

ALASKA LEGISLATURE COMMITTEE FILES 1987-88 8672

4458 HCRA HB 68 - HB 115

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STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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May, 1988

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

Mary Van Nimwegen

House C+RA

5-11-87

3:00 p.m.

HOUSE COMMITTEE REPORT

15 HB 68

(5)

Date referred: 2/9/87

FURTHER REFERRALS:

DATE: 02/11/87

The Community and Regional Affairs Committee has considered HB 68

"An Act relating to the authority of fire department officers."

RECOMMENDS:

- [X] replace with CSHB68 (SA) [X] the same title
[] attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the Committee

ADOPTS: [] letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact [] same as previous fiscal note published
[X] zero fiscal note [] same as previous zero fiscal note published
[] zero with analysis

SIGNING DO PASS:

Cato
Collins
Springer
Zawacki
[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Redacted signature area]

Springer
Chairman's signature



Official Business

COMMITTEE:

HOUSE COMMUNITY & REGIONAL AFFAIRS

DATE: February 11, 1987

SIGN-IN

Subject of meeting: (A) HB 68

*HB. 65 Dissolution of a Municipality
 HB 37 Municipal Property Tax procedures
 HB 68 Authority of Fire Dept. Officers

NAME (PLS PRINT)	YOUR TITLE & ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Bill Hagevig	Box 423 Douglas 99824	364-2154	G20 timesu Chapter Alaska State Fire fighter	Yes HB 68 ✓
Sam Richards	155 S. Seward Juneau 99801	576-5221	Alaska Assessing Officer Association	No -
Gordon Brunton	450 Whittier	465-4331	Dept. Public Safety	Yes HB 68 ✓
Ron Somerville	Executive Director JUNEAU	789-2399	AK. Outdoor Council	Yes HB 65 ✓
MARK EARNEST		465-4985	SEN BANKLEY	No
DOUG GRIFFIN		4750	C&RA	Yes 65 ✓
Lynnas Hoffmann		4350		Yes 65 ✓
GENE THERIAULT	FOR REP. MILLER	4976	REP. MILLER	YES ✓
MIKE WBLEY	P.O. BX 15H, JUNEAU	4787	C&RA	HB 37 YES

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, TODAY YOU HAVE BEFORE YOU HOUSE BILL 68 WHICH I AM PLEASED TO BE THE PRIME SPONSOR OF. THIS PIECE OF LEGISLATION AROSE FROM RESOLUTION 86-11 PASSED BY THE ALASKA FIRE CHIEF'S ASSOCIATION DURING THEIR LAST STATEWIDE CONVENTION. THE RESOLUTION REQUESTS THAT THE LEGISLATURE EXTEND THE CURRENT STATUTORY AUTHORITY OF MUNICIPAL FIRE OFFICERS TO CONTROL OPERATIONS AT A FIRE SCENE, TO OFFICERS OF ALL FIRE DEPARTMENTS.

IN ADDITION, REALIZING THAT FIRE DEPARTMENTS RESPOND TO A WIDE VARIETY OF EMERGENCIES THAT ARE NOT FIRE RELATED, THE RESOLUTION ALSO REQUESTS THAT CONTROLLING AUTHORITY BE GRANTED TO A BROADER RANGE OF EMERGENCY SITUATIONS TO ACCOUNT FOR THIS INCREASED RESPONSIBILITY.

FOLLOWING THE INITIAL INTRODUCTION OF HOUSE BILL 68, MY STAFF HAS WORKED WITH REPRESENTATIVES OF THE FIRE CHIEFS ASSOCIATION, LEGISLATIVE LEGAL SERVICES AND THE STATE AFFAIRS COMMITTEE STAFF ON THE COMMITTEE SUBSTITUTE WHICH IS BEFORE YOU TODAY. THIS COMMITTEE SUBSTITUTE ADDRESSES THE INCONSISTENCY THAT EXISTED IN THE ORIGINAL VERSION OF THE BILL AND ALSO TAKES ADVANTAGE OF SUGGESTIONS FOR IMPROVEMENT THAT WERE MADE BY A NUMBER OF INDIVIDUALS. WITH THAT, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT MEMBERS OF THE COMMITTEE MAY HAVE.

from Rep. Miller
Read by Gene Theriault
2-11-87

BILL NO: CS HB 68 (SA)

DATE: February 9, 1987

TITLE: Authority of fire department officers.

CONTACT: Gordon Brunton

OFFICE OF THE ATTORNEY GENERAL

This measure extends the authority of municipal fire department officers to fire department officers of departments not in organized municipalities. Further, it intends to broaden the authority to include "other fire department emergencies," i.e., not limited to just fires.

The Department of Public Safety recommends that an additional section be added to this bill to read:

Section 2. AS 18.70.090 is amended to read:

Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of Public Safety and the chief of each registered [CITY] fire department and their authorized representatives in their respective areas may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of AS 18.70.010 - 18.70.100 and the regulations adopted under it. The authority conferred in AS 18.70.010 - 18.70.100 extends to the enforcement of the provisions of AS 11.46.400 - 11.46.430.

Absent this amendment, Village Public Safety Officers and fire chiefs in unincorporated communities have no authority to enforce corrections of fire code violations.

The Department of Public Safety supports passage of CS HB 68 with the above amendment.

William R. Nix

William R. Nix
Acting Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSHB 68 (SA)
Publish Date: _____

Revision Date: _____
Title: An Act relating to the authority of fire department officers.
Sponsor: Miller, Cato, Frank & Koponen
Requestor: House C & RA

Agency Affected: Public Safety
BRU: Fire Prevention
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

TNR
2/9/87

Prepared by: Gordon Brunton *gbr* Phone: 465-4331
Division: Fire Prevention Date: 2-09-87
Approved by Commissioner: G. Michael Jensen Date: 2-9-87
Agency: Public Safety

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

**CHAPTER 52.
FIRE SERVICE OPERATIONS**

Section

- 10. Investigation of fires
- 20. Fire records
- 30. Standards of organization and services of a fire department
- 40. Workmen's Compensation for volunteer firefighters

13 AAC 52.010. INVESTIGATION OF FIRES. (a) The state fire marshal, or his duly authorized representative, shall investigate, or cause to be investigated, the cause, origin and circumstances of each fire occurring in the state which is of suspicious nature or which involves loss of life, or injury to a person, or by which property is destroyed or substantially damaged. The investigation shall begin immediately upon the occurrence of the fire, and if it appears that the fire is of suspicious origin, the fire marshal shall be immediately notified of the facts; he or his duly authorized representative shall immediately take charge of the physical evidence and if there is reason to believe that a fire resulted from crime or that a crime has been committed in connection with a fire, the state fire marshal or his duly authorized representative shall report the fact in writing to the district attorney of the judicial district in which the fire occurred.

(b) At any time during the course of a fire investigation the state fire marshal may post at the entrance to the building or premises, a notice to read, "KEEP OUT. BY ORDER OF THE STATE FIRE MARSHAL." After the sign is posted, it is unlawful for persons other than those authorized by the state fire marshal or his assistants to enter the premises so posted. (In effect before 7/28/59; am 6/25/69, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.080
AS 18.70.030

13 AAC 52.020. FIRE RECORDS. (a) Every fire or other incident shall be reported in writing to the state fire marshal within 10 days after its occurrence, by the fire official in whose jurisdiction the fire occurred, or, lacking such official, the investigating officer. The report shall be in such form as prescribed by the fire marshal and shall contain the statement of facts

relating to the cause, origin and circumstances of the fire, injury to persons, and extent of the damage, and the insurance upon the property and such other information as may be required.

(b) The state fire marshal will keep in the office of the Division of Fire Prevention a record of all fires and of all the facts concerning them, including statistics as to the extent of fires and the damage caused, and whether the losses were covered by insurance and if so, in what amount. The record will be compiled from the reports made by fire department officers and inspectors. All the records are public, except where a criminal matter is pending.

(c) Each fire insurance company authorized to transact business in this state, its authorized agent or adjustor, shall report to the state fire marshal all fire losses on property insured, giving the name and address of the insured, the date of the fire, the amount of probable loss, the character of the property destroyed or damaged, and the probable cause of the fire. The loss shall be reported to the state fire marshal within three days after the final adjustment is made. (In effect before 7/28/59; am 7/25/60, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.030
AS 18.70.080

13 AAC 52.030. STANDARDS OF ORGANIZATION AND SERVICES OF A FIRE DEPARTMENT. (a) The state fire marshal will recognize a fire department which is authorized to perform its duties by municipal ordinance. The state fire marshal may recognize a volunteer fire department outside a municipality.

(b) A fire department must have operating regulations which

- (1) define the boundaries of the area served;
- (2) provide for the appointment of chiefs of the department;
- (3) provide for programs of inspection, training and fire prevention;
- (4) provide for the investigation and determination of the cause of each fire occurring

within its boundaries and a report of each fire to the state fire marshal;

(5) provide for a liaison with a water authority on matters of importance to the fire department;

(6) provide for regular meetings of fire department personnel for business and training purposes. (Eff. 2/21/71, Reg. 37; am 1/14/81, Reg. 77)

Authority: AS 18.70.010
AS 43.18.010(a)(2)

13 AAC 52.040. WORKMEN'S COMPENSATION FOR VOLUNTEER FIREFIGHTERS.

(a) A fire department of any political subdivision or service area recognized by the state fire marshal under 13 AAC 52.030 may also be certified for AS 23.30.220(6) if a complete list of members is submitted annually to the state fire marshal, this list to include the name, age and rank or office of each member.

(b) Each addition or deletion from the membership list shall be forwarded to the state fire marshal within 10 days of the addition or deletion (Eff. 2/21/71, Reg. 37)

Authority: AS 18.70.100
AS 23.30.265(25)

CHAPTER 55. GENERAL PROVISIONS

Section

- 10. Intent
- 20. (Repealed)
- 30. Application
- 40. (Repealed)
- 50. (Repealed)
- 60. (Repealed)
- 70. (Repealed)
- 80. (Repealed)
- 90. (Repealed)
- 100. Permits
- 110. (Repealed)
- 120. (Repealed)
- 130. Modifications and waivers
- 140. Liability for damages
- 150. Definitions

13 AAC 55.010. INTENT. It is the intent of 13 AAC 50 – 13 AAC 55 to prescribe regulations consistent with nationally recognized good practices for the safeguarding of life and property from fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises. (In effect before 7/28/59; am 6/25/69, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.080
AS 18.72.010

13 AAC 55.020. PRIMA FACIE EVIDENCE.
Repealed 1/14/81.

13 AAC 55.030. APPLICATION. (a) Chs. 13 AAC 50 – 13 AAC 55 apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of those chapters are permitted to continue where the exceptions do not constitute a distinct hazard to life and property in the opinion of the state fire marshal.

(b) Nothing contained in 13 AAC 50 – 13 AAC 55 may be construed to apply to the transportation of an article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation, or as applying to the military forces of the United States.

(10) HB 68

JAN 23 1987



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 24-7175

RESOLUTION 86 - 11

TITLE: Alaska Statute 18.70.075

Whereas AS 18.70.075 identifies officers only from "municipal fire department" in addressing the authority of these individuals at fire scenes; and

Whereas most local fire chiefs are not part of organized municipalities in Alaska; and

Whereas AS 18.70.075 also makes reference to only "fire protection services" in identifying the duties of these 'municipal fire departments'; and

Whereas it is a well known fact that fire departments respond to and are called upon to handle a wide variety of emergencies that are not fire related or involve burning structures, vehicles, etc;

Therefore, be it resolved that

The Alaska Fire Chiefs Association and the Alaska State Firefighters Association strongly urge the State of Alaska to change the wording in AS 18.70.075 to reflect the following:

- 1) change "municipal fire department" to "registered fire department"
- 2) change "fire protection services" to "fire department related emergencies which may include, but are not limited to, fire suppression, rescue services, and hazardous materials incidents...."

Recommendation: PASS

Adoption: PASS NO PASS

Distribution: Legislative Distribution
Governor

Dewey Whetsell
Dewey Whetsell, Pres., A.F.C.A.

Jason Elson
Jason Elson, Pres., A.S.F.A.

REPRESENTATIVE
MIKE W. MILLER
P.O. Box 55094
North Pole, Alaska 99705
(907) 488-2687

District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha



⑦ HB 68

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4976

House of Representatives

MEMORANDUM

TO: Representative Fran Ulmer
FROM: Representative Mike Miller *M. Miller*
RE: CS for HB 68 (State Affairs)

DATE: 2/6/87

Thank you for having House Bill 68 up before the State Affairs Committee on Monday, February 2nd. Although I was not able to stay for the entire meeting, my staff informed me on the amendments made to the bill and the motion to move the bill from the committee pending review of the CS and signature of the Committee Report.

Representative Springer has listed HB 68 for a hearing before the Community and Regional Affairs Committee pending referral for Monday, February 9th. In order for this hearing to take place it is imperative that the State Affairs Committee report be signed today so the bill can be forwarded to C&RA on Monday.

Realizing that hearing new bills in committee often takes up the entire meeting time, would it be possible to review the CS of HB 68 at the beginning of today's meeting to insure that the bill will be available for the C&RA hearing on Monday?

TESTIMONY IN SUPPORT OF CSHB 68

My name is Bill Hagevig. I am presently serving as legislative liaison for the Gastineau Chapter of the Alaska State Firefighters Association. It is in that capacity that I am here today. I am a former fire officer, and am retired from state service wherein I served 15 years as Supervisor of Fire Service Training.

CSHB 68 was requested by the Alaska Fire Service to update the existing statute, AS 18.70.075 which was enacted in the early seventies. At that time, it was becoming apparent in many states that much of the authority exercised by fire officers was assumed, and not substantiated in law. In Alaska, most cities with long established fire departments had appropriate enabling ordinances which established the fire department and outlined the responsibilities and authority of its officers. In most small communities and rural villages, this was not the case. This, of course, left fire officers without protection from potential liabilities which could arise out of the performance of their duties. Officers of volunteer and part-paid fire departments were especially vulnerable.

To resolve the problem, the Fire Service, through its fraternal organizations, asked the State Legislature to assist with an appropriate statute to validate the specific kinds of decisions exercised in the course of fireground operations. The result was AS 18.70.075.

CSHB 68 was requested to update the existing statute. AS 18.70.075 applies only to fire scene situations. For that period the provisions of

the law were adequate. This is no longer the case. Fire department personnel are now called upon to respond to a wide range of emergency medical situations, as well as rescue operations involving air crash and marine incidents. Most recently, fire personnel have become concerned with incidents involving a wide variety of hazardous materials in their local communities.

When these incidents occur, and fire department personnel and equipment are committed, it should be under the command of legally authorized fire officers. This is not regarded as an incursion into the duties and responsibilities of other public safety disciplines such as local police or state troopers. Nor does it conflict with statutory authority of agencies such as the Department of Environmental Conservation or the Office of the State Forester. Each of the above agencies has their own statutory authority, and have a long record of working closely with the fire service when the need arises.

Finally, Section(a)(7) of the statute being considered for amendment provides for pre-fire planning surveys by fire service personnel on buildings or other structures with significant potential for life loss, explosion, toxic gas emission, or any other characteristics which may make fire suppression or rescue operations more difficult or dangerous without a preconceived plan. Emphasis was placed on changing the original text from inspection to survey, so that the public understands that this is not an enforcement activity. Nor would a pre-fire planning survey be conducted without permission of the owner or occupant.

Thank you for considering these comments. If there are any questions, I will do my best to respond to them.



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 424-7475

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- 2) change "fire protection services" to "fire department related emergencies which may include, but are not limited to, fire suppression, rescue services, and hazardous materials incidents...."

Recommendation: PASS

Adoption: PASS NO PASS

Distribution: Legislative Distribution
Governor


Dewey Whetsell, Pres., A.F.C.A.


Jason Elson, Pres., A.S.F.A.



**Fairbanks
North
Star
Borough**

(3) HB 68

Mayor: Juanita Helms

January 28, 1987

Sylvester Neal, State Fire Marshal
Department of Public Safety
Division of Fire Prevention
5700 E. Tudor Road
Anchorage AK 99507

RE: Emergency Regulations Requested for 13 AAC 52.030

Dear Mr. Neal:

The fire service in Alaska is being placed in an extremely dangerous position of being expected to respond to a wide variety of emergency situations without having statutory authority for such life and property saving actions.

Therefore, I am requesting your support in issuing Emergency Regulations to 13 AAC 52.030 (Title: Standards of Organization and Services of a Fire Department) that will provide this critical support to the fire service throughout our state.

It is through the issuance of such Emergency Regulations that this administrative code as well as AS 18.70.075 will become more meaningful and practical for emergency responding agencies.

The enclosed proposal for Emergency Regulations is a copy of that recently submitted by the Interior Fire Chiefs Association.

I would appreciate hearing from you on the anticipated time period and administrative procedures necessary to accomplish this issuance.

Sincerely,

JUANITA HELMS
Borough mayor

enclosure

cc: Barry Jennings, Fire Chief & President,
Interior Fire Chiefs Association



INTERIOR FIRE CHIEFS ASSOCIATION

PROPOSAL

13 AAC 52.030

TITLE: STANDARDS OF ORGANIZATION AND SERVICES OF A FIRE DEPARTMENT.

ADD NEW SUBSECTION (c): "Definitions"

(c) Definitions

(1) "Municipal Fire Department" (ref: AS 18.70.075)

Defined to mean any fire department located in the State of Alaska and registered with the Office of the State Fire Marshal, Department of Public Safety.

(2) "fire protection services" (ref: AS 18.70.075)

Defined as follows: (ref: [1985 UFC-Article 10, Div. 10, Section 10.101])

The chief and his authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property and any part thereof, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty.

SUBMITTED BY: INTERIOR FIRE CHIEFS ASSOCIATION

SUBMITTED TO: SLYVESTER NEAL, STATE FIRE MARSHAL

SUBMITTED FOR: ADDITION AS AN EMERGENCY CHANGE TO THE APPROPRIATE ADMINISTRATIVE CODE

SIGNED:

Barry Jennings, President, Interior Fire Chiefs Assoc.

Original sponsors: Miller, Cato,
Frank and Koponen

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 68 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the authority of fire department officers."

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

* Section 1. AS 18.70.075 is amended to read:

Sec. 18.70.075. AUTHORITY OF [MUNICIPAL] FIRE DEPARTMENT OFFICERS [AND THEIR PERSONNEL]. (a) A fire [AN] officer of a municipal fire department or a fire department registered under AS 29.60.130 [AN AUTHORIZED REPRESENTATIVE], while providing fire protection or other emergency services, has the authority to

(1) control and direct activities at the scene of a fire or emergency;

(2) order a person to leave a building or place in the vicinity of a [THE] fire or emergency, for the purpose of protecting the person from injury;

(3) blockade a public highway, street, or private right-of-way temporarily while at the scene of a fire or emergency;

(4) trespass upon property at or near the scene of a fire or emergency at any time of the day or night;

(5) enter a building, including a private dwelling, or [UPON] premises where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, to extinguish [FOR THE PURPOSE OF EXTINGUISHING] the fire;

(6) enter a building, including a private dwelling, or premises near the scene of a [THE] fire for the purpose of protecting

1 the building or premises or for the purpose of extinguishing the fire
2 that is in progress in another building or premises;

3 (7) upon 24-hour notice to the owner or occupant, ~~conduct a~~
4 ~~pre-fire planning survey in~~ [INSPECT FOR PREPLANNING] all buildings,
5 structures, or other places within the municipality ~~of the registered~~
6 ~~fire department's district~~, except the interior of a private dwelling,
7 where combustible material is or may become dangerous as a fire menace
8 to the building;

9 (8) direct the removal or destruction of a fence, house,
10 motor vehicle, or other thing ~~judged~~ [THAT THE OFFICER OR AUTHORIZED
11 REPRESENTATIVE MAY JUDGE] necessary [TO REMOVE OR DESTROY] to prevent
12 the further spread of ~~a~~ [THE] fire.

13 (b) An owner or occupant of a building or place specified in
14 this section or any other person on the site of a fire or other ~~fire~~
15 ~~department~~ emergency who refuses to obey the order of ~~a fire~~ [AN]
16 officer of a municipal ~~or registered~~ fire department [OR AN AUTHORIZED
17 REPRESENTATIVE] in the exercise of official duties is guilty of a
18 misdemeanor, and upon conviction, is punishable by imprisonment for
19 one year, or by a fine of not more than \$1,000, or by both.

20 (c) In this section [,]

21 (1) "emergency" means a situation in which the services of
22 fire department personnel are necessary or appropriate to protect
23 life, property, or public health;

24 (2) ~~"pre-fire planning survey"~~ ["INSPECT FOR PREPLANNING"]
25 means ~~limited inspection for the purpose~~ [TO CONDUCT LIMITED INSPEC-
26 TIONS FOR PURPOSES] of preparing a fire attack plan in the event of a
27 future emergency [, BUT DOES NOT INCLUDE INSPECTIONS FOR PURPOSES OF
28 DETERMINING COMPLIANCE WITH STATUTORY OR MUNICIPAL FIRE CODE REQUIRE-
29 MENTS].

12
HB 68

5-0338B
Hein
1/29/87

Original sponsors: Miller, Gato,
Frank and Koponen

DRAFT

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
 2 CS FOR HOUSE BILL NO. 68 (State Affairs)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FIFTEENTH LEGISLATURE - FIRST SESSION
 5 A BILL

6 For an Act-entitled: "An Act relating to the authority of fire department
7 officers."

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

9 * Section 1. AS 18.70.075 is amended to read:

10 Sec. 18.70.075. AUTHORITY OF [MUNICIPAL] FIRE DEPARTMENT OFFI-
11 CERS [AND THEIR PERSONNEL]. (a) A fire [AN] officer of a municipal
12 fire department or a fire department registered under AS 29.60.130 [AN
13 AUTHORIZED REPRESENTATIVE], while providing fire protection or other
14 emergency services, has the authority to

15 (1) control and direct activities at the scene of a fire or
16 emergency;

17 (2) order a person to leave a building or place in the
18 vicinity of a [THE] fire or emergency, for the purpose of protecting
19 the person from injury;

20 (3) blockade a public highway, street, or private right-of-
21 way temporarily while at the scene of a fire or emergency;

22 (4) trespass upon property at or near the scene of a fire
23 or emergency at any time of the day or night;

24 (5) enter a building, including a private dwelling, or
25 [UPON] premises where a fire is in progress, or where there is reason-
26 able cause to believe a fire is in progress, to extinguish [FOR THE
27 PURPOSE OF EXTINGUISHING] the fire;

28 (6) enter a building, including a private dwelling, or
29 premises near the scene of a [THE] fire for the purpose of protecting

DRAFT

1 the building or premises or for the purpose of extinguishing the fire
2 that is in progress in another building or premises;

3 (7) upon 24-hour notice to the owner or occupant, conduct
4 prefire planning survey in [INSPECT FOR PREPLANNING] all buildings
5 structures, or other places within the municipality or the registered
6 fire department's district, except the interior of a private dwelling
7 where combustible material is or may become dangerous as a fire menace
8 to the building;

9 (8) direct the removal or destruction of a fence, house,
10 motor vehicle, or other thing judged [THAT THE OFFICER OR AUTHORIZED
11 REPRESENTATIVE MAY JUDGE] necessary [TO REMOVE OR DESTROY] to prevent
12 the further spread of a [THE] fire.

13 (b) An owner or occupant of a building or place specified in
14 this section or any other person on the site of a fire or other fire
15 department emergency who refuses to obey the order of a fire [AN]
16 officer of a municipal or registered fire department [OR AN AUTHORIZED
17 REPRESENTATIVE] in the exercise of official duties is guilty of a
18 misdemeanor, and upon conviction, is punishable by imprisonment for
19 one year, or by a fine of not more than \$1,000, or by both.

20 (c) In this section [,]

21 (1) "emergency" means a situation in which the services of
22 fire department personnel are necessary or appropriate to protect
23 life, property, public health, or the environment;

24 (2) "prefire planning survey" ["INSPECT FOR PREPLANNING"]
25 means a limited inspection for the purpose [TO CONDUCT LIMITED INSPEC-
26 TIONS FOR PURPOSES] of preparing a fire attack plan in the event of a
27 future emergency, but does not include an inspection for the purpose
28 [INSPECTIONS FOR PURPOSES] of determining compliance with statutory or
29 municipal fire code requirements.

HB

90

HOUSE COMMITTEE REPORT

10 HB 90

(5)

Date referred: 1/30/87

FURTHER REFERRALS: Finance

DATE: 02/13/87

The Community and Regional Affairs Committee has considered HB 90

"An Act relating to time periods to be used for administering the tax equalization program and the municipal assistance program; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Cato Bette Cato

Collins Carpin Mallis

Herrmann Adelheid Herrman

Springer Heinrich Springer

Zawacki Jim Zawacki

Springer

Heinrich Springer
Chairman's signature



Alaska State Legislature House of Representatives

PO BOX 783
GIRDWOOD ALASKA 99567
1907 783-2905

WHILE IN JUNEAU
POUCH V
JUNEAU ALASKA 99801
1907 465 2693 2719

REPRESENTATIVE
JIM ZAWACKI
DISTRICT 7

MEMBER
COMMUNITY & REGIONAL
AFFAIRS COMMITTEE
LEGISLATIVE BUDGET &
AUDIT COMMITTEE
FINANCE SUBCOMMITTEE

MEMORANDUM

TO: Representative Henry Springer
Chairman, House Community & Regional Affairs

FROM: Representative Jim Zawacki

DATE: February 13, 1987

SUBJ: ~~HB 90~~ and HB 9

Thank you for allowing me to be excused from today's meeting. I would like to address HB 90 and HB 9 before the committee today.

HB 90: I support this bill and I hope it is moved out of committee today.

I have underlined what I consider to be the important benefits of this bill. See attachment.

HB 9: I would like to request this bill be held over until next week for further review. However, if it is moved I would like to offer an amendment:

On page 2, line 7 and 8 should be amended to read:

"require that (consider the) projected operating and maintenance costs of capital improvements be submitted with (in) legislation."

It would be appropriate to have a fiscal note detail past costs for supplemental appropriations and consequent overtime.

HB 90

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99801
PHONE (907) 465-4700

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

February 11, 1987

POSITION PAPER

RE: House Bill 90--"An Act relating to time periods to be used for administering the tax equalization program and the municipal assistance program; and providing for an effective date."

SPONSOR: Rules Committee by Request of the Governor

PROGRAM EFFECTS: This bill would alter procedures for collection of data and calculation of revenue sharing entitlements and would allow earlier disbursement of revenue sharing and municipal assistance entitlements to municipalities and other recipients.

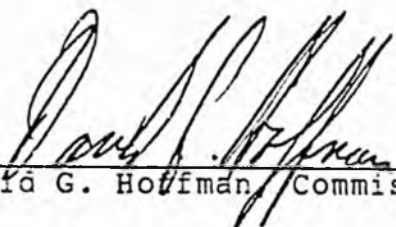
COMMENTS: This legislation was introduced at the request of the Department and represents one of its highest priorities. This bill is a product of the Governor's 1985 Task Force on State Shared Revenue and a very similar version (HB 558) was nearly passed by the Legislature last session.

The legislation would benefit municipalities in two ways. First, it would provide greater predictability to the entitlement process. Currently, a municipality must plan its budget without an accurate idea of its entitlement for the budget year. Under the proposed bill, the department will have the necessary municipal data to provide very accurate estimates to cities and boroughs for budget preparation based upon proposed or adopted levels of appropriation. The question of appropriation level can be addressed if Governor Cowper's request for an FY 1989 appropriation for State Revenue Sharing and Municipal Assistance is enacted.

Second, the proposed legislation will allow the department to disburse funds within the first month of the fiscal year. Under the current system, a prepayment of about one-half of the entitlement is made in September or October, with a final payment in March. This earlier funding will alleviate municipal cash flow problems and provide greater flexibility for the management of these funds at the local level.

House Bill 90
February 11, 1987
Page Two

The legislation would also improve the administration of the State Revenue Sharing program by allowing the use of verified data elements in entitlement calculations instead of the present method of using estimates. The stretching of the data collection, calculation, and payment process over three years allows for a more thorough and deliberate approach to program administration and should reduce the likelihood of errors on the part of municipalities and the Department. The present system which compresses the three step process into a one year time frame often results in incomplete or inaccurate information because deadlines restrict complete discussion between local governments and the Department regarding data determinations.



David G. Hoffman, Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: HB 90

Bill Version: HB 0090A
Publish Date: 1/30/87

Revision Date: _____
Title: "An Act relating to time period
...tax equalization & mun. assist."
Sponsor: Rules/Governor
Requestor: House C&RA Committee

Agency Affected: Community & Regional Aff
BRU: Local Government Assistance
Components: Grants Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Doug Griffin, Deputy Director *DG* Phone: 465-4750
Division: Municipal & Regional Assistance Date: 2-10-87
Approved by Commissioner: David G. Bellum Date: 2-10-87
Agency: Community & Regional Affairs

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary


Alaska MUNICIPAL League



TELEPHONE
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

To: Representative Henry Springer, Chair
Members of the House Community and Regional Affairs Committee

From: Scott A. Burgess, Executive Director 

Date: February 13, 1987

Subject: HB 90 - Time periods for the Revenue Sharing and Municipal Assistance Programs

On behalf of the Alaska Municipal League, we support HB 90. While the legislation does not address the level of funding for the revenue sharing and municipal assistance programs, top AML priorities, it would make the best of the funding that is appropriated by the Legislature for those programs.

This legislation is based on the recommendations of the Governor's Shared Revenue Task Force, outlined in their report of December 9, 1985. As proposed, the legislation would appear to allow the distribution of funds in a more timely manner providing a greater degree of predictability in the level of funding, and getting the money out to the municipalities more quickly to provide for needed municipal services. Basically, this is done by basing the revenue sharing entitlement formula on earlier data as to population, taxes, audits etc.

The second major benefit is requiring all municipal assistance payments to be made to municipalities by February 1st, regardless of their fiscal year. This action will make the payment period more equitable by not penalizing those municipalities on a July 1st fiscal year which currently must wait at least four months for their funds.

A similar bill was introduced in the Second Session of the 14th Legislature and passed the House. The bill reached the Senate Finance Committee but got caught in the rush to adjourn, and died. I urge the Committee to approve the legislation, and encourage its passage by the House.

On behalf of the League, I would like to thank Governor Cowper, Commissioner Hoffman, Deputy Director Doug Griffin and Jim Plasman of the Division of Municipal and Regional Assistance for the work that resulted in this legislation, and for working with the Alaska Municipal League prior to submitting legislation which directly affects our membership.

Thank you.

HB 90

⑦ HB 90

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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PHONE: (907) 563-1073

February 11, 1987

POSITION PAPER

RE: House Bill 90--"An Act relating to time periods to be used for administering the tax equalization program and the municipal assistance program; and providing for an effective date."

SPONSOR: Rules Committee by Request of the Governor

PROGRAM EFFECTS: This bill would alter procedures for collection of data and calculation of revenue sharing entitlements and would allow earlier disbursement of revenue sharing and municipal assistance entitlements to municipalities and other recipients.

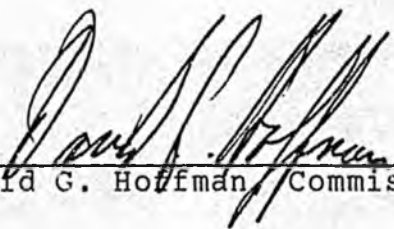
COMMENTS: This legislation was introduced at the request of the Department and represents one of its highest priorities. This bill is a product of the Governor's 1985 Task Force on State Shared Revenue and a very similar version (HB 558) was nearly passed by the Legislature last session.

The legislation would benefit municipalities in two ways. First, it would provide greater predictability to the entitlement process. Currently, a municipality must plan its budget without an accurate idea of its entitlement for the budget year. Under the proposed bill, the department will have the necessary municipal data to provide very accurate estimates to cities and boroughs for budget preparation based upon proposed or adopted levels of appropriation. The question of appropriation level can be addressed if Governor Cowper's request for an FY 1989 appropriation for State Revenue Sharing and Municipal Assistance is enacted.

Second, the proposed legislation will allow the department to disburse funds within the first month of the fiscal year. Under the current system, a prepayment of about one-half of the entitlement is made in September or October, with a final payment in March. This earlier funding will alleviate municipal cash flow problems and provide greater flexibility for the management of these funds at the local level.

House Bill 90
February 11, 1987
Page Two

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David G. Hoffman, Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: HB 90

Bill Version: HB 0090A
Publish Date: 1/30/87

Revision Date: _____
Title: "An Act relating to time periods
...tax equalization & mun. assist."
Sponsor: Rules/Governor
Requestor: House C&RA Committee

Agency Affected: Community & Regional Affs.
BRU: Local Government Assistance
Components: Grants Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Doug Griffin, Deputy Director
Division: Municipal & Regional Assistance

Approved by Commissioner: David G. Bellman
Agency: Community & Regional Affairs

Phone: 465-4750
Date: 2-10-87
Date: 2-10-87

Distribution (by preparer):

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

**Governor's
Task Force on
State Shared
Revenue**

Final Report

December 9, 1985

Bill Sheffield, Governor

**Emil Notti, Commissioner
Department of Community and Regional Affairs**

A second source of impetus for modification was the desire to base payments upon a "basic needs" approach. It was felt that certain categories of "basic needs" in local government services should be identified and payments should be determined on that basis. To a great extent, this may be seen as a return to the categorical program which the equalization program replaced in 1981. Past analysis has indicated that this categorical approach biased the program in favor of wealthier, more populous communities which could afford to provide more services than poorer, less populous ones. Further, complaints were made that local governments should make the decisions on what services should be funded at the local level, rather than the state mandate these services through the categorical program. Local governments should be eligible to receive funding for specific categories of services and expenditures for eligible services placed on local governments should not create excessive relative burdens upon the state and local

In 1985, the Alaska Conference of Mayors met in Anchorage to discuss these and other fiscal issues of interest to local governments. It was determined at that time that any changes in the formulas for municipal assistance and revenue sharing were unacceptable under the current financial and political climate of the state, and this determination was subsequently transmitted to the Task Force.

The combination of these factors has led the Task Force to recommend that no change be made to the distribution formulas utilized by the Municipal Assistance and State Revenue Sharing Programs.

B. Predictability and Stability

One of the biggest complaints about the current State Revenue Sharing Program is its lack of predictability. This complaint is twofold: first, recipients do not know what the exact level of payment will be until well into their fiscal year, and secondly, the payment schedule is uncertain. This uncertainty and lack of predictability creates problems in the planning and budgeting process and general disruption of the fiscal affairs of municipalities. This problem is largely a result of the way the program is structured.

1. Current Time Table.

Revenue Sharing entitlements are determined by a variety of data elements. A municipality's population, locally generated revenues, and property values are used to determine its Municipal Tax Resource Equalization entitlement. Miles of roads, hospital and health facility beds and so on are used to determine a recipient's Miscellaneous Services entitlement. These data elements are determined as of the following dates:

Population - the July 1 immediately preceding application;

locally generated revenues - total for the municipality's fiscal year preceding the year of application;

full and true property values - the January 1 of the year preceding the calendar year of application; and

service provision dates for State Aid for Miscellaneous Services (roads and health facilities, volunteer fire departments, unincorporated communities) - in service July 1 of the year of application.

The application deadlines are as follows:

October 1 - application and budget must be postmarked as of this date to qualify for prepayment.

November 1 - application and budget must be postmarked as of this date to qualify for payment and preserve appeal rights.

December 1 - application and budget must be postmarked as of this date to qualify for payment, but appeal rights are waived.

The administrative processes for calculating final entitlements are on the following time line:

October 15 - initial determination of municipal population and data elements.

December 15 - deadline for municipal population revision requests by municipalities and final data element determinations by department.

January 15 - deadline for appeal of data element determinations by municipalities.

February to March - resolution of appeals.

March - computer run of final entitlements.

March - final payments sent to recipients.

June 30 - deadline for submission of audits/certified financial statements.

The time lag from the measurement of these elements to final payment under the current system amounts to the following, assuming a March final payment date:

Population: July 1 to March 30 = 9 months.

Locally generated revenues (for state fiscal year municipalities): fiscal year ending June 30 to March 30 = 9 months.

Full and true property value: January 1 of year preceding calendar year of application to March 30 = 27 months.

Service provision: July 1 to March 30 = 9 months.

Prepayments are sent out as soon as possible after receipt of the completed application and budget. Final payments should go out in March; however, in the last two fiscal years, because of extended deadlines and a Legislative Budget and Audit Committee audit, 90 percent provisional payments were issued in March and final payments were not made until May. Additionally, an audit or certified financial statement for the fiscal year preceding the year of application must be submitted before a final payment may be released. Obviously, if the audit or financial statement is not submitted by the time of the final entitlement computer run, the Department is unable to compare estimated revenues claimed in the application with the audited or certified figures. This has led in the past to the necessity of assessing corrective prior year adjustments in subsequent years which are not only administratively burdensome to the state, but may be devastating to a recipient which had grossly over-estimated locally generated revenues.

2. Prior Year Data Proposal.

The most promising proposal considered by the Task Force which would address these issues and retain the current revenue sharing formula is the use of "prior year" data. In its simplest terms, this proposal would allow the Department to use certain data from the year preceding the one currently utilized. By so doing, the data necessary to make the calculations to determine recipients' final entitlements would be available much earlier than at present so that the Department could 1) notify recipients of their expected entitlements in a timely manner to allow proper budgeting and financial planning, and 2) disburse the money much earlier in the fiscal year, perhaps as early as the first week in July.

Under this proposal, data would be determined for the entitlement year as of the following dates:

Population - October 1 of the year preceding the entitlement year.

Locally generated revenues (for municipalities on the state fiscal year) - the fiscal year ending June 30 preceding the year before the entitlement year.

Full and true value - January 1 of the fiscal year preceding the year before the entitlement year.

Service provision date - October 1 of the year preceding the entitlement year.

Application deadlines would be altered as well. There would no longer be a need for a prepayment deadline, although there may still be two deadlines, one to preserve appeal rights and one which results in waiver of appeal rights. The retention of the November 1 and December 1 deadlines would allow the following schedule:

October 15 - initial determination of population figures.

November 1 - deadline for applications for following fiscal year to preserve appeal rights.

December 1 - final deadline for applications, appeal rights waived.

January 1 - final deadline for calendar year municipalities.

January 15 - final determination of data elements and deadline for requests for population revision.

February 15 - appeal deadline.

February/March - resolution of appeals.

End of March - preliminary entitlement run.

June 1 - deadline for submission of audits/certified financial statements for preceding fiscal year covering claimed locally generated revenues.

End of June - final entitlement run.

July 1 - beginning of entitlement year.

First week of July - final payments disbursed to recipients conditioned upon submission of budget for entitlement year.

Perhaps the only drawback to utilizing the prior year data proposal is the perceived increased time lag between the measurement of data elements and the receipt of payment based upon that data. This perception may have been based upon the terminology used to designate the proposal, as "prior year data" implies an additional twelve month time lag between calculation and payment beyond the current lag. Additionally, early formulations of the proposal showed potentially significant time lags between the data calculation and final payment.

Further refinements of the proposal have tended to reduce this time lag, in some cases, significantly. The time lag between calculation of data elements to final payment under the proposed system would be as follows, assuming a July 1 payment:

Population: October 1 to July 1 = 9 months.

Locally generated revenues (for municipalities on the State fiscal year): June 30 of the fiscal year of the year preceding the year of application to July 1 = 12 months.

Full and true value: January 1 of calendar year preceding year of application to July 1 of entitlement year (succeeding year of application) = 18 months.

Service provision: October 1 to July 1 = 9 months.

This reveals the following comparison:

<u>Data Element</u>	<u>Current</u>	<u>Proposed</u>
Population	9 months	9 months
Locally Generated Revenues	9 months	12 months
Full and True Value	27 months	18 months
Service Provision	9 months	9 months

It should be noted, of course, that the current program disburses prepayments, which amount to about half the entitlement, as much as 5 months earlier than the March 30 date used to calculate time lag for the current program in the above comparison.

3. Analysis of Changes.....

The problem of predictability is addressed in that accurate preliminary estimates of entitlements will be available to municipalities by the end of March for use in budget formulation and financial planning. Those estimates will be based upon the finalized municipal data elements and the Governor's requested budget appropriation level for the program, unless the operating budget has been passed, in which case the appropriation level will be adjusted accordingly. Payments will be available at the beginning of the fiscal year, thus relieving much of the uncertainty involved in receipt of payments. An additional advantage is that communities will have their entire payment available much earlier in the fiscal year, allowing more flexibility in financial planning, as well as the possibility of earning additional interest from the funds.

Applications will be made in the year preceding the entitlement year, rather than the entitlement year itself. Application deadlines may be retained to avoid confusion among smaller communities. It may be desirable, however, to alter the deadline for calendar year municipalities to provide for their special needs. Service provision dates will be changed from July 1 to October 1 of the application year. This will allow the entire building season to be completed for inclusion of claimed service (e.g., roads). This will allow services that could not be counted for an additional 12 months under the current system, because they were not in service until after the July 1 deadline, to be available for inclusion in the entitlement calculation if completed by October 1. Population will be determined as of October 1 to minimize the lag between population increase or decrease and payment based upon those figures. Additionally, it will allow communities to utilize summer months for census taking, if desired.

(5) HB90 No. 1

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE

Bill version: HB 90
Publish date: HOUSE 1/30/87

REQUEST

Bill/Resolution No.: _____
 Title: "An Act relating to time periods to be used for administering tax equalization & Municipal assistance programs"
 Sponsor: Rules/Governor
 Requestor: Governor
 Date of Request: 11/21/86

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 BRU: Local Government Assistance

Components: Grants Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Doug Griffin, Deputy Director
 Division: Municipal & Regional Assistance

Phone: 465-4750
 Date: 11/21/86

Approved by Commissioner: [Signature]
 Agency: Community & Regional Affairs

Date: 11/20/86

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
JUNEAU

January 29, 1987

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

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the time periods to be used in administering the tax equalization and municipal assistance programs. The bill amends sections of AS 29.60 to compute municipal revenue sharing entitlements, and to distribute revenue sharing and municipal assistance, on a new timetable.

Each year, the Alaska legislature appropriates money for municipal revenue sharing, known as "equalization entitlements," to be distributed in the following state fiscal year. Equalization entitlements are the product of multiplying a municipality's millage rate equivalent by the municipality's population. AS 29.60.010(b). Two factors used in determining the millage rate equivalent are the municipality's locally generated revenue and property values. AS 29.60.010(c). A municipality's locally generated revenue and full and true assessed property value in one year are the foundation for computing the municipality's equalization entitlement for the next state fiscal year. However, the current system for determining revenue sharing does not give municipalities sufficient opportunity to plan ahead; a municipality must plan its budget in advance without an accurate idea of its entitlement for the following fiscal year.

Two time periods underly the existing timetable for determining entitlements and distributing payments: (1) the municipal fiscal year from which the locally generated revenue and full and true assessed property value are derived, and (2) the succeeding state fiscal year in which both the computation and distribution of entitlements takes place. In its December 9, 1985 report, the Governor's Task Force on State Shared Revenues requested that the latter functions be separated into two years, so that computation of entitlement is done in the state fiscal year before the distribution of payments. This is informally described as the "prior year data" basis for handling revenue sharing entitlements.

To implement the prior-year system, this bill amends various sections of AS 29.60 to reflect three relevant time periods: the municipal fiscal year from which revenue and property value data is collected, the state fiscal year of entitlement computation, and the state fiscal year of entitlement payment. With the computation of entitlement occurring in the fiscal year before payment, the department will be able to distribute entitlements sooner each fiscal year.

Section 1 of the bill amends AS 29.60.010(a) to reflect that computation of an equalization entitlement occurs in the state fiscal year before the fiscal year of payment. AS 29.60.010(c) is amended to state that a municipality's locally generated revenue is calculated on the basis of revenue received during the municipal fiscal year preceding the year in which the department determines the millage rate equivalent. Section 2 makes a similar change to AS 29.-60.030(a).

Because the prior-year system splits computation and distribution of revenue sharing into two state fiscal years, there is no longer a need for municipalities to submit preliminary data by October 15. As a result, sec. 8 of the bill repeals AS 29.60.030(b).

In sec. 3 of the bill, the deadline for the department's determination of each municipality's millage rate equivalent is changed from December 15 to January 15 of each year. AS 29.60.030(c). That statute is also amended to state that that determination is to be used for the distribution of equalization entitlements that will occur in the state fiscal year that begins after the January 15 computation.

AS 29.60.040 sets out the municipal reports required before payment of an equalization entitlement. Section 4 of the bill amends the statute to reflect that a municipality's financial reports should cover the fiscal year preceding the year in which the department computes the millage rate equivalent. The municipality must submit a budget for the fiscal year for which an entitlement is sought. AS 29.60.040.

Additional requirements are currently placed on a municipality in order to qualify for revenue sharing. AS 29.-60.290. Section 5 of the bill amends AS 29.60.290(a)(1) and (2) to require that a regular election and regular meetings of the municipal governing body be held in the state fiscal year preceding the year in which the department computes the millage rate equivalent. As current law requires, the

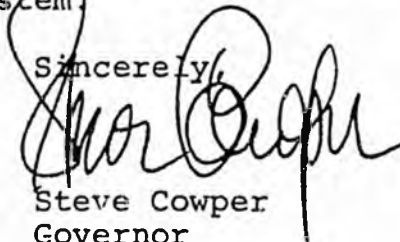
municipal budget must cover the year that the entitlement will be paid, but the requisite audit or financial statement from the municipality covers the fiscal year preceding the department's determination of the millage rate equivalent. AS 29.60.290(a)(3).

Section 6 of the bill adds a new AS 29.60.310 that specifies that the department is to make its tax equalization (or revenue sharing) payments no later than July 31, based upon the calculations made in the preceding fiscal year.

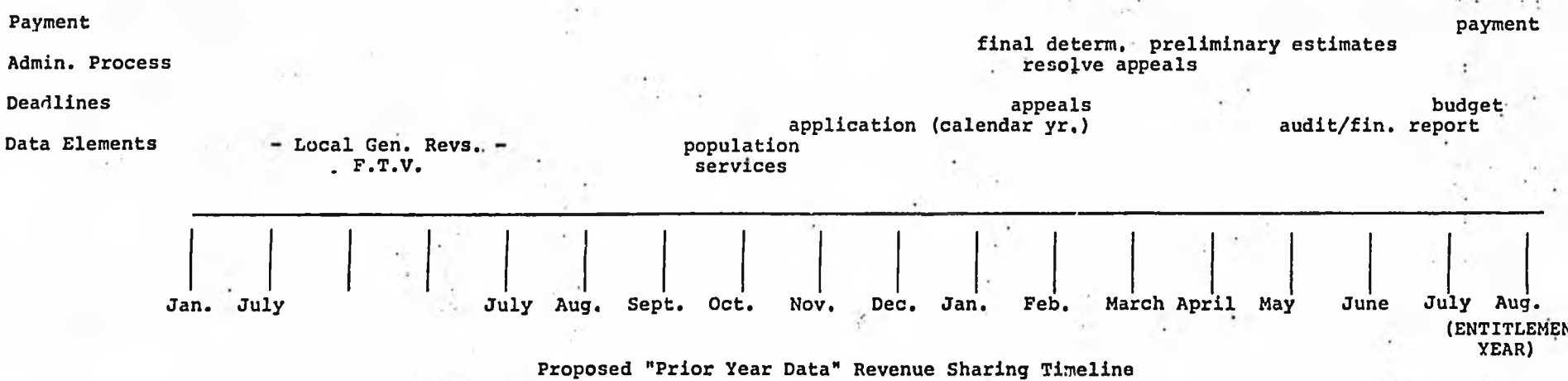
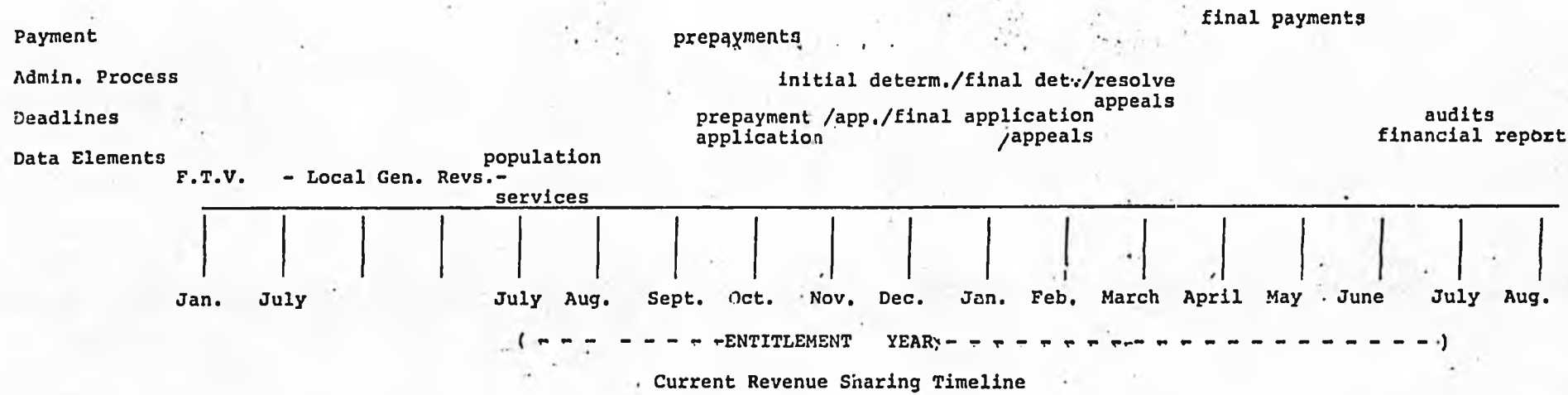
Section 7 of the bill amends the timetable for payment of municipal assistance under AS 29.60.350. AS 29.60.350(b) currently provides two different deadlines for payment of municipal assistance depending on a municipality's fiscal year. The statute is amended to set a single date, February 1, as the deadline, instead of February 1 or June 1.

Section 9 of the bill provides for a transition between the current system and the new prior-year system. The existing timetable for computation and distribution would be followed in FY 1988, but the bill's new timetable would apply to FY 1989. The switch to a prior-year system will require the use of the same locally generated revenue data in two consecutive fiscal years, which is unavoidable. Section 10 of the bill provides for a July 1, 1987 effective date, giving the department the authority to prepare in FY 1988 for implementation of the new system.

Sincerely,



Steve Cowper
Governor



STATE OF ALASKA

(2) HB 90

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

April 23, 1986

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PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

The Honorable Edna DeVries
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator DeVries:

RE: HB 558

I have taken the liberty of preparing an informational packet regarding HB 558, relating to time periods for distribution of state revenue sharing and municipal assistance payments, for you and members of the Senate Community and Regional Affairs Committee.

This bill is an attempt to get the most from each dollar spent. The increased predictability and earlier payments provided under this bill will mitigate to some extent the effects of lower state shared revenues for municipalities and other recipients of funds under these programs. This bill is designed to address one of the biggest complaints about the State Revenue Sharing Program, its lack of predictability. Additionally, the bill provides for payment of revenue sharing and municipal assistance funds much earlier in the fiscal year than under the current law.

The unpredictability in the State Revenue Sharing Program has two elements. First, recipients of revenue sharing do not know what amount of funding they will receive until well into their fiscal year. Second, the payment schedule is uncertain because of complications which arise in the calculation process. This two-fold lack of predictability disrupts the ability of municipalities to adequately plan their fiscal affairs.

This lack of predictability is largely the result of the program structure. Currently entitlements are calculated on the basis of information collected from the municipal fiscal year preceding the state fiscal year in which calculations and payments are made. Because of the compression of the calculation and payment function into one year, there is no way to predict entitlements with any degree of accuracy.

Senator DeVries
April 23, 1986
Page Two

In order to address this problem, the Governor's Task Force on State Shared Revenues recommended the calculation and payment functions be separated into two separate years. A detailed discussion of the proposal is contained in the task force report at pages 12 - 19, which I have attached to this letter as Attachment 1. A chart, summarizing the current revenue sharing time table and the proposed revenue sharing time table under this bill is also enclosed as Attachment 2.

Because the Department will have the data necessary to calculate revenue sharing entitlements the year before payment, we will be able to give out reasonably accurate estimates of the amount of payment to each recipient before their fiscal year starts, usually in time for use in budget preparation by the municipality. An additional benefit is that revenue sharing payments can be made at the beginning of the new state fiscal year, so that recipients will have the money earlier than at present. This allows additional financial flexibility and the possibility of additional income through investment, which, in the case of communities like Anchorage may be substantial.

The bill also proposes that the payment date for municipal assistance be made February 1 for all municipalities, rather than just those on a calendar fiscal year. Currently, municipalities on a state fiscal year are not paid until June 1. The benefit to municipalities again relates to earlier receipt of payment as well as correction of what has been perceived to be an inequity in payment schedules among municipalities based upon their fiscal year.

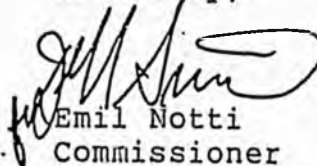
This bill received favorable attention in the House of Representatives. Favorable testimony was received by the House Community and Regional Affairs Committee from Scott Burgess of the Alaska Municipal League in support of the legislation. He also supplied a memorandum in support of the bill, a copy of which is attached (Attachment 3). Chip Dennerlein, on behalf of Mayor Knowles in his capacity as President of the Alaska Conference of Mayors at the time the proposal was released by the task force, spoke in favor of the legislation. Larry Semmons from the Kenai Peninsula Borough, testifying on behalf of the Municipal Finance Officers of Alaska, expressed the support of that organization as well. One concern raised by Mr. Semmons' testimony was the need for a date certain in the bill for disbursement of revenue sharing funds. That concern was addressed in the House Finance Committee with an amendment to provide for payment by July 31.

Senator DeVries
April 23, 1986
Page Three

A final enclosure is a copy of Governor Sheffield's letter of transmittal to the Speaker of the House which accompanied this bill.

If you have any further questions, the Department will gladly participate in any discussions or hearings on this bill.

Sincerely,



Emil Notti
Commissioner

Enclosures (4)

cc: Members of the Senate Community
and Regional Affairs Committee

H B

115

#	Date In	Doc. Type	Date	Subject	DESCRIPTION	From	Copied	Init
(1)		Bill		HB 115				
(2)		Pkt.		House Calendar Info Pkt.				
	2a			Minutes - FIU	2/26/88			
	2b				TRA 3/4/87			
	2c				TRA 3/11/87			
(3)		Pkt		House Fin Com. Pkt				
	3a			FIN Com Rpt w CS HB 115 (1-10)				
	3b			" " "	ltr of int and incurred FIU			
	3c			FN Corrected #3	3/2/88			
	3d			FN Corrected #4	3/2/88			
(4)	4/25	Amx.	4/25/8	Cal Error and Lobby				
(5)	4/27	Art.	4/26	FAI Daily News - Mines				
(6)		ltr	5/23/8	^{SP1} HCHA to Dean				
(7)		ltr	6/26/8	Dean to Sp1.				
(8)		map						
(9)		Study		Utility Corridor				

(#) = Distributed, all files

(Ltr) = Master, Backup, Next Com. Files

PUBLIC OPINION MESSAGE

Sp/ORA

DEAR: REPRESENTATIVE SPRINGER

NAME: VERNON F. MILLER, CHIEF

TITLE:

ADDRESS: 1455 SKYLINE DRIVE

CITY: FAIRBANKS

ZIP: 99712

PHONE: 457-5602

BILL NO: HB 115

SUBJECT: PUBLIC USE OF DALTON HIGHWAY

MESSAGE: PLEASE BE ADVISED THAT THE ATTEMPT TO KILL THE DALTON BILL VIOLATES MY SUBSISTENCE RIGHTS TO HARVEST BEAUFORT SEA FISH AND OTHER TRADITIONAL FOODS. AS STATED EARLIER, WISEMAN IS THE ONLY VILLAGE ON THE ROAD AND IS NOT OPPOSED TO FULLY OPENING THE HAUL ROAD. EOM/MJO/C

POMID: 07135907

DATE: 04/28/88

TIME: 13:59:07

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

WALLIS

COLLINS

ZAWACKI

BOYER

DAVIS

GOLL

POURCHOT

SHACKHAMMER

COTTEN

NAVARRE

TAYLOR

BOUCHER

HUDSON

PEARCE

CATO

HERRMANN

ADAMS

BROWN

FRANK

LARSON

RIEGER

BARNES

GRUENBERG

SUND

ULMER

GRUSSENDORF

MILLER

KOPONEN

COGHILL

FAHRENKAMP

FANNING

HALFORD

KELLY

STURGULEWSKI

SZYMANSKI

ZHAROFF

BINKLEY

DUNCAN

FISCHER

HENSLEY

UEHLING

FAIKS

JOSEPHSON

KERTTULA

RODEY

ABOOD

JONES

APR 29 1988

PUBLIC OPINION MESSAGE

Sp/CRA
APR 28 1988

DEAR: REPRESENTATIVE SPRINGER

NAME: JENNY DEVRIES
TITLE: ALASKA WILDLIFE ALLIANCE
ADDRESS: PO BOX 19053
CITY: ANCHORAGE ZIP: 99519
PHONE: 277-0897
BILL NO: HB 115
SUBJECT: PUBLIC USE OF DALTON HIGHWAY

MESSAGE: I WOULD LIKE YOU TO HOLD HB 115 IN COMMITTEE. AFTER TALKING TO BIOLOGISTS I AM CONCERNED ABOUT SHEEP IN THE ATIGUN GORGE AREA. THIS IS A MAJOR SHEEP LAMBING AND MINERAL LICK AREA. SHEEP ARE TOTALLY APPROACHABLE AT MINERAL LICKS AND THEY ARE PROGRAMED NOT TO LEAVE A LAMBING AREA. WE FEEL THEY WOULD BE AT A GREAT RISK.

POMID: 03111127
DATE: 04/27/88
TIME: 11:11:27
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

CATO
COLLINS
HERRMANN
ZAWACKI

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

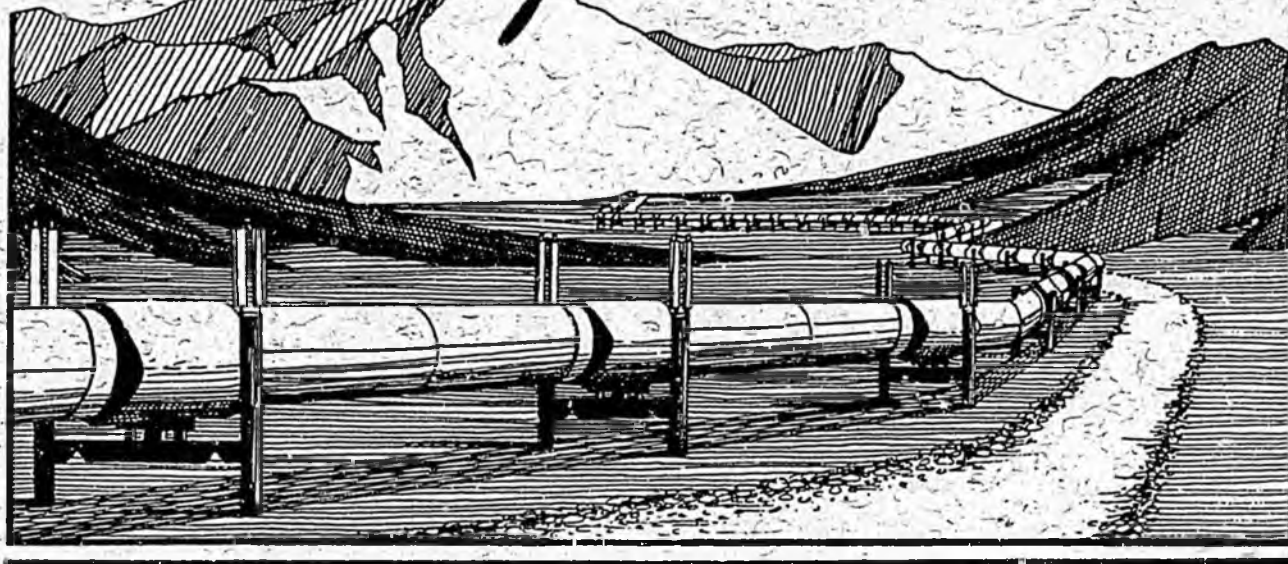
④

HB 115 1988

BLM-AK-PF87-016-1610-960

APR 25 1988

Utility Corridor



Draft Resource Management Plan and Environmental Impact Statement

with

The Central Arctic Management Area
Wilderness Study Supplement



U.S. Department of the Interior
Bureau of Land Management
Arctic District Office, ALASKA

18 AUG 1987



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

May 23, 1988

Mr. M. Thomas Dean
Arctic District Manager
Arctic District Office
Bureau of Land Management
United States Department of the Interior
1541 Gaffney Road
Fairbanks, Alaska 99703-1399

Re: Utility Corridor Resource Management Plan

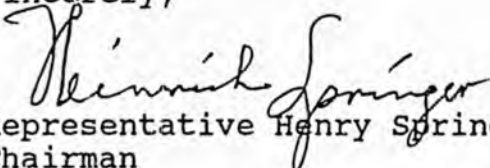
Dear Mr. Dean:

In February of 1987, House Bill 115, relating to public use of the Dalton Highway, was introduced in the Alaska State Legislature. It is currently in the House Community and Regional Affairs Committee.

Although this bill did not pass the legislature this session, there has been and will continue to be considerable public interest in opening this road for public use. I believe it would be prudent to address this situation in the Utility Corridor study and recommend that you seriously consider this possibility and its ramifications in the plan. It is entirely possible that similar legislation will be introduced next session.

A copy of the original bill is enclosed, for your information.

Sincerely,


Representative Henry Springer
Chairman

Enclosure

HB 115 - Update

Thru: Thomas Dean, BLM, FAI, 474-2302

Essentially no change in past 4 months. They are finished with first public hearing process. Dean projects the management plan will be ready for the Governor's consistency review by late February, 1989, with a target of April-June, 1989, for the final published product.

Primary areas of concern:

State Selection--

Greatest issue of disagreement. Few want state selection in corridor, except extreme north end, where state has land now.

Subsistence--

Favor strong federal government management in corridor because of the legal responsibilities in this area.

Minerals--

Mining favors BLM administration of the corridor. One Fairbanks group was concerned that it might become an extension of a national park.

Recreation--

Most favor BLM recreation development, consistent with utility and transportation issues. Environmentalists not in favor of road opening.

Once submitted to Governor for consistency review (he has 60 days), there is a 30 day public comment period.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARCTIC DISTRICT OFFICE
1541 GAFFNEY ROAD
FAIRBANKS, ALASKA 99703-1399



1600 (060)

JUN 16 1988

JUN 24 1988

Honorable Henry Springer
Chairman, Committee on Community and Regional Affairs
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Mr. Springer:

I wanted to take the opportunity to respond to your letter of May 23, 1988, requesting that the draft "Utility Corridor Draft Resource Management Plan and Environmental Impact Statement," prepared by my office, address the potential opening of the Dalton Highway north of Disaster Creek.

I certainly agree with you that opening the road to public travel north of Disaster Creek would affect our management of Utility Corridor lands. In our proposals regarding management of recreation resources and facilities, the draft plan states that the BLM intends to improve existing recreation facilities and install new facilities (camp grounds, trail heads, waysides), along the Dalton Highway south of Disaster Creek. The draft plan also states that if the State decides to open the road to public travel as far north as Prudhoe Bay, the BLM will implement contingency plans to construct additional camp grounds and waysides for travelers north of Disaster Creek.

As you know, opening or closing the highway to public travel is a prerogative exercised by the State of Alaska. The draft plan recognizes the State's jurisdiction in this matter and allows for new facilities to meet public needs in the event the State decides to open the road further north than it is presently opened.

Be assured that the BLM will continue to work closely with the State of Alaska on issues related to the public use of the Dalton Highway.

The final plan for the Utility Corridor is due to be published in October 1988. If there is any additional information you may need regarding the draft plan or the final plan, please do not hesitate to write or call me.

Sincerely yours,

M. Thomas Dean
Arctic District Manager

cc: 910 (ASD)
912 (Vickery)

⑥ HB 115



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

May 23, 1988

Mr. M. Thomas Dean
Arctic District Manager
Arctic District Office
Bureau of Land Management
United States Department of the Interior
1541 Gaffney Road
Fairbanks, Alaska 99703-1399

Re: Utility Corridor Resource Management Plan

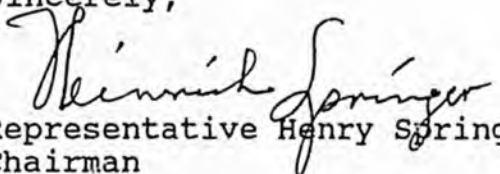
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Although this bill did not pass the legislature this session, there has been and will continue to be considerable public interest in opening this road for public use. I believe it would be prudent to address this situation in the Utility Corridor study and recommend that you seriously consider this possibility and its ramifications in the plan. It is entirely possible that similar legislation will be introduced next session.

A copy of the original bill is enclosed, for your information.

Sincerely,


Representative Henry Springer
Chairman

Enclosure



BLM news release



Bureau of Land Management

U.S. Department of the Interior

for further information contact:

release number:

date:

William J. Robertson
Chief, Public Affairs
Fairbanks Support Center
1150 University Avenue
Fairbanks, Alaska 99709-3844
Tel: 474-2231

F-8-19

9/19/88

BLM Changes Address

Most Bureau of Land Management offices have moved to a new address, effective Sept. 19, 1988. BLM's Fairbanks Support Center and Arctic, Kobuk and Steese/White Mountains districts are now located in a new office at 1150 University Avenue. The BLM's Alaska Fire Service will remain on Fort Wainwright.

The new office building is located near the State of Alaska's Department of Natural Resources on the corner of University Avenue and Airport Way in Fairbanks. This location provides more convenient access than the previous office on Fort Wainwright, and co-locating with the State of Alaska will provide the public with "one-stop shopping" on land management issues.

The new address is: Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709-3844. Phone numbers are:

Receptionist: 474-2200

Steese/White Mountains District: 474-2350

Arctic District: 474-2300

Land Information Office: 474-2250

Kobuk District: 474-2330

Public Affairs/Fire Information: 474-2230

-end-

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

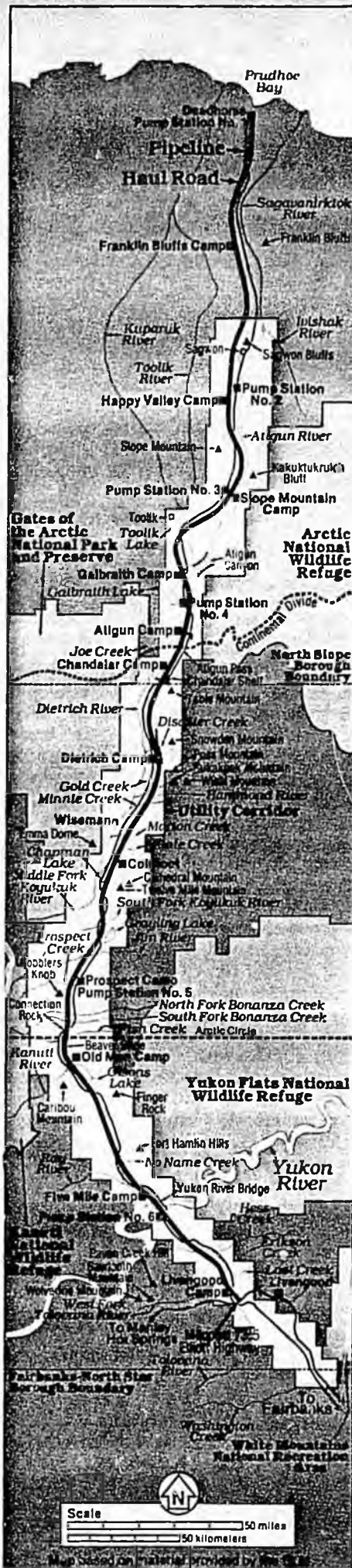
HC+RA

4-25-88

3:00 PM

4-27-88

3:00 P.M



Road is 45 mph, but many curves are flat and designed for only 40 mph or less.

Emergencies: Services are extremely limited. However, the Alaska State Troopers patrol the highway and many trucks have citizen's band radio communications in the event of an accident or other medical emergency.

Animals: Wild animals should never be given food handouts. These animals could become dependent on this source and frequent the road areas with its vehicle hazards. Animals seen near the roadway are wild and sometimes dangerous. They should never be closely approached.

The following log covers the entire length of the Haul Road. From Fairbanks, take the Steese Expressway north 11.5 miles to the junction of the Elliott Highway. Continue on the Elliott to Milepost 73.5 and the junction with the North Slope Haul Road.

LOG OF THE NORTH SLOPE HAUL ROAD

Distance from Elliott Highway/Haul Road junction (J) is followed by distance from Prudhoe Bay (P).

J 0 (P 416) Junction with Elliott Highway at Milepost 73.5. An information center for the Haul Road is planned for construction in 1981.

J 1.4 (P 414.6) View of a long length of pipeline as it crests a hill.

J 2.2 (P 413.8) Pipeline passes under the highway.

J 3 (P 413) Sweeping view of the pipeline and Tolovana River area to the south-east. Turnout on south side of road.

J 4 (P 412) Highway descends steeply into the Lost Creek valley. Lost Creek flows into the West Fork Tolovana River. Pipeline is visible stretching across the ridges of the distant hills.

J 5.7 (P 410.3) Lost Creek passes beneath the highway. Pipeline access road. No public admittance. There are many of these access roads along this highway. For security purposes and to prevent damage to the pipeline, they are posted for no public access.

J 6 (P 410) Steep, winding hill out of the valley.

J 9 (P 407) Road follows a high ridge with a spectacular view of Hess Creek area and pipeline. Pipeline parallels the road to the northeast following the tops of the high ridges. Dense birch/black spruce show effects of severe climate and snow loads.

J 10 (P 406) Highway descends into a deep hollow made by one of the tributaries of Erikson Creek.

J 12 (P 404) Small gravel turnout on left.

J 12.1 (P 403.9) Highway passes over a small unnamed creek.

J 19 (P 397) Road passes through expanse of scrub spruce and birch.

J 19.3 (P 395.7) Access to a material site.

J 21 (P 395) Descent to Hess Creek begins. *Caution: 35-mph curves.*

J 23.8 (P 392.2) Hess Creek bridge. Large gravel bar along creek. *Caution:* Sandpit at entrance to gravel bar is an easy place to get stuck. There are no camping facilities available. Have your mosquito repellent handy. Hess Creek is the largest stream between the Elliott Highway and the Yukon River bridge.

J 25 (P 391) Gravel turnout. Good view of pipeline as it crosses Hess Creek and valley.

J 26.5 (P 389.5) The effects of a large lightning-caused forest fire that burned 15,600 acres in 1971 are still visible. This is a good reminder of the scenic damage that can be caused by wildfire. However, fire is a part of the natural environment and can be beneficial in recycling vegetation and providing new wildlife habitat, although it can have the harmful effect of removing valuable timber from man's use.

J 28.3 (P 387.7) Gravel pit road and pipeline access road.

J 29 (P 387) Highway and pipeline cross a creek at the bottom of a low valley.

J 29.5 (P 386.5) Pipeline is close to east side of road. This section is raised on vertical steel pipes called vertical support members (VSMs). The pipeline is constructed this way in permafrost soils where the pipe could not be safely buried. The finned structures extending from the VSMs serve to dissipate heat and to keep the ground frozen and stable.

J 30 (P 386) Most of the rolling hills visible from here are just over 2,000 feet in elevation.

J 33.8 (P 382.2) Tributary of Hess Creek.

J 38.1 (P 377.9) Pipeline goes under road. Evidence of the revegetation project undertaken by the oil companies can be seen here.

J 38.7 (377.3) Road to gravel pit.

J 40.3 (P 375.7) Sweeping views to the south of the Hess and Troublesome Creek area.

J 40.8 (P 375.2) Overview of hundreds of square miles of unpopulated land. The most prominent peaks are Raven Creek Hill, Sawtooth Mountain, and Wolverine Mountain.

J 41.3 (P 374.7) Large gravel turnout to the west of road.

J 47.5 (P 368.5) Ridge road with view.

J 47.9 (P 368.1) Highway begins descent to Yukon River.

J 48.9 (P 367.1) Several miles of pipeline can be seen stretching across the distant hills like a crooked snake. The jogs in the pipeline allow for expansion and contraction caused by temperature extremes and protection from possible earth movement during earthquakes.

J 49.1 (P 366.9) Pipeline access road.

J 51.5 (P 364.4) Junction. Turn right and drive 5.4 miles over a rough and steep gravel road to a BLM off-road parking area with vault toilets, fire rings, and litter barrels. Boat-launching area on banks of the Yukon River. *Caution:* The river is swift and can be dangerous.

J 53.2 (P 362.8) First glimpse of the Yukon River. As road descends, you can see the pipeline suspended on the side of the bridge where it crosses the river.

Sp/CRA MAY -2 1988

Dear Representative Henry Spruizer, 4-27-88

This letter concerns ~~the opening of the~~
~~Haul Road (HB 115).~~ I believe it is a bad
~~idea~~ - as, if it is opened - the disturbance of
the area would greatly increase. - Hunting,
ATV use, and even exposure to greater #s
of backpackers - will change the area & affect
the wildlife adversely. I am a backpacker &
would greatly love to hike up there - but
if it meant opening up the road to everyone
I would be willing to give up the idea of
backpacking there. The area concerned is very
important breeding ground for birds, caribou
and musk oxen - and these animals are most
sensitive to people while breeding - I want them
to remain as safe as possible.

Thank you very much
Betsy Chronic

APR 25 1988



Wilderness Birding Adventures

P.O. Box 10-3747
Anchorage, Alaska
99510-3747
(907) 694-7442

April 17, 1988

Rep. Heinrich Springer
Alaska State Legislature
Capitol 601
P.O. V
Juneau, AK 99811

Dear Representative Springer:

I would like to express my strong opposition to HB 115. I am concerned about the wildlife along this road. Not only am I concerned about the potential increases in both legal and illegal hunting but also the peregrines which nest on the Sagwon Bluffs. I've worked with peregrines and other raptors for over fifteen years several on the Colville River. Throughout that time I've often encountered the illegal taking of raptors in the name of falconry. Although on two occasions suspicious circumstances left me concerned birds were being taken on the Colville, I have no hard evidence of illegal activities in Alaska. Falconry is an honorable activity with which I have no problem when done legally. There is however in my opinion a real danger of the Sagwon birds being taken illegally if they become within easy access on the general public, which will be the result of opening the Haul Road.

My business is taking people into the Brooks Range and onto the arctic slope in search of wildlife. While opening the Haul Road would present interesting options regarding access for my trips it is greatly out weighed by the negative affects.

It is my suspicion that much of the pressure to open the Haul Road is originating from the desire of the Nuiqsut people to be connected to the road system. I've been to and operated out of Nuiqsut on a number of occasions. My impression is that the state has already overreacted in providing services to this community at public expense. To build a road there is crazy, and would be an irresponsible act. Not only would the expense be out of line but the degradation on the coastal plain is unacceptable.

The rumors coming back from the south side of the Brooks Range, the portion already open, concerning the uncontrolled carnage of



wildlife gives me chills and makes me ashamed of my fellow Alaskans.

The wilderness qualities of the North Slope will be decreased forever, that along with the affect on the wildlife will damage my business. These will be great personal loses to all of us.

Please don't let this happen to our land, wiildlife and state treasury.

Truly yours,

A handwritten signature in black ink, appearing to be 'Bob Dittrick', with a stylized, cursive script.

Bob Dittrick



Greater Fairbanks

AB115
Chamber

of Commerce

First National Center

P.O. Box 74446

709 Second Avenue

(907) 452-1105

Fairbanks, Alaska 99707

APR 25 1988

April 21, 1988

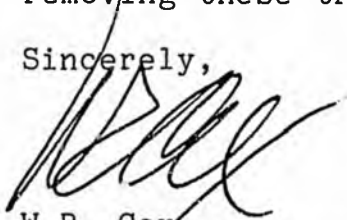
Representative Heinrich Springer
P.O. Box V
Juneau, Alaska 99811

Dear Representative Springer:

The unrestricted opening of the Dalton Highway is still a high priority with our Chamber members. As explained in our Interior Transportation Needs/Report, opening this road to the public is important from four major perspectives: First, a closed Dalton Highway encumbers development and the logistical sustainment of the North Slope Borough as well as the quality of life of it's residents. Secondly, a boundary restricting travel contributes to and reinforces regional attitudes. Third, it would allow merchants and businesses in Fairbanks to be participants in expansion and economic growth for the North Star Borough. And finally, keeping the Dalton closed, regardless of who's agenda, subtly, if not with intent, supports a form of sovereignty. That's unacceptable! For the good of all Alaskans this precedent should be eliminated.

Please give serious attention to our position and press for removing these travel restrictions this session.

Sincerely,



W.R. Cox
President and C.E.O.

WRC:jlw

Tanana Chiefs Conference, Inc.

APR 25 1988

201 First Ave.
Fairbanks, Alaska 99701
(907) 452-8251

YUKON TANANA SUBREGION

April 22, 1988

Representative Heinrich Springer
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Springer:

During the Tanana Chiefs Conference March 1988 Annual Convention Resolution 88-88 North Slope Haul Road was passed by village delegates. Resolution 88-88 opposes House Bill (H.B.) 115.

H.B. 115 proposes opening the Haul Road to the Arctic Ocean, yet the Dalton stops several miles short. Access would have to be across private oil company roads.

A common argument is that public funds are used to maintain the road, so the public should be allowed to drive it. Does the public through increased access on the Dalton have the right to impinge on limited resources of surrounding villages?

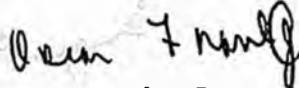
What are the capital costs and operating costs of opening the entire Dalton Highway to public use?

I think the Legislature should at least conduct a teleconference so the affected villages can testify on H.B. 115. After all, H.B. 115 will certainly impact them and their lands. H.B. 115 should not pass the Legislature.

Thank you for your time and consideration.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.


Oscar Frank, Jr.
Community Resource Coordinator

Enclosure
OFJr/alj

cc: Alatna Village Council
Allakaket Village Council
Evansville Village Council
Stevens Village Council

TANANA CHIEFS CONFERENCE, INC.
Board of Directors
Resolution No. 88-88

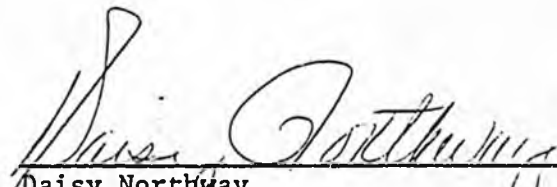
NORTH SLOPE HAUL ROAD

- WHEREAS, the haul road cuts right through the lands used by Interior villages such as Stevens Village, Allakaket, Evansville, Hughes, Rampart, Alatna, Huslia and Anaktuvuk Pass to make a living; and\
- WHEREAS, the haul road was built with State involvement with little or no input from the public, especially the affected villages; and,
- WHEREAS, the State has not done anything to mitigate the haul road impacts to the villages to date or to educate the public about the Athabascan and Inupiaq culture and the subsistence economy; and,
- WHEREAS, the impacts of the haul road to the villages has caused much hardship to the people and their traditional land; and,
- WHEREAS, the State's current fiscal position and the expense involved in maintaining and patrolling the haul road leaves it unable to afford to open the haul road; and,
- WHEREAS, HB115 proposes to open the haul road to the ocean;

NOW THEREFORE BE I. RESOLVED that the Tanana Chiefs Conference Board of Directors opposes HB115 and requests the State to take immediate action to mitigate the negative impacts of the haul road to the villages affected, and work to improve the subsistence economy of those areas.

C E R T I F I C A T I O N

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 17, 1988 at Fairbanks, Alaska and a quorum was duly established.


Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc.

Submitted by: Fairbanks Subregion

File Contents

HB 115 - Public Use of Dalton Highway

- | <u>No.</u> | <u>Description</u> |
|------------|---|
| 1. | Bill - HB 115 |
| 2. | House Calendar Info. Packet |
| | 2a) Minutes - HFIN Com. - 02/26/88 |
| | 2b) Minutes - HTRA Com. - 03/04/87 |
| | 2c) Minutes - HTRA Com. - 03/11/87 |
| 3. | House Finance Committee Packet |
| | 3a) HFIN Com. Report, CS HB 115 (FIN) |
| | 3b) HFIN Com. Report, [CS HB 115 (FIN)] w/Letter of Intent and <u>Incorrect</u> Fiscal Notes 3 & 4. |
| | 3c) Fiscal Note #3, Corrected, 3/21/88 |
| | 3d) Fiscal Note #4, Corrected, 3/21/88 |
| 4. | <i>A E Lobby. stmt</i> |
| 5. | <i>FAI News media Article</i> |

HB 115

2. House Calendar Info. Packet

2a) Minutes - HFIN Com. - 02/26/88

2b) Minutes - HTRA Com. - 03/04/87

2c) Minutes - HTRA Com. - 03/11/87

HB115PKT.FIL

② HB 115

BILL HISTORY - HOUSE ACTION

HB 115

HOUSE CALENDAR:

HOUSE JOURNAL FEBRUARY 11, 1987

HB 115

HOUSE BILL NO. 115 by Frank, Miller and Boyer, entitled:

"An Act relating to public use of the Dalton Highway."

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

HOUSE JOURNAL FEBRUARY 16, 1987

HB 115

Representative Menard added his name as co-sponsor to:

HOUSE BILL NO. 115

"An Act relating to public use of the Dalton Highway."

HOUSE JOURNAL MARCH 13, 1987

HB 115

The Transportation Committee has considered:

HOUSE BILL NO. 115

"An Act relating to public use of the Dalton Highway."

Recommending do pass (5): Cato (Chairman), Hudson, Miller, Pearce, Springer

Two fiscal notes were published March 13, 1987.

HB 115 was referred to the Finance Committee.

HOUSE JOURNAL FEBRUARY 29, 1988

HB 115

The Finance Committee has considered:

HOUSE BILL NO. 115

"An Act relating to public use of the Dalton Highway."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 115 (Finance)

"An Act relating to the Dalton Highway."

Recommending do pass (2): Rieger, Frank

Recommending do not pass (1): Brown

No recommendation (7): Adams (Chairman), Pourchot, Larson, Goll, Swackhammer, Boyer, Davis

Other recommendations (1): Wallis (signed "please don't hurt my people anymore")

A letter of intent, signed by Adams (Chairman), appears below:

House Finance Committee
Letter of Intent
for
CSHB 115(Fin)

"It is the intent of the Legislature that the Department of Transportation and Public Facilities work with the operators of the Prudhoe Bay oil fields to allow access beyond the security checkpoints to the Arctic Ocean.

It is the intent of the Legislature that the Department of Public Safety issue citations for violations of fish and game regulations and provide supporting evidence of such violations, and that the Department of Law prosecute those violators.

The Legislature intends that an annual review of the effect of public use of the Dalton Highway be conducted by the Department of Public Safety to determine the success of law enforcement efforts on curtailing fish and game violations and that the Department of Law review the prosecution of such violations.

The Legislature further intends that the Department of Public Safety utilize Fish and Wildlife Protection intern officers where needed along the Dalton Highway corridor to ensure adequate enforcement of fish and game laws during the hunting season.

It is the intent of the Legislature that the Department of Public Safety review the number of search and rescue operations conducted annually, the success ratio, the related cost, and who bore the expense. The Department of Public Safety will also review whether adequate personnel is being maintained on the highway to ensure human safety and deterrence of game violations.

Finally, it is the intent of the Legislature that the Department of Transportation and Public Facilities conduct an annual review to determine whether adequate facilities exist on the highway to meet the public demand and to allow for safe public travel."

Two fiscal notes was published February 29, 1988.

HB 115 was referred to the Rules Committee for placement on the calendar.

HB 115

Relating to public use of the Dalton Highway.

Chairman Adams stated that this bill would open the northern portion of the Dalton Highway to the general public and prohibit the collection of tolls for public use. The effect of this bill would be to open the remaining portion of the road to Prudhoe Bay, he said. He said that because not all the fiscal notes are current, the bill would be placed in subcommittee. The subcommittee will consist of Representative Adams, Chair, Representative Pourchot, and Representative Frank. Representative Wallis requested to participate on the subcommittee, which was approved.

HOUSE BILL NO. 115

"An Act relating to public use of the Dalton Highway."

Chairman Adams advised members that HB 115 had been placed in a subcommittee consisting of Representative Adams, Chair; Representative Frank, Representative Pourchot, and Representative Wallis. The bill would allow the Department of Transportation and Public Facilities to open a previously closed portion of the Dalton Highway to the public. The changes made by the subcommittee addressed technical changes necessary to more accurately describe how far the road would be extended.

REPRESENTATIVE FRANK, SPONSOR OF THE BILL, advised members that the Committee Substitute would change the terminus of the opened portion to a terminus near the Arctic Ocean. He said the last few miles of the road is on oil leased land and contains oil facilities with security checkpoints. He said intent language asks the Department of Transportation and Public Facilities to work with oil field operators to gain public access, if possible and practicable, to the Arctic Ocean. He believed this would provide increased tourism benefits. Public access to tour operators is currently being provided. Representative Frank said his purpose in sponsoring the bill would be to provide increased tourism and recreational opportunities coupled with a philosophical desire to see public roads opened to the public.

Representative Frank said a number of hearings were held in subcommittee on the bill in an attempt to address the concerns with regard to fish and game enforcement. The Department of Public Safety provided a fiscal note which provided for three additional enforcement personnel which is their expectation of need to adequately address enforcement. The Department of Fish and Game felt they could ensure the well being of the Arctic caribou herd and other wildlife in the Dalton area without additional resources. The Bureau of Land Management supports public use of the highway and would attempt through

their management plan to develop appropriate facilities.

The Department of Transportation and Public Facilities supports the opening of the highway. Representative Frank said there would not be any additional maintenance impact on the road due to light public traffic. It is believed that the Dalton Highway is safer than a number of highways in remote areas, however, the Department of Transportation and Public Facilities would maintain the right to close the road should it be necessary for safety or other reasons. This provision is not exclusive to the Dalton Highway.

Representative Frank said the primary opposition to the bill comes from a general concern regarding fish and game enforcement capabilities and general impact concerns. Representative Frank felt the subcommittee had attempted to address those concerns. He acknowledged a letter from the North Slope Borough in opposition to the bill. Representative Frank said their primary concern regards the placement of the additional enforcement personnel and adequate prosecution of violations. He advised members that the Department of Public Safety and Fairbanks' District Attorney have indicated that the capability exists to increase prosecution based on increased enforcement.

Representative Wallis expressed shock that the bill was before the Committee at this time. She acknowledged the fact that she had not been notified of the intent of the Committee to address the bill during today's meeting. Representative Wallis believed there to be four branches of government (i.e.: executive, legislative, courts, and oil companies). She took exception to the fact that these "branches" were playing in her "backyard". She indicated her desire to have representatives of communities in her district attend the hearing on the bill and describe the devastating effects it would inflict on their subsistence activities. Representative Wallis stated that the current caribou herd is at its maximum sustainable yield and will be drastically effected should the legislation be enacted. She emphasized the importance of wildlife resources to her district's livelihood and well being. She said it is their "only available grocery store". Representative Wallis discussed the pressures being applied to her district as a result of the potential opening of ANWR and passage of this legislation. She said a strong urban Alaska is dependent upon a strong rural Alaska. She emphatically stressed her opposition to opening the road and any resulting experimentation with wildlife enforcement capabilities which would negatively impact her people.

Representative Brown asked if the state would incur any additional liability due to the lack of facilities along the road and status of the roads condition. COMMISSIONER MARK HICKEY, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, advised members that the potential for exposure is increased

should that portion of the road which is not currently open be opened for general public access. He said it would be difficult to quantify the significance of such an opening. He said there are a number of roads which are opened to tourist traffic, such as the Denali and Taylor Highways, which do not meet the standards of the Dalton Highway. Commissioner Hickey believed that the effects of maintenance funding statewide is significantly more important to the state's liability than the decision to open this road.

Representative Brown asked who paid for the road. Commissioner Hickey said it is now owned by the state and was originally built by the producers in Alyeska. Representative Brown asked how the "spine roads" on the North Slope would be effected by the opening of the Dalton Highway. Commissioner Hickey said they are not state facilities. The state facility terminates approximately 2 miles short of Deadhorse. The other roads are private with their use and security controlled by the companies leasing the parcels. Representative Brown discussed the lack of concurrence concerning whether the roads are public or private due to the use of public gravel during construction. She felt that should it be argued that they should be opened to the public there could be security implications for the oil fields at Prudhoe Bay. She believed that opening the balance of the Dalton Highway could set a precedent for the opening of these roads.

There was discussion concerning the estimated number of people who would use the road. Commissioner Hickey reiterated that it would be speculative to guess the number of potential users. He emphasized the fact that there has been a sizeable increase in tour companies which use the road due to a strong marketing effort. In response to a question from Representative Brown concerning the relative priority of maintaining this road as compared to others in the state, Commissioner Hickey said there would be a \$10,000 increase and this would not be the department's highest priority.

Representative Goll advised members that he and several others had been concerned with the future budget requirements, due to increased management responsibilities, which might be imposed as a consequence of the legislation. Therefore, he contacted each affected agency asking that they reexamine their fiscal notes to ensure that they adequately reflected the amount necessary for maximum protection of the resources in the area. In response to this inquiry, the Department of Fish and Game reiterated their feeling that their existing staff would be adequate to perform the task. The Department of Public Safety also believed their fiscal note requesting \$603.6, which would provide for three additional enforcement officers, would be adequate.

Representative Wallis did not take exception with the amounts of the fiscal notes, however, questioned the furtherance of

pressure on the wildlife resource in her district.

Representative Davis discussed past efforts to enact legislation to address fishing and hunting violations along the pipeline corridor. Although the legislation was not enacted, he said regulations had been adopted by the Board of Fish and Game. He asked if those regulations had provided the "teeth" necessary to adequately enforce game violations.

COMMISSIONER ENGLISH, DEPARTMENT OF PUBLIC SAFETY, did not know if there were any "teeth" in the regulations. He said there is one fish and wildlife officer at Coldfoot with minimal enforcement activity in the area. He said the additional positions would be the first effort to assess the enforcement need for the area.

Representative Davis said the Department of Natural Resources maintains that the spine roads are in fact public roads and it has not accepted any money for the gravel used on the roads. He asked if the road to Nuiqsut would be private or public should it be opened. Commissioner Hickey said as a result of legislation direction, the department is engaged in a reconnaissance, or location study, for a public road to be built from the Dalton Highway to Nuiqsut. He said authorization was provided approximately three years ago with federal aid funds matched by NPRA (National Petroleum Reserve Alaska) funds. He said the federal funds have not been available, however, the department has initiated the reconnaissance work using the NPRA match money. The road would be a public road. Should federal funds be used, the Federal Highway Administration in Alaska maintains that the current state law prohibiting access to the public north of the Coldfoot area is a constraint to allowing use of federal money in construction of the Nuiqsut road or any other road coming off the Dalton north of the restricted area.

There was discussion concerning the Department of Transportation's statutory authority under AS 19.40.120 with respect to road closures as may be necessary.

Representative Wallis discussed the issue of pipeline security in relationship to the need for public access to the Dalton Highway. She said the cost estimates by Public Safety have been based on past caseloads. She reiterated the fact that there has only been one fish and wildlife officer in the area. Representative Wallis maintained that had there been more enforcement capability there would have been more cases since there are a number of violations occurring. She did not believe that three enforcement officers could adequately patrol the five mile corridor. She acknowledged the fact that ATV's are currently prohibited in the corridor yet they are still being used. Representative Wallis believed that additional enforcement officers could better be used in other areas of the state and funds directed to more important issues

such as health care in communities.

Representative Pourchot asked Commissioner English where he would place three additional enforcement officers if they were available. Commissioner English responded "in the Bush areas of the state".

Representative Davis discussed past testimony which indicated that it is virtually impossible to catch violators since they must be "caught in the act". Commissioner English attested to the difficulty of adequately patrolling the five mile corridor. He said three officers would be the minimum number required to provide some level of enforcement activity. He said it is hard to know what level of personnel would be needed since it is hard to judge the level of increased activity.

ERIC SMITH, RURAL ALASKA COMMUNITY ACTION PROGRAM, testified that the legislation would lead to increased competition and pressure on the resource from increased activity on the road. He said information provided to Rural CAP by Stevens Village indicates that the current extent of public use of the highway has increased competition for fishing and hunting on the Dahl River. He said the Dahl River is vital to the community's subsistence activities. Although hunting would be difficult given the restrictions, Mr. Smith said some people don't expect to get "caught" and would violate regulations. He said the level of enforcement would be the deciding factor.

Representative Pourchot said many of his original concerns dealing with tolls, winter travel, fish and game protection, and other matters had been addressed through the subcommittee hearings process. He thanked Representative Frank for his time and effort feeling a good faith effort was made to address many of the problems discussed at today's meeting.

Representative Frank MOVED to adopt CS HB 115 (Finance). There being NO OBJECTION, it was so ordered.

Representative Frank MOVED to report out of Committee CS HB 115 (Finance) with a Finance Letter of Intent, fiscal note in the amount of \$603.6 by the Finance Committee, and fiscal note in the amount of \$94.0 by the Department of Transportation and Public Facilities. Representative Wallis OBJECTED.

A roll call vote was taken on the motion.

IN FAVOR: Adams, Boyer, Frank, Goll, Larson, Pourchot,
Rieger, Swackhammer

OPPOSED: Brown, Davis, Wallis

The MOTION PASSED (8-3).

CS HB 115 (Finance) was reported out of Committee with "no recommendation", a Finance Letter of Intent, fiscal note in the amount of \$603.6 by the Finance Committee, and fiscal note in the amount of \$94.0 by the Department of Transportation and Public Facilities.

HOUSE TRANSPORTATION COMMITTEE MEETING - MARCH 4, 1987

HB 115

Chairman Cato introduced HB 115 for discussion. She invited Rep. Frank, sponsor of HB 115, to testify.

Rep. Frank said the purpose of the bill was to open the entire Dalton Highway to the public without charging a toll. He said that access to the highway would encourage tourism, natural resource development and recreational use of the area and he said that tolls would discourage this type of development.

Rep. Hudson arrived.

Rep. Frank said that implementing a toll would set a precedent he could not support. He said that while the Department of Transportation and Public Facilities (DOT/PF)'s idea to tax individual users may have immediate appeal, the fact that it would be a deductible expense would ultimately reduce the taxes collected by the state from oil and gas companies. He said the Dept. of Revenue had not yet quantified the projected amount of loss rendered by the deductions.

Regarding legal considerations, Rep. Frank said that a 1978 report from the attorney general to the Office of the Governor stated that the Dalton Highway was part of the federal aid secondary system and, therefore, must remain free from tolls. He said the new attorney general's opinion which states that it would be possible to charge a toll, does not address federal issue.

Rep. Frank said that a construction agreement between the state of Alaska and Alyeska Pipeline Service Company (APSC) contained a provision that prohibits the state from collecting road user fees from operators of the pipeline.

Rep. Boucher arrived.

Rep. Frank said that fish and game enforcement responsibilities and safety issues must be addressed along the highway but that by themselves should not prohibit the opening of the road.

Chairman Cato clarified that the road was built for the most part by APSC who then turned the road over to the state which is the reason for the contract between the state and APSC, and Rep. Frank added that federal money was used to build the bridge over the Yukon River and a small

amount of federal money went into the highway itself.

Rep. Hudson asked what percentage of the revenue projection from DOT/PF was from companies involved in exploration and operation on the North Slope. Rep. Frank replied that his guess would be that it would be above 90%. He said that looking to the future, Westours was planning to offer tours along the highway. He said that small independent businesses involved in the tourist industry were more inclined to benefit from independent tourists than from tour packages and he felt that while tour companies may be able to afford the toll, the toll may discourage independent tourists. He said he did not want to discourage independent tourists.

Rep. Springer said that he was supportive of the HB 115. He said his concern was over the role and authority of the North Slope Borough for that portion of the highway within the Borough's jurisdiction. He said he was concerned over the powers of the Borough and the lack of private land along the road for any kind of facilities development for the traveling public who must otherwise make a long run from the Borough portion of the road to Deadhorse.

Rep. Frank said that in response to anticipated development, the Bureau of Land Management (BLM) had provided for development nodules along the Dalton Highway. He said that the express purpose of the nodal development areas was to lease land to operators to provide necessary facilities for travellers. He said there were currently two facilities in existence and that three more were planned. Rep. Frank acknowledged the concern regarding the North Slope Borough but thought it would be possible that opening the road would benefit the borough.

Rep. Hudson said he supported HB 115. He cautioned against developing a habit of using a toll to fund the maintenance and operation of highways because he felt it was a bad precedent, but he felt that a toll would have a place in the underwriting of a major construction bond of a new project of specific purpose. He then asked if there was justification for added public services on areas where it is not now demanded.

Rep. Frank said that the situation was such that since the road was not open to the public there was no public outcry for services but that since the area could become a major tourist attraction the demand for services could change.

Chairman Cato asked if there was a statute of limitations that affected the contract between the state and APSC which states in section 3 of page 2 that APSC cannot be charged a toll for use of the Dalton Highway. Rep. Frank responded that he assumed the agreement would be perpetual since a term had not been defined in the contract.