

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900

3393 HJUD HJR 54 - HJR 70

267



RECORDS



CERTIFICATION

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James O. Smith
Signature of Camera Operator

7/25/89
Date

HJR

54

STATE OF ALASKA
THE LEGISLATURE

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	1-27-86	1:30 pm
"	2-4-86	1:30 pm
"	2-5-86	1:30 pm

Original sponsor: Larson by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 54 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska establishing a
7 state officers compensation commission.

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

9 * Section 1. Article XII, Constitution of the State of Alaska, is
10 amended by adding a new section to read:

11 SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state
12 officers compensation commission shall consist of seven members ap-
13 pointed by the governor and subject to confirmation by a majority of
14 the members of the legislature in joint session. The commission may
15 revise the salaries, benefits, and expense allowances of members of
16 the legislature, the governor, lieutenant governor, justices and
17 judges of the court system, and the head of each principal department,
18 by submitting a report to the legislature. The salaries, benefits,
19 and expense allowances established by the commission in the report
20 take effect on the first day of the next regular legislative session
21 after the report is submitted to the legislature. However, the legis-
22 lature may reject the salaries, benefits, or expense allowances by a
23 concurrent resolution adopted by two-thirds of the members in each
24 house of the legislature. The legislature shall implement this sec-
25 tion by law.

26 * Sec. 2. Article XV, Constitution of the State of Alaska, is amended
27 by adding a new section to read:

28 SECTION 29. STATE OFFICERS COMPENSATION COMMISSION. If the 1986
29 amendment creating the state officers compensation commission (art.

Cramer
2/5/86 ✓

Original sponsor: Larson by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 54 (Judiciary)

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4 FOURTEENTH LEGISLATURE - SECOND SESSION

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16 the legislature, the governor, lieutenant governor, justices and
17 judges of the court system, and the head of each principal department,
18 by submitting a report to the legislature. The salaries, benefits,
19 and expense allowances established by the commission in the report
20 take effect on the first day of the next regular legislative session
21 after the report is submitted to the legislature. However, the legis-
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XII, sec. 14) is adopted, the members of the state officers compensation commission appointed under AS 39.23.200 shall become the members of the state officers compensation commission under art. XII, sec. 14, and any action taken by the commission under AS 39.23.200 shall be considered an action taken by the commission under art. XII, sec. 14.

* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill Resolution No. : HJR 54
 Title : Amend. to Constitution:
Establishing State Officers
Compensation Commission
 Sponsor : Larson/Rgst of Joint Sp.
 Requestor : Comm. Legislative Salaries
 Date of Request : 1/24/85

FISCAL DETAIL

Agency Affected : Office of Governor
 BRU : Elections

 Components : II

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		3.3*				

FUNDING : (Thousands of Dollars)

GENERAL FUND		3.3*				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote
cont.

Prepared by : Linda Edgeworth Phone : 465-4611
 Division : Elections Date : 1.24.86

Approved by Commissioner : *Sandra J. Stout* Date : 1-24-86
 Agency : Office of the Governor/Division of Elections

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 54

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16¢ per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

54.5

A M E N D M E N T

Offered in the State Affairs Committee

By Larson and Sund

TO: HJR 54

Page 2, after line 4, insert new resolution section to read:

"* Sec. 2. Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 29. STATE OFFICERS COMPENSATION COMMISSION. If the 1986 amendment creating the state officers compensation commission (art. XII, sec. 14) is adopted, the members of the state officers compensation commission appointed under AS 39.23.200 shall become the members of the state officers compensation commission under art. XII, sec. 14, and any action taken by the commission under AS 39.23.200 shall be considered an action taken by the commission under art. XII, sec. 14."

Renumber remaining section accordingly.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

HJR



STATE OF ALASKA THE LEGISLATURE

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May, 1986

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Jeanie Henry

House Judiciary	2-5-86	1:30 pm
" "	2-27-86	1:30 pm
" "	2-28-86	1:30 pm

HOUSE COMMITTEE REPORT

Date referred: 1/24/86

FURTHER REFERRALS: FINANCE

DATE: 2/28/86

The JUDICIARY Committee has considered HR 62

Proposing an amendment to the Constitution of the State of Alaska relating to the use and expenditure of state money

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HJR 62 (JUD) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Mark Miller

SIGNING OTHER RECOMMENDATIONS:

Mark Miller NO REC
Robert Kelly NO REC
Mark Miller do not pass

Mark Miller
Chairman

Original sponsor: Rules/governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 62 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 the use and expenditure of state money.

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

9 * Section 1. Article IX, sec. 7, Constitution of the State of Alaska,
10 is amended to read:

11 SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or
12 license shall not be dedicated to any special purpose, except as
13 provided in sections [SECTION] 15 and 17 of this article or when
14 required by the federal government for state participation in federal
15 programs. This provision shall not prohibit the continuance of any
16 dedication for special purposes existing upon the date of ratification
17 of this section by the people of Alaska.

18 * Sec. 2. Article IX, sec. 16, Constitution of the State of Alaska, is
19 repealed and readopted to read:

20 SECTION 16. APPROPRIATION LIMIT. Appropriations of money from
21 state sources for a fiscal year, excluding appropriations to the
22 permanent fund, may not increase by more than fifteen percent of the
23 amount appropriated from state sources during the preceding calendar
24 year, except as authorized by section 17 of this article.

25 * Sec. 3. Article IX, Constitution of the State of Alaska, is amended
26 by adding a new section to read:

27 SECTION 17. BUDGET RESERVE FUND. (a) Money received by the
28 State from state sources, that is not dedicated or appropriated to the
29 permanent fund and that exceeds the appropriation limit imposed by

1 section 16 of this article, shall be deposited in the budget reserve
2 fund until the balance of the reserve fund equals the amount appropri-
3 ated from state sources during the preceding calendar year.

4 (b) At least fifty percent of the money received by the State,
5 described in (a) of this section, that exceeds the maximum balance of
6 the budget reserve fund shall be deposited in the permanent fund, as
7 provided by law. The remainder of any excess money shall be deposited
8 in the general fund. Notwithstanding the appropriation limit imposed
9 by section 16 of this article, the excess money deposited in the
10 general fund under this subsection may be appropriated.

11 (c) Money in the budget reserve fund shall be invested so as to
12 yield competitive market rates to the fund. Income from investment of
13 the fund shall be retained in the fund.

14 (d) If the money received by the State from state sources in a
15 fiscal year is less than the amount appropriated from state sources
16 during the preceding calendar year, money may be appropriated from the
17 budget reserve fund. Except as otherwise provided in this section,
18 not more than twenty-five percent of the budget reserve fund balance
19 may be appropriated for any fiscal year.

20 (e) Notwithstanding the spending limitations in this section or
21 in section 16 of this article, additional amounts may be appropriated
22 from the budget reserve fund to meet a state emergency declared by the
23 governor as prescribed by law.

24 * Sec. 4. Article XV, Constitution of the State of Alaska, is amended
25 by adding a new section to read:

26 SECTION 29. EFFECTIVE DATE. If a majority of those voting in
27 1986 on the reconsideration of the 1982 amendment limiting appropria-
28 tion increases approves the 1982 amendment, the 1986 amendment repeal-
29 ing and readopting section 16 of article IX takes effect forty days

1 after the certification of the 1986 general election returns by the
2 lieutenant governor. If a majority rejects the 1982 amendment, the
3 1986 amendment repealing and readopting section 16 of article IX takes
4 effect thirty days after certification of the 1986 general election
5 returns.

6 * Sec. 5. The amendments proposed by this resolution shall be placed
7 before the voters of the state at the next general election in conformity
8 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
9 tion laws of the state.

Original sponsor: Rules/governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE JOINT RESOLUTION NO. 62 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 the use and expenditure of state money.

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11 SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or
12 license shall not be dedicated to any special purpose, except as
13 provided in sections [SECTION] 15 and 17 of this article or when
14 required by the federal government for state participation in federal
15 programs. This provision shall not prohibit the continuance of any
16 dedication for special purposes existing upon the date of ratification
17 of this section by the people of Alaska.

18 * Sec. 2. Article IX, sec. 16, Constitution of the State of Alaska, is
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21 state sources for a fiscal year, excluding appropriations to the
22 permanent fund, may not increase by more than fifteen percent of the
23 amount appropriated from state sources during the preceding calendar
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26 by adding a new section to read:

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28 State from state sources, that is not dedicated or appropriated to the
29 permanent fund and that exceeds the appropriation limit imposed by

1 section 16 of this article, shall be deposited in the budget reserve
2 fund until the balance of the reserve fund equals the amount appropri-
3 ated from state sources during the preceding calendar year.

4 (b) At least fifty percent of the money received by the State,
5 described in (a) of this section, that exceeds the maximum balance of
6 the budget reserve fund shall be deposited in the permanent fund, as
7 provided by law. The remainder of any excess money shall be deposited
8 in the general fund. Notwithstanding the appropriation limit imposed
9 by section 16 of this article, the excess money deposited in the
10 general fund under this subsection may be appropriated.

11 (c) Money in the budget reserve fund shall be invested so as to
12 yield competitive market rates to the fund. Income from investment of
13 the fund shall be retained in the fund.

14 (d) If the money received by the State from state sources in a
15 fiscal year is less than the amount appropriated from state sources
16 during the preceding calendar year, money may be appropriated from the
17 budget reserve fund. Except as otherwise provided in this section,
18 not more than twenty-five percent of the budget reserve fund balance
19 may be appropriated for any fiscal year.

20 (e) Notwithstanding the spending limitations in this section or
21 in section 16 of this article, additional amounts may be appropriated
22 from the budget reserve fund to meet a state emergency declared by the
23 governor as prescribed by law.

24 * Sec. 4. Article XV, Constitution of the State of Alaska, is amended
25 by adding a new section to read:

26 SECTION 29. EFFECTIVE DATE. If a majority of those voting in
27 1986 on the reconsideration of the 1982 amendment limiting appropria-
28 tion increases approves the 1982 amendment, the 1986 amendment repeal-
29 ing and readopting section 16 of article IX takes effect forty days

1 after the certification of the 1986 general election returns by the
2 lieutenant governor. If a majority rejects the 1982 amendment, the
3 1986 amendment repealing and readopting section 16 of article IX takes
4 effect thirty days after certification of the 1986 general election
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6 * Sec. 5. The amendments proposed by this resolution shall be placed
7 before the voters of the state at the next general election in conformity
8 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
9 tion laws of the state.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB513/JR 62
 Title : Appropriation Limit of Budget Reserve Fund

 Sponsor : Governor
 Requestor : House Judiciary
 Date of Request : 2/27/86

FISCAL DETAIL

Agency Affected : ALL
 BRU : N/A

 Components : N/A

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Neither bill will require additional state expenditures.
 See attached summary for an explanation of the appropriation limit and the budget reserve fund.

Prepared by : Gordon Harrison Phone : 465-3568
 Division : Division of Strategic Planning Date : 2/27/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

Office of Management and Budget
Division of Strategic Planning
January 31, 1986

SUMMARY--BUDGET RESERVE FUND

The basic principles of Governor Sheffield's proposed Budget Reserve Fund (BRF) may be summarized as follows:

- o The BRF replaces the Rainy Day Fund.
- o Potential sources of capitalization for the BRF include the balance of the Rainy Day Fund, windfall revenue, retained BRF earnings, and future revenue surpluses.
- o The BRF appropriation limit replaces the existing appropriation limit.
- o The BRF appropriation limit applies only to unrestricted general fund revenues, and defines "Base Year" as the calendar year preceding the start of a given fiscal year.
- o Annual appropriations are limited to 115 percent of total appropriations enacted during the Base Year.
- o If revenue receipts in a fiscal year fall below 95 percent of total appropriations enacted during the Base Year, the BRF pays out the lesser of two amounts for general fund appropriations: (a) enough to raise appropriations to the 95 percent level; or, (b) 25 percent of the BRF balance.
- o If revenue receipts in a fiscal year surpass 115 percent of total appropriations enacted during the Base Year, the surplus above the 115 percent level is transferred into the BRF.
- o If a transfer or any other event causes the BRF balance to exceed the BRF's capacity (annually set equal to total appropriations enacted during the Base Year), the excess is divided between the Permanent Fund (75 percent) and the General Fund (25 percent). The latter 25 percent may be appropriated without regard to the 115 percent appropriation limit, but is included in calculations for the next fiscal year's Base Year.
- o The balance of the BRF is accessible in cases of emergencies, as defined by law.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 10, 1986

Honorable Mike Miller
Chairman, House Judiciary Committee
Alaska State Legislature
P. C. Box V
Juneau, Alaska 99811

Re: HB 513 and HJR 62 (budget
reserve fund and appropria-
tion limit)

Dear Mike:

As you requested at the House Judiciary Committee hearing on February 5, 1986, here are some amendments to these two measures, dealing with points raised by various committee members:

1. In the resolution, on page 2, line 14, delete the words "the governor determines that." Thus, the beginning of that subsection (b) will read "If the money received by the state from state sources in a fiscal year is less than the amount...." It is not necessary to add anything to the bill to specify whose responsibility it is to make the determination that the money received is less, because proposed AS 37.05.156(d) in the bill already refers to the governor, making that responsibility clear. This should resolve the question of the judicial reviewability of that determination, as raised by Representative Clocksin.

2. In the resolution, do something like the following:

Page 2, line 25, delete "a" and change "section" to read "sections."

Page 2, after line 29, insert:

SECTION 30. EFFECTIVE DATE. If approved by the voters, this amendment to the Constitution of the State of Alaska, consisting of an amendment to art. IX, sec. 7; the repeal and re-adoption of art. IX, sec. 16; and

the addition of art. IX, sec. 17, and art. XV, sec. 29, takes effect as follows:

(1) if, in voting again on the 1982 version of art. IX, sec. 16, as required by art. XV, sec. 27, the voters reject that version of art. IX, sec. 16, this amendment takes effect thirty days after the certification of the 1986 general election returns by the lieutenant governor;

(2) if, in voting again on the 1982 version of art. IX, sec. 16, as required by art. XV, sec. 27, the voters do not reject that version of art. IX, sec. 16, this amendment takes effect forty days after the certification of the 1986 general election returns by the lieutenant governor.

Nothing regarding this point need be done in the bill. The bill's sec. 2, regarding the lieutenant governor's explanation of the new provision's supersession of the old one, is still appropriate.

This proposal, relying on art. XIII, sec. 1's provision on the effective date of an amendment to the constitution, should resolve the question raised by Representative Gruenberg concerning the point that sec. 2 of the bill addresses. After trying some draft wording, we did not take the approach discussed at the committee hearing, to the effect that a voter's affirmative vote on both questions would nullify that voter's vote on both questions. The sensitivity of disenfranchisement issues and the need to determine voter intent deterred us. In fact, rather than two "yes" votes being totally illogical, a voter who wanted to make sure that the state did not end up with no appropriation limit may very well vote "yes" on both questions. He or she might not want to risk voting "no" on either of them. The effective-date approach offered here solves the problem of the re-vote on the old appropriation limit, while avoiding other problems. Although wordy, it is conceptually simple.

The number "forty" in paragraph (2) of the proposed sec. 30 has no special significance other than that it is a convenient number greater than thirty. Although the re-affirmation of the old appropriation limit is not exactly an amendment, which would take effect 30 days after certification of the election results, its status would be clear by that date. Giving the new spending limit a slightly later effec-

tive date avoids any issue concerning certification and effective dates. Referring to the voters "rejecting," rather than "approving," the 1982 version tracks art. XV, sec. 27.

3. A question was raised concerning the definition of "emergency" that appears in proposed AS 37.05.156(f). That definition covers two kinds of situations -- those that could be called "natural disasters" and those that relate to state income. In dealing with the former category, our definition refers to AS 26.23.230(1), a paragraph that contains the definition of "disaster" for the purposes of the Alaska Disaster Act. At the committee hearing, someone asked about the relationship between our bill and the federal Disaster Relief Act of 1974. However, the definition that we have incorporated by reference does not include a reference to that federal Act. Only AS 26.23.230(3), (4), and (6) refer to the federal Act. Our reference to paragraph (1) thus picks up only the following:

...the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or nonmilitary man-made cause including, but not limited to, fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, equipment failure, or shortage of food, water, fuel, or clothing.

Consequently, I do not think that we have a problem and the federal Act is not relevant. However, perhaps this would be made clearer by inserting on the bill's page 2, line 20, after the words "set out in," the words "the definition of 'disaster' in." Thus, the first part of the definition of "emergency" would read: "...the events set out in the definition of 'disaster' in AS 26.23.230(1) or a reduction of the revenue from nonstate sources...." Perhaps I did not understand the committee's concern about this point.

The suggestions in this letter are in addition to the one in my February 3 letter to you regarding the definition of "state source."

Honorable Mike Miller
Chairman, House Judiciary Committee

February 10, 1986
Page 4

Thank you for this opportunity to work on the bill and resolution with you and your committee.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Milton E. Barker
Deputy Commissioner, Treasury
Dept. of Revenue

Gordon Harrison, Associate Director
Div. of Strategic Planning
OMB

Jay Hogan, Associate Director
Div. of Budget Review
OMB

Jim Ayers
Director of Legislative Relations
Governor's Office

James L. Baldwin
Assistant Attorney General
Juneau

Office of Management and Budget
Division of Strategic Planning

February 3, 1986

HOUSE JOINT RESOLUTION (HJR) 62

Proposing an amendment to the Constitution of the State of Alaska relating to the use and expenditure of state money.

SECTIONAL ANALYSIS

Section 1

This section amends Article IX (Finance and Taxation), Section 7 (Dedicated Funds), of the Alaska Constitution, by adding an exception to Section 7's prohibition against the dedication of State proceeds. The exception allows revenue receipts which exceed the Budget Reserve Fund (BRF) appropriation ceiling to be deposited in the BRF, as provided in Section 17 of Article IX.

(The BRF appropriation ceiling is established in Section 2 of the resolution. Section 17 of Article IX of the Alaska Constitution is a new section, added by Section 3 of the resolution.)

Section 2

This section repeals and readopts Article IX (Finance and Taxation), Section 16 (Appropriation Limit), of the Alaska Constitution, which currently provides for the State's existing appropriation limit. Under this section of the resolution, the existing limit would be repealed and replaced with a new appropriation limit.

(NOTE: See the Office of Management and Budget sectional analysis of House Bill 513, Section 2, for a discussion of the ballot implications surrounding this repeal and re-adoption.)

Generally, the new appropriation limit restricts appropriations for a given fiscal year to an amount not exceeding 115 percent of the total amount of appropriations enacted during the calendar year which precedes the start of that fiscal year. The calendar-year basis is employed to ensure that legislators will know at the start of legislative

sessions precisely how much money they can appropriate for the coming fiscal year's budget.

Three qualifications should be noted, however, about the scope of application of the new appropriation limit.

One qualification is that the limit applies only to appropriations of money from "state sources". "State source" is defined in Section 1, Subsection (g), of House Bill 513 as including: (1) the undistributed income account in the Permanent Fund; and, (2) all sources of money in the General Fund except federal sources, bond proceeds, and sources from which money is received in trust for a specific purpose. So defined, money from State sources closely approximates what is referred to in budgetary parlance as "unrestricted general funds". The lengthy definition is required because the phrase "unrestricted general funds", while widely understood, has not been previously defined.

A second qualification involves the exception specified at lines 23-24 of the resolution ("...except as authorized by Sec. 17 of this Article"). This exception refers to Section 3, Subsection (b) of the resolution, where certain "excess money" is authorized for appropriation even if its appropriation causes the 115 percent appropriation limit to be exceeded. This "excess money" occurs when deposits to the BRF cause the BRF's annually established capacity (maximum size) to be exceeded. (See the discussion under Section 2 of the resolution, Subsection (b), below.)

A third qualification, not apparent solely from a reading of Section 2 of the resolution, but nonetheless relevant, is that Section 4 of the resolution excludes from the new appropriation limit any appropriation to the Permanent Fund made during calendar year 1986.

Section 3

This section amends Article IX (Finance and Taxation) of the Alaska Constitution by adding a Section 7 (Budget Reserve Fund).

Subsection (a) effectively stipulates that all surplus unrestricted general fund revenues in excess of the appropriation ceiling must be deposited directly into the BRF, until the BRF's capacity, or maximum size, is reached. The BRF's capacity is annually set equal to the total amount of appropriations enacted during the preceding calendar year. Restricting the BRF's capacity in this manner avoids the accumulation of excessively large cash balances in the BRF; i.e., it ensures that the BRF remains a cash flow management account, as opposed to becoming a savings account.

Subsection (b) effectively stipulates that, whenever deposits cause the BRF's capacity to be exceeded, the excess is to be divided between the Permanent Fund (75 percent of the excess) and the General Fund (25 percent of the excess). This subsection further stipulates that any excess money so transferred to the General Fund may be appropriated even if its appropriation causes the 115 percent appropriation ceiling to be exceeded.

Subsection (c) requires that money in the BRF must be invested at competitive market rates, and that earnings on those investments is to be retained in the BRF.

Subsection (d) effectively stipulates that money in the BRF may be appropriated and spent if the Governor determines that unrestricted general fund revenue receipts in a fiscal year have fallen below the level of total appropriations enacted during the preceding calendar year.

The provision "...as provided by law" (line 17) refers to the fact that the precise level of shortfall that triggers the Governor's determination is actually established by statute, rather than by the constitutional language appearing in this subsection. Specifically, House Bill 513 (Section 1, Subsection (d) of the bill) stipulates that the Governor shall authorize BRF outlays only when fiscal-year revenue receipts fall below a level equal to 95 percent of total appropriations enacted during the preceding calendar year. Setting this floor level in statute allows flexibility in adjusting to changing circumstances.

Subsection (d) further stipulates (lines 18-19) that, regardless of the degree of shortfall that may occur, no more than 25 percent of the BRF balance may be used to support appropriations for a given fiscal year. The exception present in line 18 ("...except as otherwise provided in this section") refers to the Governor's authority to use the BRF balance to meet State emergencies, which is provided for in Subsection (e), below.

Subsection (e) authorizes the Governor to use the money in the BRF in the event of State emergencies. The qualification in line 23 ("...as prescribed by law") refers to the fact that "emergency" is defined in House Bill 513 (Section 1, Subsection (f) as "...the events set out in AS 26.23.230(1) or a reduction of the revenue from nonstate sources which seriously impairs the ability of the state to perform essential functions."

Section 4

This section amends Article XV (Schedule of Transitional Measures) of the Alaska Constitution by adding a Section 29 (First Year of 1986 Revised Appropriation Limitation).

Effectively, this section stipulates that any appropriation made to the Permanent Fund during calendar year 1986 shall not be included in any determination of the 115 percent appropriation ceiling.

Section 5

This section stipulates that the amendments proposed in HJR 62 shall be placed before the voters in the next general election.

OPENING STATEMENT TO
HOUSE JUDICIARY COMMITTEE
FEBRUARY 5, 1986

BY

GORDON S. HARRISON*

GOOD AFTERNOON, MISTER CHAIRMAN, AND MEMBERS OF THE COMMITTEE.

MY NAME IS GORDON HARRISON, AND I AM THE ASSOCIATE DIRECTOR FOR STRATEGIC PLANNING IN THE GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET. I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO DISCUSS WITH YOU TODAY HOUSE JOINT RESOLUTION 62 AND HOUSE BILL 513, WHICH ARE GOVERNOR SHEFFIELD'S PROPOSAL TO CREATE A BUDGET RESERVE FUND.

I WOULD LIKE TO MAKE A VERY BRIEF STATEMENT ABOUT THE BUDGET RESERVE FUND AND THE GOVERNOR'S REASONS FOR PROPOSING IT, AND THEN ASSIST IN ANY WAY THAT I CAN IN RESPONDING TO THE COMMITTEE'S QUESTIONS. HERE TO ASSIST ME IN THAT TASK IS JACK FARGNOLI, FROM MY OFFICE.

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE, HJR 62 AND HB 513 ARE COMPANION PIECES OF LEGISLATION WHICH ADDRESS ONE OF THE MOST IMPORTANT PROBLEMS FACING THE STATE. THAT PROBLEM IS FISCAL STABILITY. ITS COUNTERPART, GIVEN THE PERVASIVE ROLE

* ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF STRATEGIC PLANNING.

OF STATE EXPENDITURES IN ALASKA, IS OF COURSE ECONOMIC STABILITY.

MISTER CHAIRMAN, IT IS HARD TO OVER DRAMATIZE THE PRECARIOUS FISCAL POSITION OF THE STATE OF ALASKA AT THE MOMENT. WE ARE ALL UNCOMFORTABLY AWARE OF THE RECENT STEEP SLIDE OF OIL PRICES. IN THE LAST 30 DAYS, THE SPOT MARKET PRICE FOR MARKER CRUDE OILS HAS FALLEN \$10, A 40 PERCENT DECREASE.

GOVERNOR SHEFFIELD HAS PROPOSED AN FY 87 BUDGET OF \$2.66 BILLION (UNRESTRICTED GENERAL FUNDS). WHAT IS THE OUTLOOK FOR FY 88? EVEN IF THE DEPARTMENT OF REVENUE DOES NOT REVISE DOWNWARD ITS REVENUE FORECAST IN MARCH, AND IF THE GOVERNOR'S PROPOSED FY 87 BUDGET IS NOT EXCEEDED, WE STILL FACE A REDUCTION IN SPENDING IN FY 88 OF APPROXIMATELY \$400 MILLION.

HOWEVER, AS THE MEMBERS OF THIS COMMITTEE KNOW, THE GOVERNOR'S FY 87 BUDGET DOES NOT INCLUDE OUR SO-CALLED "WINDFALL" REVENUE; MONEY WE HAVE ALREADY RECEIVED, OR WILL SOON RECEIVE, FROM NEGOTIATED SETTLEMENTS OF LITIGATION WITH OIL COMPANIES. IF THIS MONEY IS PUT TO USE IN THE BUDGET RESERVE FUND, AS THE GOVERNOR PROPOSES, IT WILL BE AVAILABLE TO HELP MITIGATE THE SPENDING CUTBACKS WE ANTICIPATE NEXT YEAR AND THEREAFTER.

GRANTED, THERE ARE MANY PRESSING AND UNMET NEEDS IN ALASKA TODAY, AND EVERY DOLLAR OF OUR WINDFALL REVENUE COULD BE SPENT ON WORTHY CAPITAL PROJECTS, PUBLIC SERVICES, AND REVENUE SHARING PROGRAMS. BUT THE LONG VIEW OF OUR FISCAL SITUATION COMPELS US TO DEFER THE USE OF THIS MONEY; TO

ANTICIPATE THE FUTURE WHEN OUR NEEDS ARE LIKELY TO BE EVEN MORE ACUTE.

THE BUDGET RESERVE FUND PROVIDES THE MECHANISM TO ACCOMPLISH THIS. ITS PURPOSE IS TO STABILIZE STATE SPENDING IN THE YEARS AHEAD BY REQUIRING US TO SAVE A PORTION OF WINDFALL REVENUES WHENEVER THESE MAY APPEAR. THE BUDGET RESERVE FUND PLAN IN HJR 62 AND HB 513 DOES THIS BY ESTABLISHING A FLOOR FOR ANNUAL APPROPRIATIONS, AND A CEILING. WHEN ANNUAL REVENUE RECEIPTS FALL BELOW THE FLOOR, THE BUDGET RESERVE FUND WILL LAY OUT MONEY TO SUPPORT EXTRA APPROPRIATIONS. WHEN RECEIPTS EXCEED THE CEILING, THE SURPLUS IS USED TO REPLENISH THE FUND. THIS "BUFFERING" EFFECT, OR DAMPENING OF THE ANNUAL FLUCTUATIONS IN STATE BUDGET LEVELS, IS PRECISELY WHAT IS NEEDED TO MINIMIZE OUR VULNERABILITY TO BUDGETARY AND ECONOMIC SHOCKS.

AS REGARDS THE OPERATIONS OF THE BUDGET RESERVE FUND, MISTER CHAIRMAN, LET ME SAY THAT WE HAVE GENERALLY STRUCTURED OUR PROPOSAL SO THAT THE OPERATIVE LIMIT AND THRESHOLDS OF THE FUND ARE CONTAINED IN THE BILL, WHILE THE FUND'S ESTABLISHMENT AND THE APPROPRIATION LIMIT ARE CONTAINED IN THE CONSTITUTIONAL AMENDMENT. THIS APPROACH OFFERS A NECESSARY BALANCE BETWEEN TWO IMPORTANT CONSIDERATIONS. ONE IS TO PRESERVE THE LEGISLATURE'S ABILITY TO MODIFY THE BUDGET RESERVE FUND'S EFFECTS ON APPROPRIATIONS, ESPECIALLY AS WE ADJUST TO CHANGING CIRCUMSTANCES IN THE FUTURE. THE SECOND IS TO BRING THE STRENGTH OF CONSTITUTIONAL PROTECTION TO THE FUND'S UNDERLYING PURPOSES AND PRINCIPLES.

IN CLOSING, LET ME SAY THAT IT CERTAINLY IS GOVERNOR SHEFFIELD'S OPINION, AS WELL AS OUR OWN AT OMB, THAT THE LONG-TERM BENEFITS OF BUDGETARY AND ECONOMIC STABILITY WHICH THE BUDGET RESERVE FUND OFFERS, REPRESENT ONE OF THE MOST IMPORTANT STEPS THAT WE CAN TAKE TO ASSURE STABILITY AND PROSPERITY FOR ALL ALASKANS IN THE COMING YEARS.

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE, I HAVE INTENTIONALLY KEPT THESE COMMENTS BRIEF AND GENERAL IN NATURE, IN THE INTEREST OF GETTING DIRECTLY TO THE COMMITTEE'S CONCERNS, AND IN THE INTEREST OF NOT STARTING OUT WITH DETAILS WITH WHICH THE COMMITTEE MAY ALREADY BE FAMILIAR. AT THIS POINT, I AM PREPARED TO EITHER DEPICT MORE FULLY WHAT THE LEGISLATIVE ITEMS BEFORE YOU PROPOSE TO DO, OR TO RESPOND AS BEST I CAN TO THE COMMITTEE'S QUESTIONS.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a joint resolution proposing amendments to the Alaska Constitution relating to a budget reserve fund and an appropriation limit, and a bill to implement the joint resolution.

I am placing the bill implementing the proposed constitutional amendments before the legislature during this session to ensure that legislators and voters facing that proposal in the 1986 general election understand the scope, details, and implications of the amendments.

The bill would take effect following voter approval of the constitutional amendments. At that time, AS 37.05.159, establishing what is commonly known as the "rainy day fund," would be repealed and replaced by a new statute establishing the budget reserve fund. The balance of the money in the rainy day fund would follow the constitutional and statutory change and would be transferred to the budget reserve fund at that time. The budget reserve fund is designed to meet revenue contingencies contemplated by the rainy day fund as well as broader revenue stability needs.

At the outset, it must be emphasized that the budget reserve fund is very different in purpose and function from forward funding and cash-based budgeting proposals. We have carefully evaluated all these options, and we believe that the budget reserve fund is the fiscal management tool that is best suited to the State's situation. This fund seeks to

dampen annual budget swings. Neither forward funding nor cash-based budgeting protect us from annual budget fluctuations caused by volatility in world oil markets.

The budget reserve fund works in the following manner. In years of rising revenues, as specified in the constitutional amendments, appropriations are limited to 115 percent of appropriations made during the preceding calendar year. Any surplus money above the 115 percent limit is used first to replenish the budget reserve fund; any remaining surplus is then divided between deposits to the permanent fund and to the general fund. In years of revenue decline, as specified in the constitutional amendments and proposed statute, money is made available from the budget reserve fund in an amount that brings appropriations up to 95 percent of the appropriations in the preceding calendar year, or an amount that equals no more than 25 percent of the fund's balance, whichever is less.

These two operations of the budget reserve fund will provide a smoother expenditure pattern over the years than would result from the fluctuations of petroleum revenue alone. This is because, in high revenue years, revenue increases will flow into the budget reserve fund for subsequent appropriation during years of revenue decline, buffering fluctuations in the state's revenue stream caused by petroleum price variations. The upper limit to appropriations (the 115 percent level) will provide an effective appropriation limit, in contrast with the ineffective limit now in our constitution. We will therefore have a meaningful constitutional spending limit as desired by the people of Alaska.

Both the joint resolution and the bill specify that the appropriation limit applies only to unrestricted general fund money and to expenditures from the undistributed income account of the permanent fund (except for a deposit of that money to the permanent fund made in 1986). In turn, "money received" by the state includes only money in the undistributed income account and unrestricted general fund money. Excluded from both, for example, are federal receipts. The joint resolution and bill also specify that appropriations for a fiscal year are limited to 115 percent of appropriations made during the preceding calendar year. The calendar-year basis is used to ensure certainty in the determination of allowable appropriation levels for the coming fiscal year. It also avoids problems caused by supplemental appropriations late in a fiscal year.

New AS 37.05.156(c), in sec. 1 of the bill, addresses the question of how reappropriations should be treated for purposes of the appropriation limit. The intent of that provision is to distinguish between "old" and "new" money. This distinction is needed because it is sometimes difficult to determine whether a reappropriation consists entirely of money appropriated in a prior year, or exceeds the amount of money actually available from those prior appropriations, thereby entailing an appropriation of new money. Any reappropriation not clearly identifiable is also considered a new appropriation.

The maximum balance of the budget reserve fund in any fiscal year equals the amount of general fund appropriations enacted during the preceding calendar year. Money in excess of the 115 percent limit is used to bring the fund balance up to the fund's capacity. A portion of the money in excess of the budget reserve fund capacity must then be deposited in the permanent fund as savings. The bill specifies that that portion is 75 percent. The remaining excess (25 percent) must be deposited in the general fund, and is available for appropriation (effectively increasing the 115 percent limit). Any of that excess money subsequently appropriated from the general fund becomes part of the calculation of the base for the next fiscal year.

The bill specifies that if general fund revenue in a fiscal year falls to a level below 95 percent of appropriations made during the preceding calendar year, an amount may be transferred from the budget reserve fund into the general fund. That transferrable amount is limited to the lesser of (1) the amount needed to bring appropriations up to the 95 percent level, or (2) the maximum amount of the fund that may be spent in a fiscal year, which is 25 percent of the budget reserve fund balance.

As specified in the joint resolution, the budget reserve fund retains its income earnings to help ensure an adequate level of capitalization to meet appropriation demand in years of revenue decline.

The constitutional amendments permit expenditures from the fund beyond the 115 percent appropriation limit and the 25 percent fund expenditure limit to meet declared states of emergency. The bill cites existing statutory language to provide further clarification of "emergencies."

The constitutional amendments proposed in the joint resolution and the implementing statutory provisions together can

provide elected officials with the tools of sound fiscal management, and promise to the citizens of the state a means of avoiding the social and economic shocks that may result from extreme volatility in our revenue stream.

Article XV, sec. 27, of the Alaska Constitution now requires the lieutenant governor to place on the ballot in 1986 the proposition for the existing appropriation limitation, which was approved by the voters in 1982. Since that vote will occur at the same election as the vote on the attached proposal, there is the possibility that both constitutional provisions would be approved -- resulting in a direct conflict between them. To avoid confusion and to preclude legal questions arising as to this later amendment, while still having the lieutenant governor comply with art. XV, sec. 27, the attached bill (see sec. 2) requires the lieutenant governor to include an appropriate explanation on the ballot. It is expected that this explanation will be brief, with some amplification in the voter pamphlet.

Sincerely,

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

Bill Sheffield
Governor

HJR

63

From: Donald Rick Grob (H) Phone 007 373-1115
 Address P.O. Box 875267 (W) Phone 007 745-8383
Wasilla, AK Zip 09687

Message (Limited to 50 words or less): RE: HJR 39 Right to keep & bear Arms.

I	affirm	support	for	legislation	that
1	2	3	4	5	6
gives	and	protects	the	rights	of
7	8	9	10	11	12
all	law-abiding	citizens	to	own	and
13	14	15	16	17	18
bear	arms	The	committee	should	look
19	20	21	22	23	24
into	the	issues	of	how	anti-gun
25	26	27	28	29	30
legislation	has	failed	to	reduce	crime.
31	32	33	34	35	36
Change	laws	that	are	vague	and
37	38	39	40	41	42
could	be	misused	or	abused.	RESPECTFULLY
43	44	45	46	47	48
D.R.G.		<i>Donald R. Grob</i>		<i>3/20/86</i>	
49	50		Signature		Date

Please note: Only those single messages delivered by the signing individual to the Legislative Information Office by telephone, hand-delivered, or written at the Legislative Information Office will be accepted for transmission via computer as a Public Opinion Message. (Legislative Council Policy 6/81)

AA/PS m-s 1/85 Mesg. No.: _____ Operator: _____ Date: _____

The Armed Citizen



Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to *The Armed Citizen*. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

Stopped at an Elko, Nev., gas station Betty Gibson watched in disbelief as a truck driver twice rammed the family van, then pointed a shotgun at her husband and pulled the trigger. The gun apparently misfired, giving Gibson time to grab a revolver and fire at the stranger, who drove off. A suspect was arrested later. (*The Bee*, Sacramento, Calif. 11/5)

Hearing a commotion, Mike Kopp ran from the shower, grabbed his handgun and caught a burglar breaking into his Redding, Calif., motel. Kopp told the man to sit down while he called police; the intruder took a seat. (*The Record-Searchlight*, Redding, Calif. 9/26)

After robbing a Philadelphia grocery, the armed robber began leading clerk Helen Rispo away at gunpoint. As they passed a counter, Rispo reached down, grabbed a handgun, and shot the thief in the chest, fatally wounding him. (*The Daily Times*, Clifton Heights, Penn. 10/12)

An 81-year-old Hope, Ark., man had been pistol-whipped and robbed before, so he was ready for the three burglars as they tried to climb through his window at 5 a.m. A bullet from Johnny Holmes' rifle went through one burglar's arm and into the chest of another, killing him. (*The Gazette*, Texarkana, Ark. 11/12)

Crouching in the bedroom of her Sacramento, Calif., apartment, Judith Scott heard burglars break down two doors as they tried to elude police who interrupted their burglary of her adjoining video store. As they approached her room, Scott opened fire and wounded one. The burglars were arrested. Scott, who had been robbed and her store burglarized previously, had taken a firearms course offered by Sacramento police. (*The Union*, Sacramento, Calif. 11/14)

A would-be burglar knocked loudly on the Damon, Tex., house in mid-afternoon and, thinking no one was home, forced open a door. The intruder was met by a housewife, who wounded him with her rifle. He and three waiting accomplices fled; four suspects were later arrested. Two of the men were on parole from burglary sentences. (*The Herald-Coaster*, Rosenberg, Tex. 10/30)

Hearing his door crash in, El Paso, Tex., resident Thomas Reed picked up a shotgun. He confronted two intruders and fired when one attacked him with a metal object. One intruder was wounded and hospitalized; his accomplice was arrested for burglary. (*The Times*, El Paso, Tex. 9/10)

Preparing to open his Canton, Ohio, tavern, Paul Krueger heard a strange noise at the rear of the tavern and investigated with gun in hand. He found burglars prying open a back door and held them until police arrived. (*The Repository*, Canton, Ohio 11/3)

Hearing a crash, Valerie Donaldson grabbed a gun and opened her bedroom door to find four masked and armed men who had burst into her Seattle, Wash., apartment. One burglar fired, wounding her in the stomach, but Donaldson shot and killed one burglar and sent the others running for cover. (*The Chronicle*, Spokane, Wash. 11/4)

Returning home from work just before midnight, an Henrico, Co., Va., man heard a voice behind him announce, "this is a stickup." The intended victim, who had been held-up a month earlier, drew a handgun, spun around and shot his armed assailant. The robber fled, but a wounded suspect was soon arrested. (*The News-Leader*, Richmond, Va. 9/21)

Three men pretended to be browsing but didn't fool Tulsa, Okla., pharmacist Jim Sawyer. Sawyer secretly picked up his pistol, and when one of the men drew a gun, the store owner wounded him and held all three for police. Sawyer, 72, said his "sixth sense" has helped him foil three robberies in 10 years. (*The World*, Tulsa, Okla. 10/22)

Awakened by the sounds of a burglary, the Houston, Tex., homeowner called police and grabbed a shotgun. When two armed intruders burst into his bedroom, the man opened fire, killing one and sending the other fleeing. Police said they found a pistol next to the slain man's body. (*The Post*, Houston, Tex. 11/12)

"Come on, let's get her—she is here by herself," a man called out to an accomplice after breaking into a Kingsville, Tex., house. Unable to reach her husband on the telephone, the woman got a gun, fired, and killed the intruder with a single shot. (*The Record*, Kingsville, Tex. 10/20)

When a man walked into the Hatch, N. Mex., gift shop and turned the open/closed sign around, owner Jeanie Taylor knew something was amiss and grabbed a gun. The man leaped over the counter and began beating the 73-year-old woman, but she stopped the attack with a shot to her assailant's chest. (*The Sun-News*, Las Cruces, N. Mex. 10/31)

Hearing a commotion in back of his apartment, a St. Louis homeowner directed his wife to call police while he investigated with a gun. As he walked to a door it burst open, and an armed intruder rushed toward him. Though warned, the intruder would not stop and was killed by a single shot. Police said the burglar had multiple felony convictions. (*The Post Dispatch*, St. Louis, Mo. 10/27)

Chairman, House Judiciary
Mike M. Miller
Pouch, V
Juneau, Ak 99811



**Tanana Valley Sportsmen's
Rifle & Pistol Club**

Bruce Campbell, President
Box 52245
FBI, AK 99708

Dear Mike,

I am writing on behalf of the membership of T.V.S. R+P to support passage of HJR.63, the constitutional amendment clarifying the right to keep and bear arms.

Our membership voted unanimously to support this bill without change from Senator Pat Roode's initial Bill. Your support in this matter will be most appreciated.

Sincerely Yours
Bruce Campbell

P.S. I have enclosed a copy of our preliminary summer schedule should you or your staff be in town this summer.
B.C.

- August 2 Hi Power 600yd Natl Match, KD Range, 8am.
 3 Wayne Ficke Memorial 2700, TVSA Pistol Championship
 NRA Approved, UAF Outdoor range, 9am.
 5 IPSC '84 Ladies Qualifier, Stds, Airport, 7pm.
 7 .22 Practice, UAF outdoors, 7pm.
 9 IPSC Bowling Pin Shoot, Airport, 7pm:
 10 .22 Rifle Silhouette Match, UAF outdoors, 12 noon.
 12 TVSA-TVSR&P Meeting, Clubhouse, 7pm.
 14 .22 Practice, UAF, 7pm.
 17 Hunter Pistol Silhouette, Airport, 11-4pm.
 19 IPSC Cirillo Drill, Airport, 7pm.
 21 .22 Practice UAF outdoor range, 7pm.
 23 Hi Power, ANY RIFLE-ANY SIGHT, KD range, 8am.
 26 IPSC McKay Kafe, Flying "M", 7pm.
 28 .22 Practice UAF, 7pm.
- September 2 IPSC Intl. Rapid Fire, Airport, 7pm.
 4 .22 Practice UAF, 7pm.
 9 TVSR&P-TVSA Meeting, C13bhouse, 7pm.
 11 .22 Practice UAF outdoors, 7pm.
 13 Hi Power, 100yd National Match, Airport, 8am.
 14 .22 Rifle Silhouette Match, UAF 12 noon.

For Information Call:

Smallbore Rifle:

Randy Pitney 479-6810, 474-7205
 Carl Zuendel 488-2172, 452-7213

Junior Rifle:

Bud Burris 452-3109

High Power Rifle:

Ben McIntyre 356-2980

Jr. High Power Rifle

Lou Staudt 452-2966

College Cubs:

Joe Nava 479-2340
 Phyllis Scott 474-7825

Smallbore Rifle Silhouette:

Mike Ables 456-1027

NRA Conventional Pistol:

Dave Smith 372-5234
 Norm Piispanen 479-2894
 Bruce Campbell 488-1667

Handgun Silhouette:

Dave Smith 372-5234

IPSC Practical Pistol

Al Williams 488-9730
 Ed Shultz 488-7526

Bruce Campbell 488-1667

Junior Air Pistol:

Phyllis Scott 474-7825

June 1 TVSR&P Planning Meeting, All programs, 1pm, TVSA.
 3 IPSC Aldo Moro Defense, Airport, 7pm.
 5 .22 Practice UAF outdoor range, 7pm.
 8 .22 Rifle Silhouette Match, UAF, 12 noon.
 10 TVSR&P-TVSA Meeting, Clubhouse, 7pm.
 12 .22 Practice UAF Outdoor range, 7pm.
 14 Hi Power Natl. Match, 600yd, KD range, 8am.
 15 IPSC 3 gun shoot- pistol, shotgun, rifle, Airport, 7pm.
 17 IPSC Classification Match, Airport, 7pm.
 19 .22 Practice, UAF outdoor range, 7pm.
 21 Pistol Silhouette 100 & 200m So. Cushman R., 9am-4pm.
 21 Midnight Sun Smallbore Prone Match, Iron Sights 50-100yd, UAF
 22 " " " Prone Match, Scopes, 50-100yd, UAF, 12noon.
 24 IPSC Cooper Assault, Airport, 7pm.
 26 .22 Practice UAF outdoor range, 7pm.
 28 Hi Power 100yd. National Match, Airport, 8am.
 July 1 IPSC International Rapid Fire, 7pm, Airport.
 2 NRA .22 Pistol Match, 90rd, UAF outdoors, 7pm.
 3 .22 Practice, UAF outdoor range, 7pm.
 6 .22 Rifle Silhouette Match, UAF, 12 noon.
 7 .22 International Std. Pistol, UAF outdoors, 7pm.
 8 TVSR&P-TVSA Meeting, 7pm.
 10 .22 Practice, UAF Outdoors, 7pm.
 12 Hi Power National Match, 600yd, KD range, 8am.
 13 Hunter Pistol Silhouette, Airport, 11-4pm.
 15 IPSC Classification Match, Airport, 7pm.
 17 .22 Practice, UAF outdoors, 7pm.
 19 IPSC Falling Plate Team Match, Airport, 12 noon.
 22 IPSC Cafe Classic, McKay Kafe, Airport, 7pm.
 24 .22 Practice, UAF, 7pm.
 26 Hi Power, 100yd, Natl. Match, Airport, 8am.
 29 IPSC FBI Duel, Airport, 7pm.
 30 .22 Intl. Std. Pistol, UAF outdoors, 7pm.
 31 .22 Practice, UAF outdoors 7pm.

T.V.S.R.&P.

1986 Summer Schedule

- April 13 Junior Sectional, 4 position, UAF, Gym 9am.
15 IPSC Practice, Airport? TVSA? 7pm
17,19,24,26 Bear Protection Class TVSA, 7pm, 12noon.
18 Gun Show Set-up, TVSA 6:30pm
19,20 Gun Show 10-6 Sat.,11-4:30 Sun.
21 .22 Pistol Fun Match, 50' Bullseye, 7pm TVSA
22 IPSC Cafe Classic, McKay Kafe, Airport, 7pm.
25-27 Rifle Coach Training, R. Pitney, Anchorage
29 IPSC Advanced Military Mod., Airport, 7pm.
- May 1 .22 Practice, UAF outdoor range, 7pm.
3 .22 Pistol Match, NRA approved, 90rd, UAF outdoors, 9am.
3 TVSA Club Championship, .22 Rifle, UAF outdoors, 12noon.
4 TVSR&P Planning Meeting, All programs, 1pm TVSA.
6 IPSC Mexican Defense, Airport, 7pm.
8 .22 Practice, UAF outdoor range, 7pm.
10 Hi Power National Match KD range, 8am.
11 .22 Rifle Silhouette Match, UAF, 12 noon.
13 TVSR&P-TVSA Meeting, 7pm.
15 .22 Practice, UAF Outdoor range, 7pm.
17 .22 & Centerfire Pistol Match, NRA approved, UAF outdoors, 9am
20 IPSC Classification Match '86, Airport, 7pm.
22 .22 Practice, UAF, Ballaine Lk Outdoors, 7pm.
25 TVSA Smallbore Rifle 50m, UAF Outdoors, 12 noon.
27 IPSC Mano-el-Mano, Flying "M", Airport, 7pm.
29 .22 Practice UAF outdoor range, 7pm.
31 Hi Power 100yd National Match, Airport, 8am.

UAF outdoor range is located just north of Ballaine Lake, take the first left past the lake off Farmers Loop.

The Don Bennett Airport Range is located on So. University Ave, past the East Ramp onto the gravel road, right turn before the tracks.

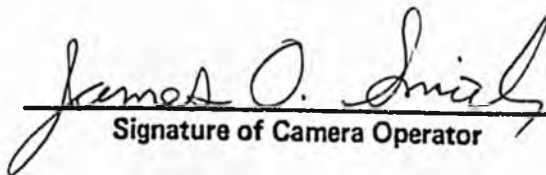
To check on an event call the event director, or Bruce-488-1667.

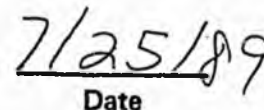


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HJR

70

HOUSE
COMMITTEE REPORT

H/C

(9)

Date referred: 4/1/86

FURTHER REFERRALS: JUDICIARY

DATE: April 9, 1986

The RESOURCES Committee has considered HJR 70

Relating to placer mining in the state.

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note
- First

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz Dick Shultz

Cato Bette Cato

Miller (NP) M.W. Miller

Pearce Rue

Edelrich Herrmann Does Not Pass
Herrmann Needs to be updated

Kay Wallis needs to be
Wallis rewritten

Dick Shultz
Co-Chairman Shultz

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HJR 70
 Title : Relating to placer mining
in the state.
 Sponsor : House Resources Committee
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : House Resources Committee Staff Phone : 465-3715

Division : _____ Date : _____

Approved by Commissioner : *Dick Shultz* Date : April 9, 1986

Agency : Representative Dick Shultz

Distribution (by Agency preparing fiscal note):

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

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Land and Natural Resources Division
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(907) 271-5452

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SIERRA CLUB, NORTHERN ALASKA)
ENVIRONMENTAL CENTER,)
WILDERNESS SOCIETY, BIRCH)
CREEK VILLAGE COUNCIL, MINTO)
VILLAGE COUNCIL, GOLOVIN)
TRADITIONAL COUNCIL, NUNAM)
KITLUTSISTI, and CENALIULRIIT)
COASTAL MANAGEMENT DISTRICT,)

Plaintiffs,)

v.)

MICHAEL PENFOLD, Director of)
the Alaska State Office of the)
Bureau of Land Management;)
DONALD P. HODEL, Secretary)
of the Interior; ROBERT F.)
BURFORD, Director of the)
Bureau of Land Management;)
DONALD E. RUNBERG, Acting)
District Manager of the Fair-)
banks District Office of the)
Alaska State Office of the)
Bureau of Land Management;)
WAYNE A. BODEN, District Man-)
ager of the Anchorage District)
of the Alaska State Office)
of the Bureau of Land Manage-)
ment; DEPARTMENT OF THE)
INTERIOR and BUREAU OF LAND)
MANAGEMENT,)

Defendants.)

Case No. A86-083 Civil

STIPULATION

documents except for confidential information as provided in 43 C.F.R. § 3809.5:

- (a) The plan of operations;
- (b) The environmental assessment of the plan of operations;
- (c) The subsistence evaluation of the plan of operations; and
- (d) If not previously provided to plaintiffs, all correspondence and documents in BLM's possession that are related to the plan of operations, including the letter of approval.

B. Procedures to Insure Reclamation

1. Between May 1, 1986 and September 30, 1986, BLM shall conduct an on-site inspection of every mining operation operating pursuant to a plan of operations.
2. Between May 1, 1986 and September 30, 1986, BLM shall conduct an on-site inspection of every mining operation operating pursuant to a notice of operations.
3. During the on-site inspections, BLM shall inspect whether the operator is reclaiming disturbed areas in compliance with the reclamation requirements set forth in 43 C.F.R. § 3809.1-3(d).
4. During the on-site inspections, if the operator disturbed, since January 1, 1981, the same or adjacent areas of public lands while conducting mining operations in prior years, BLM will inspect whether the operator reclaimed the previously disturbed areas in compliance with the

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

DEAN K. DUNSMORE
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Land and Natural Resources Division
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(907) 271-5452

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SIERRA CLUB, NORTHERN ALASKA)
ENVIRONMENTAL CENTER,)
WILDERNESS SOCIETY, BIRCH)
CREEK VILLAGE COUNCIL, MINTO)
VILLAGE COUNCIL, GOLOVIN)
TRADITIONAL COUNCIL, NUNAM)
KITLUTSISTI, and CENALIULRIIT)
COASTAL MANAGEMENT DISTRICT,)

Plaintiffs,)

v.)

MICHAEL PENFOLD, Director of)
the Alaska State Office of the)
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DONALD P. HODEL, Secretary)
of the Interior; ROBERT F.)
BURFORD, Director of the)
Bureau of Land Management;)
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banks District Office of the)
Alaska State Office of the)
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WAYNE A. BODEN, District Man-)
ager of the Anchorage District)
of the Alaska State Office)
of the Bureau of Land Manage-)
ment; DEPARTMENT OF THE)
INTERIOR and BUREAU OF LAND)
MANAGEMENT,)

Defendants.)

Case No. A86-083 Civil

STIPULATION

WHEREAS, plaintiffs Sierra Club, et al. and defendants Michael Penfold, et al. desire to bring the claims asserted in the plaintiffs' pending motion for a preliminary injunction to a fair interim resolution that provides a framework under which mining can occur in the 1986 mining season, while at the same time providing for expeditious final resolution of the claims asserted by plaintiffs;

AND WHEREAS, defendants Michael Penfold, et al., hereinafter referred to as BLM, have agreed that they are or will be doing the following for the 1986 mining season commencing immediately:

A. Procedures Governing Plans of Operations

1. Prior to approving a plan of operations, pursuant to 40 C.F.R. § 3809.1-6, BLM will prepare an environmental assessment of the plan of operations, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 and its implementing regulations set forth in 40 C.F.R. Part 1500.

2. Prior to approving a plan of operations, BLM will prepare a subsistence evaluation of the plan of operations pursuant to the requirements of § 810 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. § 3120.

3. Within ten (10) working days after approving a plan of operations in 1986, BLM shall serve, at no cost to plaintiffs, upon plaintiffs' counsel copies of the following

documents except for confidential information as provided in 43 C.F.R. § 3809.5:

- (a) The plan of operations;
- (b) The environmental assessment of the plan of operations;
- (c) The subsistence evaluation of the plan of operations; and
- (d) If not previously provided to plaintiffs, all correspondence and documents in BLM's possession that are related to the plan of operations, including the letter of approval.

B. Procedures to Insure Reclamation

1. Between May 1, 1986 and September 30, 1986, BLM shall conduct an on-site inspection of every mining operation operating pursuant to a plan of operations.

2. Between May 1, 1986 and September 30, 1986, BLM shall conduct an on-site inspection of every mining operation operating pursuant to a notice of operations.

3. During the on-site inspections, BLM shall inspect whether the operator is reclaiming disturbed areas in compliance with the reclamation requirements set forth in 43 C.F.R. § 3809.1-3(d).

4. During the on-site inspections, if the operator disturbed, since January 1, 1981, the same or adjacent areas of public lands while conducting mining operations in prior years, BLM will inspect whether the operator reclaimed the previously disturbed areas in compliance with the

reclamation requirements set forth in 43 C.F.R. § 3809.1-3(d).

5. If the inspection shows that the operator either is not fully complying or has not in the past fully complied with the reclamation requirements of 40 C.F.R. § 3809.1-3(d), BLM will issue a notice of noncompliance to the operator pursuant to 43 C.F.R. § 3809.3-2(d). However, no notice of noncompliance need be issued if past noncompliance has been corrected by the time of inspection.

6. Within two (2) weeks after the period for correction of the noncompliance specified in the notice of noncompliance has expired, if BLM has not received photographic proof of corrective action, or has not determined by on-site or aerial inspection that the operator has corrected the noncompliance, or has not been notified by another federal or State agency that the noncompliance has been corrected, BLM will take the following actions:

- (a) If the operator is operating under a plan of operations, BLM will require that the operator correct the noncompliance and post a bond in an amount equal to the cost of completing the unperformed reclamation and the reclamation of the future operations proposed under the plan of operations before recommencing operations; and
- (b) If the operator is operating under a notice of operations, BLM will require that the

operator correct the noncompliance, file and obtain approval of a plan of operations, and post a bond in an amount equal to the cost of completing the unperformed reclamation and the reclamation of the future operations proposed under the plan of operations before recommencing operations.

7. BLM will prepare a written report of its inspections, which reports where applicable will report on the items listed in 43 C.F.R. § 3809.1-3(d)(4), and report on compliance with 43 C.F.R. § 3809.1-3(d)(3).

8. BLM will also prepare a written report on any follow-up inspections conducted pursuant to paragraph 6. Each report will describe the steps taken by the operator to correct the noncompliance, and will state whether the steps taken adequately corrected the noncompliance.

9. At each operation subject to an on-site inspection, BLM will test for compliance with the federal and State standards for settleable solids. BLM will not take these tests if these tests are simultaneously being conducted by either the Environmental Protection Agency (EPA) or the Alaska Department of Environmental Conservation (ADEC). The entry by BLM is not intended by the members to this agreement to provide the basis for enforcement action against miners without independent investigation and inspection by EPA, ADEC or any other person.

10. BLM shall record the results of the tests in reports. These reports shall be provided to the EPA and to the ADEC.

11. If EPA or ADEC should issue a notice of violation, notice of noncompliance, other form of administrative order which finds, or if EPA or ADEC should commence a civil action based on a finding, that a mining operator operating under either a notice of operations or an approved plan of operations has violated applicable federal or State water quality standards, and if EPA or ADEC inform BLM of the issuance of such administrative orders or notices, or the commencement of such civil actions, BLM will issue a notice of noncompliance to the same operator pursuant to 43 C.F.R. § 3809.3-2(d).

12. If the operator does not correct the noncompliance within the period provided for correction, BLM shall also take the additional steps set out in paragraph 6.

13. If for any mining operation within a wild and scenic corridor or on a tributary to a wild and scenic river, any of the settleable solids' tests taken pursuant to paragraph 9 show suspected noncompliance with water quality standards, BLM will immediately report this to EPA and ADEC and ask that these agencies give priority to and conduct an inspection to determine if such violations are occurring.

14. If within two (2) weeks after the period for correction of noncompliance specified in the notice has

expired the operator has not corrected the noncompliance, BLM will take the additional steps set out in paragraph 6.

C. Procedures Governing Access

1. If existing access is adequate and feasible, BLM will exercise its authority under 43 C.F.R.

§ 3809.3-3(b) to require all operators under a notice of operations to use the existing access.

2. If existing access is not adequate and feasible, BLM will exercise the authority of 43 C.F.R. § 3809.3-3(b) to require operators under a notice of operations to construct new access, if practicable, within an existing transportation or utility corridor.

3. BLM will send back as incomplete, pursuant to 43 C.F.R. § 3809.1-3(c)(3), any notice which indicates that any operator will construct any new access routes where that notice does not describe the construction including the location of the access routes to be constructed and the equipment to be used and measures to prevent unnecessary or undue degradation. If the construction involves slopes which require cuts on the inside edge in excess of three (3) feet, BLM will pursuant to 43 C.F.R. § 3809.1-3(c)(3) require the operator to consult with BLM over the most appropriate access route location.

D. Long-Term Camping Permits

1. Prior to approving a long-term camping permit for a mining operation within the Fortymile National Wild and Scenic River corridor, BLM shall prepare an

environmental assessment of the camping permit pursuant to NEPA, 42 U.S.C. § 4321 and its implementing regulations set forth in 40 C.F.R. Part 1500.

2. If BLM issued long-term camping permits for mining operations within the Fortymile National Wild and Scenic River corridor for camping in 1986 prior to the signing of this stipulation, BLM shall stay all activities under the permits until it prepares an environmental assessment.

3. Within ten (10) working days after issuing a long-term camping permit for a mining operation within the Fortymile National Wild and Scenic River Corridor in 1986, BLM shall serve, at no cost to plaintiffs, upon plaintiffs' counsel copies of the following documents:

- (a) The permit issued;
- (b) The environmental assessment prepared on the permit; and
- (c) If not previously provided to plaintiffs, all correspondence and documents in BLM's possession that are related to the permit including the application for the permit.

E. Documentation

BLM has agreed to provide, at regular two-week intervals throughout 1986, plaintiffs' counsel with copies of the following documents except for confidential information as provided in 43 C.F.R. § 3809.5:

- (1) The notices received by BLM;

- (2) All correspondence and documents in BLM's possession that are related to the notices;
- (3) The reports produced by BLM pursuant to paragraphs 7, 8 and 10 of section B.

BLM will not charge plaintiffs for any of these documents, nor will BLM charge Sierra Club Legal Defense Fund for any documents previously provided pursuant to Freedom of Information requests relating to BLM's regulation of mining in Alaska.

WHEREAS, upon being informed of the foregoing commitments by BLM, plaintiffs have agreed that their Motion for Preliminary Injunction may be withdrawn,

WHEREAS, the parties are in agreement that this action should be handled as expeditiously as possible,

IT IS HEREBY STIPULATED that:

1. Plaintiffs' Motion for Preliminary Injunction is withdrawn without prejudice;

2. Plaintiffs and defendants shall follow the following briefing schedule:

By April 14, 1986 Plaintiffs shall file and serve their motion for summary judgment or partial summary judgment.

By April 14, 1986 Defendants shall serve their initial written discovery, if any, on plaintiffs.

By May 14, 1986 Defendants shall file and serve

their response to plaintiffs'
motion for summary judgment.

By May 14, 1986

Plaintiffs shall file and serve
their response to defendants'

Motion to Dismiss filed on March
12, 1986.

By May 30, 1986

Plaintiffs shall file their reply,
if any, to defendants' response to
plaintiffs' motion for summary
judgment.

By May 30, 1986

Defendants shall file and serve
their reply, if any, to plaintiffs'
response to defendants' Motion to
Dismiss.

3. That any party may move to modify or extend
any date in the foregoing briefing schedule for good cause,
including discovery responses which do not permit adequate
briefing of the motion for summary judgment or motion to
dismiss.

4. Plaintiffs shall not, in their motion for
summary judgment, seek injunctive relief to be effective for
the 1986 Alaska mining season.

DATED: April 4, 1986

Respectfully submitted,
*Dean K. Dunsmore on telephonic
authorization for*

PHILIP BARNETT

Attorney for Plaintiffs

DATED: 4 April 1986

Dean K. Dunsmore

DEAN K. DUNSMORE

Attorney for Federal Defendants

IT IS SO ORDERED this _____ day of _____, 1986
at Anchorage, Alaska.

U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing STIPULATION was served by United States mail, first class, postage paid, to the following counsel of record:

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