

ALASKA LEGISLATURE
COMMITTEE REPORT

1907-1908

4327
SRES
HB 312 - HB 353

9081

JAMES B. GOTTSTEIN
ATTORNEY AT LAW
406 G STREET, SUITE 206
ANCHORAGE, ALASKA 99501
19071 274-7686

March 5, 1986

The Honorable Edna DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Admendent to HB 312

Dear Senator DeVries:

Representative Peter Goll has asked that I write you a letter regarding the position of the Alaska Mental Health Association et al, Intervenors in the Weiss v. State lawsuit regarding the attached (a) Amendment to HB 312, and (b) March 4, 1986 proposed letter from Robert Arnold to yourself.

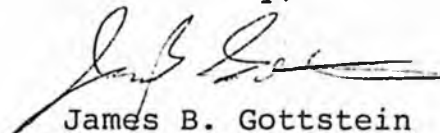
I must note that Mr. David T. Walker is also participating in the Mental Health Lands lawsuit as the attorney for the original Plaintiffs. Thus, you will probably want his reaction for the record as well. I have discussed this matter with him and I believe we are in complete accord.

This is to advise you that we do not have any objection to the above referenced Amendment with the letter from Robert Arnold. However in so stating I feel it is important to make two points. One, in the event that we cannot accept the appraisal, we of course, have the option to dispute it and two, under general principles of the duties of fiduciaries, it does not appear why the State, as Trustee, would ever make a trade where it was only as well off as it was before, other than to be "a good guy".

Notwithstanding, the second point, we do not object to the proposed Amendment. However, if the language was changed so that the lands to be received by the Trust would have to have "greater potential for generating revenues as the mental health trust lands contained in the parcels described in AS 16.20.031(d) above." I think we could wholeheartedly support it.

I hope this has been helpful to you.

Yours truly,



James B. Gottstein

JBG:ls
cc: Representative Goll
David Walker
G. Thomas Koester

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 2/12/86

REQUEST

Bill/Resolution No.: HB 312
 Title: Establish Dude Creek CHA

Sponsor: Goll, Duncan, M.M. Miller, Binkley
 Requestor: Senate, C&RA
 Date of Request: 02/11/86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land and Water Management

Components: Public Use

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	15.0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Section 2 of the bill provides for replacement of about 3900 acres of mental health trust land inside the Critical Habitat Area with an equal value of General Grant Land. To effect this replacement the department must appraise the mental health Land. It is estimated that \$7500 will be needed to appraise the

Prepared by: Michael E. Vediner Phone: 465-2400
 Division: Land and Water Management Date: 2-12-86

Approved by Commissioner: Wm D James, Deputy Date: 2/12/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

MIKE VEDINER
~~Bob ARNOLD~~ FROM DNR
WILL BE THERE.

Rep GOLL WILL MAKE
PRESENTATION AND
OFFER AMENDMENTS ON
MENTAL HEALTH LANDS
TRADE (~~page~~^{LAST PAGE} OF PACKET)

BILL IS DESIGNED TO
PROTECT SAND HILL CRANES
THAT MIGRATE THROUGH
AREA EACH Spring + Fall

BILL CAN AID TOURISM IN
AREA.

GOTTSTEIN LTR SAYS
NO OBJECTION IF
THEY AGREE WITH
APPRAISAL -



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

MEMORANDUM

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 22, 1986

TO: Senator Frank Ferguson, Vice Chair
Senator Arliss Sturgulewski
Senator Jack Coghill
Senator Vic Fischer

FROM: Committee Staff

SUBJECT: CS HB 312 (Fin) An Act establishing Dude Creek Critical
Habitat Area
CS SB 356 (SA) Election Campaign Financing & the APOC
COMMITTEE MEETING HELD March 6, 1986

Attached is a copy of the minutes of the subject committee meeting.

Senate Community & Regional Affairs
Standing Committee
March 6, 1986
3:40 p.m.

Members Present:

Senator Edna DeVries, Chair
Senator Frank Ferguson, Vice Chair
Senator Jack Coghill
Senator Vic Fischer
Senator Arliss Sturgulewski

COMMITTEE CALENDAR

HB 312 An Act establishing Dude Creek Critical Habitat Area

CS HB 312 (Fin) An Act establishing Dude Creek Critical
Habitat Area

WITNESS REGISTER

Rodger Painter
Aide to Representative Goll
Alaska Legislature
Pouch V
Juneau, Alaska 99811
Statement: Explained the purposes of HB 312.

Bruce Baker, Deputy Director
Habitat Division
Dept. of Fish and Game
PO Box 3-2000
Juneau, Alaska 99801
Phone: 465-4105
Statement: Supported HB 312.

Scott Highleyman
Alaska Environmental Lobby
204 N. Franklin, Ste. 3
Juneau, Alaska 99801
Phone 586-2345
Statement: Supported HB 312

Mike Vediner
Dept. of Natural Resources
PO Box M
Juneau, Alaska 99811
Phone: 465-2400
Statement: Supported bill and amendments proposed by
Representative Goll.

PREVIOUS ACTION

This was the first Committee hearing on HB 312.

TAPE ONE SIDE ONE Number 000

A meeting of the Community & Regional Affairs Committee was called to order at 3:40 p.m. with all member Senators present.

Number 016

Rodger Painter, Legislative Aide to Representative Goll, explained the purposes of CS HB 312 (Fin). The bill represents a land use decision by the community of Gustavus which was worked on with the Alaska Dept. of Fish and Game. He said the bill would allow for economic development of the tourism industry and also allows for existing uses such as grazing, berry picking and firewood cutting within the habitat area. The bill also provides that replacement mental health trust lands shall be of equal appraised value to the State mental health land in the habitat area.

Number 176

Bruce Baker, Habitat Division, Dept. of Fish and Game, supported of the bill. He said the bill would help a small community achieve goals it had identified.

Number 232

Scott Highleyman, Alaska Environmental Lobby, testified in support of the bill.

Number 287

Mike Vediner, Dept. of Natural Resources, supported the bill and the amendments proposed by Representative Goll.

Number 321

Senator Coghill asked if the bill set up a precedence to provide for a mental health trust land exchange everytime a wildlife refuge is established.

Number 332

Mike Vediner responded that in every instance the Department would not be in a position to agree that the State could locate and exchange land of a higher revenue generating capability for mental health land. The

Department is comfortable that in this case it could be done.

Number 352

Senator Coghill commented that the mental health land issue throughout the State had not been resolved. He was concerned that resolution of the mental health trust lands problem was being addressed in a case by case fashion.

Number 382

Senator Sturgulewski was concerned that in the case of the subject bill it sets up future resolution of the mental health trust land and the value of replacement or exchanged land. She said an alternative was for nothing to happen until there's a resolution.

Number 400

Mike Vediner said the Department views the effect of the bill would be to contract with the money in the fiscal note for a fair market evaluation appraisal. "By the nature of the appraisal business, the Department will have to depend on that expert certifying that the numbers we receive for the replacement lands and the mental health lands are of equal value. Otherwise, we would have to come back before this body to finalize the replacement. In receiving that information from our appraiser we will be effectively..we will have effectively 2 pieces of ground with arguably equal revenue generating potential."

Number 425

Senator Sturgulewski said the bill does take some knowing.

Number 439

Chair DeVries asked Mr. Vediner if the Department had a position on Mr. Gottstein's (attorney for the Alaska Mental Health Association etal) proposed language change to Representative Goll's amendment to the bill set forth in Mr. Gottstein's letter to her dated March 5, 1986. She gave him an opportunity to read the letter.

Number 456

Senator Coghill said, "we're sticking into statute something that's still transitory and hasn't been completed yet. I'm a little bit worried about it."

Number 468

Mike Vediner said the specific language proposed by Mr. Gottstein would trouble the Department because it would effect an unequal value exchange and if that were the case the Department would have to bring the matter back before the Legislature.

Number 513

Chair DeVries asked and was told by Rodger Painter, Legislative Aide to Representative Goll, that Representative Goll did not support the language proposed in Mr. Gottstein's letter. She stated the Committee would have a committee substitute bill prepared on HB 312.

Number 529

Chair DeVries announced that the Committee would continue its work session on SB 356, the election campaign financing bill.

Number 564

Avrum Gross reviewed the amendments previously adopted by the Committee.

Number 570

There was general discussion as Amendment #2.

Number 599

Senator Vic Fischer moved an amendment to Amendment #2 to take out the 4 words, "solicits a contribution, and", on page 20, line 24, and explained what it would do.

Number 601

Discussion continued on Amendment #2.

Number 714

Chair DeVries said that without objection Amendment #2 was adopted and asked the Committee to consider Amendment #7.

Number 740

Senator Vic Fischer moved the adoption of Amendment #7.

Number 741

Chair DeVries said Amendment #7, without objection, had been adopted. She called the Committee's attention to Senator Fischer's Amendments 13, 14 and 15.

Number 756

Senator Vic Fischer explained that Amendment #13 would remove the \$25,000 contribution limitation on PACs. He moved Amendment #13 and asked unanimous consent.

Number 800

The Committee discussed Amendment #13.

Number 810

Chair DeVries stated that Amendment #13, without objection, had been adopted.

TAPE 1 SIDE 2

Number 000

Susan Burke explained the rationale for terminating final campaign reports on a specific date. She thought 30 days came closer to meeting the desired goal.

Number 004

Senator Ferguson felt 30 days wasn't enough time for a governor's race.

Number 012

There was general discussion on reporting requirements in the bill.

Number 160

Senator Sturgulewski moved Amendment #14 with wording from Senator Fischer's and her proposed amendments and asked unanimous consent.

Number 162

Chair DeVries noted that without objection, Amendment #14 was adopted.

Number 188

There was general discussion on Amendment #15.

Number 267

Senator Vic Fischer moved adoption of Amendment #15, page 23, line 26, subsection (b), and asked unanimous consent.

Number 270

The Committee discussed Amendment #16.

Number 416

Senator Coghill moved that the Committee rescind from its previous adoption of Amendment #11, which had changed the disclosure requirement from \$250 to \$100. He explained the reason for his motion.

Number 438

Chair DeVries called for a vote. There was 1 yea and 3 nays and the motion failed.

Number 465

Senator Sturgulewski moved Amendment #16 which provided that wherever the bill said "\$100 or more", it would read "more than \$100".

Number 467

Amendment #16 was adopted without objection.

Number 503

Senator Sturgulewski moved the adoption of Amendment #17, regarding the filing of final election campaign reports, and asked unanimous consent.

Number 505

Amendment #17 was adopted without objection.

Number 507

There was general discussion on Amendment #18 concerning the certification of campaign reports.

Number 610

Senator Sturgulewski moved the adoption of Amendment #18 and asked unanimous consent.

Number 611

Amendment #18 was adopted without objection.

Number 619

There was general discussion on a possible amendment to place a deadline for closing campaigns.

Number 698

Senator Coghill asked that a committee substitute bill incorporating the amendments be prepared for consideration when the Committee next considers the bill.

Number 700

Chair DeVries said the Committee substitute would be prepared.

Number 720

Senator Sturgulewski requested Avrum Gross and Susan Burke to check the substitute bill for any possible inconsistencies resulting from the amendments.

Number 730

The meeting adjourned at 5:07 p.m.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FEB 13 1986
FISCAL NOTE

Revision Date: 2/12/86

REQUEST

Bill/Resolution No. : HB 312
 Title : Establish Dude Creek CHA

 Sponsor : Goll, Duncan, M.M. Miller, Binkley
 Requestor : Senate, C&RA
 Date of Request : 02/11/86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land and Water Management

 Components : Public Use

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	15.0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Section 2 of the bill provides for replacement of about 3900 acres of mental health trust land inside the Critical Habitat Area with an equal value of General Grant Land. To effect this replacement the department must appraise the mental health Land. It is estimated that \$7500 will be needed to appraise the

Prepared by: Michael E. Vediner Phone: 465-2400
 Division: Land and Water Management Date: 2-12-86

Approved by Commissioner: Wm D James, Deputy Date: 2/14/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

general grant Land, though this estimate is possibly less accurate because we do not know where the replacement Land will be located. These appraisals will be performed under contract.

410



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB312	SPONSOR Goll, Duncan, Miller, Binkley
DEPARTMENT POSITION Strongly Support			
PREPARED BY Habitat Division/Debra Clausen	DATE 4/2/85	COMMISSIONER'S SIGNATURE <i>Chris Collinsworth</i>	DATE 4-5-85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Community of Gustavus
ORGANIZATIONAL SUPPORT FOR BILL Community of Gustavus	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of establishing the Dude Creek Critical Habitat Area is to protect and enhance the wet meadow habitat that is the key roosting area for migrating lesser sandhill cranes, to protect lesser sandhill cranes, and for the continued public use and enjoyment of the area.

ANALYSIS OF BILL/PROGRAM EFFECTS

1. Establishes the Dude Creek Critical Habitat Area.
2. Identifies the purpose for which the area is established.
3. Provides for the management of the Dude Creek Critical Habitat Area including the development of a management plan.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

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4/10

HB 312

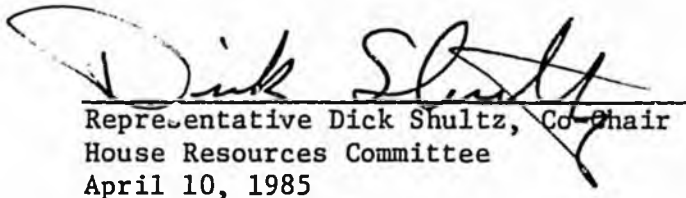
DUDE CREEK CRITICAL HABITAT AREA

Letter of Intent

It is the intent of the Legislature that surface vegetation and soils be maintained to preserve the wetlands nature of the critical habitat area and provide protection to migrating lesser sandhill cranes.

In creating the Dude Creek Critical Habitat Area, the Legislature also intends that hunting, fishing and trapping activities will continue to occur in accordance with harvest regulations as established by the Boards of Fisheries and Game. The following public uses of the area are recognized as historic and traditional: wildlife viewing, firewood harvesting, public access, hiking, berry picking, and grazing. It is the intent of the Legislature that the listed uses will continue unless they are determined to be incompatible with the purpose for which the area is established. The Department of Fish and Game will conduct specific fact finding, including public hearings in Gustavus, prior to making final determination of the compatibility of the listed uses during various times of the year.

The Department is to consult with the community of Gustavus in the preparation and implementation of a management plan for the Dude Creek Critical Habitat Area. In the event that the community forms a local fish and game advisory committee or a critical habitat advisory group, the Department will work closely with those entities in preparation of the plan.


Representative Dick Shultz, Co-Chair
House Resources Committee
April 10, 1985

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/12/86

REQUEST

Bill/Resolution No. : HB 312
Tide : Establish Dude Creek CHA

Sponsor : Goll, Duncan, M.M. Miller, Binkley
Requestor : Senate, C&RA
Date of Request : 02/11/86

FISCAL DETAIL

Agency Affected : Natural Resources
BRU : Land and Water Management

Components : Public Use

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	15.0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	15.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

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Prepared by : Michael E. Vediner *MVE* Phone : 465-2400
Division : Land and Water Management Date : 2-12-86

Approved by Commissioner : *Wm D James, Deputy* Date : 2/14/86
Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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

general grant Land, though this estimate is possibly less accurate because we do not know where the replacement Land will be located. These appraisals will be performed under contract.

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

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4/10

Revision Date: _____

REQUEST No. 1
 Bill/Resolution No.: HB 312
 Title: Dude Cr. CHA

FISCAL DETAIL
 Agency Affected: Natural Resources
 Program Category Affected: NRMEC

Sponsor: Goll, Duncan, MM Miller & Binkley
 Requestor: _____
 Date of Request: _____

BRU, Program or Subprogram(s) Affected:
Land & Water Management

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 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner
 Division: Land & Water Management

Phone: 465-2400
 Date: April 9, 1985

Approved by Commissioner: Wm D Amundson
 Agency: Department of Natural Resources

Date: April 9, 1985

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 No. 2
Bill/Resolution No.: HB312
Title: Dude Creek Critical

FISCAL DETAIL
Agency Affected: Dept. of Fish and Game
Program Category Affected: _____

Habitat Area
Sponsor: Coll. Duncan, Miller, Binkley
Requestor: _____
Date of Request: _____
BRU, Program or Subprogram(s) Affected: _____

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 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bruce H. Bally Phone: _____
 Division: Habitat Division Date: 1/3/85
 Approved by Commissioner: *Chick Belmont* Date: 4.5.85
 Agency: _____

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
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 - Impacted Agency(ies)



RECORDS CERTIFICATION

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

James O. Smith
Signature of Camera Operator

11/24/89
Date

H B

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1986

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

Jeanie Henry

SENATE RESOURCES COMMITTEE,

1) 1) 5/3/85, 1:35
5/7/85, 3:40

Offered: 4/16/85
Referred: Rules

Original sponsors: Cotten, Shultz,
M.W. Miller, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 ~~SENATE~~ ~~CS~~ ~~AM~~ CS FOR HOUSE BILL NO. 316 (Finance) am (Resources)

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 navigable or public waters of
7 the state; and providing for an effective date."

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. 38.05.126. PUBLIC RIGHTS TO NAVIGABLE OR PUBLIC WATER. (a)

11 The natural resources and the natural scenic beauty of the state are a
12 public right, and the people of the state have a vested right in the
13 preservation, protection, and enjoyment of all of the navigable or
14 public water of the state in its present state and in the use of the
15 water for recreational and other public purposes.

16 (b) The state has full power and control of all of the navigable
17 or public water of the state, both meandered and unmeandered, and it
18 holds and controls all navigable or public water in trust for the use
19 of the people of the state.

20 (c) Ownership of land bordering navigable or public water does
21 not grant an exclusive right to the use of the water and any rights of
22 title to the land below the ordinary high water mark are subject to
23 the rights of the people of the state to use and have access to the
24 water for recreational purposes or any other public purpose for which
25 the water is used or capable of being used consistent with the public
26 trust.

27 (d) This section may not be construed to affect or abridge valid
28 existing rights.

29 * Sec. 2. A. 38.05 is amended by adding a new section to read:

new
language

1 Sec. 38.05.128. OBSTRUCTIONS TO PUBLIC WATER. (a) A person may
2 not obstruct or interfere with the free passage or use of any navi-
3 gable or public water of the state unless authorized to do so by federal
4 agency, federal law, or federal permit, or by the commissioner, after
5 public hearing.

6 (b) A violation of (a) of this section is a class A misdemeanor.

7 (c) An unauthorized obstruction or interference is a public
8 nuisance and is subject to abatement. The cost of abatement shall be
9 borne by the violator and is in addition to any penalty imposed by the
10 court.

11 (d) This section may not be construed to affect or abridge valid
12 existing rights.

13 * Sec. 3. AS 38.05.127(c) is repealed and reenacted to read:

14 (c) Nothing in this section affects valid existing rights or
15 limits in any way the constitutional right of the public to use and
16 have free access to the navigable or public water of the state.

17 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).

HB 316

GOOD AFTERNOON MADAM CHAIR, MY NAME IS BOB LOESCHER AND I AM VICE PRESIDENT, RESOURCE MANAGEMENT, FOR SEALASKA CORPORATION. SEALASKA IS THE REGIONAL ANCSA CORPORATION FOR SOUTHEAST ALASKA, AND IT CURRENTLY OWNS SOME 450,000 SURFACE AND SUBSURFACE ACRES IN THE REGION -- VIRTUALLY ALL OF WHICH LIES ADJACENT TO STATE TIDELANDS.

SEALASKA'S ABILITY TO DEVELOP ITS UPLANDS -- WHETHER FOR TIMBER, FISHERIES OR OTHER PURPOSES -- IS DEPENDENT UPON ACCESS TO THE STATE'S NAVIGABLE WATERS. AS A RESULT, THE CORPORATION IS DEEPLY CONCERNED OVER ANY LEGISLATION WHICH WOULD THREATEN THE ABILITY OF ALASKA INDUSTRY TO USE TIDELANDS, AND THE NAVIGABLE WATERS THEMSELVES FOR TRANSPORTATION AND COMMERCE. HB 316 PRESENTS PRECISELY SUCH A THREAT, AND MY PURPOSE HERE TODAY IS TO URGE THIS COMMITTEE TO HOLD THIS LEGISLATION UNTIL NEXT SESSION, SO THAT ITS POTENTIALLY FAR REACHING CONSEQUENCES CAN BE GIVEN FAR MORE THOUGHT THAN HAS HAPPENED TO DATE.

I HAVE READ THE SPONSOR'S MAY 2 MEMO TO THE COMMITTEE, AND I UNDERSTAND THAT THE PURPOSE OF THIS BILL IS QUITE LIMITED. IN THE WORDS OF THE

SPONSOR, IT IS INTENDED TO "EXPEDITE" ENFORCEMENT ACTION FOR UNLAWFUL OBSTRUCTIONS OF STATE TIDELANDS, AND PUBLIC WATERS. IT DOES SO, AND DOES SO ONLY BY MAKING UNLAWFUL OBSTRUCTION A CRIME.

UNLAWFUL OBSTRUCTION, HOWEVER, IS ALREADY A CRIME. THE STATE, OF COURSE, OWNS THE BED OF TIDE AND SUBMERGED LANDS BENEATH NAVIGABLE WATERS, AND CURRENT LAW REQUIRES ANY OCCUPANT TO OBTAIN EITHER A PERMIT OR A TIDELANDS LEASE FROM THE DEPARTMENT OF NATURAL RESOURCES. IF ONE CREATES AN OBSTRUCTION WITHOUT THE APPROPRIATE PERMIT OR LEASE, ONE IS TRESPASSING, AND TRESPASSING IS A CRIME.

MOREOVER, CURRENT FEDERAL LAW ALREADY REQUIRES ANYONE WHO WISHES TO OBSTRUCT NAVIGABLE WATERS TO OBTAIN A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS. THAT PERMIT PROCESS IS EXTREMELY LENGTHY -- REQUIRING SOMETIMES MANY MONTHS -- AND ALREADY INVOLVES CONSULTATION WITH THE STATE, LOCAL GOVERNMENTS AND AFFECTED CITIZENS. WHY, IT MIGHT FAIRLY ASK, MUST THE STATE ESTABLISH A PARALLEL PERMIT REQUIREMENT TO A REGULATORY PROCESS WHICH HAS WORKED WELL, AND FULLY PROTECTS THE PUBLIC INTEREST?

ALTHOUGH THE BILL SERVES NO NECESSARY PURPOSE, IT RAISES SERIOUS LEGAL AND POLICY ISSUES WHICH DEMAND FURTHER STUDY. ALTHOUGH THE SPONSOR HAS ASSURED THE COMMITTEE THAT THE BILL IS NOT INTENDED TO ALLOW ACCESS TO PUBLIC WATERS OVER PRIVATE LAND, THE BILL BROADLY SPEAKS OF A VESTED "PUBLIC RIGHT" TO USE AND ENJOY NAVIGABLE WATERS. AND, IN OTHER STATES -- SUCH AS CALIFORNIA -- SIMILAR GENERAL AND APPARENTLY HARMLESS LANGUAGE HAS BEEN USED BY THE COURTS TO FORCE PRIVATE LANDOWNERS TO ALLOW THE PUBLIC TO CROSS THEIR PROPERTY TO REACH THE BEACH. THERE IS A LARGE AND DISTURBING BODY OF CASE LAW ON THIS TOPIC, AND I HAVE SEEN NO LEGAL ANALYSIS OF THE EFFECT OF THIS LANGUAGE IN LIGHT OF THOSE COURT DECISIONS.

SIMILARLY, THIS BILL COULD CREATE SIGNIFICANT LEGAL PROBLEMS FOR THOSE ATTEMPTING TO USE TIDELANDS FOR COMMERCE AND NAVIGATION. LAST SESSION, THE LEGISLATURE -- QUITE CORRECTLY -- ACCORDED UPLAND OWNERS A PREFERENCE TO OBTAIN A TIDELAND'S LEASE FOR WATER DEPENDENT PURPOSES. HERE, HOWEVER, WE SEE THE LEGISLATURE ELEVATING RECREATION AND PRESERVATION USES TO PRIMACY. WHILE THERE ARE MANY STATE TIDELANDS WHICH SHOULD BE PRESERVED, AND WHICH SHOULD BE SET ASIDE FOR PUBLIC RECREATION, THERE ARE OTHER ACRES

WHICH MAY AND SHOULD BE USED FOR DOCKS, TRANSFER FACILITIES AND OTHER INSTRUMENTALITIES OF COMMERCE. I CAN FAR TOO EASILY SEE A LAWSUIT OVER THE GRANT OF A TIDELANDS LEASE FOR A DOCK BASED UPON AN INTEREST GROUP'S CLAIM THAT COMMERCIAL DEVELOPMENT VIOLATES THE FIRM STATE POLICY OF PRESERVATION AND RECREATION CONTAINED IN THIS BILL. AGAIN, THE IMPLICATIONS ARE EXTREME, YET NO LEGAL ANALYSIS HAS BEEN DONE.

IN SUM, THE STATE'S RESPONSIBILITIES OVER TIDELANDS COVER A VARIETY OF PURPOSES, AND THEY ARE EXTREMELY IMPORTANT NOT ONLY FOR PUBLIC RECREATION, BUT FOR COMMERCE AND TRANSPORTATION. ANY ATTORNEY WILL TELL YOU THAT THE LAW REGARDING THE USE OF TIDELANDS IS DELICATE AND SENSITIVE, AND THAT ANY LEGISLATION WHICH ADDRESSES THIS ISSUE SHOULD HAVE ITS WORDS MOST CAREFULLY CHOSEN, AND AFTER THE FULLEST CONSIDERATION OF THE POSSIBLE CONSEQUENCES OF THE BILL. THEREFORE, SINCE THERE IS NO PRESSING NEED FOR THIS LEGISLATION -- SINCE THE UNAUTHORIZED OBSTRUCTION OF PUBLIC TIDELANDS IS ALREADY A CRIME, AND SINCE ANY OBSTRUCTION ALREADY REQUIRES A PERMIT FROM THE CORPS -- SEALASKA URGES THE COMMITTEE TO RETURN THIS BILL TO ITS LEGAL STAFF FOR A FULL ANALYSIS OF THE ISSUES I HAVE RAISED HERE.

I WOULD LIKE TO THANK THE COMMITTEE FOR THE TIME GIVEN ME, AND I WILL BE
HAPPY TO ANSWER ANY QUESTIONS.

Alaska State Legislature

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



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

Senate Committee on Resources

M E M O R A N D U M

May 7, 1985

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff *MEC*

RE: SENATE CS for CS for HB 316 (Resources)
"An Act relating to navigable or public waters of the state;
and providing for an effective date."

The proposed CS for HB 316 has been developed with the help of the sponsor and representatives of a number of interested groups and addresses concerns that were raised at the committee hearing on Friday.

Section 1 is now findings and purposes and is noncodified. Section 1(a) has been rewritten and sections 1 (b) and (d) have had additions.

Section 2(a) has been reworded and section 2(b) has been changed to make obstruction of navigable water a class B misdemeanor. Class B misdemeanors are punishable by up a \$1,000 fine or up to 90 days in jail.

There have not been any other changes in the rest of the bill.

The committee substitute is supported by all the groups that have contacted this office.

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 316 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the navigable or public water of the state; and providing for an effective date."

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

* Section 1. FINDINGS AND PURPOSE. (a) The people of the state have a constitutional right to free access to the navigable or public water of the state.

(b) Subject to the federal navigational servitude, the state has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and it holds and controls all navigable or public water in trust for the use of the people of the state.

(c) Ownership of land bordering navigable or public water does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purpose for which the water is used or capable of being used consistent with the public trust.

(d) This Act may not be construed to affect or abridge valid existing rights or create any right or privilege of the public to cross or enter private land.

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

Sec. 38.05.128. OBSTRUCTIONS TO NAVIGABLE WATER. (a) A person may not obstruct or interfere with the free passage by a member of the public on any navigable water as defined in AS 38.05.965(12) unless the obstruction or interference is

- 1 (1) authorized by a federal or state agency;
2 (2) authorized under a federal or state law or permit;
3 (3) exempt under the Federal Clean Water Act (33 U.S.C.,
4 1344(f)); or
5 (4) authorized by the commissioner after reasonable public
6 notice.

7 (b) A violation of (a) of this section is a class B misdemeanor.

8 (c) An unauthorized obstruction or interference is a public
9 nuisance and is subject to abatement. The cost of abatement shall be
10 borne by the violator and is in addition to any penalty imposed by the
11 court.

12 (d) This section may not be construed to affect or abridge valid
13 existing rights.

14 * Sec. 3. AS 38.05.127(c) is repealed and reenacted to read:

15 (c) Nothing in this section affects valid existing rights or
16 limits in any way the constitutional right of the public to use and
17 have free access to the navigable or public water of the state.

18 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).
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Alaska State Legislature

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



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Senate Committee on Resources

M E M O R A N D U M

May 2, 1985

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff *MVA*

RE: CS for HB 316 (Finance) am
"An Act relating to navigable or public waters of the state;
and providing for an effective date."

This bill is intended to clarify the right of the public to use public and navigable waters, as set forth by the Alaska Constitution, Article VIII, Section 14.

Attached is a copy of the bill history. This bill passed the house 38 to 0. Also attached is a zero fiscal note, a memo to committee members from the sponsor, Rep. Cotten, and copies of the related statutes and section of the constitution.

HB 316

MEASURE HISTORY

PAGE 01 OF 02

CSHB 316 FIN AM

AN ACT RELATING TO THE NAVIGABLE OR PUBLIC WATERS OF THE STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: COTTEN

CO-SPONSORS: SHULTZ, MILLER, MW, PHILLIPS, JENKINS, SZYMANSKI, DAVIS

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) RES

DATE		PAGE	ACTION
03/25/85	(H)	698	READ THE FIRST TIME
04/10/85	(H)	867	RES RFT 4DP 3NR
04/10/85	(H)	867	FISCAL NOTE ZERO
04/16/85	(H)	947	FIN RFT W/CS 7DP 1NR
03/25/85	(H)		RLS TO CALENDAR 4/18/85
04/18/85	(H)	984	READ THE SECOND TIME
04/18/85	(H)	984	CSHB 316(FIN) ADOPTED UNAN CONSENT
04/18/85	(H)	984	AM NO 1 ADOPTED UNAN CONSENT
04/18/85	(H)	984	ADVANCED TO THIRD READING UNAN CONSENT
04/18/85	(H)	984	READ THE THIRD TIME CSHB 316(FIN)AM

HB 316

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/18/85	(H)	984	PASSED Y38 N- X1 A1
04/18/85	(H)	985	EFFECTIVE DATE SAME AS PASSAGE
04/18/85	(H)	985	TAYLOR NOTICE OF RECONSIDERATION
04/19/85	(H)	1008	RECONSIDERATION NOT TAKEN UP
04/19/85	(H)	1008	TRANSMITTED TO (S)
04/22/85	(S)	869	READ THE FIRST TIME
			RESOURCES
			STATE AFFAIRS
			RULES

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 316
Title: Navigable or Public Waters

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

Sponsor: Cotten Shultz, MW Miller, & Phillips
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____
Land & Water Management

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 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner *Baator*
Division: Land & Water Management

Phone: 465-2400
Date: 4-9-85

Approved by Commissioner: Wm D Arnold, Deputy
Agency: Department of Natural Resources

Date: 4-9-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

MEMORANDUM

TO: Members of the Senate Resources Committee
FROM: Rep. Sam Cotten
RE: HB 316, an act relating to navigable or public waters
DATE: May 2, 1985

The purpose of this bill is to clarify the right of the public to use public and navigable waters, as created by the Alaska Constitution, Article VIII, Section 14.

Public and navigable waters are defined by statute, AS 38.05.965 (12) and (16). Basically, public waters encompass a very wide range of water bodies. Navigable waters are basically those waters that are susceptible for use in commerce, mainly navigation. All public waters are navigable but not all navigable waters are public. Public waters are those that may be important for any public purpose, including wildlife habitat.

This bill clarifies the public's right to use and have access over water. It creates a remedy, namely, misdemeanor sanctions for any obstructions of that public right.

Currently, courts are the only recourse. A public or private party that is obstructed faces the task of suing the obstructor in superior court which can be very expensive. HB 316 will make this access right more easily enforced, providing the public with a clearer standard.

The bill does not guarantee or allow any access over private land, except to the extent already provided by AS 38.05.127 over state land.

There is one case currently being handled by the Department of Law concerning the obstruction across a passage along the Talkeetna River. The bill, if it becomes law, would expedite abatement of this type of obstruction.

y general. — It the public notice n applies equally disposals actions. Att'y Gen. uirement of AS not apply to the extension that e of unitization s a measure to of unitized oper- n. November 25,

(os. 2551, 2587),

- Where the last r was less than a re was not suffi- to this section. p. No. 1284 (File d 8 (1976). one of general aper which con- rest to the com- rse readership is . Moore v. State, File Nos. 2551,

ation entitled ng within 30 ommissioner ion to hold a

38.05.945(c)" was s section" in the or of statutes in

ited; penal- mpts to bar- ot bid freely t public sale; nt, hinders, idding upon e by a fine of an one year, 2 ch 61 SLA

Revisor's notes. — Formerly AS 38.05.355. Renumbered in 1984.

Sec. 38.05.965. Definitions. In this chapter, unless the context otherwise requires,

(1) "acquired land" means land belonging to the state including tide, submerged and shoreland which has been obtained by escheat, purchase, or any means other than by general land grant;

(2) "agricultural land" means land chiefly valuable for agricultural purposes;

(3) "commissioner" means the commissioner of natural resources;

(4) "department" means the Department of Natural Resources;

(5) "director" means the director of the division of lands of the Department of Natural Resources;

(6) "geothermal resources" means the natural heat of the earth at temperatures greater than 120 degrees Celsius, measured at the point where the highest-temperature resources encountered enter or contact a well or other resource extraction device, and includes

(A) the energy, including pressure, in whatever form present in, resulting from, created by, or that may be extracted from that natural heat;

(B) the material medium, including the geothermal fluid naturally present, as well as substances artificially introduced to serve as a heat transfer medium; and

(C) all dissolved or entrained minerals and gases that may be obtained from the material medium, but excluding hydrocarbon substances and helium;

(7) "grazing land" means land chiefly valuable for grazing purposes;

(8) "industrial and commercial land" means land chiefly valuable for industrial trade, manufacturing or business use;

(9) "lieu and indemnity land" means land which the state is entitled to select under the provisions of 38 Stat. 1214, as amended (48 USC 353) or a similar statute to compensate for land in place of surveyed rectangulars, which have been lost to the state by reason of deficient sections, prior rights, claims, withdrawals, reservations and other appropriations;

(10) "mineral land" means land prospectively valuable for mineral deposits;

(11) "multiple use" has the meaning given in AS 38.04.910;

(12) "navigable water" means any water of the state forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea or ocean, or any other body of water or waterway within the territorial limits of the state or subject to its jurisdiction, that is navigable in fact for any useful public purpose, including but not limited to water suitable for commercial navigation, floating of logs, landing and takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic animals, fishing, or other public recreational purposes;

(13) "park and recreation land" means land chiefly valuable for public park and recreation use;

(14) "preference right forest lease" means a lease granted to a lessee whose United States Forest Service term special use permit was cancelled to allow the land under permit to be selected by the state;

(15) "preference right grazing lease" means a grazing lease granted to a lessee whose federal grazing lease was cancelled to allow the land under lease to be selected by the state;

(16) "public water" means navigable water and all other water, whether inland or coastal, fresh or salt, that is reasonably suitable for public use and utility, habitat for fish and wildlife in which there is a public interest, or migration and spawning of fish in which there is a public interest;

(17) "rule of approximation" is the rule which is applied in determining whether or not a lease complies with the area limits set forth in this chapter and regulations adopted under it and in keeping the boundaries of leased land coincidental with legal subdivisions; under the rule, if the area covered by a lease in excess of the permitted maximum is smaller than the area of any deficiency that would result by eliminating from the lease the smallest legal subdivision covered by the lease or application for lease, the excess area will be permitted to remain in the lease; if the excess area is greater than the deficient area would be, then the smallest legal subdivision will be eliminated from the lease;

(18) "shoreland" means land belonging to the state which is covered by nontidal water that is navigable under the laws of the United States up to ordinary high water mark as modified by accretion, erosion, or reliction;

(19) "state land" or "land" means all land, including shore, tide and submerged land, or resources belonging to or acquired by the state;

(20) "submerged land" means land covered by tidal water between the line of mean low water and seaward to a distance of three geographical miles or further as may hereafter be properly claimed by the state;

(21) "tideland" means land which is periodically covered by tidal water between the elevation of mean high and mean low tides;

(22) "timber land" and "material land" mean state land chiefly valuable for materials, including, but not limited to, sand, stone, gravel, pumice, common clay, or timber and other forest products;

(23) "university land"

(A) means

(i) all sections 33 reserved to the university under 38 Stat. 1214, as amended;

(ii) all land granted to or reserved for the benefit of the university that retains its designation as university land;

Section 11. Mineral Rights. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Section 12. Mineral Leases and Permits. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

Section 13. Water Rights. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

Cross reference. — See note to Alaska Const., art. VIII, § 15.

Legislative intent. — The provisions in this article were intended to permit the broadest possible access to and use of state

waters by the general public. *Wernberg v. State*, Sup. Ct. Op. No. 972 (File No. 1797), 516 P.2d 1191 (1973), rehearing denied, 519 P.2d 801 (1974).

Section 14. Access to Navigable Waters. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

Legislative intent. — The provisions in this article were intended to permit the broadest possible access to and use of state waters by the general public. *Wernberg v. State*, Sup. Ct. Op. No. 972 (File No. 1797), 516 P.2d 1191 (1973), rehearing denied, 519 P.2d 801 (1974).

The owner of the uplands has been stated to have the right of access for the purpose of navigation, but no right of possession of the land below high water mark as against another. 1959 Op. Att'y Gen., No. 1.

Free access may be exercised by means of wharf or other structure. — In *Dalton v. Hazelet*, 182 F. 561 (9th Cir. 1910), it was recognized that the right of free and unobstructed access may be exercised by means of a wharf or other structure over shoal water from the upland property to deep water. 1959 Op. Att'y Gen., No. 1.

Section 15. No Exclusive Right of Fishery. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State. [Amendment effective October 14, 1972]

Cross reference. — For provisions relating to the limitation of entry into the fisheries of the state, see AS 16.43.

Effect of amendment. — The amendment approved August 22, 1972 (7th Legislature's HCS CSSJR 10) added the last sentence.

This section was derived from the White Act, 48 U.S.C. §§ 221, 222. 1961 Op. Att'y Gen., No. 3.

The first judicial application of this constitutional provision should properly be by an Alaska court. *Reetz v. Bozanich*, 397 U.S. 82, 90 S. Ct. 788, 25 L. Ed. 2d 68 (1970).

The White Act merely expressed the common law in prohibition against exclusive fishing rights. *Grimes Packing Co. v. Hynes*, 11 Alaska 154, 67 F. Supp. 43 (D. Alas. 1946), vacated and remanded on other grounds, 12 Alaska 348, 337 U.S. 86, 69 S. Ct. 968, 93 L. Ed. 1231 (1949).

It did not permit a monopoly of fishing in Indian citizens as a conservation measure. *Hynes v. Grimes Packing Co.*, 11 Alaska 504, 67 F. Supp. 43 (D. Alas. 1946), vacated and remanded on other grounds, 12 Alaska 348, 337 U.S. 86, 69 S. Ct. 968, 93 L. Ed. 1231 (1949).

Right to use foreshore. — The mere physical passage is not the only right involved in the right of access. The upland owner has the right to use the foreshore in such manner as is necessary for the complete enjoyment of his right. 1959 Op. Att'y Gen., No. 1.

Actionable use of tidelands. — Any use of tidelands in such a manner as to deny the upland owner access to the navigable waters would be actionable. 1959 Op. Att'y Gen., No. 1.

The Alaska Constitution allows the state to take riparian or littoral property rights for "beneficial or public uses" other than in aid of water navigation. *Wernberg v. State*, Sup. Ct. Op. No. 972 (File No. 1797), 516 P.2d 1191 (1973), rehearing denied, 519 P.2d 801 (1974).

other grounds, 12 Alaska 348, 337 U.S. 86, 69 S. Ct. 968, 93 L. Ed. 1231 (1949).

Under the language of the White Act (48 USC § 222) the Secretary of Interior was prohibited from granting any exclusive or several right of fishery in favor of the Natives on the Karluk River on Kodiak Island. The court held that the prohibition against granting and exclusive right of fishery applied to commercial fishing by natives equally with fishing companies, and that the secretary could not grant to the occupants of an Indian reservation the privilege of exclusive commercial fishing rights. 1960 Op. Att'y Gen., No. 9, citing *Hynes v. Grimes Packing Co.*, 12 Alaska 348, 337 U.S. 86, 69 S. Ct. 968, 93 L. Ed. 1231 (1949).

Constitutionality of ch. 186, SLA 1968. — See *Bozanich v. Reetz*, 297 F. Supp. 300 (D. Alas. 1969); *Reetz v. Bozanich*, 397 U.S. 82, 90 S. Ct. 788, 25 L. Ed. 2d 68 (1970).

Quoted in *Metlakatla Indian Community v. Egan*, 11 Alaska 504, 67 F. Supp. 43 (D. Alas. 1946), vacated and remanded on other grounds, 12 Alaska 348, 337 U.S. 86, 69 S. Ct. 968, 93 L. Ed. 1231 (1949).



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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 Smith
Signature of Camera Operator

11/24/89
Date

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THE LEGISLATURE

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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, 5/7/85 3:40

Alaska State Legislature

ARLISS STUF/GULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
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Senate Committee on Resources

MEMORANDUM

May 4, 1985

TO: All Members
Senate Resources Committee

FROM: Staff *[Signature]*
Senate Resources Committee

RE: HB 323 am "An Act relating to a grant of state land to the City of Pelican; and providing for an effective date."

HB 323 am would allow for up to 10 acres of state land to be conveyed to the City of Pelican.

The City of Pelican did not receive any state land under municipal selection because there was no state land in the Pelican area at that time. Since then, the state has received federal land in the amount of 8.863 acres adjacent to the city. The community would like to have this land conveyed to it for community expansion. Pelican has not received any prior land conveyances from the state.

The bill corrects an unfortunate situation that precluded Pelican from participating in earlier municipal selections.

The attached fiscal note is zero but if the state held the land there may occur at some future date a state land sale in which funds would come to the state. No state sales are planned. The current estimate of worth is about \$202,500.

HB 323 passed the House by a vote of 39 yea and 0 nea.

Enclosures:

1. Fiscal note from DNR
2. Position paper from Rep. Grussendorf
3. Position paper from Commissioner Notti, C&RA
4. Letter from DNR to the Speaker of the House
5. Letter from City of Pelican to the Speaker of the House

FISCAL NOTE

Revision Date: April 22, 1985

REQUEST

Bill/Resolution No.: HB 323
 Title: Pelican Land Grant

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC

Sponsor: Grussendorf
 Requestor: House Finance
 Date of Request: April 20, 1985

BRU, Program or Subprogram(s) Affected:
Land and Water Management

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 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						(202.5)

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS:

The Department projects an eventual loss of revenues that might have accrued from the sale of this land, currently estimated to be worth about \$202,500. However, the land could not be sold for at least three years because it has not been considered for disposal in the Land Availability Determination Systems (LADS). Thus the revenue loss is projected for FY 90 or beyond.

Prepared By: Ned Farguhar Phone: 465-2400
 Division: Commissioner's Office Date: April 22, 1985

Approved by Commissioner: Wmmt J Amos, Deputy Date: April 22, 1985
 Agency: Natural Resources

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

7/1/84

ALASKA STATE LEGISLATURE
FRONT COVER AND INSIDE

P.O. Box 9000
SITKA, ALASKA 99781
(907) 747-4400

HOUSE COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
FORT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature



WHILE IN JUNEAU
HOUSE V
LEGISLATIVE COUNCIL
(907) 465-3024
(907) 55-3720

House of Representatives SPEAKER OF THE HOUSE

April 12, 1985

POSITION PAPER HB 323 - Pelican Land Grant

The City of Pelican has been the unfortunate victim of a series of legislative and administrative decisions over several years. Unlike other Alaska communities, Pelican has never received any land under the municipal entitlement program.

The original entitlement act called for any municipality to receive ten percent of the "vacant, unappropriated, unreserved" state lands available at the date on which the municipality applied for entitlement. That date of application varied, of course, from community to community, which created administrative difficulties as state land records were not adequate to determine just how much acreage was actually conveyed to the State on such and such a day. The state was receiving title to federal lands under terms of the Statehood act, and there was often uncertainty over the timing and location of "new" state lands being transferred from the federal government. In response to the situation, the Legislature in 1979 required established communities to apply for land entitlement by a fixed date.

Unfortunately for Pelican, as of that fixed date, the State had not received any land from the federal government in Pelican's vicinity. With no nearby State lands, there was zero percentage available for Pelican's entitlement rather than the ten percent envisioned by earlier statute. The city, however, was assured by the Director of Lands, Mike Smith, that it would somehow be accommodated in the future when the State did gain lands in its vicinity.

The State has since received lands from the federal government, including 8.9 acres directly adjacent to the City of Pelican. Current statutes, however, allow the transfer of land to Pelican only for public and charitable uses, not for the community expansion which Pelican needs and wants. A municipal entitlement for Pelican is possible only through enactment of the proposed legislation in HB323. The bill corrects an inequitable situation, putting Pelican on the same basis as other Alaska communities which enjoy municipal land entitlements.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

RECEIVED
4/3/85
BILL SHEFFIELD, GOVERNOR

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

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

March 28, 1985

POSITION PAPER

RE: HB 323

SPONSOR: Representative Grussendorf

Program Effects of Bill

The bill would grant 10 acres of state land to the City of Pelican. The property in question was recently annexed to the city, and contains the location of the city's sanitary landfill. The city council has considered purchase of the property to allow for community expansion, and while it has not met to formally endorse HB 323, its support appears certain. The council was very supportive of the acquisition when the city received a copy of a letter from Speaker Grussendorf to Commissioner Wunnicke, indicating that such a bill would be introduced. There is a shortage of developable land in Pelican, and the acquisition of this property would be a significant step in alleviating this shortage.

The property is surveyed, and no fiscal note is anticipated.

Comments


The purpose of the bill is to make state land available to the city which the city is not otherwise entitled to receive. A brief history follows.

The state's original municipal land entitlement statutes allowed established cities to select up to 10% of the vacant and unappropriated land within their boundaries by a time certain to be set by the city. At the same time, the state was receiving title to federal lands under the terms of the Statehood act. Transfers between the state and local governments became somewhat confusing, due to uncertainty over the timing and location of state acquisition of federal lands. The legislature responded to the situation in 1979, by requiring established communities to apply for their land entitlement by a fixed date.

Unfortunately for Pelican there was no state land available for municipal selection as this date arrived then passed, as the state had not received title to federal lands in or near Pelican. Thus, the city did not apply for entitlement lands, and found itself without the authorization to receive entitlement properties, except under AS 38.05.810. This citation requires that the land be used for a general public purpose and not for settlement as the city wishes. Likewise, the city could not receive land under AS 29.18.201-.213, as they were an established and not a new municipality, and, as mentioned, their "window of opportunity" had closed.

This bill is simply to rectify the situation, and provide Pelican with the same rights to property enjoyed by other communities. It expands the scope of municipal land entitlements by allowing Pelican, as an established community, to use the entitlement for other than a general public purpose, but the language of the bill appears sufficiently specific to prevent a precedent from being established.

The Department supports passage of this legislation.



Emil Notti, Commissioner

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

March 11, 1985

Ms. Mary Halloran
Administrative Assistant
Office of the Speaker
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Ms. Halloran:

In response to your interest in obtaining residential land for the City of Pelican, the department has explored various alternatives. Unfortunately, it appears there is no statutory authority by which the department could convey state land to Pelican, independent of purchase or through a land exchange.

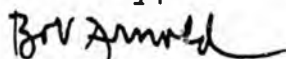
As you know, Pelican did not receive a municipal land entitlement pursuant to AS 29.18.201-.213. However a municipal land conveyance obviously could be accomplished if Pelican were to obtain a special legislatively approved municipal entitlement.

The department is also prepared to consider disposing of available state land in Pelican through our annual land offering program. It may be possible to offer subdivision lots with a high percentage of homesites, thereby providing an enhanced opportunity for local participation. A state subdivision offering, however, may take several years to accomplish.

We have also explored the AS 38.05.810 (Public and Charitable Use) authority but do not feel it is appropriate for this circumstance, since Pelican would subsequently sell the land to private interests.

Representatives of our Southeast Regional Office will be available to assist you in your efforts to obtain land for Pelican.

Sincerely,



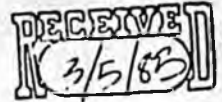
Robert D. Arnold
Deputy Commissioner

cc: Paula Burgess, Southeast Regional Manager



City

of



Pelican

BOX 757

PELICAN, ALASKA 99832

PHONE 735-4101

March 1, 1985

Representative Ben Grussendorf
Pouch V
Juneau, AK. 99811

Dear Ben:

During the time of land entitlement decision making by the state, the city of Pelican was denied or not included in any land grant awards. The Pelican planning commission is not seeking to lay blame for this upon the city or upon any agency or individual. The commission does, however, want to explore the possibility of the city of Pelican acquiring a limited amount of land through an entitlement, or other, award. Specifically we have in mind the state owned land contingent to the former Pelican city limits and recently annexed by the city. This area consists of 8.92 acres and is needed by the city for residential expansion.

Should the city acquire this land the city would re-survey the lots and rights of way and eventually offer the lots for sale to the public. We have a land use plan requiring development within a period of two years of the date of purchase from the city of city owned land. This plan would apply to the newly annexed land if title is acquired from the state. The land would be classified R-1, one and two family dwellings.

DNR policy at the present time allows acquisition for the use proposed by the city through fair market value purchase only. Appraisal would be made at city expense and the purchase price set by DNR. This is fair enough, but due to the fact that Pelican received no state land through the entitlement program we are exploring the possibility of relief from DNR terms for all or part of the 8.92 acres involved.

We realize that you are extremely busy with legislative duties at this time. As this is not a project with a deadline to meet we will appreciate any action or information that you may be able to supply at a later date.

Our DNR contact - Andy Peckovitch - has been most cooperative and easy to work with.

Thank you for any help that you may be able to give us in this matter.

Bill Odell
Sincerely, Bill Odell planning commission chairman

Dave -

HB323 Pelican Land Grant

Suggest you contact the following as potential witnesses:

DNR: Andy Peckovitch, 465-3400. He knows the history of the situation better than anyone else.

Community & Regional Affairs: Peter Freer, 465-4750. CRA is prepared to support the legislation.

DNR: Commissioner's Office. 465-2400.

We are asking the City of Pelican to send a letter of support, but with mail service being what it is, the letter may not arrive by Monday.

Ben will testify also.

Thanks,
MARY
Mary Halloran

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE



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

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APR 12 1985
Telegram

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PMS

SENATOR ARLISS STURGULEWSKI

JUNEAU AK 99811

URGE SUPPORT OF HB 324-JIM LAKE/SWAN LAKE RECREATION AREA.

JACK AND MARY LENTFER

4350 GLACIER HWY

JUNEAU AK 99801

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD GOVERNOR

APR 09 1985

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

April 8, 1985

The Honorable Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator DeVries:


Several questions have come to my attention with regard to HB 324 (Jim-Swan Lakes Recreation Area). Although the bill has not been scheduled for hearing, I am writing to provide you with some background that may aid you in considering the bill and responding to constituents.

The bill does not affect or designate privately owned lands. Thus, the homesteaders whose lands are located within the proposed area should not be affected as long as they have legitimate interests such as patent or a contract for sale. I am reviewing the concerns of the homesteaders to see if we need amendment of the bill to clarify the situation, but I believe that the bill as introduced clearly designates only state lands (see p. 2, lines 3-8 of the bill).

Another question relates to recreational vehicle use. The department will not restrict vehicle use where there is no damage to habitat - for instance, along existing trails and gravel bars. However in the wetland areas, wheeled vehicle use may be a threat to sensitive habitat. I hope that we can work together on language that protects sensitive areas, but allows recreation vehicle use where it does not pose a threat to sensitive habitat.

Please let me know if we should address any other concerns or comments on the bill. I look forward to discussing it with you.

Sincerely,


Esther C. Wunnicke
Commissioner

cc: Senator Arliss Sturgulewski
Commissioner Don Collinsworth, Department of
Fish and Game
Neil Johannsen, Director, Division of
Parks and Outdoor Recreation
Tom Hawkins, Director, Division of
Land and Water Management

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

April 8, 1985

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

Dear Senator Kerttula:

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Please let me know if we should address any other concerns or comments on the bill. I look forward to discussing it with you.

Sincerely,



Esther C. Wunnicke
Commissioner

cc: Senator Arliss Sturgulewski
Commissioner Don Collinsworth, Department of
Fish and Game
Neil Johannsen, Director, Division of
Parks and Outdoor Recreation
Tom Hawkins, Director, Division of
Land and Water Management



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James A. Smith
Signature of Camera Operator

11/24/89
Date

H B

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Alaska State Legislature

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



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

Senate
Committee on Resources

February 26, 1986

Richard Cederberg
Allied Construction Services
7600 King Street
Anchorage, Alaska 99502

Dear Richard:

Thank you for your letter on HB 353. The health of the oil industry is crucial to the health of Alaska's economy. One of the few things the State can do to contribute to this health is to maintain a stable and fair tax environment. I do not support HB 353 and will vote against it if it advanced to my committee or the Senate floor.

If the State were to switch to the taxing scheme called for in HB 353 (separate accounting), it is true that the State might receive greater tax revenues for the first few years. In several years, however, a crossover point would be reached where the existing tax structure (modified apportionment) would be more lucrative to the State. If we did switch taxing methods now, I predict that you would see the same people who advocated the switch clamoring for a return to modified apportionment when that crossover point is reached. The State has no business engaging in this type of flip-flopping, especially on an issue so vital to all Alaskans.

There is a further disadvantage to HB 353 that I also feel is very important and argues strongly against its adoption. Separate accounting, as proposed by HB 353, is much more sensitive to the price of oil than modified apportionment. In our State, which is so dependent on the price of oil already, it makes no sense to increase our vulnerability to price fluctuations.

Though there undoubtedly will be strong pressure to increase taxes on the oil industry this year, I am strongly opposed to the idea and do not expect such a bill to pass.

Sincerely yours,

Senator Arliss Sturgulewski
Chairman, Senate Resources Committee

Allied Construction Services

7600 King Street Anchorage, AK 99502 (907) 349-7411

FEB 7 1986

letter
(Carol)

Arliss Sturgulewski
1024 W. 6th, Suite 101
Anchorage, AK 99501

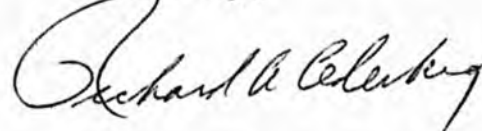
Dear Arliss,

It is my understanding that the legislature is considering an accounting change that would have the net effect of raising significantly the taxes on oil companies. (HB353)

If my understanding is correct then I would be very much opposed to the bill and any other similar bills designed to impose higher taxes on the oil companies.

Our first objective should be to dramatically reduce State spending. (including salaries and fringes of legislators) After we have brought spending under real control and reduced it to more realistic levels, then consideration might be given to sources of additional revenue.

Sincerely,



Richard Cederberg

SB 353

JAN 10 1986

ALASKA RUBBER AND SUPPLY

5811 Old Seward Highway

(907) 562-2200

Anchorage, Alaska 99502

January 7, 1986

Arliss Sturgulewski
1024 W. 6th, Suite 304
Anchorage, Alaska 99501

*Carol,
please send
SB 353 Response
M/E 1/10
sent 1-13
of*

Dear Mr. Sturgulewski,

Alaska Rubber & Supply Inc. is an AK Corporation just finishing its 5th year of business in Anchorage, and our 1st year in Fairbanks.

We employ 21 year around heads of household and several part time employees in the summer construction season.

Our success and growth has been made possible by the petroleum industry. I sincerely believe that our continued growth and expansion are dependant upon continued development of the oil industry.

HB353 would go a long way toward killing the goose that lays the golden eggs and we strongly urge you to vote against it.

Sincerely Yours

ALASKA RUBBER & SUPPLY



GARY DAMIAN,
President

GD/sji

Sent To: Deborah Norton
Jeffrey Lipscomb
Derward Upchurch
Michael D. Schall
Elizabeth R. Mills
Ben L. Odom
Delia Ybany
Clifton J. Gerrick II
Jacqueline + Victor Manikian
Vernon H. Boyles

HB 353

form: 2592-2601

January 7, 1986

/If Not Empty,title/VtitleV /End If/VfnV /If Not Empty,mi/VmiV /End If/VlnV
/If Not Empty,subtitle/VsubtitleV
/End If//If Not Empty,company/VcompanyV
/End If//If Not Empty,street/VstreetV
/End If//If Not Empty,mail/VmailV
/End If/VcityV, VstateV VzipV

Dear VsalutationV:

Thank you for your letter on HB 353. The health of the oil industry is crucial to the health of Alaska's economy. One of the few things the State can do to contribute to this health is to maintain a stable and fair tax environment. ^{have not used} I do not support HB 353 and will vote against it if it advances to my committee or the Senate floor.

Rephrase (If the State were to switch to the taxing scheme called for in HB 353 (separate accounting), it is true that the State might receive greater tax revenues for the first few years. In several years, however, a crossover point would be reached where the existing tax structure (modified apportionment) would be more lucrative to the State. If we did switch taxing methods now, I predict that you would see the same people who advocated the switch clamoring for a return to modified apportionment when that crossover point is reached. The State has no business engaging in this type of flip-flopping, especially on an issue so vital to all Alaskans.

fiscal conservatism
Resource des.

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Sincerely yours,

Senator Arliss Sturgulewski
Chairman, Senate Resources Committee