

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

4249 SRES SB 155 - SB 164

129

In the University of Alaska Bulletin 58, dated September, 1980, entitled POTENTIAL MILK PRODUCTION IN THE POINT MACKENZIE AREA OF SOUTHCENTRAL ALASKA, it states:

"Milk produced in Alaska must compete for a reasonable share of the market with milk shipped in from outside the state."

These reports make the important determination that if the industry is going to be successful it must be competitive.

The Consulting report entitled THE FEASIBILITY OF SUCCESSFULLY REORGANIZING MATANUSKA MAID, INC., prepared for the State of Alaska, at an expense of \$40,000, states:

- " The state of Alaska has repeatedly reenforced the major objectives of the Point MacKenzie agricultural project, and similar projects throughout Alaska, are to stimulate in-state agricultural production to provide Alaskan consumers agricultural products at competitive market prices. It is the consensus opinion of the consulting team that the current operating conditions for the Point MacKenzie project are such that realizing the state objectives of competitive price and expansion of the agricultural base within the state are in jeopardy."
- " A \$7,000 per cow investment level is necessary to maximize efficiencies and economies of scale. This investment level produces a minimum herd size of 191 cows."
- "The geographic isolation of the Point MacKenzie area compounds the cost control problems normally associated with dairy production. It is the assessment of the consulting team that Alaskan history will repeat itself in the Point MacKenzie area (relative to the dairy industry) unless modification in the development plans for Point MacKenzie can be made. The reader is reminded that at one time over 80 small dairy farms existed in Alaska. Of the original 80 farms, only those who have managed to increase herd size and operating efficiencies survive today. This pattern is similar to the pattern evidenced for the industry as a whole and is an important consideration relative to development of the Point MacKenzie area."

In a report prepared by Boyd M. Buxton, Agricultural Economist at University of Minnesota and member of the United States Department of Agriculture research division, dated October, 1984, prepared for the Congressional Office of Technology Assessment, entitled, ECONOMIC, POLICY AND TECHNOLOGY FACTORS AFFECTING HERD SIZE AND REGIONAL LOCATION OF U.S. MILK PRODUCTION it states:

"A cost per cwt of milk tended to be lower on large than on small dairies in all states."

"Investment per cow in dairy buildings and equipment is less on larger than on smaller dairies."

"Based on whole farm budgets, the larger dairies with 500 cows or more are more profitable than smaller dairies."

"Strong economic pressure exists for herds to get larger in all regions. This will continue the trend to fewer and larger dairies."

Our goal concurrent with the hereinabove discussed data is to produce milk at the lowest cost possible per unit of milk produced. To accomplish this goal three landowners have joined together to build one large barn on three parcels to create one efficient farm rather than three uneconomical farms. The reasons that this was done were purely economic. Some of which are as follows:

1. Price of milk dropped from \$22.60 to \$19.00 per cwt.
2. Costs as initially computed by the state were substantially understated and did not include such things as housing, working capital or machinery costs.
3. Consolidation reduced capital investment per cow by 32%. This creates more competitive fixed costs and lowers debt requirement per cow.
4. Operating costs, including interest expense per cwt of milk produced, were 26% lower on one large dairy than they would be on four smaller dairies.
5. None of the three owners had any experience in the dairy industry. Therefore, it was imperative that the dairy hire a competent dairy manager to insure a successful and well managed farm. Consolidation made this possible.

6. The Alaska revolving loan fund has limited resources and it is important that these funds not be wasted. In our case the state only has a loan for \$1,000,000 rather than \$3,000,000.

The Tucker dairy is currently producing 600,000 lbs of milk monthly. This is 30% of total milk being produced by local farmers. If we had not pooled our capital and management resources as we have done we would not be producing even one single lb of milk.

Furthermore, the consolidation of dairies in compliance with the intent of the initial sales brochure dated September 11, 1982, which states "The major objectives are to stimulate in-state milk production, to provide milk to Alaska consumers at a competitive market price, and to assist in gaining agricultural self-sufficiency for the state of Alaska." Only through consolidation can we be competitive and accomplish this goal.

The passage of SB 155 is mandatory if we are going to work toward a successful, profitable and financially independent dairy industry that will produce dairy products for Alaskans at a competitive price.

Thank you for your work on the agriculture bills and we appreciate your continuing support of the agriculture industry.

Sincerely,


Joseph Patrick Cange

cc: Jalmar M. Kerttula
Jan Faiks
Esther Wunnicke
James K. Barnett

STATE OF ALASKA

FRANK
SB155
BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

P.O. BOX 7005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 561-2020

February 24, 1986

OFFICE OF THE COMMISSIONER

Dear Alaskan:

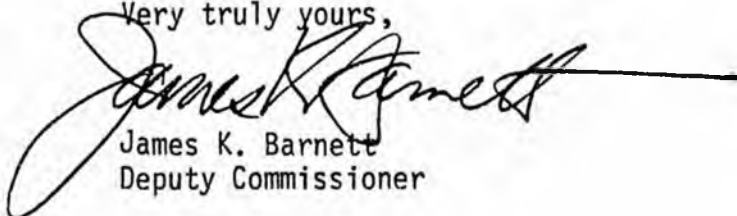
Attached are proposed amendments to regulations of the Alaska Department of Natural Resources. The department will conduct a hearing on the proposed regulations in Delta in March 1986. Please see the attached "Notice of Changes in the Regulations of the Department of Natural Resources" for details on the time and location of the hearing. Additionally, the department is soliciting written comments on its proposal until March 28, 1986.

The main purpose of the proposed regulations is to allow the subdivision of patented agricultural land. The department has found that certain past disposals of the state's agricultural interest in land have resulted in agricultural tracts too large and unwieldy to be efficiently managed and farmed. In response to this finding, the department developed the draft regulations in which the process for obtaining approval of a subdivision of patented agricultural land is spelled out. A subdivision under the proposal must be consistent with an approved farm conservation plan, may not create a parcel of less than 40 acres, and is possible only if the land being subdivided is still suited for agricultural development. The proposal maintains existing prohibitions against an individual conveying that portion of his or her agricultural interest on which improvements have been constructed. Additionally, the proposed regulations set in motion a process for determining if the state should authorize the right to construct additional improvements on parcels of at least 640 acres resulting from a subdivision.

In reviewing the draft regulations you will notice that some sections contain bracketed and capitalized words and phrases, other sections contain underlined material, while still other sections contain neither. Language in the proposal which is bracketed and capitalized is proposed for deletion from the currently-effective regulation. Underlined material is proposed for addition to the currently-effective regulation. Sections in which brackets and capitalization and underlined material do not appear are being proposed as entirely new material to existing regulations.

Your comments on the draft regulations will be most useful to the department if you reference particular sections by number and suggest changes in wording which you feel would result in improvement to the regulations. The Department of Natural Resources thanks you for your time and interest in this matter.

Very truly yours,



James K. Barnett
Deputy Commissioner

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
DEPARTMENT OF NATURAL RESOURCES

Notice is given that the Department of Natural Resources, under authority vested by AS 38.05.020 and AS 38.05.035, proposes to amend regulations in Title 11 of the Alaska Administrative Code, dealing with agricultural parcels and the subdivision of patented agricultural parcels, to implement AS 38.05.069 and AS 38.05.321, as follows:

11 AAC 67 is proposed to be amended by changing obsolete references to local soil conservation subdistricts to soil and water conservation districts, by spelling out how a previously-approved farm conservation plan may be amended, by defining the process under which additional rights to construct real property improvements on large tracts of subdivided and patented agricultural land may be obtained, and by spelling out the process for obtaining approval of a subdivision of patented agricultural land.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the proposed action at a hearing to be held at the Community Center in Delta, Alaska on Friday, March 7, 1986 beginning at 1:30 p.m.. In addition, written statements or arguments may be sent to the Department of Natural Resources, Office of the Commissioner, P.O. Box 7005, Anchorage, Alaska 99510, to be received no later than March 28, 1986.

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the above address or by calling the Office of the Commissioner in Anchorage at 561-2020 or in Juneau at 465-2400.

The Department of Natural Resources, upon its own motion or at the instance of any interested person, may after the deadline for receipt of written comments adopt proposals within the scope of this notice without further notice or may decide to take no action on them.

Date: 2-24-86


James K. Barnett
Deputy Commissioner

11 AAC 67.177(a) is amended to read:

(a) An approved farm conservation plan will be required as a condition of the sale. The successful purchaser must submit an approved conservation plan before consummation of the sale. For each disposal the director may accept, reject, or modify the farm conservation plan after consultation with the local soil and water conservation district [SUBDISTRICT].

(Eff. 4/28/78, Register 66; am / /86, Register)

Authority: AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.050
AS 38.05.069
AS 38.05.321

11 AAC 67.177 is amended by adding a new subsection to read:

(d) A previously-approved farm conservation plan may be modified at the request of the purchaser. The director may approve, reject, or modify the farm conservation plan modification after consultation with the local soil and water conservation district. (Eff. 4/28/78, Register 66; am / /86, Register)

Authority: AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.050
AS 38.05.069
AS 38.05.321

11 AAC 67.182 is repealed:

11 AAC 67.182. MODIFICATION OF FARM CONSERVATION PLAN. Repealed / /86.

11 AAC 67.187 is amended by adding a new subsection to read:

(d) Changes in the location or size of the area designated for real property improvements are subject to approval of the director and may be allowed if

(1) the maximum area specified under 11 AAC 67.187(a) is not exceeded; and

(2) the change is consistent with a farm conservation plan approved under 11 AAC 67.177. (Eff. 4/28/78, Register 66; am 5/13/79, Register 70; am / /86, Register)

Authority: AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.050
AS 38.05.069
AS 38.05.321

11 AAC 67 is amended by adding a new section to read:

11 AAC 67.188. SUBDIVISION. (a) Land conveyed under 11 AAC 67.160 -- 11 AAC 67.192 may be subdivided for the purpose of transfer of ownership, subject to the approval of the director, if

(1) the land originally conveyed has been patented;

(2) the subdivision does not create a parcel of less than 40 acres;

(3) the subdivision is consistent with a farm conservation plan approved under 11 AAC 67.177;

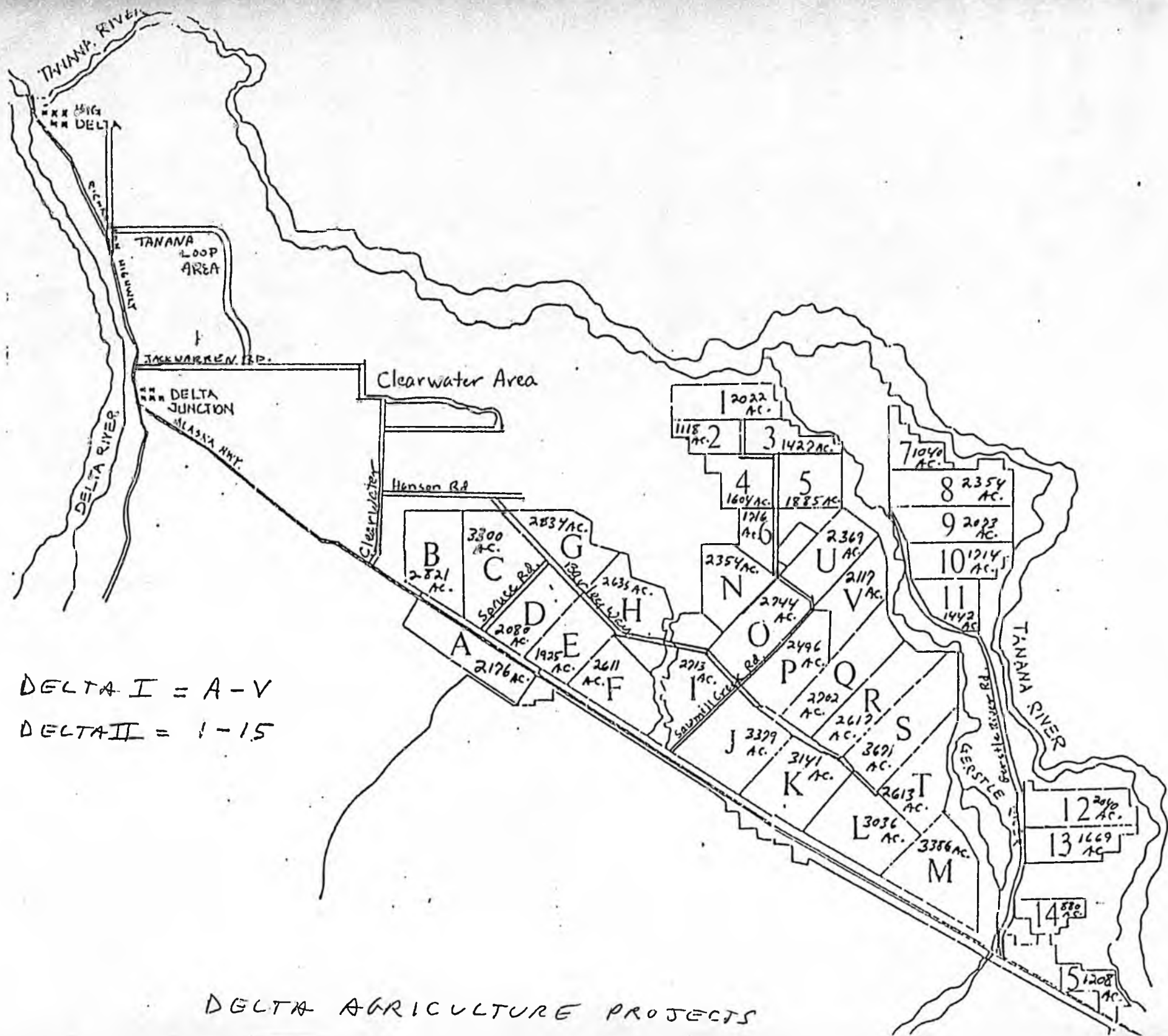
(4) the land has been maintained in substantially the same condition it was in after completion of the development required under 11 AAC 67.185;

(5) all original improvements to real property or rights to construct real property improvements under 11 AAC 67.187 on the land originally conveyed remain in a single tract of not less than 40 acres, which may not be conveyed until all the other tracts in the subdivision have been conveyed; and

(6) all additional rights to construct real property improvements on land subdivided under this section remain only on tracts of at least 640 acres.

(b) Additional rights allowed by 11 AAC 67.188(a)(6) are authorized in accordance with 11 AAC 67.187. (Eff. / /86, Register)

Authority: AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.050
AS 38.05.069
AS 38.05.321



DELTA I = A - V

DELTA II = 1 - 15

DELTA AGRICULTURE PROJECTS

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

APR 08 1985
BILL SHEFFIELD, GOVERNOR

POUCH 7-005
ANCHORAGE, AK 99510
PHONE: (907) 276-2653

SB155

April 2, 1985

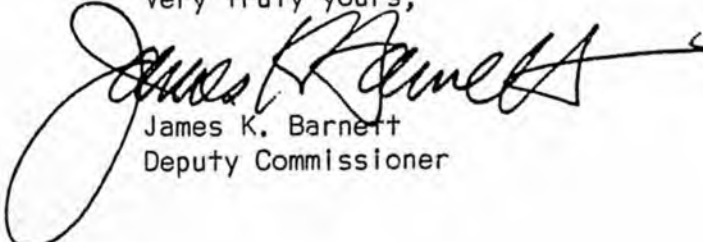
Dear Alaskan:

Attached is a proposed revision to regulations of the Department of Natural Resources. The department is soliciting public comments on the proposed regulation. Please see the attached legal notice for instructions on how to submit written comments.

The proposed regulation adds a new section to 11 AAC 67. The new section outlines the procedure to be followed by an agricultural interest holder desiring to amend an agricultural development contract and combine his or her parcel with a parcel or parcels held by another. As the combination of parcels will result in amendments to a previously-approved contract or development plan, the draft regulations set out standards to assist the commissioner in determining if the amendments are material and if they protect or further the public interest. The draft regulation provides that public notice of the proposed action be given and sets up the content of the notice and a procedure for responding to the proposed combination. Additionally, a provision is made which makes a single interest-holder in the new parcel responsible for meeting the contractual obligations of the new parcel.

Your comments on the proposed regulation will be most useful to the department if you suggest specific wording changes or other modifications you feel would result in improvement to the regulation. Thank you for your assistance.

Very truly yours,



James K. Barnett
Deputy Commissioner

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE DEPARTMENT OF NATURAL RESOURCES

Notice is hereby given that the Department of Natural Resources, under authority vested by AS 38.05.020 and AS 38.05.035, proposes to amend regulations in Title 11 of the Alaska Administrative Code, dealing with combining agricultural parcels for the more efficient and economic development of agriculture in the state, to implement AS 38.05.069, as follows:

11 AAC 67.186 is adopted as a new section in which the procedure to be followed by agricultural interest holders who desire to combine their tracts with other tracts held by agricultural interest holders is outlined. The section applies when an approved development plan must be amended to accommodate the combination of agricultural parcels. The section contains the procedure the department must follow in determining whether the proposed combination is necessary to protect or further the public interest.

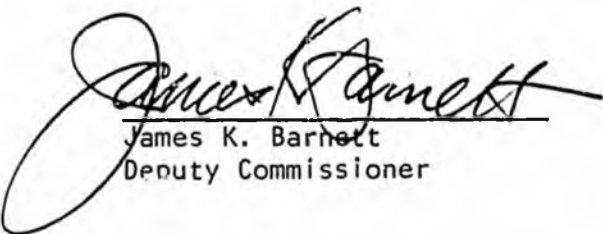
Notice is also given that any person interested may present written statements or arguments relevant to the proposed action by writing to the Department of Natural Resources, Office of the Commissioner, Pouch 7-005, Anchorage, Alaska 99510, so that they are received no later than 4:30 p.m. on May 8, 1985.

This action is not expected to require an increased appropriation.

Copies of the proposed regulation may be obtained by writing to the above address or by calling either the Anchorage or Juneau Office of the Commissioner at 265-4131 in Anchorage or 465-2400 in Juneau.

The Department of Natural Resources, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt proposals within the scope of this notice without further notice or may decide to take no action on them.

DATE: March 28, 1985


James K. Barnett
Deputy Commissioner

DRAFT

FARM ADD
DOI
3/28/85

11 AAC 67 is amended by adding a new section to read:

11 AAC 67.186. COMBINING AGRICULTURAL PARCELS. (a) A person who has obtained a parcel of land that is part of an agricultural development project may combine that parcel with a parcel or parcels held by another for the more efficient and economic development of agriculture within the state. This section applies only when an approved development plan must be amended to accomodate the combination of agricultural parcels.

(b) In combining parcels, there is no limitation on the maximum size of the resulting parcel, although the resulting parcel may contain only one farmstead of no more than 20 acres.

(c) In deciding whether to allow a combination of parcels, the commissioner will make a written finding that the change does not constitute a material amendment from the original development contract and is necessary to protect or further the public interest. In determining whether the change is material and will protect or further the public interest, the commissioner will consider:

(1) the legitimacy of the reasons for the change;

(2) whether the reasons for the change were unforeseen at the time the contract was made;

(3) the timing of the change;

(4) whether the contract contains clauses authorizing modifications; and

(5) the extent of the change, relative to the original contract.

(d) The commissioner may, with the consent of the holders of parcels involved in the proposed combination, establish or change any existing development requirements of the parcel holders.

(e) The commissioner will require the holders of parcels involved in the proposed combination to enter into an agreement which replaces or supercedes the approved development requirements of the individual parcel holders. The new agreement will be made in a form prescribed by the commissioner and is subject to approval by the commissioner.

(f) The commissioner will give public notice of an application for a combination of agricultural parcels which will include the following safeguards of the public interest:

DRAFT

- (1) a statement explaining the nature of the approval sought;
 - (2) a statement indicating where copies of the application may be obtained or viewed;
 - (3) the written finding, or a summary of the written finding, required by (c) of this section;
 - (4) an opportunity for public hearing on the proposed combination, at the written request of 25 interested individuals; and
 - (5) a statement that any person may file written comments on the application within 30 days after publication of the notice.
- (g) An application for a combination of agricultural parcels will designate a single-entity owner responsible for meeting the contractual obligations of the proposed new parcel. The single-entity owner must be an interest-holder in the proposed new parcel. (Eff. / /85, Register)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.069

APR 08 1985

NY - Coghill - HHS. res. chair

Idle-Size Farms Endangered, Study Says

By SETH S. KING
Special to The New York Times

INGTON, March 19 — New technology and genetic engineering will accelerate the trend toward larger farms in the next 15 years, the Government provides more middle-size farms, a Congressional search service asserted today in a special report, the Office of Technology Assessment said that in a new four-year farm law this Congress should consider providing special training and financial aid to operators of middle-size farms to enable them to acquire and use the complicated new technology soon to be available.

Otherwise, the report asserts, many of those farmers who lack the capital or expertise to adopt the new technology will either have to find supplementary off-farm income, switch to specialty crops or give up farming altogether.

Report Sought by Congressmen

The 86-page report was requested by several Congressional committees that are now engaged in drafting the new farm bill. It was presented today to the Agriculture Committees of both houses of Congress.

In a prelude to its findings, the agency said it was not writing "science fiction" in predicting astounding gains

in the production of crops and livestock.

"Before the turn of the century," the report asserted, "cattle ranchers in Texas may be able to raise cattle as big as elephants. California dairy farmers may be able to control the sex of calves and increase milk production by more than 10 percent without increasing food intake. And major crops may be genetically altered to resist pests and disease, grow in salty soil and harsh climates, and provide their own fertilizer."

The report said that at the beginning of 1983, 86.6 percent of the 2.2 million farms in the United States were classi-

fied as small, with annual gross sales ranging from \$5,000 to \$19,900, and part-time, with earnings, including outside income earned by their owners, of from \$20,000 to \$99,900.

Half the Income to Largest Farms

Moderate, or middle-sized, farms, those with sales from \$100,000 to \$199,900, now make up 8.1 percent of American farms. Large farms, with \$200,000 to \$499,999 in sales, make up only 4.2 percent of the total and very large farms, those with sales of \$500,000 or more, make up only 1.2 percent.

But the large and very large farms take in 53.5 percent of the total cash receipts of all 2.2 million farms, while the middle-sized ones get only 19.1 percent.

On the basis of detailed studies of grain, cotton and dairy farms of vary-

ing sizes adopted, the agency concluded that the benefits of new technologies would benefit the large and very large farms far more than the middle-sized ones.

It found that current price support loan programs, which the Reagan Administration says have pushed up American farm commodity prices to uncompetitive levels, provide more wealth and growth benefits to large and very large farms than to middle-sized ones. In contrast, income supports in the form of subsidies, which the Administration wants to phase out, are of more help to the middle-sized farmers.

"Directing income supports to middle-sized farms," the agency asserted, "could be an effective policy to prolong their survival, although even this measure may not help dairy farmers in some regions."

Unlike most middle-size farms, the report continued, most large farms could survive without income supports, although the larger operators would need a "loan safety net" to help them weather price fluctuations and competition in world markets.

The report also contended that the restructuring of farm debts, as the Administration is now trying to do, will not increase the survival chances of many hard-pressed farmers. Instead, the report asserted, subsidizing interest rates on these loans, which President Reagan has refused to do, would be "a more effective strategy to ease financial stress."

The New York Times Book Review
every Sunday

Sent from
Sen. Kerttula

17 p. 1/13/85
1/13/85

1:30
923

cc: AS

Introduced: 2/13/85
Referred: Resources
and Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the splitting and combining of
7 agricultural parcels."

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

9 *Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

11 (a) The commissioner may allow a person who has purchased a parcel of
12 agricultural land under this chapter that is part of an agricultural
13 development project to split the parcel by selling portions of the
14 parcel or to combine it with other parcels by purchasing a parcel from
15 a private seller.

16 (b) If a parcel is split under this section, no more than one
17 farmstead may be maintained for each 640 acre parcel resulting from
18 the split. If parcels are combined, there is no limit on the size of
19 the resulting parcel, but no more than one farmstead may be maintained
20 on the resulting parcel. A farmstead may not exceed 20 acres.

21 (c) The commissioner may not allow a parcel to be split or
22 combined under this section unless

23 (1) the commissioner makes a written finding that the
24 proposed split or combination is necessary to promote the public
25 interest; in making this determination the commissioner shall consider
26 whether the split or combination will encourage development of the
27 state's agricultural resources, prevent economic waste, and protect
28 all interested parties including the state;

29 (2) for each parcel resulting from a split or combination,

and the approved development plan or plans must be amended to accommodate the combination

*Combining
of
parcels*

*draft
req*

FARM ADD
DOI

2/28
2 N3153
300

11 AAC 67 is amended by adding a new section to read:

11 AAC 67.186. COMBINING AGRICULTURAL PARCELS. (a) A person who has obtained a parcel of land that is part of an agricultural development project may combine that parcel with a parcel or parcels held by another for the more efficient and economic development of agriculture within the state. This section applies only when an approved development plan must be amended to accomodate the combination of agricultural parcels.

(b) In combining parcels, there is no limitation on the maximum size of the resulting parcel, although the resulting parcel may contain only one farmstead of no more than 20 acres.

(c) In deciding whether to allow a combination of parcels, the commissioner will make a written finding that the change does not constitute a material amendment from the original development contract and is necessary to protect or further the public interest. In determining whether the change is material and will protect or further the public interest, the commissioner will consider:

- (1) the legitimacy of the reasons for the change;
- (2) whether the reasons for the change were unforeseen at the time the contract was made;
- (3) the timing of the change;
- (4) whether the contract contains clauses authorizing modifications; and
- (5) the extent of the change, relative to the original contract.

(d) The commissioner may, with the consent of the holders of parcels involved in the proposed combination, establish or change any existing development requirements of the parcel holders.

(e) The commissioner will require the holders of parcels involved in the proposed combination to enter into an agreement which replaces or supercedes the approved development requirements of the individual parcel holders. The new agreement will be made in a form prescribed by the commissioner and is subject to approval by the commissioner.

(f) The commissioner will give public notice of an application for a combination of agricultural parcels which will include the following safeguards of the public interest:

(1) a statement explaining the nature of the approval sought;

(2) a statement indicating where copies of the application may be obtained or viewed;

(3) the written finding, or a summary of the written finding, required by (c) of this section;

(4) an opportunity for public hearing on the proposed combination, at the written request of 25 interested individuals; and

(5) a statement that any person may file written comments on the application within 30 days after publication of the notice.

(g) An application for a combination of agricultural parcels will designate a single-entity owner responsible for meeting the contractual obligations of the proposed new parcel. The single-entity owner must be an interest-holder in the proposed new parcel. (Eff. / /85, Register)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.069

cessing requirement is merely another market condition to be taken into account during reappraisal.

Essentially the same observations can be made with respect to the economic aspects of the change removing from the sale lands above 400 feet and substituting adjacent low land. Kenai contends, quite plausibly, that the costs of harvest are less and the product value is higher in the newly substituted acreage than in the lands deleted from the sale. If those changes had been made during the first five years of the contract a legitimate question whether competitive bidding had been improperly circumvented would be presented. As it is, however, those changes are now simply new conditions to be reflected in each reappraisal.

[2] The one aspect of amendment No. 7 to which the rule prohibiting material changes potentially applies is the physical addition of timber land in partial substitution for the deleted acreage. The additional land has never been subject to the competitive bidding process. However, for the following reasons, the rule does not prohibit this change.

[3] Not all amendments to competitive bid contracts are prohibited, only those regarded as material. The concept of materiality in this context has not been satisfactorily captured in a single phrase. One court has spoken of "an essential change of such magnitude as to be incompatible with the general scheme" of competitive bidding;¹⁰ another has phrased the question to be whether the amendment "so varied from the original plan, was of such importance,

or so altered the essential identity or main purpose of the contract, that it constitutes a new undertaking."¹¹ These formulations simply recognize that the materiality concept prohibits those changes which tend to be subversive of the purposes of competitive bidding. In determining whether an amendment has this tendency, courts have found the following factors to be of importance:

(1) the legitimacy of the reasons for the change;¹²

(2) whether the reasons for the change were unforeseen at the time the contract was made;¹³

(3) the timing of the change;¹⁴

(4) whether the contract contains clauses authorizing modifications;¹⁵

(5) the extent of the change, relative to the original contract.¹⁶

Applying these factors to the substitution of timber lands in this case leads to the conclusion that the substitution was not material for purposes of the rule prohibiting material changes.

The reason for the change was that the Department of Fish and Game had discovered after the contract was awarded that the mountainside included in the sale area contained important winter habitat for mountain goats. The Department therefore requested that the sale be modified by deleting this area. Since this deletion would eliminate an area containing some 40,000,000 board feet which the state had contractually committed to South-Central, it was necessary in order to obtain the agreement of South-Central to provide substitute timberland.

10. *Morse v. City of Boston*, 253 Mass. 247, 148 N.E. 813, 815 (1925), on later appeal, 260 Mass. 255, 157 N.E. 523 (1927).

11. *Albert Elia Building Co., Inc. v. New York State Urban Development Corp.*, 54 A.D.2d 337, 388 N.Y.S.2d 462, 467 (1976).

12. See *Myers v. Wood*, 173 Mo.App. 564, 158 S.W. 909, 912 (1913).

13. See *Sekerez v. Lake County Board of Commissioners*, 345 N.E.2d 865, 868-69 (Ind.App. 1976); *Myers v. Wood*, 158 S.W. at 912.

14. See *Albert Elia Building Co., Inc. v. New York State Urban Development Corp.*, 388 N.Y. S.2d at 467.

15. *Myers v. Wood*, 158 S.W. at 913. However, a clause authorizing modifications may not be so broadly read as to negate the statutory requirement of competitive bidding. *Morse v. City of Boston*, 148 N.E. at 816.

16. See *Albert Elia Building Co., Inc. v. New York State Urban Development Corp.*, 388 N.Y. S.2d at 467.

Why
we
believe
it is
construed
split
with the
legality

OFFICE OF THE
ATTORNEY GENERAL
STATE OF ALASKA

farm splits

Delta I & II effected - approx 40 farms

amends definition of homestead/acreage

currently the contracts state only
one homestead per 3,000 acres -
amendments would allow one homestead
per 640 acres if sold to another party
if the parcel is split;
current reqs allow splits of 40 acres
but no provision for homestead.

farm add -

H. McKenzie effected (17 farms.)

allows only one homestead of no
more than 20 acres ~~possibly~~
total per farm.

no limitation ~~of~~ on the size
of the parcels.

*
* DELIVER TO: JPOM *
* * *
* ORIGINAL *
* SENT: 03/19/85 TIME: 14:46 *
* FROM: TERESA SALAZAR *
* SUBJECT: POM MAT-S1 *
* PRINT DATE: 03/19/85 TIME: 14:46 *
* * 8 *

TO: SENATORS STURGULEWSKI, FAHRENKAMP, COGHILL, ELIASON, V.
FISCHER, HALFORD, ZHAROFF

FROM: PAT MULLIGAN
SR B BOX 7634
PALMER 99645

PHONE: 745-4004

RE: SENATE BILLS 40, 41, 42, 110, 120, 154, 155, AND 216

I WOULD URGE YOU TO SUPPORT THESE BILLS. THIS TYPE OF PROGRESSIVE LEGISLATION WILL ALLOW ALASKAN PRODUCERS TO HELP THEMSELVES. THE FARMER'S DEBT SITUATION CAN BE DIRECTLY LINKED WITH OUR IMMATURE AGRICULTURAL INDUSTRY. THIS LEGISLATION WILL ALLOW GOOD FARMERS TO SURVIVE THE CURRENT NATIONAL AGRICULTURE CRISIS.

Introduced: 2/13/85
Referred: Resources and Finance

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 155

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the splitting and combining of
7 agricultural parcels."

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

9 * Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

11 (a) The commissioner may allow a person who has purchased a parcel of
12 agricultural land under this chapter that is part of an agricultural
13 development project to split the parcel by selling portions of the
14 parcel or to combine it with other parcels by purchasing a parcel from
15 a private seller.

16 (b) If a parcel is split under this section, no more than one
17 farmstead may be maintained for each ³²⁰640 acre parcel resulting from
18 the split. If parcels are combined ^{AND THE APPROVED DEVELOPMENT PLAN} there is no limit on the size of
19 the resulting parcel, but no more than one farmstead may be maintained
20 on the resulting parcel. A farmstead may not exceed 20 acres.

21 (c) The commissioner may not allow a parcel to be split or
22 combined under this section unless

23 (1) the commissioner makes a written finding that the
24 proposed split or combination is necessary to promote the public
25 interest; in making this determination the commissioner shall consider
26 whether the split or combination will encourage development of the
27 state's agricultural resources, prevent economic waste, and protect
28 all interested parties including the state;

29 (2) for each parcel resulting from a split or combination,

1 an agricultural development agreement is entered into with the state
2 and approved by the commissioner;

3 (3) the application for the split or combination of parcels
4 designates an operator for each of the proposed resulting parcels;

5 (4) the commissioner provides public notice of, and an
6 opportunity for a hearing and written comment regarding, a proposed
7 split or combination; and

8 (5) the commissioner makes available to the public a writ-
9 ten explanation of the proposed split or combination, information on
10 how to obtain a copy of the application for the proposed split or
11 combination, and the proposed agricultural development agreements.

12 (d) The commissioner may adopt regulations to implement this
13 section.

Approved

① Change 440 to 320

Suggested Amendment to SB 155

②

p. 1, line 18; Add after combined:

and the approved development plan or plans must be amended to accommodate the combination,

prepare CS.
Kerthala / Coghill
Ag Rights

①

Suggestions
1, 2, 3, 4

Introduced: 2/13/85
Referred: Resources
and Finance

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 155

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the splitting and combining of

7

agricultural parcels."

8

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

9

* Section 1. AS 38.05 is amended by adding a new section to read:

10

Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

11

(a) The commissioner may allow a person who has purchased a parcel of

12

agricultural land under this chapter that is part of an agricultural

13

development project to split the parcel by selling portions of the

14

parcel or to combine it with other parcels by purchasing a parcel from

15

a private seller.

16

(b) If a parcel is split under this section, no more than one

17

farmstead may be maintained for each 640 acre parcel resulting from

18

the split. If parcels are combined, there is no limit on the size of

19

the resulting parcel, but no more than one farmstead may be maintained

20

on the resulting parcel. A farmstead may not exceed 20 acres.

21

(c) The commissioner may not allow a parcel to be split or

22

combined under this section unless

23

(1) the commissioner makes a written finding that the

24

proposed split or combination is necessary to promote the public

25

interest; in making this determination the commissioner shall consider

26

whether the split or combination will encourage development of the

27

state's agricultural resources, prevent economic waste, and protect

28

all interested parties including the state;

29

(2) for each parcel resulting from a split or combination,

1 an agricultural development agreement is entered into with the state
2 and approved by the commissioner;

3 (3) the application for the split or combination of parcels
4 designates an operator for each of the proposed resulting parcels;

5 (4) the commissioner provides public notice of, and an
6 opportunity for a hearing and written comment regarding, a proposed
7 split or combination; and

8 (5) the commissioner makes available to the public a writ-
9 ten explanation of the proposed split or combination, information on
10 how to obtain a copy of the application for the proposed split or
11 combination, and the proposed agricultural development agreements.

12 (d) The commissioner may adopt regulations to implement this
13 section.

Version #2
Bradley
2/18/86 ✓

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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9 * Section 1. AS 38.05 is amended by adding a new section to read:

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12 agricultural land under this chapter that is part of an agricultural
13 development project to split the parcel by selling portions of the
14 parcel or to combine it with other parcels by purchasing a parcel from
15 a private seller.

16 (b) If a parcel is split under this section, no more than one
17 farmstead may be maintained for each 320-acre parcel resulting from
18 the split. If parcels are combined and each approved development plan
19 must be amended to accommodate the combination, there is no limit on
20 the size of the resulting parcel, but no more than one farmstead may
21 be maintained on the resulting parcel. A farmstead may not exceed 20
22 acres.

23 (c) The commissioner may not allow a parcel to be split or
24 combined under this section unless

25 (1) the commissioner makes a written finding that the
26 proposed split or combination is necessary to promote the public
27 interest; in making this determination the commissioner shall consider
28 whether the split or combination will encourage development of the
29 state's agricultural resources, prevent economic waste, and protect

1 all interested parties including the state;

2 (2) for each parcel resulting from a split or combination,
3 an agricultural development agreement is entered into with the state
4 and approved by the commissioner;

5 (3) the application for the split or combination of parcels
6 designates an operator for each of the proposed resulting parcels;

7 (4) the commissioner provides public notice of, and an
8 opportunity for a hearing and written comment regarding, a proposed
9 split or combination; and

10 (5) the commissioner makes available to the public a writ-
11 ten explanation of the proposed split or combination, information on
12 how to obtain a copy of the application for the proposed split or
13 combination, and the proposed agricultural development agreements.

14 (d) The commissioner may adopt regulations to implement this
15 section.

3

Suggested
by JOE CANY

Version #1
Bradley
2/18/86 ✓

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to development requirements for
7 agricultural parcels."

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

9 * Section 1. AS 38.05.020(b) is amended to read:

10 (b) The commissioner may

11 (1) establish reasonable procedures and adopt reasonable
12 regulations necessary to carry out this chapter and, whenever neces-
13 sary, issue directives or orders to the director to carry out specific
14 functions and duties; regulations adopted by the commissioner shall be
15 adopted under the Administrative Procedure Act (AS 44.62); orders by
16 the commissioner classifying land, issued after January 3, 1959, are
17 not required to be adopted under the Administrative Procedure Act
18 (AS 44.62);

19 (2) enter into agreements considered necessary to carry out
20 the purposes of this chapter, including agreements with federal and
21 state agencies;

22 (3) review any order or action of the director;

23 (4) exercise the powers and do the acts necessary to carry
24 out the provisions and objectives of this chapter;

25 (5) notwithstanding the provisions of any other section of
26 this chapter, grant an extension of the time within which payments due
27 on any lease or sale of state land, minerals, or materials may be
28 made, including payment of rental and royalties, on a finding that
29 compliance with the requirements is or was prevented by reason of war,

riots, or acts of God;

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

(7) waive, postpone, amend, or otherwise modify the development requirements of a contract for the sale of agricultural land on a finding that [IF]

(A) the waiver, postponement, amendment, or modification of the contract would tend to promote the more efficient and economical development of agriculture within the state and be in the best interests of the state; or [THE LAND IS INACCESSIBLE BY ROAD; AND]

(B) transportation, marketing, or [AND] development costs render the required development uneconomic.

4

1 IN THE SENATE

BY KERTTULA

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the partition of agricultural
7 parcels."

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

9 * Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. PARTITION OF AGRICULTURAL PARCELS. (a) The
11 commissioner may allow a person who has purchased and received a
12 patent to a parcel of agricultural land that is part of an
13 agricultural development project to partition the parcel by selling
14 portions of the parcel.

15 (b) If a parcel is partitioned under this section, no more than
16 one farmstead may be maintained for each 640-acre parcel resulting
17 from the partition. A farmstead may not exceed 20 acres.

18 (c) The commissioner may not allow a parcel to be partitioned
19 under this section unless

20 (1) the commissioner makes a written finding that the
21 proposed partition is necessary to promote the public interest; in
22 making this determination the commissioner shall consider whether the
23 partition will encourage development of the state's agricultural
24 resources, prevent economic waste, and protect all interested parties
25 including the state;

26 (2) for each parcel resulting from a partition under this
27 section, an agricultural development agreement is entered into with
28 the state and approved by the commissioner;

29 (3) the application for the partition of parcels designates

1 an operator for each of the proposed resulting parcels;

2 (4) the commissioner provides public notice of and an
3 opportunity for a hearing and written comment regarding a proposed
4 partition; and

5 (5) the commissioner makes available to the public a writ-
6 ten explanation of the proposed partition, information on how to
7 obtain a copy of the application for the proposed partition, and the
8 proposed agricultural development agreements.

(d) The commissioner may adopt regulations to implement this
section.

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 15

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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13 agricultural development project to partition the parcel by selling
14 portions of the parcel.

15 (b) If a parcel is partitioned under this section, no more than
16 one farmstead may be maintained for each 640-acre parcel resulting
17 from the partition. A farmstead may not exceed 20 acres.

18 (c) The commissioner may not allow a parcel to be partitioned
19 under this section unless

20 (1) the commissioner makes a written finding that the
21 proposed partition is necessary to promote the public interest; in
22 making this determination the commissioner shall consider whether the
23 partition will encourage development of the state's agricultural
24 resources, prevent economic waste, and protect all interested parties
25 including the state;

26 (2) for each parcel resulting from a partition under this
27 section, an agricultural development agreement is entered into with
28 the state and approved by the commissioner;

29 (3) the application for the partition of parcels designates

1 an operator for each of the proposed resulting parcels;

2 (4) the commissioner provides public notice of and an
3 opportunity for a hearing and written comment regarding a proposed
4 partition; and

5 (5) the commissioner makes available to the public a writ-
6 ten explanation of the proposed partition, information on how to
7 obtain a copy of the application for the proposed partition, and the
8 proposed agricultural development agreements.

(d) The commissioner may adopt regulations to implement this
section.

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to development requirements for
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9 * Section 1. AS 38.05.020(b) is amended to read:

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12 regulations necessary to carry out this chapter and, whenever neces-
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14 functions and duties; regulations adopted by the commissioner shall be
15 adopted under the Administrative Procedure Act (AS 44.62); orders by
16 the commissioner classifying land, issued after January 3, 1959, are
17 not required to be adopted under the Administrative Procedure Act
18 (AS 44.62);

19 (2) enter into agreements considered necessary to carry out
20 the purposes of this chapter, including agreements with federal and
21 state agencies;

22 (3) review any order or action of the director;

23 (4) exercise the powers and do the acts necessary to carry
24 out the provisions and objectives of this chapter;

25 (5) notwithstanding the provisions of any other section of
26 this chapter, grant an extension of the time within which payments due
27 on any lease or sale of state land, minerals, or materials may be
28 made, including payment of rental and royalties, on a finding that
29 compliance with the requirements is or was prevented by reason of war,

1 riots, or acts of God;

2 (6) classify tracts for agricultural uses and require the
3 prequalification, including the submission of conservation plans,
4 development plans, or other plans, schedules, or programs, of persons
5 who apply to participate in an agricultural development project under
6 AS 44.33.475;

7 (7) waive, postpone, amend, or otherwise modify the devel-
8 opment requirements of a contract for the sale of agricultural land on
9 a finding that [IF]

10 (A) the waiver, postponement, amendment, or modifica-
11 tion of the contract would tend to promote the more efficient and
12 economical development of agriculture within the state and be in
13 the best interests of the state; or [THE LAND IS INACCESSIBLE BY
14 ROAD; AND]

15 (B) transportation, marketing, or [AND] development
16 costs render the required development uneconomic.
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Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the splitting and combining of
7 agricultural parcels."

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9 * Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

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12 agricultural land under this chapter that is part of an agricultural
13 development project to split the parcel by selling portions of the
14 parcel or to combine it with other parcels by purchasing a parcel from
15 a private seller.

16 (b) If a parcel is split under this section, no more than one
17 farmstead may be maintained for each 320-acre parcel resulting from
18 the split. If parcels are combined and each approved development plan
19 must be amended to accommodate the combination, there is no limit on
20 the size of the resulting parcel, but no more than one farmstead may
21 be maintained on the resulting parcel. A farmstead may not exceed 20
22 acres.

23 (c) The commissioner may not allow a parcel to be split or
24 combined under this section unless

25 (1) the commissioner makes a written finding that the
26 proposed split or combination is necessary to promote the public
27 interest; in making this determination the commissioner shall consider
28 whether the split or combination will encourage development of the
29 state's agricultural resources, prevent economic waste, and protect

1 all interested parties including the state;

2 (2) for each parcel resulting from a split or combination,
3 an agricultural development agreement is entered into with the state
4 and approved by the commissioner;

5 (3) the application for the split or combination of parcels
6 designates an operator for each of the proposed resulting parcels;

7 (4) the commissioner provides public notice of, and an
8 opportunity for a hearing and written comment regarding, a proposed
9 split or combination; and

10 (5) the commissioner makes available to the public a writ-
11 ten explanation of the proposed split or combination, information on
12 how to obtain a copy of the application for the proposed split or
13 combination, and the proposed agricultural development agreements.

14 (d) The commissioner may adopt regulations to implement this
15 section.

1 IN THE SENATE

BY KERTTUL

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the partition of agricultural
7 parcels."

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

9 * Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. PARTITION OF AGRICULTURAL PARCELS. (a) The
11 commissioner may allow a person who has purchased and received a
12 patent to a parcel of agricultural land that is part of an
13 agricultural development project to partition the parcel by selling
14 portions of the parcel.

15 (b) If a parcel is partitioned under this section, no more than
16 one farmstead may be maintained for each 640-acre parcel resulting
17 from the partition. A farmstead may not exceed 20 acres.

18 (c) The commissioner may not allow a parcel to be partitioned
19 under this section unless

20 (1) the commissioner makes a written finding that the
21 proposed partition is necessary to promote the public interest; in
22 making this determination the commissioner shall consider whether the
23 partition will encourage development of the state's agricultural
24 resources, prevent economic waste, and protect all interested parties
25 including the state;

26 (2) for each parcel resulting from a partition under this
27 section, an agricultural development agreement is entered into with
28 the state and approved by the commissioner;

29 (3) the application for the partition of parcels designates

1 an operator for each of the proposed resulting parcels;

2 (4) the commissioner provides public notice of and an
3 opportunity for a hearing and written comment regarding a proposed
4 partition; and

5 (5) the commissioner makes available to the public a writ-
6 ten explanation of the proposed partition, information on how to
7 obtain a copy of the application for the proposed partition, and the
8 proposed agricultural development agreements.

(d) The commissioner may adopt regulations to implement this
section.

Bradley
3/3/86 ✓

Handwritten notes:
Kerttula
Labor Management Capital

Original sponsor: Kerttula



1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 155 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
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15 adopted under the Administrative Procedure Act (AS 44.62); orders by
16 the commissioner classifying land, issued after January 3, 1959, are
17 not required to be adopted under the Administrative Procedure Act
18 (AS 44.62);

19 (2) enter into agreements considered necessary to carry out
20 the purposes of this chapter, including agreements with federal and
21 state agencies;

22 (3) review any order or action of the director;

23 (4) exercise the powers and do the acts necessary to carry
24 out the provisions and objectives of this chapter;

25 (5) notwithstanding the provisions of any other section of
26 this chapter, grant an extension of the time within which payments due
27 on any lease or sale of state land, minerals, or materials may be
28 made, including payment of rental and royalties, on a finding that
29 compliance with the requirements is or was prevented by reason of war,

Handwritten note:
Currently
includes

1 riots, or acts of God;

2 (6) classify tracts for agricultural uses and require the
3 prequalification, including the submission of conservation plans,
4 development plans, or other plans, schedules, or programs, of persons
5 who apply to participate in an agricultural development project under
6 AS 44.33.475;

7 (7) waive, postpone, amend, or otherwise modify the devel-
8 opment requirements of a contract for the sale of agricultural land on
9 a finding that [IF]

10 (A) the waiver, postponement, amendment, or modifica-
11 tion of the contract would tend to promote the more efficient and
12 economical development of agriculture within the state and be in
13 the best interests of the state; or [THE LAND IS INACCESSIBLE BY
14 ROAD; AND]

15 (B) transportation, marketing, or [AND] development
16 costs render the required development uneconomic.

17 * Sec. 2. AS 38.05 is amended by adding a new section to read:

18 Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

19 (a) The commissioner may allow a person who has purchased a parcel of
20 agricultural land under this chapter that is part of an agricultural
21 development project to split the parcel by selling portions of the
22 parcel or to combine it with other parcels.

23 (b) Only conveyed land may be split under this section and no
24 more than one farmstead may be maintained for each 320-acre parcel
25 resulting from the split. If parcels are combined, ^{and} each approved
26 contract for the sale of an agricultural interest in state land must
27 be amended to accommodate the combination. There is no limit on the
28 size of the resulting parcel, but the total acres of farmstead on a
29 resulting combination may not exceed the number of farmstead acres

1 permitted before the combination and the total acres of the farmstead
2 may be reduced by the commissioner.

3 (c) The commissioner may not allow a parcel to be split or
4 combined under this section unless

5 (1) the commissioner makes a written finding that the
6 proposed split or combination is necessary to promote the public
7 interest; in making this determination the commissioner shall consider
8 whether the split or combination will encourage development of the
9 state's agricultural resources, prevent economic waste, and protect
10 all interested parties including the state;

11 (2) for each parcel resulting from a split or combination,
12 an amended contract for the sale of agricultural land is entered into
13 with the state and approved by the commissioner;

14 (3) the application for the split or combination of parcels
15 designates an operator for each of the proposed resulting parcels;

16 (4) the commissioner provides public notice of, and an
17 opportunity for a hearing and written comment regarding, a proposed
18 split or combination; and

19 (5) the commissioner makes available to the public a writ-
20 ten explanation of the proposed split or combination, information on
21 how to obtain a copy of the application for the proposed split or
22 combination, and the proposed agricultural development agreements.

23 (d) When the commissioner approves a combination of parcels
24 under this section, each approved contract for the sale of an interest
25 in agricultural land shall be amended and the contract for the com-
26 bined parcel must require that the operator of the combined parcel
27 cultivate not less than the total number of acres formerly required
28 and milk not less than the total number of cows required to be milked
29 under the previous contracts. The commissioner, as a condition to

1 approval of a combination of parcels may

- 2 (1) increase the total number of acres to be cultivated;
3 (2) increase the total number of cows to be milked;
4 (3) extend the term during which cultivation and milking is
5 required.

6 (e) The commissioner may adopt regulations to implement this
7 section.
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Change

Bradley
3/7/86 ✓✓

Original sponsor: Kerttula



1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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12 regulations necessary to carry out this chapter and, whenever neces-
13 sary, issue directives or orders to the director to carry out specific
14 functions and duties; regulations adopted by the commissioner shall be
15 adopted under the Administrative Procedure Act (AS 44.62); orders by
16 the commissioner classifying land, issued after January 3, 1959, are
17 not required to be adopted under the Administrative Procedure Act
18 (AS 44.62);

19 (2) enter into agreements considered necessary to carry out
20 the purposes of this chapter, including agreements with federal and
21 state agencies;

22 (3) review any order or action of the director;

23 (4) exercise the powers and do the acts necessary to carry
24 out the provisions and objectives of this chapter;

25 (5) notwithstanding the provisions of any other section of
26 this chapter, grant an extension of the time within which payments due
27 on any lease or sale of state land, minerals, or materials may be
28 made, including payment of rental and royalties, on a finding that
29 compliance with the requirements is or was prevented by reason of war,

Priority for cows

Goal to keep land in production -

RICK

Relinquish land as option as in delta to be available on acreage basis for or going release

Law to allow use of Ag land - Lease w/ Ag use - Start at competition - Eliminate speculation

riots, or acts of God;

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(A) the waiver, postponement, amendment, or modification of the contract would tend to promote the more efficient and economical development of agriculture within the state and be in the best interests of the state; or [THE LAND IS INACCESSIBLE BY ROAD; AND]

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Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

(a) The commissioner may allow a person who has purchased a parcel of agricultural land under this chapter that is part of an agricultural development project to split the parcel by selling portions of the parcel. Only conveyed land may be split under this section and no more than one farmstead may be maintained for each '640-acre parcel resulting from the split.

(b) If two or more parcels that are part of an agricultural development project are proposed to be combined, the commissioner may allow the owner of the parcels proposed for combination to amend each contract for the sale of an agricultural interest in state land only

1 as provided in this section and not more than four parcels may be
2 combined.

3 (c) The commissioner may not allow a parcel to be split or
4 approve an amended contract for the sale of an agricultural interest
5 in state land to combine parcels under this section unless

6 (1) the commissioner makes a written finding that the
7 proposed split or combination is necessary to promote the public
8 interest; in making this determination the commissioner shall consider
9 whether the split or combination will encourage development of the
10 state's agricultural resources, prevent economic waste, and protect
11 all interested parties including the state;

12 (2) for each parcel resulting from a split or combination
13 under this section, an amended contract for the sale of agricultural
14 land is entered into with the state and approved by the commissioner;

15 (3) the application for the split or combination of parcels
16 designates an operator for each of the proposed resulting parcels;

17 (4) the commissioner provides public notice of, and an
18 opportunity for a hearing and written comment regarding, a proposed
19 split or combination; and

20 (5) the commissioner makes available to the public a writ-
21 ten explanation of the proposed split or combination, information on
22 how to obtain a copy of the application for the proposed split or
23 combination, and the proposed agricultural development agreements.

24 (d) The commissioner may approve the sale of an agricultural
25 interest in state land to permit the combination of parcels under this
26 section if the contract for the combined parcels will require the
27 operator of the combined parcels

28 (1) to cultivate not less than 90 percent of the Class II
29 or III soils of the combined parcels;

1 (2) if the former contract required cows to be milked, to
 2 milk not less than one cow for each four acres of state land required
 3 to be cultivated under the former contract;

4 (3) to continue the cultivation and milking requirements of
 5 the former contracts for at least ~~five~~^{two} years beyond the time required
 6 in each former contract;

7 (4) to permit inspection of the agricultural operations not
 8 less often than once each year;

9 (5) to reduce the number of farmstead acres permitted on
 10 the parcels to the amount of land actually being used for farmstead
 11 purposes.

12 (e) The commissioner may adopt regulations to implement this
 13 section.

14
 15
 16 *45* *71*
 17 ~~The total acres of farmstead~~
 18 ~~on a resulting combination~~
 19 ~~may not exceed the~~
 20 ~~number of farmstead~~
 21
 22 to have no more acres of
 23 farmstead on a resulting
 24 combination than that
 25 allowed prior to the
 26 combination.

1-22-86
* Section 1. AS 38.05.00(b)(7) is amended to read:

(b) The commissioner may

(7) waive, postpone, amend, or otherwise modify the development requirements of a contract for the sale of agricultural land as contained in a farm conservation plan on a finding under AS 38.05.064 that [IF]

(A) such waiver, postponement, amendment, or modification would tend to promote the more efficient and economical development of agriculture within the state [THE LAND IS INACCESSIBLE BY ROAD]; or [AND]

(B) transportation, marketing, or [AND] development costs render the required development uneconomical.

* Section 2. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS. (a) The commissioner may allow a person who has purchased a parcel of agricultural land under this chapter that is part of an agricultural development project to split the parcel by selling portions of the parcel or to combine it with other parcels.

(b) The total acreage of farmsteads resulting from a split or combination made under this section shall be no more than that allowed before the split or combination of parcels.

(c) The commissioner may not allow a parcel to be split or combined under this section unless

(1) the commissioner makes a written finding that the proposed split or combination is necessary to promote the public interest; in making this determination the commissioner shall consider whether the split or combination will encourage development of the state's agricultural resources, prevent economic waste, encourage instate agricultural products at a competitive market price, and assist in gaining agricultural self-sufficiency for the state;

(2) for each parcel resulting from a split or combination, an amended contract for the sale of agricultural land is to be entered into with the state and approved by the commissioner;

(3) the application for the split or combination of parcels designates an operator for each of the proposed resulting parcels;

(4) the commissioner provides public notice of, and an opportunity for a hearing and written comment regarding, a proposed split or combination; and

(5) the commissioner makes available to the public a written explanation of the proposed split or combination, information on how to obtain a copy of the application on the proposed split or combination, and the proposed amended contract for the sale of agricultural land.

(d) The commissioner may adopt regulations to implement this section.

PREPARED BY DAVE CREEKMAN ON

1-22-86

Bradley #2
3/3/86

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 155 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the splitting and combining of
7 agricultural parcels."

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

9 * Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.064. SPLITTING AND COMBINING OF AGRICULTURAL PARCELS.

11 (a) The commissioner may allow a person who has purchased a parcel of
12 agricultural land under this chapter that is part of an agricultural
13 development project to split the parcel by selling portions of the
14 parcel or to combine it with other parcels by purchasing a parcel from
15 a private seller.

TRANSFER OF ALL RIGHTS AND TITLE

16 (b) Only conveyed land may be split under this section and no
17 more than one farmstead may be maintained for each 320-acre parcel
18 resulting from the split. If parcels are combined and each approved
19 development plan must be amended to accommodate the combination, there
20 is no limit on the size of the resulting parcel, but no more than one
21 farmstead may be maintained on the resulting parcel. A farmstead may
22 not exceed 20 acres.

23 (c) The commissioner may not allow a parcel to be split or
24 combined under this section unless

25 (1) the commissioner makes a written finding that the
26 proposed split or combination is necessary to promote the public
27 interest; in making this determination the commissioner shall consider
28 whether the split or combination will encourage development of the
29 state's agricultural resources, prevent economic waste, and protect

1 all interested parties including the state;

2 (2) for each parcel resulting from a split or combination,
3 an agricultural development agreement is entered into with the state
4 and approved by the commissioner;

5 (3) the application for the split or combination of parcels
6 designates an operator for each of the proposed resulting parcels;

7 (4) the commissioner provides public notice of, and an
8 opportunity for a hearing and written comment regarding, a proposed
9 split or combination; and

10 (5) the commissioner makes available to the public a writ-
11 ten explanation of the proposed split or combination, information on
12 how to obtain a copy of the application for the proposed split or
13 combination, and the proposed agricultural development agreements.

14 (d) The commissioner may adopt regulations to implement this
15 section.

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FEB 19 1985

 *
 * DELIVER TO: LIOJ *
 *
 * ORIGINAL *
 * SENT: 02/18/85 TIME: 16:42 *
 * FROM: VERNITA VESTAL *
 * SUBJECT: POM *
 * PRINT DATE: 02/18/85 TIME: 16:42 *
 *

TO: SEN. ABOOD, DEVRIES, FAIKS, V. FISCHER, HALFORD,
 JOSEPHSON, KELLY, KERTTULA, RODEY, ~~STURGELEWSKI~~

 REP. BOUCHER, CLOCKSIN, COLLINS, COTTEN, FURNACE,
 GRUENBERG, HANLEY, JENKINS, MARTIN, PEARCE, PETTYJOHN,
 PHILLIPS, PIGNALBERI, POURCHOT, RIEGER, SZYMANSKI, AND
 UEHLING

 SEN. ELIASON, BENNETT, FAHRENKAMP, ZHAROFF, RAY
 REP. FULLER, M. MIKE MILLER (JNU), HURLEY, RINGSTAD,
 GRUSSENDORF

 REP. HERRMANN, SHULTZ, WALLIS, SUNO, THOMPSON, CATO
 SEN. COGHILL

RE: SB 155

 FROM: SHERWIN A. START
 320 MCCARREY ST. C
 ANCHORAGE, AK. 99504 (H) 337-8988

RE: SB 155

THE EXISTING TITLE 38 IS WRITTEN WELL ENOUGH TO COVER ALL
 EVENTUALITIES OF SUBDIVISION OF AGRICULTURAL LAND. LEAVE WELL
 ENOUGH ALONE!!



1
 1



RECORDS CERTIFICATION



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

James A. Smith
Signature of Camera Operator

11/24/89
Date

SB

164

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTY C. FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUGH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Senate Committee on Resources

M E M O R A N D U M

March 5, 1985

TO: All Members
Senate Resources Committee

FROM: Staff *H*
Senate Resources Committee

RE: Sponsor Substitute for Senate Bill 164 "An Act relating to
surety for collection of wages and payment."

Sponsor Substitute for Senate Bill 164 would amend AS 16.10.290 and raise the surety bond for fish processors and primary fish buyers from the present \$10,000.

The bill raises the bond to \$20,000 for fish processors and primary fish buyers who have been licensed for five years. For those who have held a license for less than five years, the bond would be raised from \$10,000 to \$100,000.

The Department of Labor states that the bond would apply to all fish buying locations; therefore, one company with multiple locations would be required to have a bond for each location. A floater/processor would be required to have two bonds - one for buying fish and one for processing fish.

The surety bond running to the State of Alaska is designed to protect (1) all persons furnishing labor to a fish processor or primary fish buyer, including contractual employee benefits; and (2) independent registered commercial fisherman for the price of the raw fishery resource purchased from them.

Upon certification by the commissioner of the Department of Labor that the person applying has met the requirements of AS 16.10.290, the Department of Revenue may issue a license (AS 43.75.020) to that person to engage in the business of fish processing or primary fish buyer. Following these two steps, the Department of Fish and Game may issue the fish tickets.

A similar, although not identical bill (HB 227), has been introduced in the House.

There is a zero fiscal note from the Department of Revenue.

Included in the packet are:

1. A Department of Labor bill analysis and fiscal note;
2. A Department of Revenue bill analysis and fiscal note;
3. A Department of Fish and Game bill analysis;
4. An Alaska Legal Services Corporation letter discussing need for higher bond limit; and
5. An Alaska Legal Services Corporation memo discussing problems of Quinhagak and Elim fishermen.

Bill No. Sponsor Substitute for Senate Bill No. 164

Title "An act relating to surety for collection of wages and payment."

Date March 5, 1985

Contact: Eileen Plate
465-2700
Robert J. Bacolas
465-4870

This bill provides for an increase in the bonding requirements for fish processors and primary fish buyers, and appears, therefore, to be designed to assure that sufficient security is available to satisfy claims which may be filed against the bond.

The Department of Labor's experience during the past two years reflects that the current \$10,000 bond was insufficient in nearly 75% of the cases where a permit holder was required to sue against a bond for payment for raw fish. In most of these cases a \$50,000 to \$100,000 bond would have been necessary to cover the claims. Accordingly, strictly from the standpoint of the adequacy of the bond, the increase proposed in this bill appears appropriate.

The Department feels the seafood industry itself is in a better position to address the economic implications of the bonding increase. However, we do have some concern that if large numbers of fish processors and buyers are not able to qualify for the increased bonding, it could result in a proliferation of processors and buyers with no bonding at all.

This legislation would not have a fiscal impact on the Department of Labor.

APPROVED:



Jim Robison, Commissioner
Department of Labor

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SS for SB 164
 Title: "An Act relating to surety
 for collection of wages..."
 Sponsor: Coghill and Sackett
 Requestor: Senate Resource & Finance
 Date of Request: 3/5/85

FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Public
 Protection
 BRU, Program or Subprogram(s) Affected: Labor Standards & Safety
 Wage & Hour Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: ^{JB} Robert J. Bacolas
 Division: Labor Standards & Safety

Phone: 465-4870

Date: 3/5/85

Approved by Commissioner: Jim Robison
 Agency: Labor

Date: 3/5/85

Distribution (by Agency preparing fiscal note):

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

7/1/84



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Revenue	DIVISION Public Services	BILL NUMBER HB227 / SB164	SPONSOR Binkley
DEPARTMENT POSITION Neutral			
PREPARED BY Sally Smith <i>Sally Smith</i>	DATE 2-27-85	COMMISSIONER'S SIGNATURE <i>Walter R. Anderson</i>	DATE 3/4/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL The Department of Labor	CONSTITUENT GROUP(S) AFFECTED BY BILL Fisheries Businesses
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Unknown

ANALYSIS OF BILL/PROGRAM EFFECTS

This bill raises the bond amount on the fisheries surety bond which guarantees wages for processing workers and the purchase price of fish to fishermen.

The raise in bonding amount will raise the bond premium which could adversely impact smaller fisheries.

AMENDMENTS PROPOSED

We suggest that the bond amount be based on a percentage of the dollar amount of fish purchases. This could be set on the prior year purchases or current year estimate.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB227
Title: An Act relating to fish processors and primary fish buyers
Sponsor: Binkley
Requestor: HSC on Fisheries
Date of Request: 2-27-85

FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Revenue Collections and Management
BRU, Program or Subprogram(s) Affected: Public Services - Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Sally Smith, Director Phone: 465-2392
Division: Public Services Date: February 27, 1985

Approved by Commissioner: [Signature] Date: 3/1/85
Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: SB164
 Title: An Act relating to surety for collection of wages and payments
 Sponsor: Coghill and Sackett
 Requestor: Resources
 Date of Request: February 21, 1985

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: Revenue Collections and Management
 BRU, Program or Subprogram(s) Affected: Public Services - Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

Prepared By: Sally Smith, Director
 Division: Public Services

Phone: 465-2392
 Date: February 25, 1985

Approved by Commissioner: *Sharon G. Stucke*
 Agency: Department of Revenue

Date: 2/26/85

MAR 1 1985

Fiscal Note SB164
February 25, 1985
Page 2

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER SB 164	SPONSOR Coghill
DEPARTMENT POSITION Neutral			
PREPARED BY Robert C. Clasby	DATE 3/4/85	COMMISSIONER'S SIGNATURE <i>Steven Pennington</i>	DATE 3/5/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Dept. of Labor	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial Fishermen Unknown
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

There have been some complaints that the present bond level is no longer adequate to cover owed wages or purchases, particularly with increased wages and ex-vessel fish prices. The bill seems to be an attempt to rectify the problem.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill will have no program effects on ADF&G.
The \$100,000 limit may not be high enough to cover owed monies by larger processors and excessive for small processors.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Phil Buehler

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
POST OFFICE BOX 248
BETHEL, ALASKA 99559
TELEPHONE 343-2238

December 20, 1984

Bob Charles
Assistant to Rep. John Binkley
Bethel, Alaska

Re: Meeting of December 20

Dear Bob;

Thanks for the opportunity to meet with you personally about the needs which we see for legislative changes which could help the people on the Yukon-Kuskokwim Delta. Here are four suggestions which we can make to Rep. Binkley.

1. It is necessary to tighten restrictions on fish buyers who do business in Alaska in order to protect fishermen and other buyers.

John Binkley attended a meeting in Quinhagak in October where local fishermen discussed their problems caused by a fish buyer who received fish from them but did not pay for the fish. The buyer was Phil Leshner, and he has since filed for bankruptcy in Oregon. The bankruptcy papers show that Leshner had several court judgments against him. He owed money to other fishermen and other fish buyers. We had already learned that earlier in the year his bond had expired. Here are some things which might be done.

First, deny all operating rights to buyers who have outstanding fishermen's liens against them. This will not stop dishonest people who are buying fish in Alaska for the first time, but it will stop them from returning year after year unless they are willing to pay their debts.

It would work like this. Right now, fishermen who are owed money from a buyer can file a lien under AS 34.35.391. This is filed in the local recorder of deeds office. This section of the law could be amended to require the recorder of deeds to send copies of such liens to the Department of Fish and Game; the Department of Fish and Game would then deny approval of the Intent to Operate, and refuse to approve issuance of fish tickets. When the applicant showed that the liens had been released, then the Department would issue the necessary papers to buy fish in Alaska.

Bob Charles
December 20, 1984
Page Two

This system would help prevent deadbeats from getting receiving permissions to operate.

Second, the bond for fish buyers should be raised from \$10,000 to \$75,000. I do not know what current regulations are in this area, but I think that the Department of Fish and Game should evidence in advance that the fish buyer has paid in full the permiums for a bond which will be effective at least through December 31 of the current year. These two bonding modifications would help protect other fish buyers, as well.

2. The Commercial Fisheries Entry Commission or the State Legislature should make some rule to cover a situation where a permit holder dies leaving a minor to inherit the permit.

This situation is causing a lot of headaches in Alaska Legal Services. Typically, a young man who has a small child dies in an accident. Either the man is divorced, widowed, or dies with his wife in the same accident; the permit holder and the mother of the child might not be married at all. In the absence of a surviving wife, the minor child is left as the only heir.

The net result is a mess. The child cannot fish with the permit because he or she is too young. The Commission will allow the permit to be transferred to somebody else on an emergency basis for only one year; this means that nobody can use the permit until the child is grown, except for that one year. The Superior Court appoints a personal representative for the deceased permit holder, who is authorized to take care of the decedent's property; however, the court does not want to hold the probate case open for 14 or 16 years while the minor is growing up. The court wants to close the case within a year or two, and closing the case and the authority of the personal representative. The permit absolutely cannot be transferred with the promise that the buyer will return it at the end of a year; such restrictions are completely illegal. The only thing left for the family is to sell the limited entry permit, and, of course, nobody wants to do that. The permit is often the family's only source of income.

The law must be modified to allow the minor heir to take the permit when he or she is old enough, and to allow someone to use the permit while the minor is growing up. Often the permit is the family's only substantial asset, and its only means of earning a living. Some agency, either the court or the Commission, will have to bear the administrative burden of supervising the permit for possibly 18 years. However, it is more desirable for a state agency to alter its procedures than it is for the family to do with the permit.

Bob Charles
December 20, 1984
Page Three

Something must be done on this question.

3. The Commercial Fisheries Entry Commission or the State Legislature should make some rule changes to cover the case where a permit holder dies and leaves two or more heirs with equal claims to the permit.

The Bethel office has had several such cases in its office. Here, the permit holder dies without a will. The permit holder has two or three children, and there is no surviving wife. In this case, the children have exactly equal claims to the permit. The problem is that a permit cannot be divided or leased. If there is any transfer, it must be sold outright with no restrictions. Only one natural person can hold a permit, but two children end up with equal claims to it. The permit can be sold and the money divided between the children, but of course the family does not want to give up the permit. Again, the permit is often the only source of family income.

I do not know what to do in cases like this. My personal feelings are that a rule giving the permit to the oldest child is better than the rule we have now. However, I have not looked into the legality of such a rule. The Commission has more experience in dealing with a wide variety of fact situations in decedent's estate, and I would look to them for help.

4. The Bethel courts need an additional judge.

Many Bethel social service agencies met last November to discuss what gaps in service exist in Bethel and the Delta. The conference was organized by Suzanne Fenn at Kuskokwim Community College, and we met at the home of Bob and Diane Carpenter.

The participants concluded that one of the needs of this area is another Bethel judge. I do not know if a full Superior Court judge is necessary, but we need at least a District Court judge. I do not believe that a second magistrate for Bethel would be enough. There was a district judge seat created here few years ago, and the intent was that this judge would travel around villages. However, this did not work out. I believe that the reason was that most of the cases would be settled by the time that the district judge made it out to the village, making the travel unnecessary.

Bob Charles
December 20, 1984
Page Four

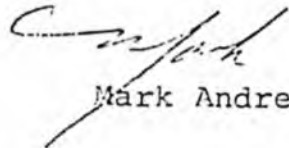
My impression now is that there is enough work in the Bethel area to keep a second judge busy. I donnot know if part-time judicial positions can be created, but this might be considered.

Those are my suggestions. Again, thanks very much for the opportunity to talk with you.

Good luck in Juneau, and a Merry Christmas to you and Johne.

Very truly yours,

ALASKA LEGAL SERVICES CORPORATION



Mark Andrews

MA/fa

cc: Robert Hickerson, ALSC

ALASKA LEGAL SERVICES CORPORATION

MARK ANDREWS

12/20/84

LEGISLATIVE CONTACTS: DON COOPER, CHIEF COUNSEL (276-6282)
MICHEAL STURM, CONTROLLER
ROBERT DICKERSON, EXECUTIVE DIRECTOR (DOES LOBBYING)
ISSUES: (REFER TO LETTER)

1. RESTRICTION ON FISH BUYERS.

THERE IS A PROBLEM WITH FISH BUYERS NOT PAYING THE FISHERMEN IN QUINHAGAK AND ELIM.

THERE ARE 42 FISHERMEN IN QUINHAGAK--\$16,000 EST. OWED TO FISHERMEN

\$4,000 -- \$5,000 OWED TO 20 EMPLOYEES WHO ARE PAID
COMMISSIONS/SALARIES/RENT.

THERE ARE 15-16 FISHERMEN IN ELIM -- \$9,000 TO \$11,000 OWED TO FISHERMEN

SOME WAGES ARE ALSO OWED TO EMPLOYEES.

FISH BUYERS BOND SHOULD COVER THE ENTIRE FISHING SEASON. PREMIUMS SHOULD BE FOR THE WHOLE
CALENDAR YEAR.

2. PERMIT HOLDER INHERITANCE -- ONE HEIR.

3. PERMIT HOLDER INHERITANCE -- TWO OR MORE HEIRS.

THERE ARE 5 CASES (#2 ABOVE), 3 CASES (#3 ABOVE) BEING PROCESSED BY THE BETHEL ALS OFFICE.
THE LIMITED ENTRY COMMISSION IS NOT DEALING WITH THE PROBLEM. THE PERMIT IS BEING HELD AND
IS NOT ABLE TO BE USED. SOMEONE IN THE FAMILY SHOULD BE ABLE TO USE IT DURING THE SEASON.
FOR MINORS, THE PROBLEM IS HAVING TO HANDLE THE CASE UNTIL THE MINOR COMES OF AGE.

DETERMINE THE IMPACT ON THIS PROBLEM IN OTHER AREAS OF THE STATE (ACQUIRE STATISTICS FROM
OTHER ALS OFFICES.) LOOK AT THE RESTRICTIONS ON LIMITED ENTRY PERMITS (AS16.43.140-182,
20AAC05.700-770) REFER TO RESEARCH AGENCY ON THE LEGAL ASPECTS ON THE LIMITATIONS ON THE
PERMITS.

OPERATING NEEDS:

1. MAINTAIN 3RD ATTORNEY POSITION.

CURRENTLY HAS 3 ATTORNEYS PLUS ONE PART-TIME. 180-210 CASES ARE BEING PROCESSED AT ANY
GIVEN TIME. THE OFFICE HANDLES 1800 NATIVE ALLOTMENT OPEN CASES. BETHEL ALS IS LOSING ONE
ATTORNEY POSITION. NO MONEY TO JUSTIFY IT. THE FAIRBANKS AND BETHEL OFFICES ARE IN TIGHT
SITUATIONS. (DETERMINE ORGANIZATIONAL STRUCTURE--STAFFING & EQUIPMENT PRIORITIES.) THE
CASE LOAD CAN JUSTIFY KEEPING THE 3RD ATTORNEY POSITION.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1986

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

Jeanie Henry

SENATE RESOURCES COMMITTEE, 3/6/85, 1:40
" " 4/3/85, 1:35

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-1715

Box 158
Nenana, Alaska 99760
(907) 852-5171

March 4, 1985



FROM: Senator Coghill
TO: Senate Resources Committee
RE: SB 164

The need for an increase in the current fish surety bond level required under AS 16.10.290(b) of \$10,000 was brought to my attention by constituents in my district.

Many Interior fishermen have been defrauded by disreputable fish buyers. Many of them by the same buyer. This results in fishermen who remain uncompensated for the only source of income they have. Once potential claimants learn that other defrauded fishermen have filed they are less inclined to file because they know the bond has been exhausted.

Specifically, the partnership of Edmund Lord and Henry Ketzler in Nenana lost \$50,000 this past summer. They did not file a claim because they knew of another fisherman who lost money and beat them to the punch and filed a claim. The bond amount was then depleted in one claim.

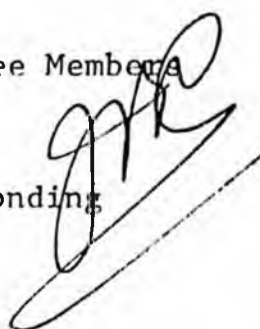
Many fishermen rely on customary practices of the fish business and allow fish buyers to pay them after delivery. Many operate without written contracts. I will not pass judgement on this. The point is we can increase our existing protections to them by increasing the bond to a level that works in reality.

I believe the bill is flexible to accomodate different levels of fish processors and buyers. My staff has talked with a local surety bond company and according to its representative surety bonding payment levels are individually rated and depend on the financial condition and the experience of the person. No bond is required if the fish buyer or processor has more than \$20,000 in lienable property within the state.

I urge the committee's support on this increase.

MEMORANDUM

TO: Senate Resource Committee Members
FROM: Senator Coghill
RE: CSSB 164, Fish Surety Bonding
DATE: April 3, 1985



CSSB 164 addresses the need to protect fishermen from inadequate fish surety bonds. Presently, the bond level requirement is \$10,000. This amount has proven to be less than many of the typical wage claims against the bond.

In order to protect fishermen's wages and promote reputable fish buys, a two-tier approach is offered to solve the problem.

A \$20,000 surety bond is available for resident and nonresident fish buyers and processors who comply with AS.16.10.290(b) and who have had a clean record for three years.

A \$100,000 bond is required of resident and nonresident fish buyers and processors who have had been adjudged liable on a claim; nonresidents applying for a license for the first time or nonresidents who have not yet established a clean record for three years.

A cash deposit or other negotiable security may be deposited with the Commissioner. The term of the bond shall be two years unless a claim is filed, then the bond term must be five years. If a fish processor or fish buyer has lienable property in the State greater than the bond amount, no bond is needed.

Wrangell
Ginda Schmitz
4/16/85 letter from

Sturgulewski

To: Senator

SENATOR DICK ELIASON

From the Office of

APR 16 1985

Senator Eliason,

APR 6 1985 page 1 of 2 pages

This is a copy of a letter I wrote to Rep. Binkley regarding (H.B. 227). I would appreciate your taking the time to read it. Sincerely,

April 2, 1985

Dear Mr. John Binkley, ^{Widda}

I observed the March 29th teleconference having to do with your house bill 227 asking to change the surety bond requirements for fish processor, buyers from \$10,000 to \$100,000.

This deeply concerns me. I've lived in Wrangell for 31 years. I'm in the process of starting a business of buying, freezing and marketing our Alaskan Prawns. I will be buying a maximum of 5,000 lb. of shrimp per month from 4 local fishermen. This involves one fishery and one process (freezing). A \$10,000 bond is reasonable for a small volume business. However, it is not right for my small volume business to pay the same bond amount as the large (full scale) companies who deal in larger volume, various fisheries, different methods of processing and retail. (bate, gear, ice, etc.)

If the federal government were to impose a flat tax to be the same for every working person, regardless of income level; would this be constitutional?

Is it the intent of H.B. 227 to set forth laws to protect the fishermen?

Is it the intention of H.B. 227 to Stamp-out small business?

page 2 of 2 pages
April 2, 1985 letter
to Mr. John Binkley
continued.

I feel the needs of both the fishermen and the processor can be addressed in this bill.

We are all vulnerable to the fly-by-nights who leave the country without paying their dues.

Someone has to be held accountable and I'm confident good lawmakers such as yourself will find a means of doing this.

This Bill needs to be written allowing for input from Alaskans involved in the fisheries. I feel, applications for processor, buyer permits should be reviewed individually and seriously. All processor, buyers should be bonded including those who pay cash. Bonding amounts should vary according to guide lines set forth and agreed upon by the special fisheries committee. Guide lines should be written into the bill, after considering testimony offered by Alaskans involved in the fisheries.

Thank-you for your time and patients.

Sincerely,

Sinda Schmitz

P.O. Box 47

Wrangell, AK 99929

Ph. (907-874-3755)

w/copies sent to:

Robin L. Taylor

John Suxd

Robert H. Ziegler Sr.

Andre Marrou

Peter Gell

Richard I. Eliason

Sec. 1. AS 16.10 is amended by adding new sections to read:

Sec. 16.10.285. NOTICE OF BONDED AND LICENSED OPERATORS.

(a) The Department of Labor shall provide to each primary fish buyer and fish processor that has met licensing and bonding requirements a certificate of bonding to be posted at each location operated by the primary fish buyer or fish processor. The certification of bonding shall specify the amount of the bond and that the primary fish buyer or fish processor has complied with the security bond requirements of AS 16.10.290 - 16.10.296.

(b) The primary fish buyer or fish processor shall post a copy of the business or fisheries business license along with a copy of the certificate of bonding at each location operated by the fish processor or primary fish buyer.

Sec. 16.10.286. INSPECTION OF LICENSES. Enforcement officers of the division of fish and wildlife protection shall regularly inspect fish processors and primary fish buyers for possession of proper licenses and compliance to AS 16.10.285.

Sec. 2. AS 16.10.290(b) is amended to read:

See attached

~~(b) The amount of the bond shall be \$20,000, except for a fish processor or primary fish buyer whose principals, with at least 10% ownership, has had a final judgement against them required to satisfy a claim filed against the bonds, cash deposits, or other security filed under this section, during any of the three years preceeding the year for which the bond is due: the amount of the bond shall be the amount of the final judgment or \$100,000, whichever is less. [\$10,000]. In lieu of the surety bond the fish processor or primary fish buyer may file with the commissioner a cash deposit or other negotiable security acceptable to the commissioner in the amount specified for the bond. If no claim is asserted under this section within two years from the date the bond, cash deposit or other security is filed, the term of the bond, cash deposit or other security shall be two years; if a claim has been asserted within two years, the term of the bond, cash deposit or other security shall be for five years.~~

Sec. 3. AS 16.10.290 (c) is amended to read:

(c) A person applying for a license as a fish processor or primary fish buyer who has less than the amount of the bond [\$10,000] in lienable

property in the state, with proof of the property satisfactorily made to the commissioner, shall file with the application a bond or other security as specified in this section. A [NO] bond is not required if the fish processor or primary fish buyer has more than the amount of the bond [\$10,000] in lienable property as specified in this subsection. An appraiser from the area of the state in which the lienable property is located may be used to determine the value of the property for purposes of this subsection.

* Sec. 2. AS 16.10.290(b) is amended to read:

(b) The amount of the bond shall be \$20,000, except that the amount of the bond shall be \$100,000 if (1) the fish processor or primary fish buyer, during any of the three years immediately preceding the year for which the bond is due, has been required as a result of a final judgment to satisfy a claim filed during those years against the bonds, cash deposits, or other security filed under this section; or (2) a principal with at least 10 percent ownership interest of the fish processor or primary fish buyer was a principal with at least a 10 percent ownership interest of another fish processor or primary fish buyer during any year, of the three years immediately preceding the year for which the bond is due, in which a claim filed against the bonds, cash deposits, or other security filed under this section that has resulted in a final judgment that required that other fish processor or primary fish buyer to satisfy the claim <\$10,000>.

In lieu of the surety bond the fish processor or primary fish buyer may file with the commissioner a cash deposit or other negotiable security acceptable to the commissioner in the amount specified for the bond. If no claim is asserted under this section within two years from the date the bond, cash deposit or other security is filed, the term of the bond, cash deposit or other security shall be two years; if a claim has been asserted within two years, the term of the bond, cash deposit or other security shall be for five years.

(c) A person applying for a license as a fish processor or primary fish buyer who has less than \$10,000 in lienable property in the state, with proof of the property satisfactorily made to the commissioner, shall file with the application a bond or other security as specified in this section. No bond is required if

Introduced: 2/22/85
Referred: House Special Committee
on Fisheries, Resources and Finance

1 IN THE HOUSE

BY BINKLEY

2

HOUSE BILL NO. 227

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to fish processors and primary fish
7 buyers."

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

9 * Section 1. AS 16.10 is amended by adding new sections to read:

10 Sec. 16.10.285. NOTICE OF BONDED AND LICENSED OPERATORS. The
11 Department of Fish and Game shall maintain a list of fish processors
12 and primary fish buyers who have furnished to the department a written
13 statement of intent to operate. The list shall specify whether the
14 processor or buyer has complied with the security bond requirements of
15 AS 16.10.290 - 16.10.296 and has been issued a valid Alaska Business
16 License or Fisheries Business License by the Department of Revenue.
17 The list shall note the processor's or buyer's standing, if any, with
18 the Alaska Better Business Bureau and membership in a chamber of
19 commerce in the state. The Department of Fish and Game shall, at the
20 beginning of each commercial fishing season,

21 (1) publish the list in a newspaper of general circulation
22 that serves each area of the state in which the fish processors and
23 primary fish buyers have stated an intent to operate; and

24 (2) distribute copies of the list to the offices of local
25 governments and village councils and to fishermen's associations in
26 the areas of the state in which the fish processors and primary fish
27 buyers have stated an intent to operate.

28 Sec. 16.10.286. INSPECTION OF LICENSES. Enforcement officers of
29 the division of fish and wildlife protection shall regularly inspect

1 fish processors and primary fish buyers for possession of proper
2 licenses.

3 * Sec. 2. AS 16.10.290(b) is amended to read:

4 (b) The amount of the bond shall be \$100,000 [\$10,000]. In lieu
5 of the surety bond the fish processor or primary fish buyer may file
6 with the commissioner a cash deposit or other negotiable security
7 acceptable to the commissioner in the amount specified for the bond.
8 If no claim is asserted under this section within two years from the
9 date the bond, cash deposit or other security is filed, the term of
10 the bond, cash deposit or other security shall be two years; if a
11 claim has been asserted within two years, the term of the bond, cash
12 deposit or other security shall be for five years.

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14 (c) A person applying for a license as a fish processor or
15 primary fish buyer who has less than \$100,000 [\$10,000] in lien-able
16 property in the state, with proof of the property satisfactorily made
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18 security as specified in this section. A [NO] bond is not required if
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20 [\$10,000] in lienable property as specified in this subsection. An
21 appraiser from the area of the state in which the lienable property is
22 located may be used to determine the value of the property for
23 purposes of this subsection.

Fish Buyers

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION

POST OFFICE BOX 248
BETHEL, ALASKA 99556
TELEPHONE 543-2238

December 20, 1984

Bob Charles
Assistant to Rep. John Binkley
Bethel, Alaska

Re: Meeting of December 20

Dear Bob;

Thanks for the opportunity to meet with you personally about the needs which we see for legislative changes which could help the people on the Yukon-Kuskokwim Delta. Here are four suggestions which we can make to Rep. Binkley.

1. It is necessary to tighten restrictions on fish buyers who do business in Alaska in order to protect fishermen and other buyers.

John attended a meeting in Quinhagak in October where local fishermen discussed their problems caused by a fish buyer who received fish from them but did not pay for the fish. The buyer was Phil Lesher, and he has since filed for bankruptcy in Oregon. The bankruptcy papers show that Lesher had several court judgments against him. He owed money to other fishermen and other fish buyers. We had already learned that earlier in the year his bond had expired. Here are some things which might be done.

First, deny all operating rights to buyers who have outstanding fishermen's liens against them. This will not stop dishonest people who are buying fish in Alaska for the first time, but it will stop them from returning year after year unless they are willing to pay their debts.

It would work like this. Right now, fishermen who are owed money from a buyer can file a lien under AS 34.35.391. This is filed in the local recorder of deeds office. This section of the law could be amended to require the recorder of deeds to send copies of such liens to the Department of Fish and Game; the Department of Fish and Game would then deny approval of the Intent to Operate, and refuse to approve issuance of fish tickets. When the applicant showed that the liens had been released, then the Department would issue the necessary papers to buy fish in Alaska.

Rob Charles
December 20, 1984
Page Two

This system would help prevent deadbeats from getting receiving permissions to operate.

Second, the bond for fish buyers should be raised from \$10,000 to \$75,000. I do not know what current regulations are in this area, but I think that the Department of Fish and Game should evidence in advance that the fish buyer has paid in full the permiums for a bond which will be effective at least through December 31 of the current year. These two bonding modifications would help protect other fish buyers, as well.

2. The Commercial Fisheries Entry Commission or the State Legislature should make some rule to cover a situation where a permit holder dies leaving a minor to inherit the permit.

This situation is causing a lot of headaches in Alaska Legal Services. Typically, a young man who has a small child dies in an accident. Either the man is divorced, widowed, or dies with his wife in the same accident; the permit holder and the mother of the child might not be married at all. In the absence of a surviving wife, the minor child is left as the only heir.

The net result is a mess. The child cannot fish with the permit because he or she is too young. The Commission will allow the permit to be transferred to somebody else on an emergency basis for only one year; this means that nobody can use the permit until the child is grown, except for that one year. The Superior Court appoints a personal representative for the deceased permit holder, who is authorized to take care of the decedent's property; however, the court does not want to hold the probate case open for 14 or 16 years while the minor is growing up. The court wants to close the case within a year or two, and closing the case and the authority of the personal representative. The permit absolutely cannot be transferred with the promise that the buyer will return it at the end of a year; such restrictions are completely illegal. The only thing left for the family is to sell the limited entry permit, and, of course, nobody wants to do that. The permit is often the family's only source of income.

The law must be modified to allow the minor heir to take the permit when he or she is old enough, and to allow someone to use the permit while the minor is growing up. Often the permit is the family's only substantial asset, and its only means of earning a living. Some agency, either the court or the Commission, will have to bear the administrative burden of supervising the permit for possibly 18 years. However, it is more desirable for a state agency to alter its procedures than it is for the family to do with the permit.

Bob Charles
December 20, 1984
Page Three

Something must be done on this question.

3. The Commercial Fisheries Entry Commission or the State Legislature should make some rule changes to cover the case where a permit holder dies and leaves two or more heirs with equal claims to the permit.

The Bethel office has had several such cases in its office. Here, the permit holder dies without a will. The permit holder has two or three children, and there is no surviving wife. In this case, the children have exactly equal claims to the permit. The problem is that a permit cannot be divided or leased. If there is any transfer, it must be sold outright with no restrictions. Only one natural person can hold a permit, but two children end up with equal claims to it. The permit can be sold and the money divided between the children, but of course the family does not want to give up the permit. Again, the permit is often the only source of family income.

I do not know what to do in cases like this. My personal feelings are that a rule giving the permit to the oldest child is better than the rule we have now. However, I have not looked into the legality of such a rule. The Commission has more experience in dealing with a wide variety of fact situations in decedent's estate, and I would look to them for help.

4. The Bethel courts need an additional judge.

Many Bethel social service agencies met last November to discuss what gaps in service exist in Bethel and the Delta. The conference was organized by Suzanne Penn at Kuskokwim Community College, and we met at the home of Bob and Diane Carpenter.

The participants concluded that one of the needs of this area is another Bethel judge. I do not know if a full Superior Court judge is necessary, but we need at least a District Court judge. I do not believe that a second magistrate for Bethel would be enough. There was a district judge seat created here few years ago, and the intent was that this judge would travel around villages. However, this did not work out. I believe that the reason was that most of the cases would be settled by the time that the district judge made it out to the village, making the travel unnecessary.

Bob Charles
December 20, 1984
Page Four

My impression now is that there is enough work in the Bethel area to keep a second judge busy. I donnot know if part-time judicial positions can be created, but this might be considered.

Those are my suggestions. Again, thanks very much for the opportunity to talk with you.

Good luck in Juneau, and a Merry Christmas to you and Johne.

Very truly yours,

ALASKA LEGAL SERVICES CORPORATION



Mark Andrews

MA/fa

cc: Robert Hickerson, ALSC

Senator John B. (Jack) Coghill

Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-1745

Box 458
Nenana, Alaska 99760
(907) 832-5171

March 4, 1985



FROM: Senator Coghill
TO: Senate Resources Committee
RE: SB 164

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I urge the committee's support on this increase.

- { POSITION Paper - } LABOR
{ FISCAL NOTE - }

OK POSITION Paper } Rev
FISCAL NOTE }

~~Gov~~
~~off~~
3500 (BILL ANALYSIS)
RAY Gillespie } Coghill's
office
-Elizabeth

LABOR

BILL ANALYSIS } FYG
to come }

} SACKETT
MARK
EARST

Q. Are people
buying fish in
the store without
a bond of any
kind?

Q. What are
requirements of
bonding - who
could qualify?