s) Affected Foundation Programs Components/Financial Support Dis
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		19,070.0	20,977.0	23,074.7	25,382.2	27,920.4
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		19,070.0	20,977.0	23,074.7	25,382.2	27,920.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

FY 82 Cost Distribution: (See Attached)

Foundation Program Components: Special Education Adjustments
\$18,402.9

Financial Support - Districts: State Contract Programs
\$667.1

Total: \$19,070.0
 Post FY 82 cost reflects 10% annual inflation rate.

IV. DATE 3/26/81 PREPARED BY Steve Hole
 AGENCY Department of Education
 PHONE 465-3410

Original Legislative Finance
 Bureau of Management
 Department of Public Administration

S

B

4/8

COMMITTEE REPORT

HOUSE

Rules 5/27
[scribble]

FURTHER:

(5)

Date: May 19, 1982

Mr. Speaker:

The Committee on RULES has had CSSB 418(Res)am

"An Act relating to agricultural development projects; making clarifying amendments and ratifying certain actions; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCS for CSSB 418(R1s) same title
- new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Jack Fallon

Robert Bell Do Pass

Joe Z. Hayes

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Jack Fallon
CHAIRMAN

COMMITTEE REPORT

HOUSE

5/26/81

FURTHER:

Ruler

5/8/81

(11)

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had CSSB 418(Res)am

"An Act relating to agricultural development projects; making clarifying amendments and ratifying certain actions; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^{House} CS for CSSB 418(Res) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without ^{and} recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Terry Gardiner
Frank J. Ziegler
Jared Smith
Robert H. Bittsworth
Jim Dunsen

Rick Halpern No Rec
R. Barnes No Rec Pass
Em Sutcliffe No Rec

Terry Gardiner
 6 - CHAIRMAN
Frank J. Ziegler

Hein
5/11/82

Original sponsor: Kerttula

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 418 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposal of land for agricul-
7 tural development; and providing for an effective
8 date."

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

10 * Section 1. AS 38.05.020(b) is amended by adding a new paragraph to
11 read:

12 (6) classify tracts for agricultural uses and require the
13 prequalification, including the submission of conservation plans,
14 development plans, or other plans, schedules, or programs, of persons
15 who apply to participate in an agricultural development project under
16 AS 44.33.475.

17 * Sec. 2. AS 38.05.057(b)(2) is amended to read: *Delete*

18 (2) submit proof, as required by regulation, that he has been
19 a resident of the state for not less than one year immediately preceding
20 the date his application was submitted, except that if the land is part
21 of an agricultural development project under AS 44.33.475, the potential
22 purchaser shall submit proof, as required by regulation, that he main-
23 tains a permanent place of abode in the state, and has been a resident
24 of the state for not less than 30^{1 year} days immediately preceding the date of
25 application, and shall demonstrate by all attending circumstances an
26 intention to make Alaska his permanent residence; and

27 * Sec. 3. AS 38.05.057 is amended by adding a new subsection to read:

28 (j) The commissioner may require a participant in a lottery under
29 this section for the sale of land that is part of an agricultural devel-

1 opment project under AS 44.33.475 to submit a single application for
2 that land. Immediately following the drawing of an applicant's name in
3 the lottery, the applicant shall be given an opportunity to select for
4 purchase one parcel of the land that is offered in the lottery. The
5 names of alternate applicants shall be drawn after all parcels have been
6 selected. If the applicant who originally selected a parcel unequivocally
7 rejects the offer to purchase the parcel or fails to sign the
8 contract of sale within the period of time specified by the commissioner,
9 the parcel shall be offered for sale to alternate applicants in the
10 order in which their names were drawn.

11 * Sec. 4. AS 38.05 is amended by adding a new section to read:

12 Sec. 38.05.059. LIMITATION ON PURCHASES OF AGRICULTURAL LAND. A
13 person may purchase from the state a total of not more than one parcel
14 of land that is part of an agricultural development project under AS 44.-
15 33.475 during any eight-year period.

16 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811

PHONE: (907) 465-2400

May 26, 1982

The Honorable John G. Fuller
Alaska State Legislature
Pouch V
Juneau, AK 99811

RE: SB 418

Dear Representative Fuller:

The Attorney General has received a court decision invalidating the January 2, 1981, Pt. MacKenzie agricultural project sale. It is the joint goal of both the Department of Natural Resources and the Alaska Agricultural Action Council (AAAC) to reoffer the Pt. MacKenzie agricultural lands in a litigation free disposal. The Department of Natural Resources can proceed with the disposal with the statutes in place at this time, but the Department has been advised that it would be legally vulnerable in several ways.

SB 418 seeks to clarify the statutes in order to offer Pt. MacKenzie under those terms considered by the AAAC to be most beneficial to agricultural development. Those provisions will allow DNR to:

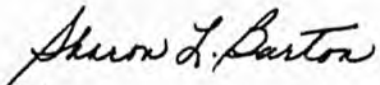
1. Require a 30-day State residency instead of the current one year.
2. Require one application per individual to provide eligibility for all tracts being offered. Current statutes require an individual to make application for each tract for which he wishes to be eligible. This can result in the expenditure of several hundred dollars in filing fees per individual.

The Honorable Robert G. Fuller
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3. Sell agricultural project parcels only to those individuals who have not purchased such a parcel in the past eight years. Current statutes would allow a Delta II parcel owner to participate in the Pt. MacKenzie disposal.
4. Designate certain tracts within the disposal for dairy development. Current statutes do not specifically authorize the Department to so designate tracts.

If you have any questions, please give me a call.

Sincerely,



Sharon L. Barton
Special Assistant
to the Commissioner

Comparison of terms of the Pt. MacKenzie agricultural project re-offering under current statutes and with proposed changes.

	<u>With SB 418</u>	<u>Without SB 418</u>
Method of Sale	lottery without prequalification	lottery without prequalification
Residence requirement	30 days	one year
Application	one application per individual provides eligibility for all parcels in lottery	a separate application for each parcel would be required
Eligibility	all former winners of project agricultural land will not be eligible	former winners of agricultural land by auction will be eligible
Tract use designation	dairy tracts will be designated	dairy tracts will be designated although the Department may be legally vulnerable on this point

Comparison of terms of the Pt. MacKenzie agricultural project re-offering under current statutes and with proposed changes.

	<u>With SB 418</u>	<u>Without SB 418</u>
Method of Sale	lottery without prequalification	lottery without prequalification
Residence requirement	30 days	one year
Appraisal method	production or income	comparables
Price	\$100.00/acre per minimum using production appraisal	\$100/acre assuming commissioner's finding of scarcity or fair market value if such a finding cannot be made
Application	one application per individual per entire lottery allowed	one application per tract per individual allowed
	alternates will be drawn	alternates will be drawn
Eligibility	former winners of project agricultural land by auction (Delta II) will not be eligible	former winners of project agricultural land by auction will be eligible
Tract use designation	dairy tracts will be designated	dairy tracts will be designated