

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

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portion of the allotment which would be landlocked by the remaining lands of the allottee or others. In these circumstances, we advise you to insure that appropriate access is guaranteed through the allottee's other lands either by covenant or specific grant of easement. See generally, Powell on Real Property, ¶ 407 and 408. See also, 28 CJS Easements, § 23, et seq. Conversely, if the allottee's other lands will be landlocked by conveyance of a portion of the allotment to a third party, the allottee should insure that he is reserved an easement in the lands granted. See 28 CJS Easements, § 29. Under these circumstances, failure to provide or obtain access at the time of conveyance could result in later litigation to establish an easement by necessity.

### 3. Easements By Necessity

Easements by necessity are implied easements across otherwise unencumbered tracts where necessary to afford access to an otherwise landlocked parcel. See generally, Powell on Real Property, supra, ¶ 410. This doctrine comes into play only where there is a unity of ownership between the dominant and servient parcels at the time the landlocked (i.e., dominant) parcel was severed from the rest of the estate. The doctrine would apply to both examples discussed above where the grantor conveys a portion of the allotment thereby isolating either the land conveyed or the grantor's retained lands. In these circumstances, the courts have construed the intention of the parties to create an easement of necessity across the servient estate to provide access to the landlocked (i.e., dominant) estate.

As applied in this jurisdiction, the doctrine only requires proof of reasonable (as opposed to absolute) necessity in order to imply an easement. U.S. v. Dunn, 478 F.2d 443, 446 (9th Cir. 1973). Although the easement must be something more than a mere "convenience," it is not necessary to show that it is the only means of access to the property. In any event, the determination of whether the easement is a "reasonable necessity" is a fact question which involves considerations of public policy as well as the intent of the parties and the reasonable utilization to be made of the landlocked parcel. See generally, Powell on Real Property, supra, ¶ 410.

The doctrine has also been applied to Indian lands in this jurisdiction, cf. Superior Oil Co. v. United States, 353 F.2d 34 (9th Cir. 1965). The oil company in this case

sought to obtain an easement to move heavy oil drilling equipment across Indian reservation lands in order to drill on lands owned by a mission society and leased to the oil company. The mission society had previously been granted the land by the United States under a statute permitting such grants to religious organizations engaged in mission or school work on Indian reservations. The court concluded that although the mission society had an easement by necessity for mission purposes, the scope of that easement could not be expanded to accommodate the purposes of the oil company. We know of no principle which would preclude an easement of necessity from attaching to lands merely because they are Indian trust or restricted lands where the easement of necessity doctrine is otherwise applicable. See also, U.S. v. Clarke, 529 F.2d 984 (9th Cir. 1976), aff'd U.S. \_\_\_\_\_, (No. 78-1693, March 18, 1980).

#### IV. SUMMARY

This, of necessity, has been a rather wide-ranging opinion dealing with the several general concerns you raised regarding easements across Indian allotments. We will summarize some of our conclusions below for ease of reference.

##### A. R.S. 2477 Easements

R.S. 2477 easements can be created either by the positive acts of authorized authorities or public user of a right of way across the "public lands." Native used and occupied lands, however, are not "public lands." Therefore, a right of way under R.S. 2477 can only be obtained if, at the time the R.S. 2477 grant is accepted, the lands were not subject to the individual use and occupancy rights of an Alaska Native who has applied for an allotment.

##### B. Section Line Easements

Whether a section line easement supersedes Native use and occupancy depends on whether the Native use and occupancy preceded either the statutory acceptance or actual survey of the section line easement. If Native use and occupancy began prior to April 6, 1923, or between January 13, 1949, and March 21, 1953, then the easement could not be imposed on those lands by subsequent survey of a section line. If unoccupied lands were surveyed either between April 6, 1923,

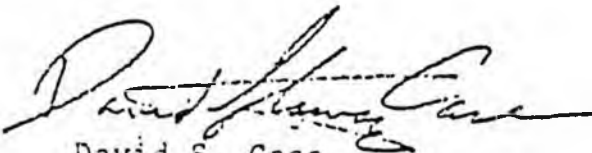
and January 18, 1949, or after March 21, 1953, then the section line easement supersedes Native occupancy rights.

C. Guarantees of Access

Although there is no legal requirement to guarantee access to otherwise landlocked allotments, you would be well advised to counsel the allottees to provide access if it is within their power to do so. It is especially important to provide access where there is an initial unity of title in the allottee. Under these circumstances an easement of necessity can be imposed to benefit a landlocked parcel. Providing access at the time of the grant will avoid later confusion and possible litigation.

D. Public or Private Access

You should also be aware that any R.S. 2477 right of access (whether by section line easement or otherwise) predating Native use and occupancy is a right of public access. While it may also permit private individuals to have access to otherwise landlocked parcels, it also permits the public at large to use the right of way. Of course, that does not permit the public to trespass on the allottee's or anybody else's private property.

  
David S. Case  
Attorney/Advisor

Enclosure

cc: Scott Keep, Div. of Indian Affairs, Washington, D.C.  
Area Realty Officer, Bureau of Indian Affairs, Juneau

RS 2477 REGIONAL TRAILS

ASSERTION INVENTORY

Compiled By

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Historian I

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RS 2477 TRAIL INVENTORY I

NORTHERN REGIONAL TRAILS

SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Nome-Shishmareff	100	94	X		X	
Penny River	100a	94		X		
Cape Woolley	100b	94		X		
Nome River	104	94		X	X	
Golovin	97	95		X	X	
Council	101	95	X		X	
Solomon	109	95		X		
Norton Bay	112	95		X	X	
Pilgrim Springs	119	95		X		
Kaltag-Nome	156	95	X		X	
Topok-Candle	158	95	X		X	
Norton Sound-Goloum	115	95		X		
Ungalik-Candle	118	96	X		X	
Koyuk-Norton Bay	264	96		X		
Kaltag-Holy Cross	116	97		X		
Lewis Landing-Dishkaket	148	97		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Ft. Gibson-Keltag	155	97	X		X	X
Poorman-Ophir	145	98	X		X	X
Poorman-Cripple	146	98	X		X	X
Telida-Novokaket	219	98		X		
Kantisha River Area	64d	99	X		X	X
Toklat-Lake Minchumina	89	99	X		X	
Kantishna	172	99	X			X
Fairbanks-Ft. Gibbon	191	99	X		X	X
Manley Hot Springs	194	99		X		
Cosjacket-Rampart	233	99		X		
Rex-Kantishna	237	99	X		X	X
Nenana-Kantishna	67	100	X			X
Nenana-Ft. Gibbon	68	100	X		X	X
Rex-Nenana	69	100		X		
Olnes Area	73d	100	X		X	X
Ester Area	73e	100		X		
Bonnifield Trail	188	100	X		X	
Goldstream-O'Conner Creek	189	100		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Dunbar-Livengood	197	100	X		X	X
Fairbanks-						
Chena Hot Springs	193	100	X		X	X
Gilmore Ski	302	100		X		X
North Fork Fortymile						
-Big Delta	52	101		X		
Goodpaster-Black Mtn	53	101		X		
Donnelly-Washburn	169	101			X	X
Redmond Cr.-Banner Cr.	184b	101		X		
Salcha-Caribou	185	101	X		X	
Chena Hot Springs	193a,b	101	X		X	
Kechumstuk Winter	77	102		X		
Chistochina-Eagle	167	102	X		X	X
Canyon Cr.-Walkers Fork	174	102	X		X	X
Liberty Cabin-Steel Cr.	175	102	X		X	X
Gravel Gulch-Liberty	176	102	X		X	X
Eagle-North Fort	178a,b	102		X		
Fortymile						
Yukon R.-Tatonduk R.	180	102		X		
Fortymile R.-Franklin	181	102	X		X	X
Franklin-Chicken	182	102	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Eagle-Circle Mail	183	102	X		X	X
Cherry Cr.	295	102		X		
Napoleon Cr	296	102		X		
Atwater Cr.	299	102		X		
Fortymile R.-Misquito Fork	300	102	X		X	
Eagle-Alder Cr.	45	103		X		
Nation R-Rampart	196	103	X		X	
4th July Cr.-Nation R.	197	103	X		X	X
Woodchopper Cr.	198	103	X		X	X
Fairbanks Cr.	73c	104		X		
Birch Cr.-Portage Cr.	199	104		X		
Circle-Ft. Yukon	202	104	X		X	X
Fairbanks-Circle	204	104	X		X	X
Central-Circle	231	104	X		X	
Circle-Steese Hwy.	261	104		X		
Birch Cr.	270	104	X			
Bonanza Cr.	276	104	X			
Porcupine Cr.	278	104		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Independence Cr.						
-Harrison Cr.	279	104		X		
Circle Hot Springs	281	104	X		X	X
Deadwood Cr.	284	104		X		
Hoose Cr.	286	104		X		
Chatanika Freight	303	104		X		
Bettles-Stevens Village	49	105	X		X	X
Livengood-Ft. Hamlin	64	105	X		X	X
Dunbar-Livengood	192	105	X		X	X
Chatanika-Yukon	205	105		X		
Beaver Cr.	255	102	X		X	X
Wickersham Dome						
-Tolovana R.	267	105	X		X	
Hickel Highway	289	105	X		X	X
Ft. Gibbon-Koyukuk	55	106	X			X
Kewalik-Candle	103	109		X		
Ungalik-Candle	118	109		X		
Topkuk-Candle	158	109	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Candle-Kewalik	159	109	X		X	X
Dahl Cr.-Candle	160	109	X		X	X
Haylock-Candle	228	109		X		
Council-Flat Cr.	101	110		X		
Kougarok River	122	110		X		
Davidsons Landing	161	110	X		X	X
Teller-Pilgrim						
Hot Springs	162	110	X		X	X
Noatak Coast	22	113		X		
Kotzebue-Kiwalik	99	113		X		
Kotzebue-Shungnak	165	113		X		
Noorvik-Kiwalik	98	114	X		X	X
Elephant Point	98b	114	X		X	X
Shungnak River	95	115		X		
Alatna-Shungnak	164	115	X		X	X
Hughes	163	116	X		X	X
Bettles-Allakaket	54	117	X		X	X
Bettles-S.F. Koyukuk R.	62	117	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Ft. Yukon-Beaver	37	118	X		X	X
Yukon-Chandalar	208	118	X		X	X
Circle-Ft. Yukon	202	119	X		X	X
Venetie-Christian	35	122		X		
Goldfoot-Venetie	41	122	X		X	
Caro-Chandalar	36	123	X		X	X
Chandalar-Chandalar L.	40a	123	X		X	
Myrtle Cr.-Bettles	47	123		X		
Wiseman-Chandalar R.	51	123	X		X	X
Nolan-Mascot Cr.	56A	124		X		
Kotzebue-Pt. Barrow	268	128	X		X	X
Corwinn Bluff-Naokak Pass	17	130		X		
Christian-Willow House	33	136		X		
Rampart-Beaufort Sea	211	137		X	X	
Canning River	25f	139		X	X	
Kuparkuk R.	31	140		X	X	
Itkillik R.	31a	141		X	X	
Colville R.	31c	141		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Qunalik R.	9	142		X		
Ikpikpuk R.	14e	142		X		
Kiliqua R.-Awuna R.	15	143		X		
Irisaruk R.-Kaolak R.	37	144		X		
Heade R.	4c	147		X		
Chipp R.	6f	148		X		
Harrison Bay	27	149		X		
Anderson Pt.	25e	151		X		
Canning R.-Simpson Cape	25f	151	X		X	X
Poker Lagoon	25c	152		X		
Okpalik R.-Kaktovik	25d	152	X		X	X

## SOUTHCENTRAL REGIONAL TRAILS

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspe ted Use	Documents	Maps
McCord Bay	1	34		X		
Quzinkie	2	34		X		
Neva Cove	3	34		X		
Kodiak-Miller Pt.	4	34		X		
Larsen Bay-Karluk R.	1	35	X		X	X
Egegik-Portage Bay	1	36	X		X	
Egegik-Pilot Pt.	2	36	X		X	
St. Paul-Webster L.	1	38		X		
Zapadni Bay-St. George	2	38		X		
Nushagak R.	1	40	X		X	
Dillingham-Waknek	1	41	X		X	X
Katmai-Savenski	1	42		X		
Kulik Lodge	2	42	X		X	
Laughtan Glacier	1	45		X		
Dewey Lakes	2	45		X		
Dalton	3	45	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Chilkoot	4	45	X		X	X
White Pass	5	45		X		
Situk R.	2	46		X		
Katalla-Takataga	1	47	X		X	X
Humpy Cr.	10	50		X		
Bear Cove	17	50		X		
Nuka Bay	20	50	X		X	X
Iniskin Bay	1	51		X		
Nondalton-Newhalen R.	2	51		X		
Nondalton-Iliamna	3	51		X		
Iliamna-Pile Bay	4	51		X		
Portage Cr.	6	51		X		
Nondalton-Telaquana	7	51		X		
Manakotak-Dillingham	1	52		X		
Dillingham-Naknek	2	52		X		
Nakeen-Igiugig	3	52		X		
Bethel-Goodnews Bay	1	53	X		X	X
Goodnews-Platinum	3	53	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Goodnews-Togiak	6	53	X		X	X
Nightmute-Bethel	1	54		X		
Tanunak-Toksook	1	57		X		
Toksook-Nightmute	2	57		X		
Nightmute-Newtok	2	58		X		
Chefornak-Tuntutuliak	4	58	X		X	X
Kasigluk-Bethel	5	58	X		X	X
Tuntutuliak-Bethel	1	59	X		X	X
Bethel Kasigluk	2	59		X		
Bethel-Tuluksak	4	59	X		X	X
Tuluksak-Bear Cr.	5	59	X		X	X
Marvel Cr.	7	59	X		X	X
Akiak	8	59	X		X	X
Akiak-Russian Mission	10	59	X		X	X
Sleetmute-Taylor Mtns.	1	60		X		
Ninilchik	1	62		X		
7-Lake	2	62		X		
Chickaloon Bay	6	62		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Kenai-Moose Pass	9	62	X		X	X
Kenai Spurr	10	62	X		X	
Salamatof Beach	14	62		X		
Cottonwood Cr.	18	62		X		
Surprise Mtn.	19	62		X		
Fuller L.	20	62		X		
Skilak L.-Lookout	24	62		X		
Bear Mtn.	25	62		X		
Seward-Mt. Marathon	2	63	X		X	
Lost Lake	3	63		X		
Paradise Valley	63	5	X		X	X
Crescent L.	7	63		X		
Grant L.	8	63		X		
Porcupine Cr.	10	63		X		
Juneau Cr.	11	63		X		
Russian R.	13	63	X		X	X
Cooper L.	15	63		X		
Bench Cr.-Johnson Cr.	17	63		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Summit L.	19	63	X		X	X
Moose Pass-Upper Trail L.	22	63	X		X	
Devils Cr.	23	63		X		
Indian Cr.	26	63	X		X	X
Bird Cr.	27	63	X		X	X
Marathon Mtn.	30	63	X		X	X
Carter-Crescent L.	31	63		X		
Grayline L.	33	63		X		
Crown Pt. Mine	34	63		X		X
Wibel Mine	35	63		X		X
Summit Cr.	36	63		X		
Resurrection Cr.	39	63		X		X
Quartz Cr.	44	63		X		
Cannonball Cr.	46	63		X		
Swetmann Mine	47	63	X		X	X
Bear Cr.-Wagon Road	48	63	X		X	X
Palmer Cr.-Wagon Road	49	63	X		X	X
Katalla-Yakataga	1	64	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Eyak-Cordova	2	64	X		X	X
Carter L.	6	64	X		X	X
Milton L.	7	64		X		
McKinley L.	8	64	X		X	X
Cordova-Shepherd Pt.	16	64		X		
Cordova-Mt. Eyak	17	64		X		
Kattala Sled Road	20	64	X		X	X
Tana R.	4	65		X		
Dan Cr.	3	67	X		X	X
McCarthy--May Cr. Road	6	67	X		X	X
McCarthy-Kennecott Road	9	67	X		X	X
Chisana-Horsveldt	25	67	X		X	X
Hanagita	26	67	X		X	X
Kotsina	28	67	X		X	X
Nizina-Chisana	34	67	X		X	X
Nizina-Chitina R.	37	67	X		X	X
White R.	38	67	X		X	X
Strelna L.	5	68		X		

## SUPPORTING

Trail Name	Trail #	Quad <i>U</i>	Known Use	Suspected Use	Documents	Maps
Tonsina L.	6	68	X			
Bernard Cr.	14	68		X		
Chitina-McCarthy	18	68	X		X	X
Wortmann's Road	19	68	X			
Valdez Glacier Road	20	68		X		
Robe L.	21	68		X		
Squaw Cr.	26	68		X		
Klutina	33	68		X		
Willow L.	34	68		X		
Copper R. Bluff	35	68		X		
Hudson L.	41	68		X		
Cash Mine	46	68		X		
Hercules Mine	47	68		X		
Tasnuna	79	68	X		X	
Valdez-Fairbanks	81	68	X		X	X
Rabbit Cr.	1	69	X		X	X
Sutton	4	69		v		
Wolverine L.	5	69		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Jonesville Premier Mine	6	69	X		X	X
Tim Cr.	7	69		X		
Lazy Mtn.	8	69	X			
Crow Cr.	9	69	X		X	X
Tahneta Pass	13	69		X		
White Alice Road	17	69	X		X	X
Eureka Cr.	18	69	X		X	X
Alfred Cr.	19	69		X		
Caribou Cr.	20	69		X		
Jackass Canyon Cr.	21	69		X		
Squaw Cr.	22	69		X		
Hicks Cr.	28	69	X		X	X
Glacier Cr.	29	69		X		
Matanuska R.	30	69	X		X	X
Chicaloon R.	31	69	X		X	X
Fish L. Road	33	69	X		X	X
Bonnie L.	36	69	X			
Kings R.	38	69	X			

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Fern Mine	40	69		X		
Lonesome Mine	41	69		X		
Eureka Roadhouse	48	69	X			
Meekins	50	69	X			
Knik-Susitna	52	69	X		X	X
Kern-Iditarod	53	69	X		X	X
Indian	54	69		X		
Eagle R.	57	69	X			
Knik-Talkeetna	63	69	X		X	X
Gold Bullion Mine	64	69	X			
Susitna-Tyonek	2	70	X		X	X
Susitna-McDougall	8	70	X		X	X
Susitna-Rainy Pass	13	70	X		X	X
McDougall-Cache Cr.	20	70	X		X	X
Nancy-Susitna	22	70	X		X	X
Flat-Crooked Cr.	1	72		X		
Sleetmute-Taylor Mtns.	4	72		X		
Flat-Aniak	5	72		X		

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Sparrahohn-Sleetmute	7	72		X		
Bethel-Tuluksak	1	73	X		X	X
Aniak-Tuluksak	2	73	X		X	X
Yukon-Kuskokwim	3	73	X		X	X
Crooked Cr.-Aniak	4	73	X		X	X
Tuluksak-Bear Cr.	5	73	X		X	X
Akiak-Russian Mission	8	73	X		X	X
Holly Cross-Kattshak	16	73	X		X	X
Paimut-Marshall	18	73	X		X	X
Pilot Station-Kotlik	1	74	X		X	X
Scammon Bay-Hooper Bay	1	75		X		
Flat-Holy Cross-Anvik	4	78	X		X	X
Anvik-Kaltag	5	78	X		X	X
Shageluk-Holikachuk	7	78		X		
Takotna-Flat	2	79	X		X	X
Iditarod-Dishkakat	5	79	X		X	X
Rainy Pass-Big R.	1	80	X		X	X
McGrath-Candle	2	80	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Takotna-Nixon Fork	5	80	X		X	X
McGrath-Telida	7	80	X		X	X
Talkeetna-Iron Cr.	1	81	X		X	X
Montana Cr.	4	81		X		
Peters Cr.-Tentna R.	18	81		X		
Cameron Pass	2	82		X		
Little Nelchina	4	82		X		
McClaren R.	5	82	X		X	X
Tazlina R.	3	83	X			
Ewan L.	7	83	X			
Chistochina	24	83	X		X	X
Old Tok . . . off Road	29	83	X		X	X
Old Richardson Hwy	30	83	X		X	X
Tolsona Military	36	83		X		
Lake Louise Road	37	83	X		X	X
Mae West L.	48	83	X		X	X
Lost Cabin L.	49	83	X		X	X
White Alice Road	50	83	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Cache Cr.	55	83		X		
Mirror L.	56	83		X		
Indian Cr.	67	83		X		
Canyon Cr.	68	83		X		
Gulkana-Valdez Cr.	70	83	X		X	X
Tanada L.	2	84		X		
Platinum Cr.	5	85		X		
Lost Cr.	6	84		X		
Jack L.	9	84		X		
Suslota Cr.	12	84	X			
Copper R.	14	84	X		X	X
Slana R.	15	84	X			
Porcupine Cr.	16	84	X		X	X
Eagle	19	84	X		X	X
Pass Cr.	22	84		X		
Goat Cr.	23	84		X		
Geohenda	49	84		X		
Chisana-Shushanna	51	84	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Copper R.-Nabesna R.	63	84	X		X	
Mentasta-Tetling	64	84	X		X	
Eagle	1	85	X		X	X
Midway L.	5	85	X			
Dennison Fork	9	85	X		X	
Tanacross-Mansfield	10	85	X		X	X
Old Taylor Highway	16	85	X		X	X
Mentasta-Tetlin	29	85	X		X	X
Eagle-McCarty	31	85	X		X	X
Tanana Crossing-Grundler	32	85	X		X	X
Kechumstuk	77	85	X			
Chistochina-Eagle	167	85	X		X	X
Donnelly-Washburn	169	85	X		X	X
Chistochina-Chisana	5	86	X		X	X
Gulkana-Valdez Cr.	8	86	X		X	X
Paxson-Denali	9	86	X		X	X
Lake George Lodge	19	86	X			
Chisana-Paxson	30	86	X		X	X

## SUPPORTING

Trail Name	Trail #	Quad #	Known Use	Suspected Use	Documents	Maps
Delta Jnct.-Jarris Cr.	52e	86		X		
Lignite-Kantishna	1	87	X		X	X
Cantwell-Denali	2	87	X		X	X
Paxson-Valdez Cr.	3	87	X		X	X
Gulkana-Denali	4	87	X		X	X
Bull R.	6	87	X		X	X
Dunkle Mine	7	87	X		X	X
Savage R.	8	87		X		
Windy Cr.	11	87		X		
Healy-Diamond Coal Mine	13	87		X		
Healy Cr.	15	87		X		
Lignite Cr.	16	87		X		
Healy-Rex	170	87	X		X	
Diamond-Bearpaw	13	88	X		X	X
Kantishna-Moose Cr.	84	88	X			
Lake Minchumina-						
North Fork Kuskokwim R.	88	88		X		
Toklet R.-Telida	89	88		X		
Mentasta L.	41	84		X		

## SOUTHEASTERN REGIONAL TRAILS

Trail Name	Trail #	Quad #	Known Use	Suspected Use	SUPPORTING	
					Documents	Maps
Spurt L.	1	8		X		
Tracy Arm	2	8		X		
Francis-Farragut L.	3	8		X		
Windham Bay	4	8		X		
Taylor L.	5	8		X		
Deboer L.	6	8		X		
Twin Glacier	1	12		X		
Taku R.	2	12	X			
Dewey L.	2	45		X		
Dalton	3	45	X		X	X
Chilkoot	4	45	X		X	X
White Pass	5	45	X		X	X
Situk R.	2	46		X		

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

ST 3-20-85 3:34 pm

SR 2-22-85 1:35 pm

SF 4-18-85 8:40 AM

MEMORANDUM OF UNDERSTANDING  
BETWEEN ALASKA DEPARTMENT OF NATURAL RESOURCES AND  
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
AND  
BUREAU OF LAND MANAGEMENT

PURPOSE

1. The purpose of this agreement is to establish the procedures for the assertion of RS 2477 rights-of-way by the Alaska Department of Natural Resources (DNR) and the Alaska Department of Transportation and Public Facilities (DOT&PF) to the Bureau of Land Management (BLM). Federal, state, and local officials need to know locations of RS 2477 public right-of-way assertions in order to assist such officials in their land and resource management decisions. The public needs to know the location of RS 2477 public right of way assertions to avoid unauthorized uses on private lands. This Memorandum of Understanding (MOU) will establish procedures that will enable RS 2477 rights-of-way assertions to be placed on land status plats.

BACKGROUND

2. RS 2477, formally codified as 43 U.S.C 932 (repealed by P.L. 94-579, Federal Land Policy and Management Act of October 21, 1976), provides:

The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

3. By regulation found in 43 C.F.R. 2602.5 (b), the Bureau of Land Management has provided:

In order to facilitate management of the public lands, any person or state or local government which has constructed public highways under the authority of RS 2477 (43 U.S.C. 932, repealed October 21, 1976) may file a map showing the location of such public highways with the authorized officer.

4. In Hamerly v. Denton, 359 P. 2d 121, 123 (Alaska 1961), the Alaska Supreme Court stated that the general rule regarding acceptance of the RS 2477 federal grant:

Before a highway may be created, there must be either positive act on the part of appropriate public authorities of the state, clearly manifesting an intention to accept the grant, or there must be public use for such a period of time and under such conditions as to prove that the grant has been accepted.

5. The United States Department of the Interior, Office of the Solicitor, stated in a memorandum dated July 7, 1983:

"[(T)he Department of the] Interior has long recognized that State law controls what constitutes a (R.S. 2477) highway within each state;" and

6. Alaska Statute 19.45.001(8) states:

"Highways includes a highway (whether included in the primary or secondary systems), road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way thereof, and further includes a ferry system, whether operated solely inside the state or to connect with a Canadian highway, and any such related facility;" and

7. WHEREAS by statute, AS 19 SLA 1923; 123 SLA 1951; 35 SLA 1953; AS 19.10.010, the State of Alaska has accepted the RS 2477 grant.

8. The RS 2477 grant has also been accepted in many cases by actual public use or expenditure of public monies on unreserved public lands for highway purposes.

#### POLICIES AND PROCEDURES

9. DOT&PF shall have responsibility for asserting and for identifying and submitting maps to BLM of all RS 2477 rights-of-way established before October 21, 1976, identified on the list of state maintained highways. DOT&PF's responsibility under this paragraph includes both state and non state lands.

10. DNR or DOT&PF may identify, assert, and submit maps and evidence of use to BLM for all other RS 2477 rights-of-way established before October 21, 1976, situated upon any land within the State of Alaska.

11. DNR or DOT&PF shall accept evidence of use on any right-of-way established before October 21, 1976, from other state agencies, local governments, and members of the public. For all claims of RS 2477 rights-of-way which involve state land or provide access to state land or public water an ADL/LAS case file will be established.

12. DNR or DOT&PF may maintain duplicate sets of all files regarding RS 2477 rights-of-way. All newly created RS 2477 files, or any documents to be added to an existing file, will be duplicated and forwarded from one agency to the other.

13. All maps showing the location of RS 2477 rights-of-way established before October 21, 1976, submitted to BLM shall be the best maps possible but not of lesser detail than standard USGS maps at a scale 1:63,360. Maps and supporting documentation shall be submitted by both agencies concurrently. The submission of such maps showing the location of RS 2477 rights-of-way on public lands shall not be conclusive evidence as to their existence. Similarly, a failure to show the location of RS 2477 rights-of-way on any map shall not preclude a later finding as to their existence.

14. There shall be established an RS 2477 coordinating committee in the Northern Region of Alaska composed of DNR, DOT&PF and BLM. The purposes for this committee are as follows:

(a) coordination of agency priorities for identifying, locating, and asserting RS 2477 rights-of-way;

(b) coordination of RS 2477 processing procedures for identifying, locating, establishing case files, making assertions, and platting claims on both federal and state land status plats; and

(c) coordination of requests made to and by the agencies.

15. Each assertion of the existence of an RS 2477 right-of-way made pursuant to this agreement and the submissions to BLM will be reviewed by BLM to ensure the land was unreserved public land as of the date claimed and was established prior to the repeal of the law on October 21, 1976. BLM will not adjudicate the validity of RS 2477 assertions.

16. BLM, DNR, and DOT&PF shall each issue a serial number and establish a case file for each claim made pursuant to this agreement. All correspondence shall reference all agencies' file numbers.

17. BLM shall plot each RS 2477 right-of-way asserted on their Master Title Plats when the following criteria are met (BLM Manual 2801.24 B.1, Rel. 2-152, 9/10/82):

1. Criteria for identification of R.S. 2477 Public Highways, include four elements:

a. In order for a valid right-of-way to come into existence, there must have been the actual building (construction) of a highway. Mere use, planning, or surveying, does not equal construction. However, construction may not have occurred all at once. Road maintenance often equals improvement, or even construction.

Increments of maintenance over several years may equal construction. When public funds have been spent on the road it may be a public road. When the history of a road is unknown or questionable, its mere existence in a condition adequate for public use may be evidence that construction has taken place.

b. A highway is freely open to everyone. Roads that have had access restricted to the public by locked gates or other means may not be public highways.

c. The construction of a public highway on unreserved public land must have occurred prior to October 21, 1976.

d. A State has to have a procedure to confirm the R.S. 2477 public highway right-of-way permit.

18. This MOU establishes the state's procedure to confirm the RS 2477 and thereby fulfills item d in paragraph 17 above.

19. DNR shall plot each RS 2477 right-of-way asserted on their land status plats.

20. Nothing in this Memorandum of Understanding shall obligate any party in the expenditure of funds, or for future payments of money, in excess of appropriations authorized by law.

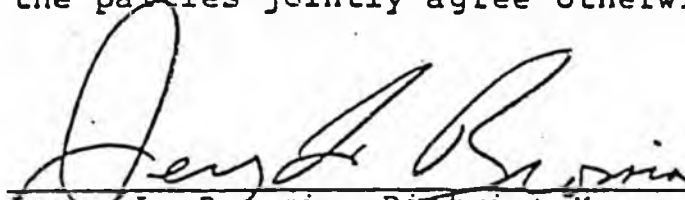
21. Each party agrees that it will be responsible for its own acts and the results thereof and each party shall not be responsible for the acts of the other parties; and each party agrees it will assume to itself risk and liability resulting in any manner under this agreement.

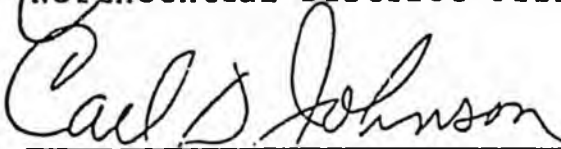
22. Nothing in this MOU is intended to limit agency or individual rights to normal administrative or judicial appeal processes.

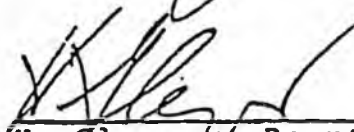
23. Nothing herein is intended to conflict with Federal, State or local laws or regulations. If there are conflicts, this agreement will be amended as soon as practical to bring it into conformance with conflicting laws or regulations.

24. It is understood by all parties that individual citizens may be entitled to assert rights-of-way under RS 2477 notwithstanding this agreement. Nothing in this Agreement shall affect the right of private citizens to assert rights-of-way under RS 2477 in conformance with applicable law.

25. The effective date of this agreement shall be from the date of final signature. The agreement shall remain in effect until the parties jointly agree otherwise.

  
 \_\_\_\_\_ Date 9-28, 1984  
 Jerry L. Brossia, District Manager,  
 Northcentral District Office, Alaska Department of Natural Resources

  
 \_\_\_\_\_ Date 9/28/, 1984  
 Carl Johnson, District Manager,  
 Fairbanks District Office, Bureau of Land Management

  
 \_\_\_\_\_ Date 28 sept., 1984  
 H. Glenzer, Deputy Commissioner,  
 Northern Region, Alaska Department of Transportation & Public  
 Facilities

**L**aska Native and Managers Association  
1000 Street, Suite 203, Anchorage, Alaska 99501  
907 777-9335

**A**

STAFF FILE  
SJR 10

APR 4 1985

March 1, 1985

Dear Madam:

I have enclosed for your information a resolution that has been recently adopted by Land Managers Association. This resolution addresses the proposed plotting of R.S. 2477 Rights-of-Way to Public Land Records.

LMA has requested several actions be taken regarding R.S. 2477. LMA is requesting your active support of our recommendations on this important issue.

We send our appreciation for your immediate attention to this issue.

Sincerely,

*Fran Zimmerman*

Fran Zimmerman  
Secretary/Treasurer  
Land Managers Association

FZ/cia

Enclosure

# Alaska Native Land Managers Association

800 X STREET, SUITE 200, ANCHORAGE, ALASKA 99501

Anchorage, Alaska 99501

(907) 272-9352

## RESOLUTION ADDRESSING PROPOSED PLOTTING OF R.S. 2477 RIGHTS-OF-WAY TO PUBLIC LAND RECORDS

WHEREAS, the State of Alaska and the Bureau of Land Management have entered into a memorandum of understanding to identify and plot RS 2477 rights-of-way to the public land records; and

WHEREAS, the Alaska Native Claims Settlement Act corporations are major land holders which may be severely impacted by this action without an opportunity to participate in the decisions; and

WHEREAS, the notation of the public land records may provide the State of Alaska with added weight, in the case of litigation of an RS 2477 right-of-way, without a factual basis; and

WHEREAS, neither the State nor the Bureau of Land Management propose to adjudicate RS 2477 rights-of-way under the terms of the memorandum of understanding; and

NOW, THEREFORE, BE IT RESOLVED by the Alaska Native Land Managers Association that the Alaska Native Land Managers Association opposes the plotting of RS 2477 rights-of-way to the public land records.

WE FURTHER REQUEST that the following actions be taken:

1. Alaska Native Claims Settlement Act corporations are actively involved in the identification process, and
2. The Bureau of Land Management and the State of Alaska establish clear standards of construction and use against which all RS 2477 rights-of-way are to be considered, and
3. The issue of abandonment is clearly defined and addressed, and
4. Each RS 2477 right-of-way is adjudicated by the Bureau of Land Management, and
5. An accurate centerline description is provided to the Bureau of Land Management prior to plotting, and
6. A case file is established which sets out the history of each RS 2477 right-of-way together with complete documentation of the timing, duration type and amount of use and location.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Alaska Federation of Natives, the Bureau of Land Management, the State Department of Natural Resources, the State Department of Transportation and Public Facilities, Alaska's Congressional Delegation, and to all State legislators.

Duly adopted this 30th day of January, 1985, in Anchorage, Alaska.

*Frances E. Zimmerman*

Frances E. Zimmerman, Secretary/Treasurer

MAR 21 1985

Honorable Arlis Sturgulewski  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I have reviewed Senate Joint Resolution (SJR) No. 10 and do not resist your resolution to propose a statewide Memorandum of Understanding between the State of Alaska and the Bureau of Land Management regarding R.S. 2477 rights-of-way. I attended your Anchorage teleconference hearing held in Juneau on February 22, but did not testify as I wish to put my comments to you in writing.

In September of 1984, the Alaska Land Use Council (ALUC) was considering addressing the R.S. 2477 issue on a statewide basis. At that time, we were already working on a MOU with the State of Alaska covering the Fairbanks jurisdictional area. This MOU is now in effect. My proposal to the ALUC was to complete and use the Fairbanks MOU as a pilot project prior to executing a statewide agreement. I believe that it is now timely to address the issue on a statewide basis.

I have one major concern with your resolution in that it addresses other Federal lands (i.e. National Parks and Wildlife Refuges) but calls for an MOU with only BLM. If the State desires to include other Federal agency lands, it must negotiate separate agreements with the affected land agencies.

For purposes of clarification, it must be remembered that either noting or failure to note our records does not affect the validity of a R.S. 2477 grant. Since it is a matter of law whether the offer of grant was properly accepted, only a court can determine the validity of the grant.

We believe there are number of areas in the State where there are valid R.S. 2477's that do not meet "modern" access needs. Some of these rights-of-way are located in terrain where it will be extremely costly for the State to maintain a road in usable or environmentally acceptable standard. There are the areas where we need to work closely with Department of Transportation in location of new State rights-of-way to better serve the people of Alaska.

I realize the benefits to the public, BLM and the state in identifying and noting valid R.S. 2477's on BLM lands and am supportive of your efforts to inventory the State's transportation system. We stand ready to work with the State agencies on this matter.

Sincerely yours,

/s/ Michael J. Penfold  
STATE DIRECTOR

Enclosure

cc:

Senator Bettye Fahrenkamp

932:SW011:Rewritten-FR011:ax:3/19/85:x5069:e0694R

**STATE OF ALASKA '85 LEGISLATIVE SESSION  
FISCAL NOTE**

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

**REQUEST**

Bill/Resolution No.: SR 10  
Title: RS 2477 Identification

Sponsor: Chill; et al  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: DNR, DOT/FF  
Program Category Affected: Management of Land & Water Resource  
BRU, Program or Subprogram(s) Affected: Land & Water Public Use

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		92.0	92.0	92.0	92.0	92.0
200 TRAVEL		4.0	4.0	4.0	4.0	4.0
300 CONTRACTUAL		34.0	34.0	34.0	34.0	34.0
400 SUPPLIES		1.0	1.0	1.0	1.0	1.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		131.0	131.0	131.0	131.0	131.0

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		131.0	131.0	131.0	131.0	131.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		131.0	131.0	131.0	131.0	131.0

**POSITIONS:**

FULL-TIME		2.0				
PART-TIME						
TEMPORARY						

**ANALYSIS: Attach a separate page if necessary**

Provides for two full-time positions (Natural Resource Officer II) to identify and compile information necessary to assert in court those roads and trails which qualify as RS 2477's. Includes funding for agency and public input, printing of maps and road/trail atlas, copying, public notice and advertisements. Also travel in support of research and to conduct public/agency meeting.

Prepared By: Gary Gustafson  
Division: Land & Water Management

Phone: 265-4347  
Date: \_\_\_\_\_

Approved by Commissioner: Wm D Arnold, Deputy  
Agency: \_\_\_\_\_

Date: 2/21/85

**Distribution (by Agency preparing fiscal note):**

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

7/1/84



VOLUME VI, ISSUE V  
November-December 1984

# THE NORTHERN LINE

"Behind is a forest that goes to the Arctic ...  
And here we must draw our line."

The journal of the Northern Alaska Environmental Center

-Gary Snyder

## R.S. 2477 controversy heats up

by Randy Rogers

In September the Bureau of Land Management and the Alaska Departments of Transportation and Natural Resources signed a memorandum of understanding, the full implications of which those parties are most likely not even aware. This memorandum establishes a procedure for placing formal assertions of R.S. 2477 rights-of-way by the state on both state and federal master title plats, signifying the legitimization of a state right-of-way.

The process of developing this agreement took place with absolutely no public involvement and, in fact, BLM would not even allow representatives of the Northern Alaska Environmental Center to review copies of the memorandum while in its draft stages. In addition to the lack of public involvement, representatives of the National Park Service, Fish and Wildlife Service, and native corporations, whose lands may be substantially impacted by this agreement, were not included on the committee that drafted the memo.

Revised Statute 2477 was originally established by the U.S. Congress in the Act of July 26, 1866. The entire, original statute provided:

"The right of way for the construction of highways over public lands not reserved for public uses



Under a new agreement signed between state and federal governments, a "highway" right-of-way could be claimed valid in the primitive portion of the White Mountains National Recreation Area. Where presently no motorized vehicle travel is allowed, and skiers and hikers enjoy a beautiful wilderness trail, nothing could prevent a D-9 Cat gouging its way through because of an agreement recently signed.

Photo by Mike Matz

is hereby granted."

This law was established at a time when automobiles and D-9 Cats did not exist and a "highway" referred to a wagon trail at most.

Because the law is so vague most of the parameters defining the actual use of R.S. 2477 have been established through case law. Yet, there have been very few cases in Alaska which define how the law applies within the state. Despite this lack of a conclusive defini-

tion, the memorandum of understanding uses what small body of law is available to establish criteria for the BLM to accept the assertions. This will result in placing the burden of legally challenging the application of the law on individual persons who disagree with the shaky BLM definition.

There are literally hundreds of historic trails in Alaska which could possibly be claimed under R.S. 2477.

continued on page 7

**R.S. 2477** continued from page 1

Many of these trails cross portions of conservation units and have the potential to severely compromise the purposes for which the units were established.

An example of one such trail is the Bielenberg Trail where a miner was arrested this fall when he moved mining equipment across the Yukon-Charley National Preserve to his mining claims on Woodchopper Creek. The miner contends that, because the route he was using is a public highway established under the terms of R.S. 2477 (a claim which has not been legally proven), he does not need an access permit from the National Park Service.

This case of trespass on NPS lands is now in court. Meanwhile, the State of Alaska has filed a formal assertion of this right-of-way with BLM under the process defined in the new memorandum of understanding, an action which jeopardizes NPS' position in court because of the R.S. 2477 policy v. BLM. BLM, it should be pointed out, is an agency of the Department of the Interior, as is NPS.

Another controversy with regard to R.S. 2477 which is extremely disturbing involves Gates of the Arctic National Park. In February, 1984, the Department of Natural Resources sent a letter to NPS stating that, because the route of the Coldfoot Classic Sleddog Race lies on state-claimed R.S. 2477 rights-of-way and on navigable waterways, the organization conducting the race need not obtain a special-use permit from the Park Service.

This action regarding a sleddog race may be viewed as an innocent action; however, under the current state policy, or lack of policy, once the right-of-way is established it could be used for unrestricted mining access or other purposes which would be devastating to the wilderness resources of the park. In this instance, NPS responded to the state that the route would not be considered a valid right-of-way until legally proven through the courts.

This example further demonstrates the widely differing interpretations of R.S. 2477 by NPS and BLM. Although

the agreement between BLM and the state is not intended to apply to lands not under BLM management, validation of the rights-of-way on BLM lands could establish a precedent that would be detrimental to legal challenges of their validity on NPS, Fish and Wildlife Service, native, or private lands.

In developing its R.S. 2477 policy, BLM has obviously not considered its ramifications to other land managing agencies, nor has it thoroughly considered how it will affect land under its own jurisdiction.

At the November 15, 1984, meeting of the Fairbanks District BLM Advisory Council, a BLM representative indicated that, if the state asserted an R.S. 2477 claim into the primitive portion of the White Mountains National Recreation Area, (which is closed to all off-road vehicle use) and the assertion met the criteria spelled out in the memorandum of understanding thereby ending up on the BLM master title plats, a miner could drive a D-9 Cat through the primitive area with no BLM approval required.

Many potential R.S. 2477 routes are important for their recreational use, but their status as such is unclear because of the confusion surrounding R.S. 2477. Two primary examples are the Chena Hot Springs Winter Trail and the Circle-Fairbanks Historic Trail.

In July, 1982, the state acknowl-

edged that the Chena Hot Springs Winter Trail has standing as an R.S. 2477 right-of-way yet refused to protect the trail's recreational properties because it is not a "main or significant arterial thoroughfare." When the Fairbanks North Star Borough discussed the establishment of the Circle-Fairbanks Trail as a recreational trail, the Department of Natural Resources indicated that, because the trail is identified as an R.S. 2477, they could do nothing to manage it for recreational purposes.

The importance of clearing up the R.S. 2477 issue is demonstrated by the fact that over 30 percent of recreational trails in the Fairbanks North Star Borough inventory are tentatively identified as R.S. 2477 rights-of-way by the Department of Transportation.

Equally disturbing as the recent developments with the R.S. 2477 issue is that, although the new agreement between the state and BLM defines a procedure for placing R.S. 2477 rights-of-way on land status plats, thereby legitimizing the claims, the involved state agencies are not certain who will be responsible for managing, maintaining or accepting liability for the roads. And questions such as what period of non-use constitutes abandonment of the right-of-way, if the rights-of-way are restricted to historical types and seasons of use, and what width the rights-of-way are, remain to be answered.

continued on page 8

I want to help. I'm tired of development interests always getting their way. They ravage and denude the land with little concern for our beautiful Alaskan wildlands and way of life, both that hold national, indeed, even international significance.

Sign me up as a member of the Northern Alaska Environmental Center so I can be part of the battle to maintain the integrity of Alaska's unique wilderness and wildlife resources. In return for my membership fee NAEC will send me its bi-monthly publication, THE NORTHERN LINE, so I can keep abreast of the issues.

NAME \_\_\_\_\_  Regular \$20.  Family \$25.  
 ADDRESS \_\_\_\_\_  Student/Senior \$15.  
 CITY \_\_\_\_\_  Supporting \$250.  
 STATE \_\_\_\_\_ ZIP \_\_\_\_\_  Patron \$1000.

**R.S. 2477** continued from page 7

The manner in which this major state and federal action has taken place is highly questionable. It is irresponsible land management on the part of both the BLM and the state to establish an agreement or take action to validate any of these possible rights-of-way before it is known what purpose they will serve, what effects they will have on management of surrounding lands, how they will be managed, and where the legal responsibilities lie. The need to delineate how R.S. 2477 will be dealt with in Alaska is clear, but a procedure to administratively approve the rights-of-way without public involvement, and prior to an adequate understanding of how they will be managed makes a travesty of safeguarding the public interest.

The state and BLM should abolish the existing memorandum of understanding, examine the basic legal, fiscal, and management responsibilities associated with the rights-of-way, and establish a new procedure for solving this dilemma which is accompanied with full public involvement and the participation of all affected land owners and managers.

**Lobby** continued from page 4

them will be returning this year. They provide the energy and fresh perspective that makes the Lobby effective and unique. They also take back to their communities in Alaska a renewed commitment to the conservation movement and the tools to produce positive change.

The Lobby is increasingly looked to as an information clearinghouse for legislators, administrators, reporters and our own groups. The best sign of any lobbying effort's effectiveness is this kind of credibility.

The Alaska Environmental Lobby is a dynamic, positive force in Juneau. When legislators see the Lobby director or a volunteer sitting in the front row at a committee hearing, they know they will be held accountable for wise resource use in the public interest. As our stationery says: the Legislature is at it again...and so are we!

The snow and cold have set in, and you're ready to start  
**PLANNING A SUMMER VACATION!**

CARIBOU MIGRATION BASECAMP & BACKPACK  
JUNE 3 - 10  
ARCTIC NATIONAL WILDLIFE REFUGE

In association with Wilderness: Alaska-Mexico, the Northern Center sponsors this trip to offer an experience in the wonders of arctic flora and fauna — and the perils of man's intrusion. From the air you'll view the scars left behind by the oil exploration crews, but on the ground you'll become intimate with the delicate ecosystem of the arctic, and returning to civilization with you will be an understanding of the significance behind saving one of the last true vestiges of wilderness.

Up to twelve people will enjoy basecamp living with hiking rigors of courses you chart and of lengths you determine. The opportunities to view masses of caribou, solitary grizzlies, and rambunctious sheep are excellent.

Inquires:  
Wilderness: Alaska-Mexico  
SR 30537  
Box NC  
Fairbanks, Alaska 99701

BEAVER CREEK CANOE & HIKE  
JULY 14 - 21  
WHITE MOUNTAINS NATIONAL RECREATION AREA

The staff will lead this one in order to share with those looking for adventure an area whose wilderness integrity the Northern Center played an integral role in retaining. We couldn't have done it without our concerned membership; you deserve the opportunity to visit the spectacular grandeur of a crystal clear stream meandering through limestone peaks.

We'll canoe, fish, hike, and generally "take in" the beautiful surroundings of Beaver Creek and the White Mountains. Moose, black and grizzly bear, sheep, and possibly even a wolf will present themselves, if we're lucky, in the natural splendor of their habitat.

Inquiries:  
Northern Alaska Environmental Center  
218 Driveway  
Fairbanks, AK 99701  
attn: Mike Matz

**Noatak** continued from page 3

The National Park Service will be releasing the General Management Plan for the Noatak Preserve and other northwest Alaska national interest lands this spring. The Northern Alaska

Environmental Center encourages all interested persons to become involved in the public involvement process for all these important areas. Please feel free to contact the Center staff for further information.

Offered: 3/4/85  
Referred: Transportation  
and Finance

Original sponsors: Coghill, Abood,  
Bennett, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE JOINT RESOLUTION NO. 10 (Resources) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTFENTH LEGISLATURE - FIRST SESSION  
5 Requesting that the Department of Natu-  
6 ral Resources and the Department of  
7 Transportation and Public Facilities  
8 expedite the identification and estab-  
9 lishment of rights-of-way for roads and  
10 trails on federal Bureau of Land Manage-  
11 ment plats which qualify under RS 2477.  
12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
13 WHEREAS the Alaska National Interest Lands Conservation Act of 1980  
14 placed 124 million acres of land in Alaska into 71 federal conservation  
15 units, and outlined specific use requirements and restrictions for those  
16 units; and  
17 WHEREAS, contrary to the provisions of the Alaska National Interest  
18 Lands Conservation Act of 1980, there was no provision for establishing or  
19 protecting a transportation system in the development of comprehensive  
20 management plans for each conservation unit by the responsible federal  
21 management agency; and  
22 WHEREAS several of the comprehensive management plans have been com-  
23 pleted without recognition of existing roads and trails, preventing public  
24 access through these units to state and private lands and to state waters;  
25 and  
26 WHEREAS comprehensive management plans for a minimum of nine national  
27 park and preserve units and five fish and wildlife refuge units are to be  
28 completed during calendar year 1985; and  
29 WHEREAS the federal statutory authority for the establishment of

1 recognized rights-of-way for roads and trails is contained in RS 2477 (43  
2 U.S.C. sec. 932); and

3 WHEREAS the Department of Natural Resources and the Department of  
4 Transportation and Public Facilities on September 28, 1984, signed a Memo-  
5 randum of Understanding with the federal Bureau of Land Management involv-  
6 ing the northern region of Alaska only, establishing the procedure under  
7 which the rights-of-way could be recognized on Bureau of Land Management  
8 plats and in comprehensive plans for conservation units;

9 BE IT RESOLVED by the Alaska State Legislature that the Governor  
10 instruct the Department of Natural Resources and the Department of Trans-  
11 portation and Public Facilities immediately develop, in consultation with  
12 other affected land owners and managers, and propose a Memorandum of Under-  
13 standing with the Bureau of Land Management relative to the remainder of  
14 the state; and be it

15 FURTHER RESOLVED that the Governor instruct the state agencies  
16 involved affirmatively solicit information from miners, engineers, land  
17 surveyors, environmentalists, outdoor groups, landholders, or other persons  
18 or organizations that may have knowledge of the historic use of roads and  
19 trails to assist the departments in the identification of those roads and  
20 trails that could qualify under the provisions of RS 2477 (43 U.S.C. sec.  
21 932) for addition to the state transportation system, and that may be  
22 useful to the federal agencies developing comprehensive management plans  
23 for the various Alaska National Interest Lands Conservation units; and be  
24 it

25 FURTHER RESOLVED that the Governor instruct the involved state  
26 agencies develop draft policies regarding management, maintenance, liabil-  
27 ity, vacation, categories, widths, and other relevant concerns related to  
28 RS 2477 roads and trails, and that the agencies review these draft policies  
29 with affected landowners and managers, and then present these draft

1 made under this chapter

2 (1) may not exceed a term of 30 years, except that a chat-  
3 tel loan may not exceed a term of seven years unless the agricultural  
4 revolving loan board determines that a longer term is in the best  
5 interest of the state and would promote the purposes of this chapter  
6 in which case, if the borrower is current in any existing agricultural  
7 loan, an existing chattel loan may be combined with and amortized over  
8 the same period as an existing farm development loan, or a chattel  
9 loan may be extended beyond a seven-year term if the loan is secured  
10 by additional real property as collateral;

11 (2) may not, when added to the outstanding balance of other  
12 loans made under this chapter, exceed a total outstanding balance of  
13 \$1,000,000 except that the total outstanding balance may be increased  
14 up to 50 percent if the borrower is a dairy farmer, has held a loan  
15 under this chapter for at least two years, and receives written  
16 approval under conditions and standards established by the agricul-  
17 tural revolving loan board;

18 (3) shall be secured by a real estate or chattel mortgage  
19 of any priority, except that the portion of a loan that exceeds  
20 \$500,000, when added to prior indebtedness that is secured by the same  
21 property, must be secured by a first mortgage;

22 (4) shall bear interest

23 (A) on that portion of the loan below \$1,000,000, at a  
24 rate that may not be less than eight percent or more than the  
25 commercial rate, unless the commercial rate is eight percent or  
26 less; in this paragraph "commercial rate" means the prevailing  
27 rate of interest at private lending institutions in the state for  
28 loans similar to those referred to in this subsection;

29 (B) on that portion of the loan above \$1,000,000, at a

1           rate that may not be less than the prime rate prevailing at the  
2           time of the loan; in this paragraph, "prime rate" means the prime  
3           rate of interest normally charged private lending institutions in  
4           the state on the day the contract or loan commitment was made.

5       \* Sec. 3. AS 03.10.030(c) is amended to read:

6           (c) A short term loan, to be amortized within one year, not to  
7           exceed \$350,000 to any one borrower may be made for operating pur-  
8           poses, except that a loan made under this subsection may not exceed  
9           \$200,000 unless the loan is made to a borrower in a farm disaster area  
10          declared under AS 03.10.058. The short-term loan limits may be in-  
11          creased up to 50 percent if the borrower has held a loan under this  
12          chapter for at least two years and receives written approval under  
13          conditions and standards established by the agricultural revolving  
14          loan board. An applicant for a short term loan may be required to  
15          purchase insurance through the Federal Crop Insurance Act (7 U.S.C.  
16          1501 - 1520) as a condition of the loan. The term of a loan made  
17          under this subsection may be extended for up to three years by the  
18          agricultural revolving loan fund board, in the discretion of the  
19          board, upon application by the borrower. An existing short-term loan  
20          may be combined with and amortized over the same time period as an  
21          existing farm development loan if the agricultural revolving loan fund  
22          board determines that the combination is in the best interest of the  
23          state and promotes the purposes of this chapter.

24       \* Sec. 4. AS 03.10.040 is amended to read:

25           Sec. 03.10.040. CREATION OF FUND. There is an agricultural  
26           revolving loan fund, which may [SHALL] not exceed \$100,000,000,  
27           [\$75,000,000] to carry out the purpose of this chapter.

28       \* Sec. 5. AS 03.10.050(b) is amended to read:

29           (b) The board is composed of seven [FIVE] members appointed by

1 the governor and confirmed by the legislature in joint session. Three  
2 members must [SHALL] be persons with background and experience in  
3 Alaska agriculture and one additional member must be a person with  
4 background and experience in Alaska horticulture. Members of the  
5 board serve for overlapping three-year terms. Members of the board  
6 are not entitled to receive compensation for their services, but are  
7 entitled to [SHALL] receive the same travel pay and per diem as  
8 provided by law for boards and commissions.

9 \* Sec. 6. AS 03.57.020 is amended to read:

10 Sec. 03.57.020. BOND REQUIRED. Each dealer is required to  
11 obtain and file with the director of the division of agriculture of  
12 the Department of Natural Resources a bond in the amount of \$25,000  
13 [\$5,000]. The bond shall be conditioned on the faithful performance  
14 of the legal duties of the dealer as set out in this chapter and the  
15 payment for vegetables purchased by the dealer. The bond is payable  
16 to the person injured to the extent of the damages. The aggregate  
17 liability of the surety for all breaches of the conditions of the bond  
18 may not [SHALL, IN NO EVENT,] exceed the amount of the bond. The  
19 surety may cancel the bond upon giving 30 days' notice in writing to  
20 the director, and after that is [THEREAFTER SHALL BE] relieved of any  
21 liability for a breach of condition occurring after the effective date  
22 of cancellation.

23 \* Sec. 7. AS 38.09.050(a) is amended to read:

24 (a) The commissioner shall issue a patent to homestead entry  
25 land if the permit holder

26 (1) resides and lives on the homestead entry land for not  
27 less than 25 months within five years after the issuance of the home-  
28 stead entry permit;

29 (2) completes an approved survey of the land within two

1 years after the issuance of the permit or under AS 38.09.040(b);

2 (3) erects a habitable, permanent dwelling on the homestead  
3 within three years after the issuance of the homestead entry permit;

4 (4) brushes the boundaries of the land within 90 days after  
5 the issuance of the permit;

6 (5) clears and either puts into production or prepares for  
7 cultivation either 25 percent of the land classified for agricultural  
8 use or 50 percent of the suitable agricultural land, consisting of  
9 [HAVING] class II, or III soils, whichever is more [LESS], within five  
10 years after issuance of the permit.

11 \* Sec. 8. Sections 1 - 4 of this Act take effect July 1, 1985.

12 \* Sec. 9. Section 5 of this Act takes effect immediately in accordance  
13 with AS 01.10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

ST 3-20-85 3:34 pm

INTRODUCTION OF RESOLUTIONS (Senate)(cont'd)

SJR 8 (cont'd)

delegates, or procedures. 31 states have issued a call for a convention limited to consideration of a balanced budget amendment.

Introduced January 28 and referred to State Affairs and Judiciary.

Elected  
Attorney  
General  
General  
(constit.  
amendment)

SENATE JOINT RESOLUTION NO. 9, by Senators DeVries, Abood, Faiks and Rodey. Would amend the Alaska Constitution to provide for an elected Attorney General.

To run for Attorney General, a person must be at least 30 years old, be a qualified voter of Alaska, and be licensed to practice law in Alaska. Candidate must have been a resident for at least five years immediately preceding the filing for office, and must have been a citizen of the U.S. for at least seven years.

Attorney General would be chosen on nonpartisan ballots, and the two candidates receiving the greatest number of votes in the primary would face each other in the general election. The attorney general would be elected to a four-year term and could not hold the post for more than two consecutive full terms. Person would again be eligible to hold the post if one full term has intervened.

Provides that proposed amendments be placed before the voters at the next general election.

Introduced January 29 and referred to Judiciary.

Rights-of-Way  
in Federal  
Conservation  
Units

SENATE JOINT RESOLUTION NO. 10, by Senators Coghill, Abood, Bennett, DeVries, Fahrenkamp, Faiks, P. Fischer, Vic Fischer, Halford, Kelly, Kerttula & Sturgulewski. Requests the departments of Natural Resources and Transportation & Public Facilities to immediately propose a Memorandum of Understanding with the federal Bureau of Land Management to establish the procedure under which existing transportation corridors and rights-of-way can be identified and protected on federal conservation units in Alaska (established in 1980 under the Alaska National Interest Lands Conservation Act).

Such a memorandum was signed on September 28, 1984 which relates only to conservation units in northern Alaska. Management plans for a minimum of nine national park and preserve units and five fish and wildlife refuge units are scheduled for completion in 1985, and historically they have been completed without consideration for existing transportation corridors, preventing public access through these units to state and private lands and to state waters.

The resolution also directs the state agencies involved to affirmatively solicit information from miners', engineers', and land surveyors' organizations to assist the departments in the identification of those roads and trails that could qualify under federal law for addition to the state transportation system, and that may be useful to the federal agencies developing comprehensive

INTRODUCTION OF RESOLUTIONS (Senate)(cont'd)

SJR 10 (cont'd)

management plans for the various Alaska National Interest Lands Conservation units.

Introduced January 30 and referred to Resources and Transportation.

HOUSE BILLS RECEIVED IN THE SENATE

Workers' Compensation Board HOUSE BILL NO. 66, (see pages 58;213). Received in the Senate on January 29 and referred to Labor & Commerce.

Gulf of AK Sablefish Harvest CS FOR HOUSE JOINT RESOLUTION NO. 8 (RES), (see pages 82; 160). Received in the Senate on January 28 and referred to Resources.

Legislative Office Space (in Capitol) HOUSE CONCURRENT RESOLUTION NO. 6, (see pages 159;213). Received in the Senate on January 31 and referred to State Affairs, Judiciary and Finance.

COMMITTEE REPORTS (Senate)

Personal Safety Curriculum (public schools) SENATE BILL NO. 8, (see page 3). Reported back to the Senate on January 30 by State Affairs with the committee recommending it be replaced with a State Affairs CS and that it do pass. Concurring: Abood (Chairman), Kelly, Vic Fischer and DeVries. To Health, Education & Social Services.

The State Affairs CS expands the list of suggested curricula to include "identification and prevention of neglect." Remainder identical.

William A. Egan Day SENATE BILL NO. 18, (see pages 8;126). Reported back to the Senate on January 29 by Labor & Commerce with a majority of the committee recommending it do pass. Concurring: Zharoff (Chairman), Bennett and Ray. To Finance.

Appropriation (special) (abuse of minors/training to prevent) SENATE BILL NO. 27, (see page 11). Reported back to the Senate on February 1 by Health, Education & Social Services with the committee recommending it do pass. Concurring: Fahrenkamp (Chairman), Josephson, Sturgulewski, DeVries and Paul Fischer. To Finance.

Child Abuse Prevention Training (state employees) SENATE BILL NO. 28, (see page 11). Reported back to the Senate on February 1 by Health, Education & Social Services with the committee recommending it be replaced with a HESS CS and that it do pass. Concurring: Fahrenkamp (Chairman), Josephson, Sturgulewski, DeVries and Paul Fischer. To Finance. The committee attached the following letter of intent:

OTHER ACTION IN THE SENATE (cont'd)

- Appropriation      SENATE BILL NO. 177, (see page 295). On February 26 the  
(special) Resources referral was waived. On the same day a Community  
(Girdwood and Regional Affairs referral was added. To Community and  
water system) Regional Affairs, then Finance.
- Appropriation      SENATE BILL NO. 179, (see page 295). On February 26 the  
(special) Resources referral was waived. On the same day a Community  
(Spring Creek and Regional Affairs referral was added. To Community and  
water & sewer Regional Affairs, then Finance.  
project)
- Appropriation      SENATE BILL NO. 184, (see page 296). On February 26 the  
(special) Resources referral was waived. On the same day a Community  
(Wasilla/Palmer and Regional Affairs referral was added. To Community and  
sewer & water Regional Affairs, then Finance.  
systems)
- Rights-of-Way      SENATE JOINT RESOLUTION NO. 10, (see page 175). On February  
in Federal 27 a Finance referral was added. To Resources, Transportation,  
Conservation then Finance.  
Units

\*\*\*\*\*

COMMITTEE REPORTS (Senate)(cont'd)

- Anchorage      SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19, (see pages 8; 91; 356).  
Coastal State      The following is the text of the Community & Regional Affairs  
Wildlife      amendment, offered February 27:  
Refuge

Page 4, line 23: insert new subsection to read:  
"(c) The management plan prepared under AS 16.-  
20.040 - 16.20.060 shall assure continued surface  
access to Fire Island and recommend corridors for  
constructed access and utilities between Fire  
Island and the Anchorage mainland."

COMMITTEE REPORTS (Senate)(cont'd)

SB 94 (cont'd)

cigarettes (defined as those weighing less than 3 pounds per thousand cigarettes) comprise over 99 percent of all cigarettes manufactured, this analysis uses the 9.5 mill rate for assessing the revenue impact. After 9/30/85 the federal tax rate for small cigarettes will be \$4 per 1000 cigarettes. Thus the general fund portion of the cigarette tax will be levied at a rate of 5-1/2 mills per cigarette, an increase of 4 mills over the present state rate."

Palmer Hay  
Flats State  
Game Refuge  
(enlarging)

SENATE BILL NO. 105, (see page 164). Reported back to the Senate from Resources March 4 with a majority recommending it be replaced with a Resources substitute and that it do pass. Concurring: Sturgulewski (Chairman), Eliason, Fahrenkamp, Halford, Coghill and Zharoff. To Finance.

The Resources CS includes the following changes:

--Adds approximately 1,200 acres to the southeast corner of the refuge, all state land recommended for inclusion by DNR and Fish & Game.

--Adds: "This Act does not prohibit expansion or improvement to the Glenn Highway or the Parks Highway, the potential Wasilla Bypass, or the construction of the interchange at the Parks and Glenn Highways."

--Includes the uplands in Section 36, Township 17 North, Range 1 West, Seward Meridian. Under original, only included tide and submerged land.

The CS also reorganizes sections relating to the transfer of land owned by the Mat-Su Borough and purchase of land from private landowners. Does not make significant changes to the process.

Heavy  
Vehicles  
(registration)

SENATE BILL NO. 114, (see page 168). Reported back to the Senate from State Affairs with a majority of the committee recommending that it do pass. Concurring: Abood (Chairman), DeVries, Kelly and Ray. To Transportation.

Senior Citizen  
Housing  
(establishing)

SENATE BILL NO. 137, (see page 220). Reported back to the Senate from Community and Regional Affairs with a majority recommending it do pass with the following amendment: Page 1, line 26: Delete "shall" and insert "may." Concurring: DeVries (Chairman), Sturgulewski, Coghill and Ferguson. To Finance.

The amendment turns duties of the new Office of Senior Housing into powers: "The office may ..." rather than "The office shall ..."

Rights-of-Way  
in Federal  
Conservation  
Units

SENATE JOINT RESOLUTION NO. 10, (see pages 175; 360). Reported back to the Senate from Resources March 4 with a majority recommending it be replaced with a Resources substitute and that it do pass. Concurring: Sturgulewski (Chairman), Halford, Fahrenkamp, Eliason, Coghill and Zharoff. To Transportation.

The Resources CS adds language to the original bill:

COMMITTEE REPORTS (Senate)(cont'd)

SJR 10 (cont'd)

--Inserts underlined language in second paragraph of the preamble "WHEREAS, contrary to the provisions of the Alaska National Interest Lands Conservation Act of 1980, there was no provision for establishing or protecting a transportation system in the development of comprehensive management plans ...." (Page 1, lines 17 - 18.)

--Requests that the Department of Transportation and Public Facilities "develop in consultation with other affected land owners and managers" a Memorandum of Understanding. Material in quotations added to first Resolved clause.

--Asks that state agencies also solicit information from "environmentalists, outdoor groups, landholders, or other persons or organizations that may have knowledge of the historic use of roads and trails." Original only directed state agencies to solicit information from miners, engineers, and land surveyors' organizations.

--Adds an entire paragraph requesting state agencies to "develop draft policies regarding management, maintenance, liability, vacation, categories, widths, and other relevant concerns" and to present these policies to the legislature after reviewing them with affected landowners and managers.

BILLS PASSED IN THE SENATE

Ak Bidder Preference

SENATE BILL NO. 106, (see pages 164; 414). Reported back to the Senate from Labor and Commerce March 4 with a majority of the committee recommending that it do pass. Concurring: Eliason (Vice-Chairman), Bennett and Sackett. To Rules.

Before the Senate on March 6, the bill passed, 18-0-1-. Absent: Ferguson. Excused: Vic Fischer.

Motor-driven Cycle (redefining)

CS FOR SENATE BILL NO. 130 (SA), (see pages 216; 414 ). Reported back to the Senate on March 6 by State Affairs with the committee recommending it be replaced with a State Affairs CS and that it do pass. Concurring: Abood (Chmn.), DeVries and Kelly. Ray signed "no recommendation." To Rules.

The State Affairs CS defines a motor-driven cycle as "a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement."

Original would have defined it as being a conveyance with an engine of less than 150 cc's of displacement and not more than five brake-horsepower.

Under current law, they are defined as having less than 150 cc's or not more than five brake-horsepower.

COMMITTEE REPORTS (Senate)(cont'd)

Dispensing  
Opticians  
(board and  
fees)

SENATE BILL NO. 167, (see page 292). Reported back to the Senate on March 19 by Labor & Commerce with the committee recommending it be replaced with a Labor & Commerce substitute and that it do pass. Concurring: Zharoff (Chairman), Bennett, Eliason and Ray. The HESS referral was waived at the request of Senator Fahrenkamp and the bill was referred to Finance.

The Labor & Commerce CS makes the following changes to the original:

--Sec. 4, requires licensee to submit evidence of 30 hours of continuing competence before a license may be renewed (original required 40 hours).

--Adds new Sec. 6 which directs the Governor to appoint a six-member working group to consider and make recommendations on the consolidation of the Board of Dispensing Opticians and the Board of Optometric Examiners. Membership would include one representative from each of those boards, one representative from the Department of Commerce and Economic Development, one from the civil division of the Dept. of Law, one licensed optometrist, and one licensed optician. The group must report its recommendation to the legislature by January 15, 1986. The group would be repealed on July 1, 1986.

--Effective date for Sec. 3 is changed to July 1, 1986 (instead of 1988). Sec. 3 allows the Dept. of Commerce and Economic Development to establish fees.

Adoption  
Records

SENATE BILL NO. 187, (see page 296). Reported back to the Senate on March 22 by Health, Education & Social Services with the committee recommending it do pass. Concurring: Fahrenkamp (Chairman), DeVries, Paul Fischer, Josephson and Sturgulewski. The Judiciary referral was waived at the request of the Chairman, Senator Rodey. To Rules.

Sick Leave  
Banks  
(waiving  
restrictions)

SENATE BILL NO. 192, (see page 337). Reported back to the Senate on March 22 by Health, Education & Social Services with the committee recommending it do pass. Concurring: Fahrenkamp (Chmn.), DeVries, Paul Fischer, Josephson and Sturgulewski. To Finance.

Rights-of-Way  
in Federal  
Conservation  
Units

SENATE JOINT RESOLUTION NO. 10, (see pages 175;360;396). Reported back to the Senate on March 19 by Transportation with the committee recommending it be replaced with the Resources CS (p. 396) and the majority signing do pass. Concurring: Coghill (Chmn.), Abood, Paul Fischer and Faiks. Josephson signed "no recommendation." To Finance.

Compensation  
of Elected  
Officials

SENATE JOINT RESOLUTION NO. 15, (see page 299). Reported back to the Senate on March 21 by State Affairs with the committee recommending as follows: Abood (Chmn.), DeVries and Ray signed "no recommendation." Vic Fischer and Kelly signed "do pass." To Judiciary.

COMMITTEE-REPORTS, (Senate)(cont'd)

Rights-of-Way in Fed. Conservation Units SENATE JOINT-RESOLUTION-NO. 10, (see pages 175;360;396;481). Reported back to the Senate from Finance on April 18 with the majority recommending the Resources CS do pass. Concurring: Faiks (Co-Chairman), Halford, Eliason and Kerttula. Ferguson signed "no recommendation." To Rules. The committee attached the following letter of intent:

"It is the intent of the committee that the Department of Natural Resources contract and work with the appropriate department in the University of Alaska system to accomplish this task."

BILLS PASSED IN THE SENATE

AK Territorial Guard (death gratuity) CS-FOR HOUSE BILL NO.-14 (FIN), (see pages 39;159;212;224;250;515). Reported back to the Senate on April 19 by Finance with the committee recommending it do pass. Concurring: Faiks (Co-Chairman), Kerttula, Halford, Ferguson and Eliason. To Rules.

Passed the Senate on April 19, 15-0-4-1. Excused: Abood, Bennett, Fahrenkamp, Ziegler. Absent: Eliason. The effective date was adopted.

Telecommunications Div. (renaming) HOUSE BILL NO. 121, (see pages 146;379;463;477;502;593;681). Before the Senate April 16, the bill passed 17-0-2-1. Excused: Coghill, Paul Fischer. Absent: Sackett. Effective date clause adopted.

Alaska Statutes (corrective amendments) CS FOR HOUSE BILL NO. 157 (JUD)(AM. SENATE), (see pages 200;327;355;383;477). On the April 15 calendar. Held over until April 16. On April 16 the bill was advanced to third reading then held one more day. On April 17 the bill was again held over. On April 18 the bill was returned to second reading and Am. 1 by Rodey was adopted by unanimous consent. It deletes Sec. 62 from the bill (repeal of AS 44.21.025--Sec. 64 of original).

Passed April 18, 15-2-2-1. Nays: Halford, Kerttula. Excused: Abood, Fahrenkamp. Absent: Sackett. Kerttula changed his vote from yea to nay. The effective date was adopted.

International Youth Year HOUSE CONCURRENT RESOLUTION-NO. 10, (see pages 356;375;383). Reported back to the Senate April 16 from State Affairs recommending that it do pass. Concurring: Abood (chair), DeVries, Vic Fischer, Ray and Kelly. To Rules.

Passed the Senate on April 18, 17-0-2-1. Excused: Abood, Fahrenkamp. Absent: Sackett.

Uniform Common Interest Ownership Act CS-FOR SENATE-BILL-NO.-44 (JUD), (see pages 18;595;664). Reported back to the Senate on April 15 from Finance with a majority of the committee recommending the Judiciary substitute be adopted and that it do pass. Concurring: Faiks (co-chair), Kerttula, Halford and Eliason. To Rules.

On April 17 the Judiciary CS was adopted and the bill passed, 18-1-1. Nays: Ray. Excused: P. Fischer. The effective date was adopted.

## FIRST READING AND REFERENCE OF HOUSE RESOLUTIONS

HJR 20

CS FOR HOUSE JOINT RESOLUTION NO. 20 (L&C) by the Labor and Commerce Committee,

Relating to visa waivers for international airline passengers,

was read the first time and referred to the Labor and Commerce Committee.

## FIRST READING AND REFERENCE OF HOUSE BILLS

HB 2

CS FOR HOUSE BILL NO. 2 (JUD) by the Judiciary Committee, entitled:

"An Act relating to adoption medical records; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee and the Judiciary Committee.

HB 121

HOUSE BILL NO. 121 by the Rules Committee by request of the Governor, entitled:

"An Act changing the name of the division of telecommunications systems in the Department of Administration; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

## STANDING COMMITTEE REPORTS

SJR 10

The Transportation Committee considered SENATE JOINT RESOLUTION NO. 10 (requesting the Department of Natural Resources and the Department of Transportation and Public Facilities to expedite the identification and establishment of rights-of-way for roads and trails on federal BLM plats under RS 2477) and recommended the Resources Committee Substitute be adopted with a majority do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Abood, Paul Fischer and Faiks. Senator Josephson signed "no recommendation".

# SENATE JOURNAL

ALASKA STATE LEGISLATURE  
FOURTEENTH LEGISLATURE - FIRST SESSION

JUNEAU, ALASKA

TUESDAY

March 19, 1985

Sixty-fifth Day

Pursuant to adjournment, the Senate was called to order by President Bennett at 11:07 a.m.

The roll showed all members present.

The prayer was offered by Senator DeVries. Senator Halford moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

"Heavenly Father,

We thank You for this opportunity to pause and reflect on the world that You have given to us, to the ability and to the challenge that You have faced before us, and for the intellect and the wisdom that You have given us to deal with those issues. We ask You now to give us guidance and knowledge and Your will in dealing with each one of those issues.

In Jesus precious name,

Amen"

Senator Halford moved and asked unanimous consent that the journal for the Sixty-fourth legislative day and Supplement No. 21 be approved as certified by the Secretary. Without objection, it was so ordered.

## MESSAGES FROM THE HOUSE

Message of March 18 was read, stating the House passed:

Honoring - Student Leadership Project  
by Representatives Szymanski, Clocksin, Cotten  
and All Other Members of the House  
Senators Kelly, DeVries, Halford, Vic Fischer  
Sturgulewski, Rodey, Paul Fischer and Kerttula

Without objection, the citations were adopted and referred to the Secretary for transmittal.

## UNFINISHED BUSINESS

SJR 10

Senator Faiks, Co-Chairman, requested that SENATE JOINT RESOLUTION NO. 10 (requesting that the Department of Natural Resources and the Department of Transportation and Public Facilities expedite the identification and establishment of rights-of-way for roads and trails on federal Bureau of Land Management plats which qualify under RS 2477) be referred to Finance. President Bennett stated the bill would have an additional referral to Finance.

SENATE JOINT RESOLUTION NO. 10 was referred to the Resources Committee, the Transportation Committee and the Finance Committee.

## ANNOUNCEMENTS

Announcements appear at the end of the journal.

## ENGROSSMENT

SB 152

CS FOR SENATE BILL NO. 152 (RES) was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

## ADJOURNMENT

Senator Halford moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., March 1, 1985. Without objection, the Senate adjourned at 11:40 a.m.

Peggy Mulligan  
Secretary of the Senate

March

1985

Committee meetings in the Capitol  
 \*Change in time or place\*

COMMUNITY AND REGIONAL AFFAIRS - BELTZ RM 211 - 3:30

Feb 28 SB 69 Sale of alcoholic beverages  
 SB 137 Senior citizen housing  
 SJR 17 Disapprove annexation, Togiak  
 SJR 18 Disapprove annexation, Fairbanks  
 Mar 5 SB 142 Municipal government laws

FINANCE - SENATE FINANCE - 8:30 am

Mar 1 Budget, Transportation & Public Facilities  
 Capital project search

HEALTH EDUCATION & SOCIAL SERVICES - BELTZ RM 211 - 1:30

Feb 28 TELECONFERENCE SB 165 Child care centers  
 SB 109 Chiropractic services under Medicaid  
 Mar 5 SB 45 Hospital inspections and investigations  
 SB 63 Wrangell General Hospital  
 SB 140 Terminally ill  
 SB 158 Certificate of need

JUDICIARY - BUTROVICH RM 205 - 1:30

Feb 28 SB 56 Longevity bonus; permanent fund; annuity  
 programs

LABOR & COMMERCE - BELTZ RM 211 - 3:30

Mar 1 SB 78 State loan programs, Commerce & Economic Devl  
 SB 156 Payment of insurance settlements  
 SB 106 Alaska bidder preference  
 5 \*1:30\* Joint with House: Regulatory concerns of  
 utility companies

RESOURCES - BUTROVICH RM 205 - 1:30

Mar 1 Limited Entry Commission overview  
 SB 83 Limited Entry \*CANCELED\*  
 SJR 10 Rights-of-way on BLM plats (RS 2477)

STATE AFFAIRS - BUTROVICH RM 205 - 8:30 am

Feb 28 \*1:00 Senator Kelly's office\*  
 Mar 5 Human Rights Commission, Don Volzke & Sandra Hennicks  
 Ak Public Offices Commission, Burke Riley  
 SB 114 Registration of heavy vehicles  
 SB 122 Geological employees in exempt service  
 SB 130 New definition of motor-driven cycle  
 7 SB 161 Commission to set pay of elected officials  
 SJR 15 Elected officials compensation commission

TRANSPORTATION - BUTROVICH RM 205 - 3:30

Mar 1 No meeting  
 4 SB 49 Kantishna Road  
 SB 39 Roads and bridges in Totchaket  
 6 SB 141 Release state claims to certain rights-of-way  
 8 SJR 11 Repeal the Jones Act  
 Mar 11-15 School bus hearings

LEGISLATIVE CO'NCIL - GOVERNOR'S CONF RM - NOON

March 4

## STANDING COMMITTEE REPORTS

SJR 10

The Resources Committee considered SENATE JOINT RESOLUTION NO. 10 (Department of Natural Resources and Department of Transportation and Public Facilities to expedite the identification and establishment of rights-of-way for roads and trails on federal BLM plats under RS 2477) and recommended it be replaced with

## CS FOR SENATE JOINT RESOLUTION NO. 10 (RES)

with a majority do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Halford, Fahrenkamp, Eliason, Coghill and Zharoff.

SENATE JOINT RESOLUTION NO. 10 was referred to the Transportation Committee.

SB 105

The Resources committee considered SENATE BILL NO. 105 (Palmer Hay Flats State Game Refuge; efd) and recommended it be replaced with

## CS FOR SENATE BILL NO. 105 (RES)

with a majority do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Eliason, Fahrenkamp, Halford, Coghill and Zharoff.

SENATE BILL NO. 105 was referred to the Finance Committee.

SB 106

The Labor and Commerce Committee considered SENATE BILL NO. 106 (Alaska bidder preference) and a majority of the committee recommended do pass. The report was signed by Senator Eliason, Chairman and concurred in by Senators Bennett and Sackett.

SENATE BILL NO. 106 was referred to the Rules Committee.

## INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 208

SENATE BILL NO. 208 by Senators Ferguson and Sackett, entitled:

"An Act relating to the formation of federal transfer regional educational attendance areas in certain villages; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee and the Finance Committee.

SB 209

SENATE BILL NO. 209 by Senator Ziegler, entitled:

"An Act relating to creating the Alaska State Fire Commission; and providing for an effective date."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

SB 210

SENATE BILL NO. 210 by Senator Ziegler, entitled:

"An Act making a special appropriation to the Office of the Governor for the Alaska State Fire Commission; and providing for an effective date."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

SB 211

SENATE BILL NO. 211 by Senators Rodey, Ziegler and Josephson, entitled:

"An Act relating to compensation for victims of certain crimes."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

MESSAGES FROM THE SENATE

A message dated April 22, 1985, was received, stating the Senate has approved the following citations:

In Memoriam - Stanley Sailors  
by Senators Bennett, Fahrenkamp and  
Coghill

Honoring - Freda Borchick  
by Senators Ray and Eliason

which were referred to the Rules Committee for placement on the calendar, and

In Memoriam - Bobby R. Barclay

which was referred to the Chief Clerk for enrollment.

A message from the Senate dated April 22, 1985, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONSCSSJR 10(Res)am

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 10 (Resources) amended by the Resources Committee:

Requesting that the Department of Natural Resources and the Department of Transportation and Public Facilities expedite the identification and establishment of rights-of-way for roads and trails on federal Bureau of Land Management plats which qualify under RS 2477.

was read the first time and referred to the Transportation and Finance Committees.

FIRST READING AND REFERENCE OF SENATE BILLSCSSB 120(Fin)am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120 (Finance) amended, by the Finance Committee, entitled:

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Tuesday

April 23, 1985

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### One Hundredth Day

Pursuant to adjournment, the House was called to order by Speaker Grussendorf at 10:11 a.m.

Roll call showed 40 members present.

The invocation was offered by the Chaplain, Ms. Kaylin Anderson of the Baha'i Faith. Representative Szymanski moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

"O my Lord! Make Thy beauty to be my food, and Thy presence my drink, and Thy pleasure my hope, and praise of Thee my action, and remembrance of Thee my companion, and the power of Thy sovereignty my succorer, and Thy habitation my home, and my dwelling-place the seat Thou hast sanctified from the limitations imposed upon them who are shut out as by a veil from Thee.

Thou art, verily, the Almighty, the All-Glorious, the Most Powerful.  
--Baha' u'llah"

### CERTIFICATION OF THE JOURNAL

Representative Clocksin moved and asked unanimous consent that the journal for the 99th day and House Journal Supplement No. 53 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

SB 120 cont'd

The question being: "Shall CS FOR SENATE BILL NO. 120 (FIN) am (agriculture; efd) pass the Senate?" The roll was taken with the following result:

CSSB 120 FIN AM 3RD

Yeas: 16 Bennett, Coghill, Eliason,  
Fahrenkamp, Faiks, Ferguson,  
Fischer Paul, Fischer Vic,  
Josephson, Kelly, Kerttula, Ray,  
Rodey, Sackett, Sturgulewski,  
Zharoff

Nays: 4 Abood, DeVries, Halford, Ziegler

and so, CS FOR SENATE BILL NO. 120 (FIN) am passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses, Sec. 8 and Sec. 9. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 120 (FIN) am was referred to the Secretary for engrossment.

## SECOND READING OF SENATE RESOLUTIONS

SJR 10

SENATE JOINT RESOLUTION NO. 10 (Requesting that the Department of Natural Resources and the Department of Transportation and Public Facilities expedite the identification and establishment of rights-of-way for roads and trails on federal Bureau of Land Management plats which qualify under RS 2477) was read the second time.

Senator Sturgulewski moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 455. Without objection, CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) was adopted.

CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) was read the second time.

Senator Sturgulewski offered Amendment No. 1:

Page 2, lines 9, 14 and 23: after "that" insert  
"the Governor instruct"

SJR 10 cont'd

Senator Sturgulewski moved and asked unanimous consent that Amendment No. 1 be adopted. Without objection, Amendment No. 1 was adopted.

Senator Faiks moved and asked unanimous consent for the adoption of the Finance Letter of Intent offered on page 839. Without objection, the Senate Letter of Intent was adopted.

Senator Halford moved and asked unanimous consent that CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am was read the third time.

The question being: "Shall CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am (Requesting that the Department of Natural Resources and the Department of Transportation and Public Facilities expedite the identification and establishment of rights-of-way for roads and trails on federal Bureau of Land Management plats which qualify under RS 2477) pass the Senate?" The roll was taken with the following result:

## CS SJR 10 RES AM 3RD

Yeas: 18 Abood, Bennett, Coghill, DeVries,  
Eliason, Fahrenkamp, Faiks,  
Fischer Paul, Halford, Josephson,  
Kelly, Kerttula, Ray Rodey,  
Sackett, Sturgulewski, Zharoff,  
Ziegler

Nays: 0

Absent: 2 Ferguson, Fischer Vic

and so, CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am passed the Senate and was referred to the Secretary for engrossment.

## CITATIONS

In Memoriam Stanley Sailors  
by Senators Bennett, Fahrenkamp and Coghill

In Memoriam Bobby R. Barclay  
by Representatives Cotten and Phillips  
Senators Kelly and Halford

HB 229 cont'd

Senator Sturgulewski, Chairman and Senator Zhareff signed "do pass". Senator Eliason signed "do not pass". Senators Halford and Vic Fischer signed "no recommendation".

CS FOR HOUSE BILL NO. 229 (RES) am was referred to the Judiciary Committee.

SJR 10

The Rules Committee considered SENATE JOINT RESOLUTION NO. 10 (Department of Natural Resources and the Department of Transportation and Public Facilities expedite the identification and establishment of rights-of-way for roads and trails on federal Bureau of Land Management plats which qualify under RS 2477) and a majority of the committee recommended calendar April 22. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill and Josephson.

SENATE JOINT RESOLUTION NO. 10 appears on the calendar.

SB 270

The Rules Committee considered SENATE BILL NO. 270 (durational residency requirement for a candidate for a home rule charter commission; efd) and a majority of the committee recommended calendar April 22. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill and Bennett.

SENATE BILL NO. 270 appears on the calendar.

## INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 294

SENATE BILL NO. 294 by the Resources Committee, entitled:

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

was read the first time and referred to the Resources Committee and the Finance Committee.

SB 295

SENATE BILL NO. 295 by Senator Faiks, entitled:

"An Act requiring insurers to offer coverage for the treatment of a mental or nervous condition in certain health insurance policies."

was read the first time and referred to the Labor and Commerce Committee and the Health, Education and Social Services Committee.

SB 296

SENATE BILL NO. 296 by Senator Ferguson, entitled:

"An Act requiring a reduction in the cost of salaries and benefits for state employees."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

## CONSIDERATION OF THE CALENDAR

## SECOND READING OF SENATE BILLS

SB 270

SENATE BILL NO. 270 (durational residency requirement for a candidate for a home rule charter commission; efd) was read the second time.

Senator DeVries moved and asked unanimous consent for the adoption of the Community and Regional Affairs Committee Substitute offered on page 828. Without objection, CS FOR SENATE BILL NO. 270 (C&RA) was adopted.

CS FOR SENATE BILL NO. 270 (C&RA) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 270 (C&RA) be considered engrossed, advanced to third reading and placed on final passage. Senator Ray objected.

Senator Josephson offered Amendment No. 1:

Page 1, lines 13-14: delete brackets around "qualified" to restore the word

SJR 10

CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am was engrossed, signed by the President and Secretary and transmitted with a Senate Letter of Intent to the House for consideration.

## ADJOURNMENT

Senator Halford moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., April 23, 1985. Without objection, the Senate adjourned at 12:05 p.m.

Peggy Mulligan  
Secretary of the Senate

April 1985

Senator Halford moved and asked unanimous consent that the citation calendar be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Senator Halford moved and asked unanimous consent that the rules be suspended and the publication and notice requirements be waived and that the following citation be made a special order of business. Without objection, it was so ordered.

#### SPECIAL ORDER OF BUSINESS

Senator Halford moved and asked unanimous consent that the citation Honoring Freda Borchick by Senators Ray and Eliason be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

#### UNFINISHED BUSINESS

##### SJR 23

Senator Paul Fischer requested that he be added as a co-sponsor to SENATE JOINT RESOLUTION NO. 23 (Urging the United States Olympic Committee to select Anchorage as the United States nominee for the site of the 1992 Winter Olympic Games).

#### ANNOUNCEMENTS

Announcements appear at the end of the journal.

#### ENGROSSMENT

##### SB 270

CS FOR SENATE BILL NO. 270 (C&RA) am was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

##### SB 120

CS FOR SENATE BILL NO. 120 (FIN) am was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SJR 10

CS FOR SENATE JOINT RESOLUTION NO. 10 (RES) am was engrossed, signed by the President and Secretary and transmitted with a Senate Letter of Intent to the House for consideration.

## ADJOURNMENT

Senator Halford moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., April 23, 1985. Without objection, the Senate adjourned at 12:05 p.m.

Peggy Mulligan  
Secretary of the Senate

April 1985

SENATE  
JOURNAL SUPPLEMENT

4/18/85

FISCAL NOTE

No. 32

CSSJR  
10  
(RES)

REQUEST

Bill/Resolution No.: CSSJR 10 (Res)  
 Title: RS 2177 Road and  
trail identification  
 Sponsor: Coghill, et al  
 Requestor: Senate Finance  
 Date of Request: 4/18/85

FISCAL DETAIL

Agency Affected: DNR, DOTPF  
 Program Category Affected: Management  
Land & Water Resource  
 BFU, Program or Subprogram(s) Affected  
Land & Water Public Use

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		46.0				
200 TRAVEL		4.0				
300 CONTRACTUAL		42.0				
400 SUPPLIES		1.0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		93.0				

<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

<b>GENERAL FUND</b>		93.0				
<b>FEDERAL FUNDS</b>						
<b>OTHER</b>						
<b>TOTAL</b>						

POSITIONS:

<b>FULL-TIME</b>						
<b>PART-TIME</b>						
<b>TEMPORARY</b>						

ANALYSIS:

See committee letter of Intent

Prepared By: Jan Faiks, Co-Chairman Phone: 465-4523  
 Division: Senate Finance Committee Date: 4/18/85  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

**REQUEST**

Bill/Resolution No. CSSB109 (HESS)  
 Title: An Act relating to provision of chiropractic services under Med. Asst.  
 Sponsor: Josephson, Abood, Fahrenkamp  
 Requestor: \_\_\_\_\_  
 Date of Request: 2/6/85

**FISCAL DETAIL**

Agency Affected: Health & Social Services  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Medical Assistance

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	20.0	-0-	-0-	-0-	-0-
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	-0-	154.0	160.0	166.4	173.0	180.0
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	174.0	160.0	166.4	173.0	180.0
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FEDERAL FUNDS		87.0	80.0	83.2	86.5	90.0
OTHER						
<b>TOTAL</b>		174.0	160.0	166.4	173.0	180.0

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

**ANALYSIS:** separate page

Please see attached analysis for method used to determine FY86 cost of \$174.0. A 4% inflator was used to estimate cost for FY87 and each year thereafter.

Prepared By: Rod Betit, Director Phone: 465-3355  
 Division: Medical Assistance Date: 2/6/85

Approved by Commissioner: [Signature] Date: 2/14/85  
 Agency: DEPT. OF HEALTH & SOCIAL SERVICES

**Cost Analysis for Chiropractic Services**

Additional Contractual Costs

The Alaska Medical Payments System will require modification to pay chiropractors as a new services. The contractual costs include the following: provider manuals, training, a new claims form, tables included in the system for chiropractic services, computer programming, computer reports, the addition of collocation codes, the provision of notice to providers, provider relations, and a computer system test.

Additional Grants/Claims Costs

These figures were adjusted by an inflation factor of 4%. This is the average percent increase experienced during the past two years in chiropractic services. These costs are for only manual manipulation of the spine and the x-rays necessary for diagnosis. Again, these are the only chiropractic services for which federal reimbursement is available. The federal match for Medicaid is 50%.

We did not develop a fiscal note for the full range of chiropractic services included in SB 109.

SJR 10 cont'd

SENATE JOINT RESOLUTION NO. 10 was referred to the Finance Committee.

SB 56

The Finance Committee considered SENATE BILL NO. 56 (amending the longevity bonus program and the permanent fund dividend program, establishing an annuity program; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 56 (FIN), entitled:

"An Act relating to a longevity bonus; and providing for an effective date."

with a majority do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Halford, Kerttula, Paul Fischer, Ferguson and Eliason. Senator Sackett signed "no recommendation".

Seven zero fiscal notes prepared by the Finance Committee on Department of Administration, Division of Labor Services and Division of Centralized Administrative Services; Health and Social Services, Division of Medical Assistance and Division of Adult Public Assistance, Old Age Assistance; Department of Revenue, Treasury Division and Division of Public Services; and Department of Revenue, Permanent Fund, Administrative Services, Enforcement and Public Services were attached. Fiscal note from Department of Administration, Social and Economic Assistance for the Aged, appears in Supplement No. 22.

SENATE BILL NO. 56 was referred to the Rules Committee.

SB 114

The Transportation Committee considered SENATE BILL NO. 114 (registration of heavy vehicles; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 114 (TRSP)

with a majority do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Faiks, Josephson and Paul Fischer.

SENATE BILL NO. 114 was referred to the Finance Committee.

SB 167

The Labor and Commerce Committee considered SENATE BILL NO. 167 (dispensing opticians; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 167 (L&C), entitled:

"An Act relating to dispensing opticians and optometrists; and providing for an effective date."

with a majority do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Bennett, Eliason and Ray.

Senator Fahrenkamp, Chairman, moved and asked unanimous consent that the Health, Education and Social Services Committee referral on SENATE BILL NO 167 be waived. Without objection, it was so ordered.

SENATE BILL NO. 167 was referred to the Finance Committee.

HJR 16

The Transportation Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 16 (TRSP) am (essential air service) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION  
NO. 16 (TRSP)

with a majority do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Josephson, Abood and Paul Fischer. Senator Faiks signed "no recommendation".

CS FOR HOUSE JOINT RESOLUTION NO. 16 (TRSP) am was referred to the Rules Committee.

INTRODUCTION AND REFERENCE OF SENATE RESOLUTIONSSCR 15

SENATE CONCURRENT RESOLUTION NO. 15 by Senators Paul Fischer and DeVries,

Proposing an amendment to the Uniform Rules of the Alaska State Legislature to include the Pledge of Allegiance as part of the daily order of business,

was read the first time and referred to the Rules Committee.

## STANDING COMMITTEE REPORTS

SJR 10

The Finance Committee considered SENATE JOINT RESOLUTION NO. 10 (Department of Natural Resources and Department of Transportation and Public Facilities to expedite the identification and establishment of rights-of-ways for roads and trails on federal BLM plats under RS 2477) and recommended the Resources Committee Substitute be adopted with a majority do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Halford, Eliason and Kerttula. Senator Ferguson signed "no recommendation".

Fiscal note from Senate Finance on the Departments of Natural Resources and Transportation and Public Facilities appears in Supplement No. 32.

## "Letter of Intent

## CSSJR 10 (RES)

It is the intent of the committee that the Department of Natural Resources contract and work with the appropriate department in the University of Alaska system to accomplish this task."

SENATE JOINT RESOLUTION NO. 10 was referred to the Rules Committee.

SB 21

The Health, Education and Social Services Committee considered SENATE BILL NO. 21 (background checks on certain employees who come into contract with children) and recommended it be replaced with

CS FOR SENATE BILL NO. 21 (HESS), entitled:

"An Act relating to criminal background checks; and providing for an effective date."

with a majority do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators DeVries, Sturgulewski and Josephson.

SENATE BILL NO. 21 was referred to the Judiciary Committee.

SB 109

The Finance Committee considered SENATE BILL NO. 109 (provision of chiropractic services under the medicaid program) and recommended the Health, Education and Social Services Committee Substitute be adopted with a majority do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Halford, Eliason and Ferguson. Senator Kerttula signed "no recommendation".

Fiscal note from the Department of Health and Social Services appears in Supplement No. 32.

SENATE BILL NO. 109 was referred to the Rules Committee.

HB 5

The Labor and Commerce Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (FIN) am (establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd). Senator Zharoff, Chairman and Senator Eliason signed "do pass". Senators Sackett and Ray signed "no recommendation".

"Letter of Intent

CSSSHB 5 (FIN) am

It is the intent of the Legislature in passing CSSSHB 5 (FIN) am that the terms and conditions of employment of affected school employees are not abrogated nor diminished. For employees who are members of a bargaining unit, any changes in employee working conditions caused by the plan will be addressed by a written agreement between the school board and the recognized bargaining unit."

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (FIN) am was referred to the Finance Committee.

HB 14

The Finance Committee considered CS FOR HOUSE BILL NO. 14 (FIN) (members of the Alaska Territorial Guard eligible for a death gratuity; efd) and a majority of the committee recommended do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Kerttula, Halford, Ferguson and Eliason.