

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2783 HRES • SB 480 - SJR 21 •

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS <sup>1/</sup>	TOTAL FUNDS COLLECTED In 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION <sup>2/</sup>	FUNDING PER MILLION DOLLARS PRODUCTION VALUE <sup>3/</sup>
								Thous. Dollars	Dollars
<u>APPLE</u>									
Colorado	1969	Yes	Commission	Commissioner	45,000.00	No	No	4,283	10,507
Delaware	1938	Yes	Dept. of Ag	Governor	1,600.00	No	No	1,569	1,020
Georgia	1963	Yes	Dept. of Ag	Exofficios	11,500.00	No	No	1,455	7,904
Idaho	1966	Yes	Shipper	Governor	90,000.00	No	No	23,840	3,775
Illinois	1980	Yes	Processor*	Producers	32,563.00	Yes	Yes	11,704	2,782
Maryland	1947	Yes	Commission	Governor	31,893.00	No	No	8,733	3,652
Massachusetts	N/A	N/A	N/A	N/A	--	N/A	N/A	--	--
Michigan	1968	Yes	Commission	Governor	800,000.00	No	No	74,700	10,710
Missouri	1945	Yes	Dept. of Ag	Governor	8,040.00	No	No	6,285	1,279
New Jersey	N/A	Yes	Dept. of Ag	Board of Ag	17,293.00	No	No	16,240	1,065
North Carolina	1966	Yes	Dept. of Ag	Producers	53,013.00	No	No	11,137	4,760
Ohio	1971	Yes	Processor*	Director of Ag	12,000.00	Yes	No	25,112	478
Pennsylvania	1967	Yes	Dept. of Ag	St Sec of Ag	288,000.00	No	No	51,280	5,616
Utah	1970	Yes	Processor*	Producers	1,200.00	Yes	No	10,109	119
<u>VIRGINIA</u>	1946	Yes	Commission	Producers	256,286.00	No	No	44,550	5,753
Washington	1937		Commission	Producers	3,800,000.00			297,400	12,777
Total	--				5,448,388.00			588,397	9,260
Average	1960				340,524.00				
<u>CORN (For grain)</u>									
Illinois	1982	Yes	Processor*	Producer Elect	N/A	Yes	No	--	--
Kansas	1977	Yes	Dept. of Ag	Governor	212,671.00	Yes	No	378,594	562
Nebraska	1978	Yes	Processor*	Governor	642,622.00	No	No	1,887,333	340
North Carolina	1978	Yes	Dept. of Ag	Producers	427,100.00	Yes	No	370,418	1,153
Texas	1980	Yes	Commission	Producers	68,000.00	Yes	No	353,115	193
<u>VIRGINIA</u>	1980	Yes	Dept. of Tax	Governor	67,843.00	No	No	143,693	472
Wisconsin	1983	Yes	Commission	Producers	200,000.00	Yes	No	850,230	235
Total	--				1,618,236.00			3,983,383	406
Average	1980				231,177.00				

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

COMMODITY & STATE	YEAR ESTAB- LISHED	MANDA- TORY ASSESS- MENTS	WHO COLLECTED ASSESS- MENTS	WHO APPOINTS MEMBERS 1/	TOTAL FUNDS COLLECTED in 1982	ASSESS- MENT REFUND AVAILABLE	STATE FUND- ING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION 2/	FUNDING PER MILLION DOLLARS PRODUCTION VALUE 3/
								Thous. Dollars	Dollars
<b>PEANUTS</b>									
Florida	1972	Yes	Processor*	Commissioner	135,000.00	N/A	No	37,800	3,571
Georgia	1961	Yes	Dept. of Ag	Exofficios	1,636,541.00	No	No	366,889	4,461
New Mexico	1963	Yes	Processor*	Producers	10,300.00	No	No	6,777	1,520
North Carolina	1953	Yes	Dept. of Ag	Producers	289,532.00	Yes	No	112,540	2,573
Oklahoma	1965	Yes	Commission	Governor	200,000.00	Yes	No	40,076	4,991
South Carolina	1975	Yes	Commission	N/A	30,713.00	Yes	No	8,100	3,792
Texas	1969	Yes	Commission	Producers	180,000.00	Yes	No	81,345	2,213
VIRGINIA	1948	Yes	Dept. of Tax	Governor	135,404.00	No	No	70,528	1,920
Total	--				2,617,490.00			724,055	3,615
Average	1965				327,186.00				
<b>PORK</b>									
Alabama	1973	Yes	Processor*	N/A	42,959.00	Yes	No	95,030	452
Illinois	1965	No	Processor*	Producers	1,220,232.00	N/A	No	1,202,883	1,014
Kentucky	1973	No	Processor*	Appt. by Comm	160,000.00	N/A	No	152,216	1,051
Maryland	1957	Yes	Commission	Producers	25,600.00	Yes	No	46,455	551
Missouri	N/A	N/A	Commission	Producers	N/A	No	No	N/A	N/A
Montana	1974	Yes	Dept. of Ag	Governor	55,000.00	Yes	No	29,937	1,837
North Carolina	1964	Yes	Dept. of Ag	Producers	296,622.00	Yes	No	372,945	795
Ohio	1968	No	Commission	Producers	N/A	N/A	No	N/A	N/A
Oklahoma	1968	Yes	Commission	Governor	70,000.00	Yes	No	41,943	1,669
South Carolina	1970	Yes	Commission	N/A	35,193.00	Yes	No	71,376	493
Texas	1974	Yes	Commission	Producers	105,000.00	Yes	No	103,462	1,015
VIRGINIA	1967	Yes	Processor*	Governor	147,217.00	No	Yes	109,016	1,350
Total	--				2,157,823.00			2,225,263	970
Average	1969				179,819.00				

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

3.

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS <u>1/</u>	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION <u>2/</u>	FUNDING PER MILLION DOLLARS PRODUCTION VALUE <u>3/</u>
								Thous. Dollars	Dollars
<u>SOYBEAN</u>									
Alabama	1971	Yes	Processor*	N/A	168,482.00	Yes	No	285,155	591
Delaware	1980	Yes	Commission	Producers	72,300.00	Yes	No	36,288	1,992
Florida	1971	Yes	Processor*	Commissioner	70,000.00	N/A	No	85,053	823
Georgia	1971	Yes	Dept. of Ag	Exofficios	173,880.00	No	No	375,233	463
Illinois	1974	Yes	Processor*	Producers	1,660,107.00	Yes	No	2,073,494	801
Kansas	1977	Yes	Board of Ag	Governor	237,753.00	Yes	No	247,065	962
Kentucky	1974	Yes	Processor*	N/A	190,000.00	Yes	No	297,472	639
Maryland	1980	Yes	Commission	Producers	98,000.00	Yes	No	64,598	1,519
Michigan	1976	Yes	Commission	Governor	113,000.00	Yes	No	172,484	655
Minnesota	1969	Yes	Commission	Producers	1,210,191.00	Yes	No	942,840	1,284
Mississippi	1970	N/A	Dept. of Tax	Governor	697,595.00	Yes	No	519,480	1,343
Missouri	1979	Yes	Dept. of Ag	Producers	703,422.00	Yes	No	985,871	714
Nebraska	1975	Yes	Processor*	Governor	786,000.00	Yes	No	442,980	1,774
New Jersey	N/A	Yes	Dept. of Ag	Board of Ag	31,166.00	No	No	22,525	1,384
North Carolina	1966	Yes	Dept. of Ag	Producers	283,800.00	Yes	No	294,000	965
Ohio	1970	No	Commission	Producers	N/A	N/A	N/A	N/A	N/A
Oklahoma	1979	Yes	Commission	Governor	60,000.00	Yes	No	26,600	2,256
South Carolina	1969	Yes	Commission	N/A	114,000.00	Yes	No	227,920	500
Tennessee	1977	No	Dept. of Ag	Governor	6,184.00	N/A	No	348,975	46
Texas	1970	Yes	Commission	Producers	34,000.00	Yes	No	121,992	279
<u>VIRGINIA</u>	1970	Yes	Dept. of Tax	Governor	59,874.00	No	No	104,272	574
Total	--				6,779,754.00			7,674,297	883
Average	1974				322,845.00				
<u>SWEET POTATOES</u>									
Georgia	1961	Yes	Dept. of Ag	Exofficios	8,049.00	No	No	6,634	1,213
North Carolina	1961	Yes	Dept. of Ag	Producers	141,740.00	Yes	No	37,310	3,799
South Carolina	1969	Yes	Commission	N/A	9,685.00	Yes	No	5,850	1,656
<u>VIRGINIA</u>	1965	Yes	Dept. of Ag	Governor	12,723.00	No	No	2,970	4,284
Total	--				172,197.00			52,764	3,264
Average	1964				43,049.00				

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TABLE 2

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS 1/	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION <sup>2/</sup>	FUNDING PER MILLION DOLLARS PRODUCTION VALUE <sup>3/</sup>
								Thous. Dollars	Dollars
<b>TOBACCO</b>									
Florida	1971	Yes	Processor*	Commissioner	21,000.00	No	No	35,840	586
Georgia	1962	Yes	Dept. of Ag	Exofficios	119,735.00	No	No	189,478	632
Kentucky	1976	Yes	Processor*	Appt. by Comm	360,000.00	Yes	No	1,031,397	349
Maryland	1947	Yes	Commission	Governor	35,928.00	No	No	65,490	549
<u>VIRGINIA FLUE</u>	1948	Yes	Dept. of Tax	Governor	111,891.00	No	No	200,739	557
<u>VIRGINIA FIRE</u>	1964	Yes	Dept. of Tax	Governor	4,536.00	No	No	6,805	666
Total	--				653,090.00			1,529,749	427
Average	1964				108,848.00				
<b>EGG</b>									
Georgia	1961	Yes	Dept. of Ag	Exofficios	207,045.00	No	No	303,464	682
Illinois	1973	Yes	Processor*	Producers	152,898.00	Yes	No	55,970	2,732
Minnesota	1969	Yes	Commission	Producers	228,353.00	Yes	No	100,320	2,276
Mississippi	1973	N/A	Dept. of Ag	Governor	49,128.00	Yes	No	86,233	570
Missouri	1970	Yes	Dept. of Ag	Producers	229,263.00	Yes	No	61,395	3,734
North Carolina	1966	Yes	Dept. of Ag	Producers	154,902.00	Yes	No	169,341	915
Ohio	1973	Yes	Processor*	Director of Ag.	63,000.00	Yes	No	117,088	538
South Carolina	1973	Yes	Commission	N/A	80,555.00	Yes	No	78,246	1,030
Utah	1979	Yes	Processor*	Producers	30,000.00	Yes	No	18,291	1,640
<u>VIRGINIA</u>	1980	Yes	Dept. of Tax	Governor	68,667.00	No	No	53,650	1,280
Total	--				1,263,811.00			1,043,998	1,211
Average	1971				126,381.00				

FOOTNOTES:

N/A = Not available

Processor\* = Processor or first handler

1/ Definitions: Board of Ag. = Board of Agriculture

Director of Ag = Director of Agriculture

St Sec of Ag = State Secretary of Agriculture

2/ Source: Preliminary 1982 Official Estimates, SRS, USDA

3/ Calculated (Survey reported total funds collected in 1982 divided by commodity value of production).

Table 3 Agricultural commodity commission funding — Ratio of funding to production value of individual commodities for states reporting to special inquiry, May, 1983.

COMMODITIES:

APPLES			CORN			PEANUTS			PORK		
Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value
By State			By State			By State			By State		
Rank State	Dollars		Rank State	Dollars		Rank State	Dollars		Rank State	Dollars	
1	Wash.	12,777	1	N.C.	1,153	1	Okla.	4,991	1	Mont.	1,837
2	Mich.	10,710	2	Kan.	552	2	Ga.	4,461	2	Okla.	1,669
3	Colo.	10,507	3	VIRGINIA	472	3	S.C.	3,792	3	VIRGINIA	1,350
4	Ga.	7,904	4	Nev.	340	4	Fla.	3,571	4	Ky.	1,051
5	VIRGINIA	5,753	5	Wisc.	235	5	N.C.	2,573	5	Texas	1,015
6	Pa.	5,616	6	Texas	193	6	VIRGINIA	2,213	6	Ill.	1,014
7	N.C.	4,760		Average	492	7	Texas	1,920	7	N.C.	795
8	Idaho	3,775				8	New Mex.	1,520	8	Md.	551
9	Md.	3,652					Average	3,130	9	S.C.	493
10	Ill.	2,782							10	Ala.	452
11	Mo.	1,279								Average	1,023
12	Del.	1,020									
13	Ohio	478									
14	Utah	119									
	Average	5,072									

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TABLE 3

Table 3 Agricultural commodity commission funding -- Ratio of funding to production value of individual commodities for states reporting to special inquiry, May, 1983.--Continued

## COMMODITIES:

SOYBEANS			SWEET POTATOES			TOBACCO			EGGS		
Ranking Order		Funds Per Mil. Dols. of	Ranking Order		Funds Per Mil. Dols. of	Ranking Order		Funds Per Mil. Dols. of	Ranking Order		Funds Per Mil. Dols. of
By State	Crop Value		By State	Crop Value		By State	Crop Value		By State	Crop Value	
Rank State	Dollars		Rank State	Dollars		Rank State	Dollars		Rank State	Dollars	
1	Okla.	2,256	1	VIRGINIA	4,284	1	VIRGINIA-Fire	666	1	Mo.	3,734
2	Del.	1,992	2	N.C.	3,799	2	Ga.	632	2	Ill.	2,732
3	Nev.	1,774	3	S.C.	1,656	3	Fla.	586	3	Minn.	2,276
4	Md.	1,517	4	Ga.	1,213	4	VIRGINIA-Flue	557	4	Utah	1,640
5	N.J.	1,384		Average	2,663	5	Md.	549	5	VIRGINIA	1,280
6	Miss.	1,343				6	Ky.	349	6	S.C.	1,030
7	Minn.	1,284					Average	556	7	N.C.	915
8	N.C.	965							8	Ga.	682
9	Kan.	962							9	Minn.	570
10	Fla.	823							10	Ohio	503
11	Ill.	801								Average	1,540
12	Mo.	714									
13	Mich.	655									
14	Ky.	639									
15	Ala.	591									
16	VIRGINIA	574									
17	S.C.	500									
18	Ga.	463									
19	Texas	279									
20	Tenn.	46									
	Average	978									

S

B

500



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: SB 500  
DATE: March 8, 1984

SB 500 extends the life of the litter program in DEC for three more years. Without this extension, statutory authorization for the program will end on July 1 of this year.

The bill additionally makes clarifying amendments to the program.

DEC has proposed one further amendment to clear up possible confusion in Section 5.

A recent Legislative Budget & Audit Committee audit recommended continuation of the program.

### Fiscal information

This bill has a zero fiscal note

### Back-up information

Governor's transmittal letter  
letter from Commissioner Neve' 2/23/84  
position paper Dept. of Environmental /Conserv. 2/27/84  
portions of Legislative Audit report 8/29/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Reauthorization

FISCAL DETAIL

Bill/Resolution No.: of AS 46.06  
Title: Recycling and Reduction  
of Litter

Agency Affected: Environmental Conservation  
Program Category Affected: Quality Management

Sponsor: \_\_\_\_\_  
Requestor: D.E.C.  
Date of Request: 1/30/84

BRU, Program or Subprogram(s) Affected: Litter Reduction & Resource Recovery Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 SUPPLIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES		0	0	0		
700 GRANTS, CLAIMS		0	0	0		
800 MISCELLANEOUS		0	0	0		
TOTAL OPERATING		0	0	0		
CAPITAL		0	0	0		
REVENUE		0	0	0		

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NOTE: This is an ongoing program, with a "sunset" date of July 1, 1984.  
Funding for this program is included in the Governor's FY'85 budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Christopher Npah Phone: 465-2600  
Division: Commissioner's Office Date: 1/30/84

Approved by Commissioner: [Signature] Date: 1/30/84  
Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

12/1/83

FISCAL NOTE

Revision Date: April 30, 1984

REQUEST

Bill/Resolution No.: CSSB 500 (SA)am  
 Title: Reduction of Litter and  
Recovery of Materials... from Litter  
 Sponsor: Rules/Governor  
 Requestor: DEC  
 Date of Request: 4/30/84

FISCAL DETAIL

Agency Affected: Environmental Conservation  
 Program Category Affected: Environmental  
Quality Management  
 BRU, Program or Subprogram(s) Affected:  
Litter Reduction & Resource Recovery Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING		0	0	0		
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 SUPPLIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES		0	0	0		
700 GRANTS, CLAIMS		0	0	0		
800 MISCELLANEOUS		0	0	0		
TOTAL OPERATING		0	0	0		
CAPITAL		0	0	0		
REVENUE		0	0	0		

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Christopher Noah

Phone: 465-2600

Division: Office of the Commissioner

Date: 4/30/84

Approved by Commissioner: Christopher Noah

Date: 4/30/84

Agency: Environmental Conservation Deputy Commissioner

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 13, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to extend the life of the current Alaska Statutes regarding recycling and reduction of litter, and making other minor amendments to those statutes. The amendments include requirements for degradable beverage packaging material sold in the state (secs. 5 and 8 of the bill).

The Litter Act (AS 46.06.010 -- 46.06.150) expires on July 1, 1984, leaving the state with no framework for an organized statewide program for reducing and ultimately preventing litter, and no state law prohibiting the use of nondegradable beverage packaging.

I believe all Alaskans would benefit by a three-year extension of this law, allowing the vital work of the Department of Environmental Conservation in reducing litter and preserving the unique environment of Alaska to continue. The division of legislative audit recommended extension of the Litter Act in its August 29, 1983 performance report prepared in compliance with sec. 4, ch. 149, SLA 1980.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

AN ACT

Relating to the reduction of litter and the recovery of materials and energy from litter; and providing for an effective date.

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CHAPTER 06. RECYCLING AND REDUCTION OF LITTER

Section	Section
10. Powers and duties of the department	80. Littering prohibited
20. Annual report	90. Prohibited beverage containers
30. Advisory Council	100. Notice to public
40. Public awareness; motivation	110. Enforcement authority
50. Litter receptacles and anti-litter symbol	120. Grants
60. Litter bags	130. Conditions for grants
70. Litter patrol	140. Federal requirements
	150. Definitions

---

Effective date of chapter. Section 6, ch. 149, SLA 1980, makes this chapter effective July 1, 1980. Section 5, ch. 149, SLA 1980, provides: "This Act terminates July 1, 1984."

Editors note. As to intent of 1980 legislation enacting this chapter, see § 1, ch. 149, SLA 1980, in Temporary and Special Acts and Resolves.

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LEGISLATIVE INTENT. (a) It is the intent of the legislature to encourage the recovery of resources from litter and maintain the natural environment of the state as nearly litter free as possible so that our cities, boroughs, rural regions, highways, roads, and recreational areas can be viewed and enjoyed by both present and future citizens and visitors in their finest scenic state, unblemished by litter.

(b) It is the belief of the legislature that the official encouragement and stimulation of private and public recovery of materials and energy from litter, through recycling centers and other means, will result in the recovery and reuse of major quantities of basic materials with accompanying significant conservation and savings of energy.

(c) It is the belief of the legislature that a litter-free environment is possible through enactment of a strong and well-balanced program of litter prevention, a program of public awareness designed to make littering an unacceptable practice in the minds of all citizens and visitors, and a program of public education with emphasis on younger people who are the future of the state.

(d) It is the intent of the legislature that appropriations made to finance the programs created under AS 46.06 enacted in this Act should be spent to encourage local solutions for the prevention of littering.

Sec. 46.06.010. POWERS AND DUTIES OF THE DEPARTMENT [Terminates July 1, 1984]. The department shall

(1) serve as the coordinating agency among the various government and private organizations in the state which are involved in litter control and reduction and the recovery of energy or materials from litter;

(2) assist local governments in the adoption and amendment of ordinances relating to litter control and reduction;

(3) encourage, organize and coordinate voluntary local information campaigns which seek to focus the attention of the public on the reduction of litter and the recovery of materials and energy from litter;

(4) encourage, organize and coordinate voluntary or nonprofit local programs for the recovery of materials or energy from litter;

(5) encourage federal, state and local agencies to aid programs for the recovery of materials and energy from litter by providing publicity which encourages those programs and by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;

(6) investigate the availability of, apply for, receive, and expend grants, loans or other funds available from any source, and, if it is appropriate and feasible, accept nonmonetary assistance in form of services or equipment for use in programs established under this chapter;

(7) determine the types of materials or energy which may be profitably recovered from litter, and adopt regulations under the Administrative Procedure Act (AS 44.62) which require the recovery of the materials or energy;

(8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter; and

(9) develop methods for the measurement of litter in the state and encourage competition between municipalities to establish which municipality has the least litter. (§ 2 ch 149 SLA 1980)

Sec. 46.06.020. ANNUAL REPORT [Terminates July 1, 1984]. Not later than six months after the end of each fiscal year, the department shall prepare a detailed report describing and evaluating the actions taken and programs established under this chapter for submission to the governor and the legislature. The report must include

- (1) the status and results of all grants made under this chapter;
- (2) an evaluation of the progress achieved by litter control and reduction programs; and
- (3) an evaluation of the resources and energy recovered from litter in the state. (§ 2 ch 149 SLA 1980)

Sec. 46.06.030. ADVISORY COUNCIL [Terminates July 1, 1984]. (a) There is created an advisory council to the department, which shall advise the department concerning the litter control and reduction, source separation and other programs for the recovery of energy and materials from litter under this chapter. The council may encourage the participation of industry, labor, municipalities, and the public in the programs administered by the department.

(b) The council consists of seven members appointed by the governor who are aware of and concerned with achieving the goals of this chapter. The members serve at the pleasure of the governor.

(c) The council shall meet annually, and may meet more frequently if necessary or desired. The members of the council serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions. (§ 2 ch 149 SLA 1980)

Sec. 46.06.040. PUBLIC AWARENESS; MOTIVATION [Terminates July 1, 1984]. The department shall establish, provide advice concerning, and coordinate programs designed to

- (1) encourage the public to recover material and energy from litter;
- (2) use existing, and develop new, techniques and programs to reduce litter and littering;
- (3) encourage the public not to litter and to engage in cleanup efforts; and
- (4) advise the public of the state's anti-litter laws and regulations and encourage enforcement of those laws and regulations. (§ 2 ch 149 SLA 1980)

Sec. 46.06.050. LITTER RECEPTACLES AND ANTI-LITTER SYMBOL [Terminates July 1, 1984]. (a) The department shall designate one or more types and sizes of litter receptacles for use in the state. The department shall make available for distribution throughout the state an anti-litter symbol of a uniform color and design adopted by the department. This anti-litter symbol must bear a statement of the penalties for littering, and the department shall design the anti-litter symbol so that it may be attached to litter receptacles. To aid public recognition and use of litter receptacles, the department may adopt an anti-litter symbol used in another state. The anti-litter symbol designed by the department must be attached to litter receptacles located in the public places of the state by the person or agency responsible for the placement of those receptacles.

(b) Litter receptacles designated for use in the state by the department shall be placed at public places in the state unless the public place is specifically exempted by regulations adopted by the commissioner under the Administrative Procedure Act (AS 44.62). The number of receptacles required to be placed in each public place shall be determined by a formula related to the need for those receptacles. The requirements of this subsection are satisfied by the use of a litter receptacle which was in use before July 1, 1980, if the anti-litter symbol of the state is attached to the receptacle.

(c) A person owning or operating a privately owned public place at which litter receptacles are required under (b) of this section shall place litter receptacles at the public place at his own expense.

(d) Compliance with this section requires proper upkeep, maintenance and repair of a litter receptacle sufficient to permit the receptacle to serve the function for which it was designed and to prevent the receptacle from becoming unsightly.

(e) Responsibility for the placement of litter receptacles at publicly owned public places and for the removal of litter from those litter receptacles remains with the municipality or other public agency performing litter removal. Removal of litter from litter receptacles placed at privately owned public places remains the responsibility of the owner or operator of the privately owned public place.

(f) A person may not damage, deface, abuse or misuse a litter receptacle not owned by him so as to interfere with its proper function or to detract from its appearance.

(g) A person may not deposit leaves, clippings, prunings, garden refuse or household waste materials in a litter receptacle unless he has the permission of the owner of that receptacle.

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) - (g) of this section is guilty of a violation and in addition to the punishment imposed by AS 12.55.035(b)(5), the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

(i) If a municipality of the state adopts an ordinance which prohibits the same conduct prohibited by (b) - (g) of this section, a violation of (b) - (g) of this section which occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(5). (§ 2 ch 149 SLA 1980)

Sec. 46.06.060. LITTER BAGS [Terminates July 1, 1984]. The department shall design and have produced a biodegradable litter bag bearing the state anti-litter symbol and a statement of the penalties for littering in the state. The department shall make litter bags available to the division of motor vehicles in the Department of Public Safety for this purpose. To the greatest extent practicable, the division of motor vehicles shall distribute one litter bag to each person who applies for registration or reregistration of his motor vehicle and shall notify the person of his responsibilities under the law. The department shall make litter bags available to all vessel owners and persons entering the state by automobile. The commissioner shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by automobile or vessel. (§ 2 ch 149 SLA 1980)

Sec. 46.060.070. LITTER PATROL [Terminates July 1, 1984]. (a) The department shall establish a youth litter patrol program for the employment of young people on a seasonal basis. The department shall cooperate with federal, state or municipal programs that either employ young people or encourage their

employment. The department may contract with other state agencies to provide administration and other support for the youth litter patrol established by this section.

(b) The department may adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary to implement this section. (§ 2 ch 149 SLA 1980)

Sec. 46.06.080. LITTERING PROHIBITED [Terminates July 1, 1984]. (a) A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the state or in waters in the state or under state jurisdiction unless

(1) the property is designated by a state agency or municipality as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or

(2) litter is placed in a litter receptacle so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the state or under state jurisdiction.

(b) A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used (1) to deposit salt or sand to secure traction, (2) by a public agency to clean or maintain highways, or (3) to transport agricultural, mining or timber products. A person who operates a vehicle from which an object has fallen or escaped which obstructs or endangers travel upon a public highway or right-of-way shall immediately remove the object at his own expense or pay the cost of removal incurred by the state or by a person.

(c) A person who violates this section is guilty of a class B misdemeanor, and in addition to the punishment imposed by AS 12.55.035(b)(4) and 12.55.135(b), the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court. (§ 2 ch 149 SLA 1980)

Sec. 46.06.090. PROHIBITED BEVERAGE CONTAINERS [Terminates July 1, 1984].

(a) Beginning October 1, 1981, a person may not sell or offer to sell a nonglass beverage container which is designed and constructed so that the container is opened by detaching a metal ring or tab. This section does not apply to a beverage container which is opened by a detachable piece of tape, foil, or other soft material.

(b) Beginning October 1, 1981, a person may not sell or offer to sell beverage containers which are held together by plastic rings or similar plastic devices which are not degradable.

(c) A person who violates this section is guilty of a violation. Each sale or offer to sell is a separate offense. (§ 2 ch 149 SLA 1980)

Sec. 46.06.100. NOTICE TO PUBLIC [Terminates July 1, 1984]. The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and other publicly owned public places the commissioner determines necessary to accomplish the purposes of this chapter. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section. (§ 2 ch 149 SLA 1980)

Sec. 46.06.110. ENFORCEMENT AUTHORITY [Terminates July 1, 1984]. (a) The following persons are authorized to enforce the provisions of this chapter:

- (1) a state employee authorized by the commissioner; and
- (2) a peace officer.

(b) The department shall prescribe a citation form which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. (§ 2 ch 149 SLA 1980)

Sec. 46.06.120. GRANTS [Terminates July 1, 1984]. The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the establishment and operation of programs authorized under this chapter. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

- (1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;
- (2) purchase and erection of roadside signs;

(3) organization and operation of litter removal activities conducted by municipalities, private organizations or service groups using volunteer help;

(4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;

(5) expansion of existing, and planning, design and construction of new, facilities for the recovery of materials and energy from litter;

(6) research and evaluation of markets for the materials and energy recovered from litter;

(7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrangements, markets for materials or energy obtained from litter, transportation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations to assess the amount and composition of litter, and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of operating that equipment, and the cost of storing and transporting materials before and after those materials are recycled. (§ 2 ch 149 SLA 1980)

Sec. 46.06.130. CONDITIONS FOR GRANTS [Terminates July 1, 1984]. (a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62) which establish

(1) eligibility requirements for applicants for a grant under AS 46.06.120;

(2) standards for the evaluation of proposals submitted by applicants for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120 which are necessary to achieve the purposes of this chapter.

(b) The regulations adopted by the department under (a) of this section must meet the following criteria:

(1) if there is not enough money for grants to all eligible applicants, the following shall receive priority:

(A) a proposed program or project which most efficiently recovers materials or energy from litter;

(B) the proposed program or project which creates the greatest number of new jobs;

(2) the maximum amount for a single grant shall be established so that available money is distributed to a variety of programs;

(3) a grant may be made for new programs or for improvements to or additions to existing programs which were not previously financed by other existing resources of financing. (§ 2 ch 149 SLA 1980)

Sec. 46.06.140. FEDERAL REQUIREMENTS [Terminates July 1, 1984]. If a federal department or agency issues a formal ruling that a section of this chapter will prevent the state from receiving federal financial participation in a program or activity established under this chapter, the section does not apply to the extent that it causes the program or activity to lose federal funding. (§ ch 2 149 SLA 1980)

Sec. 46.06.150. DEFINITIONS [Terminates July 1, 1984]. In this chapter,

(1) "beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing beer or other malt beverages or carbonated soft drinks, in liquid form;

(2) "commissioner" means the commissioner of environmental conservation;

(3) "department" means the Department of Environmental Conservation;

(4) "litter" means all waste materials susceptible to being dropped, deposited, discarded or otherwise disposed of upon property in the state or in waters under state jurisdiction; "litter" does not include the waste of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing;

(5) "litter bag" means a bag, sack or other container made of any material which is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(6) "public place" means public or private property that is used or held out for use by the public, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, parking lots for taverns, shopping centers and grocery stores and other parking lots which have a capacity for more than 50 vehicles, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, and business district sidewalks;

(7) "vehicle" means a mechanically driven device of any kind which is used for the transportation of a person or property on a public highway, trail or path;

(8) "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water. (§ 2 ch 149 SLA 1980)

\* AS 11.46.488 and 19.17.010 are repealed.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER  
POUCH O, JUNEAU, ALASKA 99811

Telephone: (907)

Address:

465-2600

May 3, 1984

The Honorable John Ringstad  
The Honorable Richard Schultz  
Co-Chairmen, House Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representatives Ringstad and Schultz:

I appreciate the opportunity to respond to the House Resources Committee's questions and suggestions on SB 500 and the Litter Reduction and Resource Recovery Program, brought up during the April 30 Committee hearing.

The intent of SB 500 is to reauthorize the Recycling and Reduction of Litter Act (AS 46.06), originally enacted by the Legislature in 1980, with a sunset date of July 1, 1984. According to the Division of Legislative Audit's August 29, 1983 performance review, the Litter Reduction and Resource Recovery Program has been successful in achieving the provisions of the Act. This review also recommended that the Act and the program be continued. Passage of SB 500 would authorize the program to continue to work toward a litter-free Alaska.

In response to the Committee's recommendation that prison inmates pick up litter, I am pleased to report that the Division of Corrections is planning to start up such a program for parolees in Anchorage. It is planned that residents of the Glenwood Center will start picking up litter in Anchorage within several weeks; this will be coordinated through the Municipality of Anchorage's Community Work Services Program. I have written to Commissioner Endell to encourage him to start up similar program for litter pickups by residents of other community regional centers and inmates of correctional institutions throughout the state.

In addition to these planned activities, there are several excellent programs already in place which supervise litter pickups by people involved in the criminal justice system. In the Fourth Judicial District,

primarily in Fairbanks, there is an effective litter enforcement program which includes litter pickup as an alternative sentence. Participants include not only litter violators, but also people who have committed other types of minor offenses. The longest sentence so far has been 45 days, 8 hours a day of litter pickup. In Anchorage, the Municipality's Community Work Services Program has been very successful in providing alternate ways of sentencing; 350 people have come through this program since its creation in 1983. During the warmer months, one of the main programs is to clean highways and parks in the Anchorage area. Over 100,000 pounds of litter have been picked up since the Community Work Services Program began. The litter crews consist not only of litter law violators but also people sentenced for other crimes such as shoplifting, DWI, and property destruction. They are under the direct supervision of Community Services staff who require quality work. I have enclosed a recent photo from the Anchorage Daily News showing one of the crews in action.

The Department of Law's Pre-trial Diversion Program in Juneau also has a successful program of litter pickup by people involved in a minor crime or first-time offense. During 1983, 53 court-sentenced individuals in this program performed 1,659 hours of litter pickup. There are several other similar projects statewide, and my staff will continue to work closely to coordinate and encourage these commendable efforts.

We have also looked into the concern about the lack of litter receptacles on the Tok Cut-off Highway. Staff of the Department of Transportation and the Division of Parks informed us that litter barrels are placed and maintained at rest areas and turnouts from mid-May to mid-October. This is the time of major traffic along the highway. During the winter, traffic volume is quite low, and the litter barrels fill with snow and ice, as well as interfering with winter highway maintenance such as snow plowing. During the May 15 - October 15 season, litter barrels are placed and maintained at the following locations along the Tok Cut-off:

Mile 1	- 4 litter barrels
Mile 18	- 3-4 litter barrels
Mile 20	- 4 litter barrels
Mile 24	- 4 litter barrels
Mile 44.4	- 2-4 litter barrels
Mile 63.7	- several litter barrels
Mile 75.5	- 3 litter barrels
Mile 89	- 2 litter barrels
Mile 90	- 2 litter barrels
Mile 109.3	- several litter barrels

DEC field staff have been working with the Department of Transportation to encourage receptacle placement along the highways and will continue to monitor compliance of the litter receptacle regulations statewide.

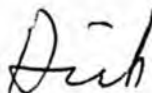
The Honorable John Ringstad  
The Honorable Richard Shultz

3

May 3, 1984

Thank you again for the opportunity to respond. Since the Litter and Recycling Program was originally an idea and creation of the Alaska Legislature, the department is especially concerned to keep you informed on its progress. If my staff or I can provide any additional information, please let me know.

Sincerely,



Richard A. Neve  
Commissioner

RAN/SS/bs

cc: The Honorable Rick Uehling  
The Honorable Charlie Bussell  
The Honorable John J. Cowdery  
The Honorable Peter Goll  
The Honorable Ronald L. Larson  
The Honorable John J. Liska  
The Honorable Anthony Vaska



Anchorage Daily News/Paul Brown

### **Paying his dues**

One member of a crew that consists of persons convicted of misdemeanors was cleaning up the Seward Highway median Friday as part of a community service program. Today the crews will be working along the Glenn Highway.

REG  
DAY  
DEPT  
ENVIRONMENT

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

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OFFICE OF THE COMMISSIONER  
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The Honorable John Ringstad  
The Honorable Richard Shultz

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May 3, 1984

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Sincerely,



Richard A. Neve  
Commissioner

RAN/SS/bs

cc: The Honorable Rick Uehling  
The Honorable Charlie Bussell  
The Honorable John J. Cowdery  
The Honorable Peter Goll  
The Honorable Ronald L. Larson  
The Honorable John J. Liska  
The Honorable Anthony Vaska

Offered: 3/12/84  
Referred: Rules

*Pluse  
Josephson  
8:30 CS advised  
6/1/84  
FILE  
COPY  
CHANGES*

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 500 (State Affairs) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the reduction of litter and the  
7 recovery of materials and energy from litter; and  
8 providing for an effective date."

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

10 \* Section 1. AS 46.06.010 is amended to read:

11 Sec. 46.06.010. POWERS AND DUTIES OF THE DEPARTMENT. The de-  
12 partment shall

13 (1) serve as the coordinating agency among the various  
14 government and private organizations in the state that [WHICH] are  
15 involved in litter control and reduction and the recovery of energy or  
16 materials from litter;

17 (2) assist local governments in the adoption and amendment  
18 of ordinances relating to litter control and reduction;

19 (3) encourage, organize and coordinate voluntary local  
20 information campaigns that [WHICH] seek to focus the attention of the  
21 public on the reduction of litter and the recovery of materials and  
22 energy from litter;

23 (4) encourage, organize and coordinate voluntary or non-  
24 profit local programs for the recovery of materials or energy from  
25 litter;

26 (5) encourage federal, state and local agencies to aid  
27 programs for the recovery of materials and energy from litter by  
28 providing publicity that [WHICH] encourages those programs and by  
29 allowing the use of publicly owned land, buildings, or equipment for

1 those programs whenever possible;

2 (6) investigate the availability of, apply for, receive,  
3 and expend grants, loans or other funds available from any source,  
4 and, if it is appropriate and feasible, accept nonmonetary assistance  
5 in the form of services or equipment for use in programs established  
6 under this chapter;

7 (7) determine the types of materials or energy that [WHICH]  
8 may be profitably recovered from litter, and adopt regulations under  
9 the Administrative Procedure Act (AS 44.62) that [WHICH] require the  
10 recovery of the materials or energy;

11 (8) adopt other regulations under the Administrative Proce-  
12 dure Act (AS 44.62) necessary to implement this chapter; and

13 (9) develop methods for the measurement of litter in the  
14 state, and encourage competition between municipalities to reduce  
15 littering [ESTABLISH WHICH MUNICIPALITY HAS THE LEAST LITTER].

16 \* Sec. 2. AS 46.06.050(a) is amended to read:

17 (a) The department <sup>may</sup> ~~shall~~ designate one or more types and sizes  
18 of litter receptacles for use in the state. The department <sup>may</sup> ~~shall~~  
19 designate and make available for distribution throughout the state an  
20 anti-litter symbol of a uniform color and design adopted by the de-  
21 partment. This anti-litter symbol must bear a statement of the pen-  
22 alties for littering [,] and must be designed [THE DEPARTMENT SHALL  
23 DESIGN THE ANTI-LITTER SYMBOL] so that it may be attached to litter  
24 receptacles. To aid public recognition and use of litter receptacles,  
25 the department may adopt an anti-litter symbol used in another state.  
26 The anti-litter symbol designated [DESIGNED] by the department <sup>shall</sup> ~~must~~ be  
27 attached to litter receptacles located in the public places of the  
28 state by the person or agency responsible for the placement of those  
29 receptacles.

1 \* Sec. 3. AS 46.06.060 is amended to read:

2           Sec. 46.06.060. LITTER BAGS. The department shall design and  
3 have produced a [BIODEGRADABLE] litter bag bearing the state anti-  
4 litter symbol and a statement of the penalties for littering in the  
5 state. The department shall make litter bags available to the divi-  
6 sion of motor vehicles in the Department of Public Safety for this  
7 purpose. To the greatest extent practicable, the division of motor  
8 vehicles shall distribute one litter bag to each person who applies  
9 for registration or reregistration of a [HIS] motor vehicle and shall  
10 notify the person of the person's [HIS] responsibilities under the  
11 law. The department shall make litter bags available to all vehicle  
12 and vessel operators [OWNERS AND PERSONS] entering the state [BY  
13 AUTOMOBILE]. The commissioner shall designate distribution points for  
14 the broadest possible distribution of litter bags to persons entering  
15 the state by vehicle [AUTOMOBILE] or vessel.

16 \* Sec. 4. AS 46.06.070(a) is amended to read:

17           (a) The department may [SHALL] establish a youth litter patrol  
18 program for the employment of young people on a seasonal basis. The  
19 department shall cooperate with federal, state or municipal programs  
20 that either employ young people or encourage their employment. The  
21 department may contract with other state agencies to provide adminis-  
22 tration and other support for the youth litter patrol established by  
23 this section.

24 \* Sec. 5. AS 46.06.090 is amended to read:

25           Sec. 46.06.090. PROHIBITED BEVERAGE CONTAINERS; PACKAGING RE-  
26 QUIREMENTS. (a) Beginning October 1, 1981, a person may not sell or  
27 offer to sell a nonglass beverage container that [WHICH] is designed  
28 and constructed so that the container is opened by detaching a metal  
29 ring or tab. This section does not apply to a beverage container that

1 [WHICH] is opened by a detachable piece of tape, foil, or other soft  
2 material.

3 (b) Beginning January 1, 1985 [OCTOBER 1, 1981], a person may  
4 not sell or offer to sell in this state beverage containers that  
5 [WHICH] are held together by plastic rings or similar plastic devices  
6 unless the rings or devices [WHICH] are [NOT] degradable and bear a  
7 distinguishing mark <sup>Furnished to</sup> ~~approved by~~ <sup>by the manufacturer.</sup> the department. The department may  
8 require test data that shows that the plastic rings or plastic devices  
9 meet or exceed the department's standards of degradability.

10 (c) A person who violates this section is guilty of a violation.  
11 Each sale or offer to sell is a separate offense.

12 \* Sec. 6. AS 46.06.150(4) is amended to read:

13 (4) "litter" means all waste material including disposable  
14 packages or containers disposed of in a manner prohibited by AS 46.-  
15 06.080, but [MATERIALS SUSCEPTIBLE TO BEING DROPPED, DEPOSITED, DIS-  
16 CARDED OR OTHERWISE DISPOSED OF UPON PROPERTY IN THE STATE OR IN  
17 WATERS UNDER STATE JURISDICTION; "LITTER"] does not include the wastes  
18 [WASTE] of the primary processes of mining [OR OTHER EXTRACTION PRO-  
19 CESS], logging, sawmilling, farming or manufacturing;

20 \* Sec. 7. AS 46.06.150(6) is amended to read:

21 (6) "public place" means public or private property that is  
22 used or held out for use by the public, whether owned or operated by  
23 public or private interests, including but not limited to highways or  
24 other roads upon which vehicles are moved, parks, campgrounds, trailer  
25 parks, drive-in and fast food restaurants, gasoline service stations,  
26 parking lots for taverns, shopping centers and grocery stores and  
27 other parking lots that [WHICH] have a capacity for more than 50  
28 vehicles, marinas, boat launching areas, boat moorage and fueling  
29 stations, public and private piers, beaches, bathing areas, school

at end  
of list.

1 grounds, sporting event sites with seating capacity for more than 200  
2 spectators, and business district sidewalks;

3 \* Sec. 8. AS 46.06.150 is amended by adding a new paragraph to read:

4 (9) "degradable" means a characteristic of a material that  
5 allows the material to be broken down by biological, chemical, photo-  
6 chemical, or other physical processes within two years <sup>upon exposure to the elements</sup> to a particle  
7 size and chemical composition that may be assimilated harmlessly and  
8 aesthetically into the environment without producing a residue or  
9 by-product determined by the department to be hazardous.

10 \* Sec. 9. Section 5, ch. 149, SLA 1980 is amended to read:

11 Sec. 5. TERMINATION. This Act is repealed [TERMINATES] July 1,  
12 1987 [1984].

13 \* Sec. 10. This Act takes effect July 1, 1984.



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: SB 500  
DATE: March 8, 1984

SB 500 extends the life of the litter program in DEC for three more years. Without this extension, statutory authorization for the program will end on July 1 of this year.

The bill additionally makes clarifying amendments to the program.

DEC has proposed one further amendment to clear up possible confusion in Section 5.

A recent Legislative Budget & Audit Committee audit recommended continuation of the program.

### Fiscal information

This bill has a zero fiscal note

### Back-up information

Governor's transmittal letter  
letter from Commissioner Neve' 2/23/84  
position paper Dept. of Environmental /Conserv. 2/27/84  
portions of Legislative Audit report 8/29/83



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 13, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to extend the life of the current Alaska Statutes regarding recycling and reduction of litter, and making other minor amendments to those statutes. The amendments include requirements for degradable beverage packaging material sold in the state (secs. 5 and 8 of the bill).

The Litter Act (AS 46.06.010 -- 46.06.150) expires on July 1, 1984, leaving the state with no framework for an organized statewide program for reducing and ultimately preventing litter, and no state law prohibiting the use of nondegradable beverage packaging.

I believe all Alaskans would benefit by a three-year extension of this law, allowing the vital work of the Department of Environmental Conservation in reducing litter and preserving the unique environment of Alaska to continue. The division of legislative audit recommended extension of the Litter Act in its August 29, 1983 performance report prepared in compliance with sec. 4, ch. 149, SLA 1980.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield  
Governor

Position Paper

Department of Environmental Conservation

Senate Bill 500

For an Act entitled "An Act relating to the reduction of litter and the recovery of materials and energy from litter; and providing for an effective date".

The Department of Environmental Conservation strongly urges passage of SB 500, reauthorizing the Recycling and Reduction of Litter Act (AS 46.06) which expires on July 1, 1984.

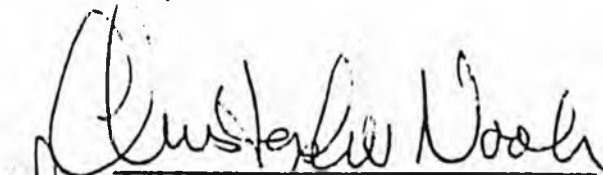
AS 46.06 provides the framework for a statewide program to reduce and ultimately prevent litter. The Act authorizes a wide range of projects to achieve a litter-free environment, including community relations, grants, youth patrols, public awareness, enforcement, litter receptacle requirements, distribution of litter bags, and the recycling of litter. The Act also prohibits littering, uncovered truckloads and nondegradable beverage packaging.

Many Alaskans consider litter to be the state's number one environmental problem. The litter/recycling program has strong support from the public and from industry. It has accomplished a great deal in its first three years. Grants were awarded to 36 organizations; "Spring Clean-ups" were held statewide, with 170 communities participating in 1982. The department distributed nearly 120,000 large litter bags for use in the 1982 cleanups. Also, many types of public awareness activities were undertaken to promote recycling and discourage littering, such as radio and television announcements, school curriculum development, and statewide proclamation of Spring Clean-up Month and Recycling Month. Public participation is a vital aspect of the litter/recycling program, and the program's advisory council provides an excellent forum for the public's concerns to be heard. The Litter Reduction and Resource Recovery Advisory Council, as citizen representatives of varied regions of Alaska, has provided invaluable direction to the program and demonstrated a strong commitment to litter reduction and recycling.

If the act were not reauthorized, the positive program activities described above would end. There would also be no statewide law specifically prohibiting littering, uncovered truckloads and nondegradable beverage packaging. It is probable that litter would increase, adversely affecting Alaskans and tourists alike.

Scientific surveys commissioned by the state indicate that during the three years of the litter/recycling program's existence, there has been an overall decrease in litter of approximately 35%. Additionally, the Division of Legislative Audit recommended continuation of AS 46.06 in their August 29, 1983, performance report. Reenactment of this law will allow the department to continue its vital work in reducing litter and preserving our unique environment, to the benefit of all Alaskan residents and visitors.

SES/ne

  
for Richard A. Neve, Commissioner

2/27/84  
Date

A PERFORMANCE REPORT  
ON THE  
LITTER REDUCTION  
AND RESOURCE RECOVERY PROGRAM

August 29, 1983

Audit Control Number

18-1115-83-R

Commissioner, Department of  
Environmental Conservation

Richard A. Neve'

Deputy Commissioner, Department of  
Environmental Conservation

Vacant

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99817

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

August 29, 1983

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes and Chapter 149 of the Temporary and Special Acts, the attached report is submitted for your review.

A PERFORMANCE REPORT  
ON THE  
LITTER REDUCTION  
AND RESOURCE RECOVERY PROGRAM

August 29, 1983



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE OF THE REPORT

In accordance with the provisions of Title 24 of the Alaska Statutes and Chapter 149 of the Temporary and Special Acts, an examination on the Litter Reduction and Resource Recovery Program was conducted to review program activities and accomplishments and determine if the Program has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Recycling and Reduction of Litter Act should be continued. The law currently specifies that the Act will terminate on July 1, 1984.

## ORGANIZATION AND FUNCTION

In 1980, legislation was adopted which established the State's Litter Reduction and Resource Recovery Program (LR/RR). It was the intent of the Legislature to "encourage the recovery of resources from litter and maintain the natural environment of the State as nearly litter free as possible so that our cities, boroughs, rural regions, highways, roads, and recreational areas can be viewed and enjoyed by both present and future citizens and visitors in their finest scenic state, unblemished by litter."

Alaska Statute 46.06 charges the Department of Environmental Conservation (DEC) with the responsibility of implementing the Recycling and Reduction of Litter Act. To enact the State's LR/RR, which was to include an emphasis on litter prevention, public awareness, and public education, as well as provide official encouragement and stimulation of private and public recovery of materials and energy from litter, DEC has performed a varied array of functions. These functions include, but are not limited to: the awarding of grants; the dissemination of litter bags; the design of an anti-litter symbol; the development of litter receptacle regulations; the enforcement of litter and prohibited beverage container laws; the preparation and release of information to the media; and the development of various publications promoting litter reduction and recycling, as well as providing suggestions and technical assistance to organizations and communities on how to operate projects related to litter reduction and resource recovery. For a summary of the Program's accomplishments to date see Appendix D.

In the past, LR/RR maintained seven fully funded positions. However, in Fiscal Year 1984, LR/RR has been reduced to one fully funded resource recovery specialist, one partially funded program coordinator within the Division of Environmental Quality Management, one partially funded public information officer within the Commissioner's office, one fully funded and two partially funded environmental field officers within the Division of Environmental Quality Operations. A Program organization chart is included in Appendix A.

The LR/RR Advisory Council to the Department of Environmental Conservation (DEC) consists of seven members appointed by the Governor. These members serve to advise DEC concerning litter control and reduction, source separation, and other programs for the recovery of energy and materials from litter. The Council currently consists of members from across the State who are associated with various organizations, industries, and municipalities. All members have a commitment to the reduction of litter and to the increase in recycling efforts in Alaska.

## REPORT CONCLUSION

In our opinion, the Recycling and Reduction of Litter Act and LR/RR should be continued. Since the enactment of the statutory requirements, LR/RR has been active in providing organization, coordination, and encouragement for local governments and private organizations. In addition, LR/RR has been successful in achieving the provisions of the Act (see Appendix D).

Although LR/RR has met the provisions of the Act, we could not ascertain that the Program had done so in an efficient manner. The Program currently needs to improve its management structure (see Recommendation No. 1) and its management information system (see Recommendation No. 2). By doing so, they would establish a more efficient chain of command and a viable means of monitoring program activities.

LR/RR's Fiscal Year 1984 budget was reduced, which resulted in a reduction of Program personnel. LR/RR personnel will be reduced from seven fully funded positions, to two fully funded positions and four partially funded positions.

We believe with these reductions, it will be essential that one of the retained positions coordinate and organize the Program. The Program can be effective and efficient with reduced funding, if the work is well coordinated and organized.

This reduction would further increase the necessity for an efficient chain of command and workable management information system.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Department of Environmental Conservation needs to improve their management structure for the Litter Reduction and Resource Recovery Program in order to provide a more efficient chain of command within the Program.

Currently, LR/RR has the following six fully and partially funded positions located in the section listed below:

<u>Position</u>	<u>Location</u>	<u>Percentage Funded by LR/RR</u>
Public Information Officer	Commissioner's office	50%
Litter Program Coordinator, Resource Recovery Develop- ment Specialist	Division of Environmental Quality Management	50% 100%
Three Field Officers	Division of Environmental Quality Operations	100% 75% 75%

LR/RR personnel are currently directed and supervised by personnel within these agencies, none of LR/RR personnel are supervised or directed by other LR/RR personnel. As a result, the Program has not operated in a cohesive manner and a clear line of communication does not exist between the Program's personnel.

During our review, we noted that LR/RR personnel were required to work on projects other than LR/RR projects, occasionally field officers were making policy decisions without management involvement, and the Program's personnel were not always directing their time towards LR/RR projects. The Program might have had difficulties achieving the prescribed goals and objectives, had it not been for the professional attitude and overall commitment to the Program by the Department's personnel.

The Fiscal Year 1984 budget has reduced Program personnel from seven fully funded positions to two fully funded positions and four partially funded positions. Personnel filling the partially funded positions would be required to spend a portion of their time working on projects not related to LR/RR. This reduction may further reduce coordination and communication within the Program.



APPENDIX B

PROGRAM GRANTS  
GRANTEES FOR FISCAL YEAR 1991

<u>Grantees</u>	<u>Amount of Grant</u>	<u>Purpose</u>
Juneau Aluminum Waste Station	\$ 2,500	To fund a shed for recycling equipment and operations.
Boy Scouts of America, Ketchikan	2,500	To fund a storage shed for aluminum recycling activities.
City of Ketchikan	11,577	To provide mini-grants to local nonprofit organizations for youth litter patrols.
City of Kodiak	4,912	To purchase litter receptacles, dumpsters, and launch a public awareness campaign.
Matanuska - Susitna Borough	10,587	To place litter receptacles, remove litter in recreational areas with special litter problems, provide bins for recyclables at landfill and conduct public awareness for recycling.
City of Barrow	14,550	To establish an aluminum recycling center at a local teen club.
Campfire, Chugach Council	13,000	To conduct youth litter patrols and provide anti-litter and recycling educational programs in rural villages.
City of Haines	11,000	To provide mini-grants to local organizations for litter patrols, awareness programs in schools, aluminum recycling, and removal of junk autos.
Homer Chamber of Commerce	10,636	To establish a youth litter and recycling crew.
City of Nome	11,713	To fund a youth litter and recycling crew.
City of Noorvik	8,642	To stimulate awareness of litter reduction and recycling among village youth by offering prizes for litter collection and recycling; to rid village of junk equipment, and to buy an aluminum crusher.
North Star Aluminum Recycling	13,000	To fund a small scale aluminum smelter.
Pelican Youth Lads Aluminum Recycling Committee	2,446	To purchase recycling equipment and a storage shed in order to start a recycling program.
Polar Foam Insulation	2,100	To fund newspaper drop-off boxes for public use.
Sitka Conservation Society	6,000	To purchase an aluminum can crusher for an existing recycling program.
Takotna Village Council	4,207	To fund a supervised youth litter patrol.
Tenakee Springs Volunteer Fire Department	1,600	To purchase an aluminum can crusher for an existing recycling program.
Tri-Me Teen Club	<u>7,000</u>	To hire teens to collect recyclables from homes and businesses and to fund a vehicle to assist the effort.
FY'91 Grant Total	<u>219,250</u>	

Note: This information was obtained from the L&ER 1991 Annual Report and was not verified in all cases.

APPENDIX C

PROGRAM GRANTS  
GRANTEES FOR FISCAL YEAR 1982

<u>Grantees</u>	<u>Amount of Grant</u>	<u>Purpose</u>
City of Alakanuk	\$ 7,500	To promote litter reduction, litter receptacles, and public awareness of litter.
Alaska Recyclers Association	14,500	To provide funds for a workshop, newsletter, and startup costs.
City of Anderson	9,955	To promote litter reduction, provide anti-litter signs, and promote public awareness through schools.
Cackling Goose Productions	9,000	To produce the anti-litter puppet show to be distributed statewide on videotape through schools and LEARN television network.
Jim Church Scrap Metals	14,250	Sweat furnace enabling recycling of iron and aluminum in Southeast Alaska.
City of Craig	3,500	Recycling center servicing Prince of Wales Island.
City of Fort Yukon	3,974	To provide youth litter corps, recycling, and public awareness.
City of Galena	6,505	To aid in litter reduction, recycling, public awareness and youth involvement.
Juneau Aluminum Waste Station	8,000	To provide a shelter for a recycling operation.
Kenny Lake Community League	9,991	To provide youth litter and recycling patrols, signs, receptacles and to promote public awareness.
Kotzebue Teen Center	14,400	To promote litter reduction, establish a recycling center and promote community involvement.
McQueen School	8,600	To provide youth litter patrols, recycling, community cleanups and promote public awareness.
Ninilchik Chamber of Commerce	2,000	To promote litter reduction and recycling and purchase signs and receptacles.
Northern Institute and Seward Youth Employment Service	15,000	To provide youth litter patrols for the Seward area, cleanup bags, and litter receptacles.
Skagway Recycling	7,000	To establish a recycling center and promote public awareness.
Telida Village Council	3,945	To establish a youth litter patrol, village cleanup, and promote public awareness.
Thermo Kool of Alaska, Inc.	8,000	To purchase equipment for newspaper and cardboard recycling.
City of Wrangell	<u>6,000</u>	To promote community cleanup, expand recycling effort, and promote public awareness.
1982 Grant Total	<u>252,100</u>	

Note: This information was obtained from the 1982-83 Annual Report and was not verified in all cases.

APPENDIX D

PROGRAM ACCOMPLISHMENTS

Provisions of the Recycling and Reduction of Litter Laws AS 46.06.010-.150

Accomplishments

A. The Department shall coordinate various government and private organizations in the State which are involved in litter control, litter reduction, and the recovery of energy or materials from litter as well as to encourage the public not to litter and to engage in cleanup efforts.

A. The DEC Program has expanded to reach more people. The number of annual spring cleanups have increased since the Program's inception.

<u>1980</u>	<u>1981</u>	<u>1982</u>
25 communities	53 communities	170 communities
57,500 bags distributed	101,000 bags distributed	116,000 bags distributed

DEC has gained support for litter control and resource recovery from interested businesses and organizations such as:

- a. SOHIO Alaska Petroleum Company and Pepsi-Cola Bottling Company provide patches and buttons as cleanup incentive. Estimated contribution is \$5000 each.
- b. The Alaskans for Litter Prevention and Recycling have raised nearly \$108,000 to help fund projects affected by DEC budget cuts.
- c. The Alaska Municipal League provided funding for a new PSA on the problem of uncovered truck loads.
- d. Several companies offer reduced or free backhaul rates for shipping aluminum for recycling. Among those are MARALCO, Arctic Lighterage, Pacific Alaska Lines, Air North, Blackstock's Services, Valentine Transportation, Foss Alaska Lines, and Alaska Outport.
- e. Other State agencies have cooperated with DEC on the Program.

B. The Department shall establish methods for the measurement of litter in the State and encourage competition between municipalities to establish which municipality has the least litter.

B. DEC has completed the first two phases of a three part litter survey which establishes the Program's baseline data and indicated interim progress. Program personnel use the litter survey information as a guide to develop litter reduction strategies. Program personnel have also organized two awards banquets to honor the individuals, organizations, or municipalities who have conducted outstanding litter reduction or resource recovery projects.

C. The Department shall prepare a detailed annual report describing and evaluating the actions taken and the programs established under AS-46.06 for the submission to the Governor and the Legislature.

C. The Program has completed three annual reports to date. The first in April, 1981, the second in January, 1982 and the third in April, 1983.

D. An advisory council shall be created to advise the Department concerning litter control, litter reduction, source separation and other programs for the recovery of energy. The council will consist of seven members appointed by the Governor. The members of the Council shall meet at least on an annual basis.

D. An advisory council has been formed and has met six times.

Note: The information provided above was obtained from LRER personnel. Although we were not able to verify each accomplishment or all aspects of those accomplishments, the results of our field work gave us little reason to doubt these accomplishments.

APPENDIX D (cont'd)

Provisions of the Recycling and Reduction of Litter Laws AS 44.12.010-130

- H. The Department shall design and produce a biodegradable litter bag bearing the State's litter symbol and a statement of the penalties for littering in the State. The Department shall make litter bags available to the Division of Motor Vehicles, Department of Public Safety. The Division of Motor Vehicles shall distribute bags to individuals who apply for registration or reregistration of their motor vehicle and shall notify the individuals of their responsibility under the law.
- I. The Department shall determine the types of materials or energy which may be profitably recovered from litter and adopt regulations under the Administrative Procedures Act which require their recovery. In addition, they shall encourage, organize, and coordinate voluntary or nonprofit local programs for the recovery of recyclable materials.

Accomplishments

- H. The Program has developed and distributed both large trash bags and vehicle litter bags.
- I. The Program convinced industry to use all aluminum beverage cans in Alaska. The Program also increased involvement and support by industry in Alaska's recycling efforts.

In addition, the Program provided technical assistance to people and agencies throughout the State. The Program was instrumental in the formation of the Alaska Recyclers' Association. Since the inception of the Program, the number of recyclers in the State has increased from 26 to 80. As a result, recycling of most materials have increased significantly with the growth of the Program:

Figures Given in Tons

<u>Material</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
Aluminum	597	694*	3,810
Batteries	-	694*	1,686
Newspaper	232	1,300	2,399
Non ferrous metals	-	414	2,199
Junk autos	-	21,312	14,271
Other ferrous metals	-	4,626	2,228
Computer paper	249	250	500
Tab cards	94	60	120
Ledger paper	-	10	11
Corrugated Cardboard	1,353	1,619	1,051

\* These figures may be low since not all recyclers reported.

- J. The Department shall investigate the availability of, apply for, receive and expend grants, loans, or other funds available from any source. If appropriate and feasible, the Program may accept nonmonetary assistance in the form of services or equipment for use in Program projects.
- K. The Department may make grants to State agencies, municipalities, and private organizations for the establishment and operation of litter reduction or recycling projects.

J. No accomplishments noted.

K. The Program developed a grant program and has funded 16 litter and recycling grants totaling \$255,100.

Note: The information provided above was obtained from LR/RR personnel. Although we were not able to verify each accomplishment or all aspects of those accomplishments, the results of our field work gave us little reason to doubt these accomplishments.

APPENDIX E

PROGRAM FUNDING  
(See Note 1)

	<u>FY'81</u>	<u>FY'82</u>	<u>FY'83</u>	<u>FY'84</u>
Personal Services	\$150,100	\$311,700	\$294,300	\$141,000
Educational	-0-	-0-	-0-	150,000
Grants	131,000	147,100	-0-	-0-
Contractual	125,000	137,400	86,200	42,700
Other	<u>93,900</u>	<u>125,300</u>	<u>103,500</u>	<u>21,600</u>
Total Authorized	<u>\$500,000</u>	<u>\$721,500</u>	<u>\$484,000</u>	<u>\$355,300</u>

Note 1: This information was provided by Litter Reduction and Resource Recovery personnel and was not verified in all cases. The amounts per the contractual line includes funding for telephone services, advertising, rentals, and professional fees. The amounts per the other line include totals for travel, commodities, and equipment expenditures. The funding for Fiscal Years 1981 through 1983 was for seven fully funded positions.

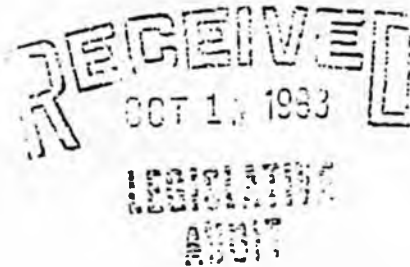
BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907) 465-2500  
Address: Pouch 0  
Juneau 99811

October 17, 1983

Gerald L. Wilkerson, CPA  
Legislative Budget and Audit  
Division of Legislative Audit  
Pouch W  
Juneau, Alaska 99811



Dear Mr. Wilkerson:

Re: Preliminary Audit Report, August 29, 1983  
Department of Environmental Conservation  
Litter Reduction and Resource Recovery Program

I have reviewed your preliminary audit report on the performance review of the Litter Reduction and Resource Recovery Program, and appreciate the opportunity to respond to your findings.

The Department of Environmental Conservation concurs that the Litter Reduction and Resource Recovery Program has been successful in achieving the provisions of the Recycling and Reduction of Litter Act, and that the Act should be continued. My responses to your specific recommendations are as follows:

Recommendation No. 1

The Department of Environmental Conservation needs to improve their management structure for the Litter Reduction and Resource Recovery Program in order to provide a more efficient chain of command within the Program.

The department understands the basis for this recommendation. Reviewing the department's management structure to most efficiently meet our goals and objectives is an ongoing process. Giving a single manager authority over any program is one of the options we are considering. However, the department has found, in virtually all our programs, that many of the tasks involving implementation of program goals and objectives are best done at the regional or local level, and that regional staff must often act and make decisions relatively independently. We agree that communication and coordination within the program are the keys to efficiently achieve our goals and objectives, but are not prepared at this time to implement a major organizational change which would cause the structure of the LR/RR Program to differ with the DEC program regionalized organization.

SCR

19



# Alaska State Legislature


## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Rep. John Ringstad and Richard Shultz  
Co-Chairs, House Resources Committee

FROM: Senator Vic Fischer 

DATE: February 28, 1984

RE: SCR 19

SCR 19, a resolution urging the Governor to establish a statewide trails system, is currently before the House Resources Committee.

I would greatly appreciate it if you could schedule the bill for hearing before the committee at your convenience.

Attached is back-up material for committee members. Please let me know if additional material is required.

Thanks.

/gb



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

February 28, 1984

TO: Members, House Resources Committee  
FROM: Senator Vic Fischer *Vic Fischer*  
Re: SCR 19 - establishing a statewide trails system

In 1981, I introduced SB 189, legislation that would have created a statewide system of recreational and scenic trails. I reintroduced basically the same bill in 1983 in the form of SB 9.

Before the Senate Resources committee hearing on SB 9, I met with personal from the Division of Parks, DOTPF, and Senator Fahrenkamps' staff. Those meetings illustrated some major problems with the bill including:

- the state has no comprehensive policy towards trails, in fact, no one is responsible for planning and developing such a policy
- if trails are administered through the Division of Parks they are parks, with all the restrictions associated with parks that may not be applicable to trails
- the Division of Land and Water Management has, in the past, inadvertently included the rights of way for historical, and recreational trails in land disposals. While they are getting much better, lack of adequate surveying and funding to identify and preserve rights-of-way remains a problem
- most of Alaska's major trails cross a mixture of public and private land. How can we preserve and maintain a statewide trail that crosses federal, state, municipal, borough, native, and other privately owned land as an integral unit?
- many of Alaska's trails are used primarily for transportation with recreation use second. Historical trails particularly may be the only access to mining claims and homesteads
- DOTPF is responsible for planning and construction involving transportation corridors. But what about trailheads, recreational trails, water crossings and campsites associated with transportation corridors and recreational trails?
- who, therefore, is the most appropriate agency to administer and plan for trails. How can we assure coordination between agencies in developing and preserving trails?

It became apparent to me that SB 9 may have been premature in that the Governor should have the opportunity first to provide for interagency coordination in planning and managing statewide trails before such management is "cast in concrete" through legislation.

SCR 19 is an attempt to allow the Governor the freedom to pursue interagency coordination with guidelines set by the legislature as to what we believe a statewide trails system should encompass.

SCR 19 is modeled after SB 9. It asks the Governor to direct appropriate state agencies to develop a plan for a comprehensive statewide system of trails that will

- provide for standards, procedures, and management guidelines for designating trails within the system

- provide access to areas of historical, natural, or recreational interest

- protect and enhance the use and enjoyment of publicly owned land and resources by the public

- protect existing trails now in public ownership and access from loss to the public

- propose a state and local government capital improvement plan which includes inter-agency coordination and cooperation in the design, development and management of a statewide system of trails

Further, SCR 19 requests the Governor to make a report to the legislature on the development and implementation of a statewide trails system plan, including recommendations to the legislature for statutory changes.

This section of the resolution, page 2, lines 28 and 29, will have to be amended in the House as they call for the Governor to report to this session of the legislature. The section obviously reflects a bit of wishful thinking on my part, as I anticipated early passage of this resolution last year.

SCR 19 passed the Senate unanimously in the last weeks of the 1983 session. I hope it finds such favor in the House and I thank you for consideration of the resolution in committee.

/gb



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,  
Anchorage, Alaska 99501  
(907) 278-3654

Official Business

November 15, 1983

Honorable William Sheffield  
Governor, State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Bill:

I am writing to urge your help in initiating efforts to establish a statewide system of trails, trail-heads, and waterways.

Alaska's vast statewide system of historical and recreational trails has been largely ignored by past administrations. In spite of this, the demand for trail oriented recreation experiences in Alaska has grown phenomenally. With tourism rapidly becoming Alaska's most vital industry short of oil development, it's unlikely this pressure will diminish.

Although the benefits of establishing a comprehensive trails system are obvious and compelling - tourism development, increased recreation opportunities, national and historical interest, expanding state transportation links, connecting existing parks and tourist facilities with local government recreation areas - the potential has never been realized. Alaska will need your direct help and intervention to assure that this resource lives up to it's full promise.

Currently Alaska has no policy or program to identify and catalog known trails, to coordinate efforts in managing and preserving them or, indeed, any overall strategy that recognizes the economic, historic, and recreation potential of trails or encourages their development.

Instead, the state has exacerbated the problem considerably in the last few years by inadvertently including trails in land disposals, failing to acquire rights-of-way, and developing settlements and transportation corridors in conflict with existing historical trails.

While the benefits are clear, we should also weigh the costs of doing nothing. The list of known state trails reads like the pages of Alaska's history book: Iditarod, Chilkoot, Resurrection Pass, Eagle Summit. Many of these will quickly become history lost without your intervention.

I have enclosed a copy of SCR19 - a resolution basically urging the same action I'm urging through this letter. SCR 19 passed the Senate unanimously last year and is currently in the House Resources Committee. While I anticipate no problems with it's final passage, I'd rather not pursue a legislative solution for what may require simple executive action.

Since first introducing legislation in 1981 to establish a trails system, I've had the opportunity to attend several public hearings/teleconferences where overwhelming support was voiced from constituents, recreation enthusiasts, Alaska's historical community, tourists, and citizens generally interested in parks and recreation issues.

While that statewide support and enthusiasm has not diminished, when it came to the "nuts and bolts" of drafting the bill, serious policy considerations and problems became apparent. These problems should be thoroughly considered by the Governor and pertinent state agencies in order to decide what subsequent action, if any, should be pursued. Among the issues that concern me are:

- The state has no policy towards trails and no state agency is responsible for planning and developing a policy. In this case, the buck hasn't stopped anywhere - it never got started in the first place.
- In the absence of a state policy, plan, or system for surveying, identifying and designating trails, we are continuously and forever losing patents, rights-of-ways and ownership/management authority of state owned trails.
- Which is the most appropriate agency to administer and plan for trails? How can we assure coordination between agencies in identifying, cataloging, developing and preserving trails, trail heads and associated waterways? Can we have joint management or at least a coordinated agreement between state agencies dealing with trails that could include joint management agreements with local governments?
- Many of Alaska's trails, particularly historical ones, were created and used primarily for transportation, specifically mining operations, with recreation as a "second" use. How can we administer trails as "parks" and still allow adequate access and use as transportation corridors?
- If trails are administered through the Division of Parks they are parks, with all the perhaps unwanted or inappropriate restrictions associated with parks that may not be applicable to trails. If trails are to be administered as "long, skinny parks," how can we dilute park restrictions without also diluting the Division's authority to protect established units?
- Finally, can an "in-house" coordinated effort adequately establish and preserve a comprehensive statewide trails system without creating a new agency or authority, reams of regulations and red tape, and subsequent increased budget demands? Can the administration at least assure that the most immediate and pressing problems - acquiring rights-of-way that are about to be lost and not disposing of or endangering existing state owned trails - are taken care of while it plans for longer term considerations?

Bill, I have faith that the new energy and direction of your administration can be applied here. You have the people, the brains, and the commitment to see that Alaska's history, long with our growing recreation and tourism industry, is enhanced and encouraged by a nationally recognized trails system stretching from Ketchikan to Barrow.

What we need here is a fresh look, a businessman's perspective, and a decision to do what to be needs done. I'll help in any way I can.

Best regards,

Senator Vic Fischer

cc: Dan Casey, Commissioner of DOTPF  
Esther Wunnike, Commissioner DNR  
Tom Hawkins, Division of Lands  
Neil Johannsen, Division of Parks

/gb

SJR

5

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## MEMORANDUM

TO: Members, Senate Finance Committee  
FROM: Senator Vic Fischer  
DATE: April 22, 1983  
SUBJ: State CZM Budget and Federal OCS  
Revenue Sharing

Concerned about potential effects of pending coastal zone management program cuts on prospective federal-state-local sharing of outer continental revenue sharing, I asked the state's Washington office to check into the matter. The response is attached.

The way things look now, the state stands to receive \$20-40 million under pending legislation. Between 50 and 90 percent of these funds, or \$10 to \$36 million, would depend on maintaining federal approval of Alaska's Coastal Management Program (ACMP).

At least 30 percent of the state's share must be passed through to local coastal communities. Loss of federal approval of ACMP could cost these communities between \$3 and \$12 million.

There are several factors which determine maintaining federal approvability. Among the more substantial ones are: maintaining an Office of Coastal Management (OCM) and a Coordinator for OCM (or changing the Alaska Statute which requires this); providing adequate and visible support for the Alaska Coastal Policy Council; ensuring that State agency actions in the State's coastal areas are processed uniformly and are consistent with the ACMP; maintaining a single contact entity (or process) to perform the federal consistency function; and continuing progress in the development and approval of local programs. Of course, state budgetary actions are one way to measure the state's performance and commitment in these areas, particularly if existing federal grant funds are used to pay for some or all of these tasks.

I suggest that we take another look at page 111 in the DC&RA budget and make sure the state and communities don't lose millions of dollars in the long run by cutting out Coastal Policy Council staff and administrative support.

cc: Representative Al Adams, Chairman House Finance

Attachments

AGO 886921 +

# Bill aimed at sharing feds' profits

## Coastal states would benefit from offshore oil development

WASHINGTON (AP) — Legislation requiring the federal government to share its revenues from oil and gas development on the outer continental shelf with coastal states was approved by the Senate Commerce Committee today.

Under the bill introduced by Sens. Ted Stevens and Frank Murkowski of Alaska, 5 percent of such federal revenues would be earmarked for sharing with coastal states.

Before approving the bill, the committee placed a 15 percent limit on the amount of funds any one state could receive from the total amount of federal money distributed.

Thirty percent of the amount each state received would have to go to local coastal communities most affected by offshore oil and gas development.

Stevens said the provision was necessary to assure local com-

munities that they will receive a portion of revenues from offshore development.

"Offshore development will continue to be delayed by lawsuits until the local people most affected are assured that they will have the funds to help offset the impact of this development," Stevens said.

"I would love to have members of this committee come to my state. You'd see communities where there are no roads, no docks, no facilities to handle population increases, and yet these villages could be 50 miles from one of the largest offshore petroleum deposits in the world."

Under current law, the federal government retains all revenues received from offshore hydrocarbon activities, although it does share revenues from mineral extraction on onshore federal lands.

The Stevens-Murkowski bill would allow the states to use the federal revenues for fisheries and ocean research, coastal management and conservation, roads, schools, ports and other facilities to support offshore development.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: SJR 5, Relating to revenue sharing from Outer Continental Shelf oil and gas development.

DATE: April 26, 1983

---

The prospects of new federal legislation governing revenue sharing from development of the Outer Continental Shelf seem bright at the present time. The principal persons dealing with this issue, Senator Stevens and Senator Hollings of South Carolina, have reached a tentative agreement on this issue. This agreement would provide that 30% of the state's share of OCS revenue would be a direct pass-through to local governments. The State of Alaska would receive between \$20-40 million depending on the total revenue generated under outer continental oil and gas development.

SJR 5 expresses the support of the Legislature for the direct pass-through funding system and for the direct use of these funds by the local governmental unit. The Department of Community and Regional Affairs has expressed support for this concept (see position paper dated February 4, 1983).



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
WASHINGTON, D. C.

March 23, 1983

TO: THE HONORABLE BILL SHEFFIELD  
Governor of the State of Alaska

THROUGH: <sup>J.K.</sup> JOHN W. KATZ  
Director State/Federal Relations  
& Special Counsel to the Governor

FROM: <sup>Bill Ross</sup> BILL ROSS  
Policy Analyst

SUBJECT: Informational Paper on OCS-Revenue Sharing

---

On March 11, 1983 Senator Stevens and Murkowski introduced S.800 a bill which would share a small portion of federal Outer Continental Shelf oil and gas revenues with coastal states and territories. Although legislation such as this faces a rough and uncertain road to final enactment, the introduction of S.800 is a major step forward.

The salient features of S.800 are:

- (1) 5% of all OCS bonus and royalty revenues are to be shared in the form of block grants with coastal states and territories starting in federal FY 84. (Estimated total amount of grants is \$500 million yearly.)
- (2) All coastal states are to share in the revenues - including the Great Lakes states.
- (3) The Fund is not subject to the annual appropriation process - all proceeds are to be shared directly with states yearly.
- (4) Each state's share is determined by this formula:
  - (A) 1.5% off the top to each state with a federally approved Coastal Zone Management Program. (Alaska's was approved in 1979.)
  - (B) The remaining funds (about 65%) are distributed accordingly - 50% oil and gas impact=
    - 25% actual production
    - 25% leasing activity
    - 35% coastal population / Only states with
    - 15% coastal population / approved CZM programseligible for these funds.

There is a sliding scale, "progressive" cap on any one state's share of the Fund. Alaska's share is reduced by about 1% of the Fund by this cap, to 8% of the fund or \$40 million yearly.

- (5) States must submit reports specifying the planned use of the funds. Some money must be spent in each of the following categories, with states determining the actual amounts:

- (A) living marine resources, including fisheries;
  - (B) coastal management planning and implementation;
  - (C) assessment and mitigation of OCS impact;
  - (D) long range coastal and ocean research and education;  
and
  - (E) coastal infrastructure necessitated by OCS activity.
- (6) At least 40% of any state's block grant must be provided to local coastal governments.
- (7) States are subject to a post-grant audit to ensure funds are spent properly.
- (8) A "National Coastal Resources Research and Development Institute" is established in Oregon and will receive 1% of the fund.

Hearings were held Thursday, March 17, in an attempt to move the bill quickly. Senator Hollings (D) (S.C.) introduced his bill on March 22. The delay of Holling's introduction has introduced confusion and a regrettable sense of partisan politics into this affair. Ability to work out differences quickly will be critical if OCS revenue sharing is to have a chance this year in the Senate. The major differences are that Hollings wants the amount to be granted to States from the fund to undergo the annual appropriations process (#3 above), and he would set specific percentages of a state's share (earmarking) that would have to be spent on eligible activities or uses (#5 above), such as coastal zone management. The latter issue is particularly contentious, since earmarking is what the Administration grumbles most loudly about while testifying against OCS revenue sharing.

This office has been working closely with Senate staff and the Coastal States Organization (CSO) to move the legislation forward. CSO testified March 17 on behalf of all States. They endorsed the concept of OCS revenue sharing, and urged quick action, thus skirting the potential partisan battle on the bills. We work behind the scenes, offering compromise language and setting strategy which can resolve differences. Our efforts are widely acknowledged as being the catalyst which sparks productive action on this issue.

The House has completed its hearings on H.R.5, which is identical to the bill which passed the House 261-134 last session. The House bill has a smaller total fund, does go through the appropriations process and does earmark funds. H.R.5 will be marked up soon, and will probably be brought to the House floor in May. We are in close contact with House staff, in anticipation of an eventual House-Senate conference on the legislation.

If you have additional questions or concerns, please contact me.

cc: Commissioner Lewis  
Lennie Boston  
Pete Spivey

AGO 886925



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
WASHINGTON, D. C.

April 21, 1983

LEGISLATIVE BRIEFING MEMORANDUM

TO: THE HONORABLE VIC FISCHER  
Alaska State Legislature

FROM: *Bill Ross*  
BILL ROSS  
Associate Director

You have requested information regarding the status of pending federal legislation which would share a portion of Outer Continental Shelf Oil and gas receipts with coastal states, including Alaska. While it is too early to accurately predict final Congressional action (and a possible veto by the President due to the legislation's fiscal impact cannot be ruled out), the legislation is moving forward quickly through each House of the Congress. The Senate Commerce Committee completed markup today on its bill, S.800, and it has strong bi-partisan support. The House Merchant Marine and Fisheries Committee will complete markup on its version, H.R.5, next week, and it, too, is a bill that is supported strongly by both Democrats and Republicans.

I anticipate that full floor action by each House will occur in May. The conference to resolve differences would then happen in June; hopefully a bill will be on the President's before the July recess.

You have also inquired what the effect of maintaining federal approval of Alaska's Coastal Management Program (ACMP) would have on Alaska's share of OCS revenue sharing funds. I will give you broad estimates, since there are differences between S.800 and H.R.5, but you can use these ranges with certainty as the Legislature reviews the performance and annual budget of ACMP. Alaska will receive between \$20 and \$40 million annually if OCS revenue sharing is enacted into law. Between 50% - 90% of these funds (i.e., between \$10 and \$36 million) will be dependent upon maintaining a federally approved ACMP. Put another way, if the ACMP loses federal approval, Alaska's share of OCS revenue sharing funds would decrease by 50-90%.

At least 30% of the State's share must be passed through to local coastal communities. Thus, loss of federal approval for the ACMP

will cost local communities at least \$3 million (30% of 10 million) and up to \$12 million (30% of \$36 million) annually.

There are several factors which determine maintaining federal approvability. Among the more substantial ones are: maintaining an Office of Coastal Management (OCM) and a Coordinator on for OCM (or changing the Alaska Statute which require this); providing adequate and visible support for the Alaska Coastal Policy Council; ensuring that State agency actions in the State's coastal areas are processed uniformly and are consistent with the ACMP; maintaining a single contact entity (or process) to perform the federal consistency function; and continuing progress in the development and approval of local programs. Of course, State budgetary actions are one way to measure the State's performance and commitment in these areas, particularly if existing federal grant funds are used to pay for some or all of these tasks.

I hope that this answers your inquiry. Do not hesitate to contact me if you have any additional questions or concerns.

cc: JOHN KATZ  
JAY HOGAN



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

### M E M O R A N D U M

TO: Senator Josephson  
FROM: Senator Ferguson *[Signature]*  
DATE: February 27, 1984  
SUBJ: Senate Joint Resolution 5

Attached is a proposed amendment to CS for SJR 5 (Resources). I intended the original resolution to show legislative concern that OCS revenue sharing monies be distributed to communities which are most impacted by OCS development. The proposed language changes which are attached were suggested by the Governor's Office to bring SJR 5 in line with HR 5 which is pending action in Congress.

Also attached is additional back-up material.

AGO 886928

SENATE AMENDMENT

By \_\_\_\_\_

To: CS \_\_\_\_\_ SENATE ~~Bill No.~~ Joint Resolution No. \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1      LINE: 28-29

Delete the Be it Resolved clause, and insert with new language as follows:

"BE IT RESOLVED the the Thirteenth Alaska State Legislature supports legislation in the 98th Congress that would share federal revenues from Outer Continental Shelf oil and gas activity with coastal states, ensuring that adequate revenues are available for local government units impacted by Outer Continental Shelf development."

On page 2, line 2, after "the", insert "Honorable Ronald Reagan, President of the United States;"

On page 2, after "Congress" insert "and Mr. William Clark, Secretary of the Interior."

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

February 4, 1983

POSITION PAPER

RE: SJR 5

SPONSOR: Senator Ferguson

Program Effect of Bill

Supports the provision of federal pass-through funds derived from Outer Continental Shelf revenues to communities impacted by OCS activities.

Comments

The Department supports this effort to make federal OCS revenues available to local government units that are or will be experiencing impacts as a result of OCS lease sales.

These funds are doubly important with the demise of the Coastal Energy Impact Program.

*Mapland*

AGO 886930

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

January 28, 1983

TO: SENATOR FRANK MURPHY

Attn: Mike Scott

FROM: David W. Freer

SUBJECT: Justification in Support of SJR 5, "Relating to Revenue Sharing from OCS Oil & Gas Development"

The issue of sharing revenue with Coastal states from OCS development has been before the Congress for several years. The traditional approach to sharing revenue has been along the lines of other long time federal revenue sharing programs; that is, return it to the state(s) and let them determine how to spend it.

However, there is a growing body of opinion that when sharing revenue as a result of OCS development that the affected local communities should directly benefit from the impacts, if any, deriving from the development and not have the state act as the administrator of the funds. There are six reasons for this approach:

1. Local governments are best able to determine the impacts and the needs deriving from these impacts.
2. Local governments are far more sophisticated and equipped with educated and trained personnel to handle such a revenue sharing program.
3. OCS impacted areas need the revenue sharing dollars for increased goods and services, not planning and studies. All too often, states fall into the habit of using revenue sharing for purposes other than that most necessary - assist the people most directly in need of services.
4. The current 5-year OCS program offshore Alaska will affect rural Alaskans the greatest - as a consequence, they will need the ~~ability~~ <sup>flexibility</sup> to have federally generated OCS revenue sharing funds directly at their disposal so they can meet the changes as a result of the development of an OCS area adjacent to their community.

AGO 886931

Senator Frank Ferguson  
January 20, 1983  
Page Two

5. There currently is pending before the Congress OCS revenue sharing bill: H.R. 5, "To Establish an Ocean and Coastal Resources Management and Development Fund from which Coastal States shall receive block grants." This bill does not allow for funds to be directly passed through to local government units. Instead, Sec. 5(c) states: "Each Coastal State shall be encouraged to provide financial assistance under this title to units of local government within each state." Such discretionary authority certainly does not enhance the opportunity for local government units to receive necessary funds.
6. The Congress needs the message from Alaska, the State with the highest number of OCS lease sales scheduled over the next 5 years (16) that any OCS revenue sharing bill must incorporate language for direct passthrough. Without it, areas along the Alaska coastline, which may bear the brunt of OCS development may not have the resources to cope with those associated impacts.

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

A RESOLUTION SUPPORTING OUTER  
CONTINENTAL SHELF REVENUE SHARING

WHEREAS, the United States House of Representatives has passed legislation and the U. S. Senate is now considering legislation establishing a program of revenue sharing from development of the Outer Continental Shelf (OCS), and

WHEREAS, a significant number of OCS lease sales over the next five years are to occur offshore Alaska, and

WHEREAS, the development of oil and gas resources in the OCS offshore Alaska will cause economic, social, and cultural impact to Alaska's citizens, and

WHEREAS, people residing in local governments in Alaska are best able to determine the impact of OCS oil and gas development on their communities, and

WHEREAS, these local governments have the expertise and ability to monitor and expend revenue for their impacted communities, and

WHEREAS, the state should be required to consult with local governments on the distribution of OCS revenue sharing, with funds passed through directly to those affected areas and not tied to existing state and federal programs and regulations;

NOW, THEREFORE, BE IT RESOLVED:

That the League supports legislation in the 98th Congress to allocate revenue for local governments impacted by OCS development.

BE IT FURTHER RESOLVED:

That the League appreciates the efforts of Senator Ted Stevens, Senator Frank Murkowski, and Representative Don Young and urges them to continue their work to have the OCS Revenue Sharing program enacted by the U.S. Congress this year.

Adopted the 5th day of November, 1983.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SJR 5 Date on Bill: 1/18/83  
 Title: Revenue Sharing/Outer Continental Shelf/Oil Gas  
 Sponsor: Ferguson  
 Requestor: Senate Community & Regional Affairs Committee

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital				-0-	-0-	-0-		
Operating				-0-	-0-	-0-		
Total				-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: The passage of this resolution does not affect any State of Alaska programs. The resolution addresses pending federal legislation.  
 No fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR*  
 Division: Commissioner's Office

Phone: 465-4703  
 Date: 2/10/83

Approved by Commissioner: *W. M. Lewis*  
 Department: Community & Regional Affairs

Date: 2/18/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

SJR

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GRACE LAKE WAS ORIGINALLY PLANNED AS A HYDRO-ELECTRIC SITE BUT IT WAS FELT THAT SWAN LAKE, BEING CLOSER, WOULD BE A BETTER SITE. ONE OF THE MAIN REASONS THAT THE RESOLUTION IS BEING PROPOSED AT THIS TIME IS TO SET THE WHEELS IN MOTION. I AM SURE THAT ALL MEMBERS OF THE COMMITTEE ARE AWARE OF HOW LONG IT TAKES FOR SOMETHING LIKE THIS TO BECOME A REALITY ESPECIALLY IN VIEW OF THE DESIGNATION OF THE AREA AS A WILDERNESS AREA.

AS AN AFTERTHOUGHT, NO ONE CAN SAY WHY, UNLESS IT HAS SOMETHING TO DO WITH THE MINERALS IN THE AREA, BUT THE LAKE IS COMPLETELY BARREN OF FISH. AFTER MANY HOURS OF FISHING, SENATOR ZIEGLER CAN ATTEST TO THAT FACT AS CAN MANY OTHER LOCAL FISHERPERSONS.....

WE WOULD APPRECIATE YOUR FAVORABLE CONSIDERATION!!

SENATE AMENDMENT #1

By Senator Ziegler

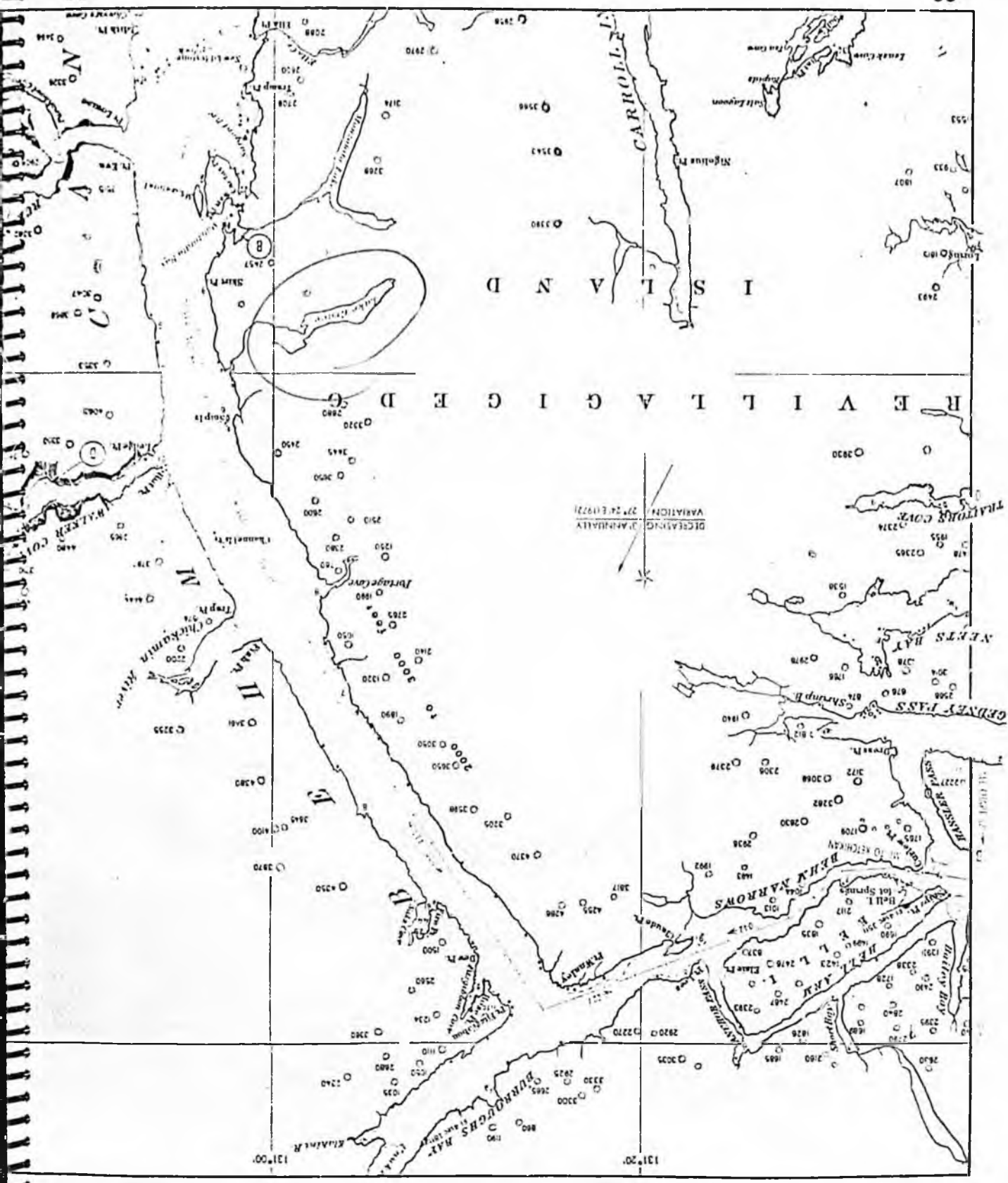
To: Amend SENATE BILL No. SJR 21

To: HOUSE BILL No.

PAGE: 2      LINE: 1

After the word "to" insert:

the Honorable Ronald Reagan, President of the United States,



DISTRIBUTED BY SENATOR ZIEGLER

From: Fritz

Re: Analysis of the laws applicable to the development of the Grace Lake Power Project

Date: March 22, 1983

---

Subject

You have asked me to research how the Alaska Lands Act (ANILCA) affected the Grace Lake Power Project withdrawal.

Grace Lake is within an area designated by ANILCA as the Misty Fjords National Monument Wilderness. Not only did Congress designate this area as a national monument, with substantial restrictions on the use of the monument lands, it also designated the area as a national wilderness area, with a different set of restrictions. Under the terms of ANILCA, wilderness areas are to be administered under the terms of the Wilderness Act of 1964, except where expressly provided for in other provisions of ANILCA. Under the provisions of the Wilderness Act, wilderness areas are to be "devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." That act, however, does give the President the power to authorize power projects and transmission lines when it will serve the public interests better than denial of the project. Russ Brown and Tony Bevinetto of the Energy Committee advise, however, that a power project has never gone forward in a Congressionally designated wilderness area, due to the likelihood of strong opposition from the environmental community.

Earlier I mentioned that the Misty Fjords National Wilderness was to be administered as a wilderness area, except where other provisions of ANILCA expressly provide. The section dealing with monuments states that monuments designated by ANILCA shall be managed to "protect objects of ecological, cultural, geological, historical, prehistorical, and scientific interest." It is an open question as to whether a power project would be consistent with protecting those objects. This section also provides that right-of-ways, including those for electric transmission lines, through these monuments must be approved both by the President and Congress. Consideration of Congressional Resolutions of Approval would occur under ANGST type debate restrictions. While it is unclear whether a power project on Grace Lake would fall under the right-of-way provisions of this section, an electric transmission line from the project would probably be covered, and would require Congressional approval.

If FERC has retained control over the power site withdrawal, and if it has the power to allow the State or a private party to develop the power project (discussed below), then it may be possible to get around the requirement of Presidential and Congressional approval of the right-of-way. Another section of ANILCA states: "Notwithstanding any other provisions of this act or other law. in any case in which State owned or privately owned land...or other valid occupancy is within or is effectively surrounded by one or more conservation systems..., the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land." This section arguably is broad enough to cover an electric transmission line from Grace Lake.

There is also a provision in ANILCA which states that nothing in the Act shall be construed as "superceding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto." It is unclear whether this provision gives FERC the authority to allow the development of a power project on Lake Grace power withdrawal without having to meet the requirements of the ANILCA provisions discussed above. The language of the provision is ambiguous, and the legislative history on it is sparse. It is, however, similar to language in the Federal Land Management Act of 1976 (FLPMA). As a result of that language, FERC and the Department of Interior have engaged in a longstanding dispute over who has control over power projects on Federal lands, with each agency claiming that it has control.

Conclusion

The conflicting provisions of ANILCA makes it difficult to determine whether a power project can be built on Grace Lake. The matter is one that will probably be resolved in the courts, with the outcome of such a suit uncertain. Based on the fact that Congress (and the environmentalists) were concerned enough about preserving this area to designate it as both a wilderness area, and a national monument, any attempt to have any development in the Misty Fjords National Monument Wilderness is likely to result in litigation by the environmentalists. Whoever tries to develop a power project at Grace Lake is buying a lawsuit. In addition, an electric transmission line across the Misty Fjords National Monument Wilderness area from Grace Lake might have to be approved by Congress. Although it would be possible to get Senate approval for such a line, it is doubtful whether the House Interior and Insular Affairs Committee would report out a Resolution of Approval.



Reply to: 1510

Date: APR 13 1983

Honorable Bettye Fahrenkamp  
Chairperson, Resources Committee  
Alaska State Legislature  
Pcuch V  
Juneau, AK 99811

Dear Ms. Fahrenkamp:

Regarding Senate Joint Resolution No. 21, the Forest Service recognizes the importance and need for hydroelectric power for Ketchikan, and that Ketchikan is partially dependent on fossil fuel for its generation of electrical power.

Additionally, we recognize that several potential power sites are located within conservation system units in Southeast Alaska, including Lake Grace in the Misty Fiords National Monument Wilderness. Based on a February 15, 1983 meeting between the Regional Forester and Senator Murkowski, we have agreed to prepare a map which identifies all hydroelectric power site withdrawals located within the Tongass National Forest conservation system units. We expect this map to be completed by May 15, 1983.

Development of hydroelectric sites within established Wilderness may be permitted with approval of the President. Associated transmission facilities may also be permitted with approval of the President and Congress. The applicable laws include ANILCA Section 503e, ANILCA Title 11, Wilderness Act Section 4(d)4, Federal Power Act, and National Environmental Policy Act. We understand the authorities of the Wilderness Act Section 4(d)4 have never been exercised.

In accordance with these laws, the Forest Service will work with cooperating agencies such as the Federal Energy Regulatory Commission, to expedite the processing of future applications on Lake Grace or other sites. The Federal Energy Regulatory Commission would probably be the lead agency in this matter.

With the necessary Presidential and Congressional approvals, authority currently exists to approve access and development of a hydroelectric facility and transmission lines within established Wilderness.



Honorable Bettye Fahrenkamp

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Again, we recognize the importance and need of hydroelectric power to Ketchikan and other communities. The development of Lake Grace and other Southeast Alaska sites could be accomplished through an inter-tie system. We would be pleased to work with the State and others in the study of proposals for such a system.

Sincerely,

*for* *Michael A. Sandor*  
JOHN A. SANDOR  
Regional Forester

