

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5457 SRES SB 71 - SB 94

128

Introduced: 3/29/84
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE CONCURRENT RESOLUTION NO. 44

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

Relating to management of state con-

6

struction materials.

7

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

8

WHEREAS sand, gravel, quarry rock, and other construction materials

9

represent some of the critical resources needed for the development of the

10

state; and

11

WHEREAS \$120,000,000 worth of sand and gravel aggregate was sold in

12

the state in 1983, a 36 percent increase over 1982, and sand and gravel

13

aggregate are second only to oil and gas in dollar value among the state's

14

nonrenewable resources; and

15

WHEREAS the state is minimally aware of the distribution and reserves

16

of sand, gravel, quarry rock, and other construction materials in Alaska;

17

and

18

WHEREAS the state has inadequate knowledge of the value of the con-

19

struction materials on state land and receives less revenue than it should

20

receive for material sales; and

21

WHEREAS the governor's July 23, 1983, statement of goals provided that

22

"increasing demand for sand and gravel compel adequate inventory and active

23

management of those materials;" and

24

WHEREAS in many areas of Alaska no state reserves of construction

25

materials have been set aside and the Department of Transportation and

26

Public Facilities is paying exorbitant prices for materials, greatly and

27

unnecessarily increasing construction and maintenance costs; and

28

~~WHEREAS~~ ^{large amounts of} sand and gravel are needed on the North Slope

29

for gravel islands, roads, airstrips, and causeways; and

1 WHEREAS sand and gravel needed in Bethel is presently shipped over
2 distances of 40 - 100 miles; and

3 WHEREAS in Anchorage, local sand and gravel supplies have been ex-
4 hausted and materials are presently being hauled from the Matanuska-Susitna
5 Valley; and

6 WHEREAS material reserves along the Alaska Railroad corridor are
7 unknown; and

8 WHEREAS sand and gravel reserves will be needed to meet development
9 needs throughout the state for proposed projects, including the Seward
10 Port, support facilities for the U.S. Borax Mine near Ketchikan, a road to
11 the Red Dog Mine, and on-shore oil-related facilities in the Bering
12 Sea/Norton Sound;

13 BE IT RESOLVED that the Alaska State Legislature requests the Depart-
14 ment of Natural Resources to carry out a program to identify, inventory,
15 and set aside long-term reserves of construction materials on a statewide
16 basis and to establish a state management methodology for the utilization
17 of those identified reserves.

5-0357P ✓
Bradley
2/17/87

Original sponsor: Rules/Legislative Budget
and Audit Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 71 (Resources)

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 management of sand and gravel
7 resources."

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

9 * Section 1. AS 38.04.060 is amended by adding a new subsection to
10 read:

11 (d) The commissioner shall provide for the systematic identi-
12 fication, inventory, and reserve of sand and gravel resources with
13 particular emphasis on meeting the present and future needs of trans-
14 portation systems, populated areas, and large-scale developments
15 within the state.
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SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

* FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/20/87 DATE TURNED INTO OFFICE _____
Mr. President:

RESOURCES _____ Committee considered _____ SB 71

relating to the management of sand and gravel resources.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- to pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached
- ** Committee attached or adopted fiscal note(s)
- zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature] (No "S" - No Rec)

[Large Handwritten Signature]

 Chairman signature and recommendation

Committee Backup Attached

SB

75



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Office	BILL NUMBER SB 75	SPONSOR Senator Paul Fischer
DEPARTMENT POSITION Neutral			
PREPARED BY Roland Shanks	DATE 3/6/87	COMMISSIONER'S SIGNATURE <i>Sturm Penney</i>	DATE 3/6/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Revenue	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL Alaska Outdoor Council	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED (prepared by Dept. of Revenue)

BACKGROUND/LEGISLATIVE INTENT

The bill would repeal the \$.25 resident sport fishing, hunting and trapping license.

ANALYSIS OF BILL/PROGRAM EFFECTS

Should this legislation become law, all sport fishermen, hunters, and trappers would be required to purchase licenses at the full fee cost to legally harvest fish, game, and fur animals. The Department of Revenue has estimated the increase in revenue which would be realized by the Fish and Game Fund on the attached fiscal note.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 75

Publish Date: _____

REQUEST _____

Revision Date: _____

Agency Affected: Revenue

Title: An Act Repealing the 25¢ resident hunting, trapping & sport fishing license

BRU: Public Services Division

Sponsor: Fischer

Components: _____

Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	3.0	-	-	-	-
CONTRACTUAL	-	6.0	-	-	-	-
SUPPLIES	-	1.0	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LAND & STRUCTURES	-	-	-	-	-	-
GRANTS/CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-0-	10.0	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE Fish & Game Fund	-0-	101.3	200.6	198.6	196.6	194.7
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-	10.0	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-0-	10.0	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared by: AGS Phone: 465-2392
Division: Public Services Date: 27 Feb 87

Approved by Commissioner: _____ Date: _____
Agency: Revenue

Distribution (by Agency preparing fiscal note):

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

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

MEMORANDUM

TO: Senator Jack Coghill, Chairman
Senate Resources Committee

FROM: Senator Paul Fischer *PF*

SUBJECT: Senate Bill 75
(repealing the 25-cent resident hunting, trapping,
and sport fishing license)

DATE: January 27, 1988

I would appreciate your scheduling the above referenced bill before the Senate Resources Committee at your earliest possible convenience.

PAF/sgn

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Artiss Stungulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

AGENDA

MARCH 9, 1987

SENATE RESOURCES

I. CALL TO ORDER, ROLL CALL

II. THIS WEEK'S SCHEDULE

WEDNESDAY: ALASKA LOGGERS ASSN, OVERVIEW
JONES' ACT
SIERRA CLUB V. BLM AMICUS BRIEF

CSSB 62, Recreational Access

III. TODAY'S MEETING

FIRST WE WILL HEAR A BRIEFING FROM THE LIMITED ENTRY COMMISSION

ON ITS DECISION TO LIMIT ENTRY TO THE HERRING ROE ON KELP OR POUNDING

~~INDUSTRY~~
FISHERY

IV. NEXT WE WILL TAKE UP SENATE CONCURRENT RESOLUTION #4 ON THE
MANAGEMENT OF SAND AND GRAVEL. THIS IS A COUNTERPART TO SB 71 WE PASSED
OUT OF COMMITTEE LAST WEEK.

V. WE HAVE TWO BILLS DEALING WITH HUNTING AND FISHING LICENSE FEES.
SB 75 REPEALS THE 25 CENT LICENSE FOR THOSE WHO HAVE SHOWN THEY ARE
ECONOMICALLY DISADVANTAGED AND SB 129 RAISES THE FEES.

LET'S BEGIN WITH SB 75.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coshill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4007

COMMITTEE SCHEDULE

SENATE COMMITTEE ON RESOURCES

MARCH 4-11

- March 4:
- CSSB 62 (C&RA), Access to Recreational Areas
 - CSHB 26 (L&C), Sale of Milk Products
 - SB 130, Supplemental Appropriation to DNR for
Recorders' Offices

 - SB 112, Forest Management Agreements
 - SB 71, Management of Sand and Gravel
 - SJR 11, Repeal of the Jones Act
- March 9:
- Briefing by Limited Entry Commission
 - SB 129, "Sporting Fishing and Hunting License"
 - SB 75, "Repeal of 25¢ Hunting & Fishing License"
 - SCR 4, "Management of Sand and Gravel"
- March 11:
- Alaska Loggers Assn. Overview
 - CSSB 62. Recreat Access
 - SJR 11 Jones Act
 - SR 11 Sierra Club v. BLM

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2-24 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/20/87 DATE TURNED INTO OFFICE _____
Mr. President:

RESOURCES _____ Committee considered _____ SB 75

repealing the 25-cent resident hunting, trapping, and sport fishing license.

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

Arthur J. ...
...
Dan ...

OTHER RECOMMENDATIONS

John ... - NO REC
...
Do Not Pass

...
amend to pass

...
Do PASS
Chairman signature and recommendation

[] Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 75
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act repealing the 25-cent
resident hunting, trapping...licenses.."
Sponsor: Sen. Fischer
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish and Wildlife Protection
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

GENERAL FUNDS	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)

No fiscal impact is anticipated.

JNR
1/29/87
Prepared by: Kyle Weaver *Kyle Weaver*
Division: Fish and Wildlife Protection

Phone: 269-5539
Date: 1/26/87

Approved by Commissioner: William R. Nix *W. Nix*
Agency: Public Safety

Date: 1/26/87

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 75

Publish Date: _____

REQUEST

Revision Date: _____

Agency Affected: Revenue

Title: An Act Repealing the 25% resident hunting, trapping & sport fishing license

BRU: Public Services, Division

Sponsor: Fischer

Components: _____

Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	3.0	-	-	-	-
CONTRACTUAL	-	6.0	-	-	-	-
SUPPLIES	-	1.0	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LAND & STRUCTURES	-	-	-	-	-	-
GRANTS/CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-0-	10.0	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE Fish & Game Fund	-0-	101.3	200.6	198.6	196.6	194.7
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-	10.0	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-0-	10.0	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared by: Sally Smith Phone: 465-2392
 Division: Public Services Date: Feb 2, 1987

Approved by Commissioner: [Signature] Date: 2/4/87
 Agency: Revenue

Distribution (by Agency preparing fiscal note):

- Legislative finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)
- Senate Secretary

SB 75 Analysis

This bill would repeal the 25¢ resident hunting, trapping and sport fishing license.

Proposed Amendment: Fish and Game Licenses are sold on a calendar year basis. Therefore, both the Expenditure and Revenue estimates are based on an effective date of January 1, 1988. If this effective date is not included in the bill, additional expenses would be incurred to reprint and redistribute licenses in the middle of a licensing year; to inform License Officers of the change; and to reprogram the 1987 Fish and Game License computer files.

Estimated Expenditures are based on the following:

<u>200 - Travel</u>		\$ 3,000.00
License Officer training sessions will be scheduled in Anchorage, Fairbanks, Kenai Peninsula, Wasilla/ Palmer, Juneau, Sitka and Ketchikan.		
<u>300 - Contractual</u>		6,000.00
Printing	\$ 2,850.00	
Postage	2,150.00	
Advertising	<u>1,000.00</u>	
These costs are for printing and mailing notifications of the repeal of the 25¢ license to License Officers; and for updating, reprinting and distributing the License Officer Instruction Manual.		
<u>400 - Supplies</u>		<u>1,000.00</u>
Covers for Manuals	\$ 800.00	
Envelopes	200.00	
TOTAL ESTIMATED EXPENDITURES		<u>\$ 10,000.00</u>

SB 75 Analysis

Estimated Revenues accruing to the Fish and Game Fund are based on the assumption that each licensee currently purchasing a 25¢ license would purchase a license at full cost. Estimated license sales are based on the percentage of each type of resident license class sold in FY 86. An estimated decrease in sales of 1% per year has been assumed based on FY 86 actual sales.

<u>Resident License Type</u>	<u># Sold</u> <u>FY86</u>	<u>% of</u> <u>Total</u>	<u>Estimate of Additional Revenue</u>		
			<u>Add'l Sold</u> <u>FY87</u>	<u>Sport Fish</u> <u>Fund</u>	<u>Game</u> <u>Fund</u>
Fish	107,793	57%	8,140	\$31,400	
Hunt	26,044	14%	1,999		23,988
Hunt/Trap	2,014	1%	143		3,146
Fish/Hunt	42,948	23%	3,285	32,850	39,420
Fish/Hunt/Trap	8,566	4%	571	5,710	12,562
Trap	1,478	1%	143		1,430
Duck Stamps *	N/A	N/A	2,999		14,995
<u>TOTAL</u>	<u>188,843</u>	<u>100%</u>	<u>17,280</u>	<u>\$119,960</u>	<u>\$95,541</u>
				Less 5% vendor commission	(5,998) (4,777)
				Additional Accrual to Fish and Game Fund	\$113,962 \$90,764
				FY 87 Estimate **	

* It is assumed that 50% of hunters would purchase an Alaska Waterfowl Conservation Stamp.

** Revenue for FY88 is figured at 1/2 FY total per recommended effective date of 1/1/88.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act repealing the 25 cent
 resident hunting, trapping..license."
 Sponsor: Senator Fischer
 Requestor: Senate Resources
 Agency Affected: PUBLIC SAFETY
 BRU: Fish & Wildlife Protection
 Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact is anticipated.

JNE
2/2/88
Prepared by: Captain Conrad Seibel, Operations Commander Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 1-28-88
 Approved by Commissioner: Don H. Anderson Date: 2-2-88
 Agency: PUBLIC SAFETY

Distribution (by preparer):

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

FISCAL NOTE

REQUEST: _____

Revision Date: 1/25/88
Title: An Act Repealing the 25¢ resident hunting, trapping & sport fishing lices
Sponsor: Fischer
Requestor: Senate Resources

Agency Affected: Department of Revenue
BRU: Income and Excise Audit

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	3.0	-	-	-	-	-
CONTRACTUAL	16.8	-	-	-	-	-
SUPPLIES	1.0	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	20.8	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	101.3	200.6	198.6	196.6	194.7	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	20.8	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	20.8	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: See attached.

Prepared By: Steven E. Kettel
Division: Income and Excise Audit

Phone: 465-2320
Date: 1/25/88

Approved by Commissioner: [Signature]
Agency: _____

Date: 1/26/88

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

Prepared by: Steven E. Kettel
Department of Revenue
Income and Excise Audit Division
January 25, 1988

Estimated Expenditures are based on the following:

200 - Travel \$ 3,000.00

License Officer training sessions
will be scheduled in Anchorage,
Fairbanks, Kenai Peninsula, Wasilla/
Palmer, Juneau, Sitka and Ketchikan.

300 - Contractual \$ 16,775.00

Vendor Comm. \$10,775.00
Printing \$2,850.00
Postage 2,150.00
Advertising 1,000.00

These costs are for printing and
mailing notifications of the repeal
of the 25¢ license to License
Officers; and for updating, reprinting
and distributing the License Officer
Instruction Manual.

400 - Supplies \$ 1,000.00

Covers for Manuals \$ 800.00
Envelopes 200.00

TOTAL ESTIMATED EXPENDITURES \$ 20,775.00

SB 75 Analysis

Estimated Revenues accruing to the Fish and Game Fund are based on the assumption that each licensee currently purchasing a 25¢ license would purchase a license at full cost. Estimated license sales are based on the percentage of each type of resident license class sold in FY 86. An estimated decrease in sales of 1% per year has been assumed based on FY 86 actual sales.

<u>Resident License Type</u>	<u># Sold FY86</u>	<u>% of Total</u>	<u>Estimate of Additional Revenue</u>		
			<u>Add'l Sold FY87</u>	<u>Sport Fish Fund</u>	<u>Game Fund</u>
Fish	107,793	57%	8,140	\$81,400	\$
Hunt	26,044	14%	1,999		23,988
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Duck Stamps *	<u>N/A</u>	<u>N/A</u>	<u>2,999</u>		<u>14,995</u>
<u>Total</u>	<u>188,843</u>	<u>100%</u>	<u>17,280</u>	<u>\$119,960</u>	<u>\$95,541</u>
				Less 5% vendor commission (5,998)	(4,777)
				Additional Accrual to Fish and Game Fund	<u>\$113,962</u>
				FY 87 Estimate **	<u>\$90,764</u>

* It is assumed that 50% of hunters would purchase an Alaska Waterfowl Conservation Stamp.

** Revenue for FY 89 is figured at 1/2 FY total per recommended effective date of 1/1/89.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coqlin, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1907

TO: RESOURCE COMMITTEE MEMBERS
FROM: COMMITTEE STAFF
RE: SB 75 "An Act repealing the 25 cent hunting, fishing
and trapping license"
DATE: MARCH 9, 1987

CONTENTS OF FOLDER

1. STATEMENT AND POSITION OF SPONSOR
2. POSITION OF DEPARTMENT OF PUBLIC SAFETY
3. FISCAL NOTE FROM PUBLIC SAFETY
4. FISCAL NOTE FROM DEPARTMENT OF REVENUE

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

March 9, 1987

To: Senator Jack Coghill, Chairman
& Members of the Senate Resources

From: Senator Paul Fischer *PAF*

Subject: SB 75, Repealing the 25 cent Hunting, Fishing &
Trapping License

SB 75 proposes to do away with the 25 cent hunting and fishing license for low income users. This bill recognizes the fact that much of rural Alaska and subsistence lifestyles are adequately protected under other laws and that urban Alaskans are the ones taking advantage of the 25 cent license.

This bill is a revenue generator. It assumes that fish and game resources are important enough to current 25 cent license holders that they will indeed buy a regular price license. It is hard to conceive of many Alaskans who truly cannot afford \$10 or \$12 for the annual privilege of enjoying one of our most valued resources. The 25 cent license is being abused by many people for whom it was not intended, mostly urban residents.

This bill will also simplify Fish & Game laws and thus, some savings should be realized that are not easily identified.

Your favorable consideration is appreciated.

BILL NO: SB 75

DATE: 1/26/87

TITLE: "An Act repealing the 25-cent
resident hunting, trapping
and sport fishing licenses."

CONTACT: Capt. James Nutgrass
Acting Director

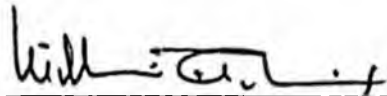
je

DEPARTMENT OF PUBLIC SAFETY
POSTOFFICE

The Division of Fish and Wildlife Protection maintains a neutral position on this legislation.

The passage of this bill will not materially alter any of the operations of the Division of Fish and Wildlife Protection. It could have a more direct effect on the bush areas where a more true subsistence life style exists.

This bill could generate more revenue through the elimination of the \$.25 license by requiring all individuals to purchase a full priced licence. This in effect should reduce the number of individuals who purchase \$.25 licenses, when in fact they do not qualify for this type of license as provided by statute. Another effect will be that more people will probably hunt, fish and trap without a license. In some situations, buying a full license for all members in a family over 16 could get expensive.



WILLIAM R. NIX
Acting Commissioner



NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871

1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

RUPE ANDREWS
FIELD REPRESENTATIVE
ALASKA

9416 LONGRUN DRIVE
JUNEAU AK 99801
907/789-7422

March 6, 1987

Honorable John B. Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Coghill:

Please accept the following comments as official testimony of the collective Alaskan membership of the National Rifle Association of America regarding SB 129, an act relating to increasing the license fees for sport fishing, hunting and trapping.

As you are aware, the vast majority of the 22,000 NRA members in Alaska are hunters. A significant number are competitive shooters and all members are recreational shooters. Indeed the number of recreational shooters increases each year in Alaska as safe facilities are constructed, both indoor and outdoor ranges. With this introduction, I would like to explain the Association's position on SB 129. First, as sportmen NRA members have always supported the professional and scientific management of our fish and game resources. We also support hunter education programs and the development of safe shooting facilities to instruct young or new hunters and shooters. Unfortunately, the Alaska Department of Fish and Game are sponsoring this tax increase bill without ever once contacting any of our membership to explain what programs will benefit from this tax increase. It seems reasonable that if we are being asked to pay more for the privilege of hunting that we should know how the opportunities to hunt and to have safe places to shoot are going to be increased. The beauracracy of the Fish and Game Department almost borders on arrogance in the manner that they have methodically ignored sport hunters and shooters in the past four years and now they are asking the tax payers to buy a 'pig-in-a poke!

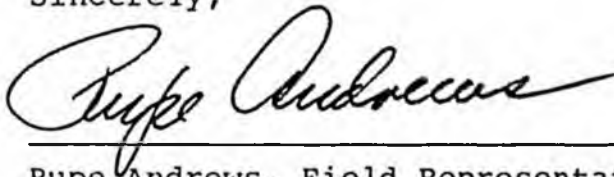
March 6, 1987

Page 2.

The NRA membership in Alaska would like to support SB 129 but until the Department of Fish and Game comes forward with specific details of how this increase in funds is going directly benefit the consumptive users as the primary beneficiaries of the increase then we stand opposed to SB 129. Hunters are essentially sick and tired with the way they have been treated in recent years. Recreational shooters are also very concerned that the Department has ignored their needs as well.

Thank you for letting me comment on this important piece of legislation. If I can be of any further assistance please advise. My duties will take me out of town when this bill is before your committee next week. I will be available for oral testimony after March 18th.

Sincerely,

A handwritten signature in cursive script that reads "Rupe Andrews". The signature is written in dark ink and is positioned above a horizontal line.

Rupe Andrews, Field Representative



ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

March 7, 1987

Honorable Jack Coghill
Chairman, Senate Resources Committee
Pouch V
Juneau, AK. 99811

Dear Senator Coghill:

I would like to submit this letter as official testimony on behalf of the Alaska Outdoor Council regarding Senate Bill 129.

For the record, the Alaska Outdoor Council is a federation of 45 Alaskan sportsmen and outdoor organizations with a membership of over 10,000. We would request that this testimony be entered on behalf of our statewide membership.

Sportsmen have consistently supported fish and wildlife conservation programs throughout Alaska and the rest of the country through voluntary personally imposed taxes and fees. Alaskan sportsmen have also been strong supporters of professional fish and wildlife management within the State. This commitment is similarly directed at assuring proper funding of our fish and wildlife management programs. There is little doubt that a close examination of our hunting and fishing fees within Alaska will demonstrate that the cost of participating is still one of the best buys in the country.

Unfortunately, the sportsmen of Alaska are concerned with the present proposal. Our concerns are summarized below:

1. There has been no effort on the part of the Administration to clearly establish why the funds are needed and where the dollars will be spent. No effort has been made to inform the public of the background supporting this legislation.
2. Contacts with the Alaska Department of Fish and Game indicate that additional fee increases are being contemplated for non-residents, resident tag fees and other licenses. We are concerned that the whole issue of management funding is being pieced together rather than being submitted as a comprehensive funding package.
3. Inconsistent enforcement policies are causing the funding load for Alaska's fish and wildlife management to be carried by the remaining honest citizens.

4. The Boards of Fish and Game have not implemented the new State subsistence law which could, unless fairly implemented, require the more urban sportsmen to carry a greater financial share of the management program while at the same time enjoying greatly reduced opportunities.

5. These fee increases are being heaped on the user public at the same time that they are faced with endless proposals to increase taxes and other fees to carry a greatly bloated government.

6. Past practices of the Alaska Fish and Game Department to tap license monies to pay marginally justified programs for non-targeted Divisions has eroded the fish and wildlife users faith in the Department's ability to equitably and honestly distribute increased license revenues.

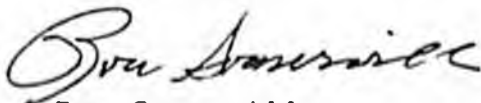
7. The general sportsmen's trust and faith in the Alaska Department of Fish and Game has severely eroded during the past four years with increased hostilities between user groups, losses of State's Rights to manage our fish and wildlife resources and decreased user opportunities--despite the fact that many fish and wildlife populations have been near historic highs.

8. Why are only the recreational fees being targeted? Other sources of revenue should also be considered, such as eliminating the 25 cent license fee, increasing commercial fishing licenses, non-consumptive user fees to help fund non-game programs, and greater enforcement of present license requirements.

Because of these concerns the Alaska Outdoor Council is withholding support of this legislation until the Alaska Department of Fish and Game adequately addresses the above concerns and there are built in guarantees that additional license fees will not be utilized to finance programs which provide no identifiable benefits to Alaskan sportsmen.

I appreciate the opportunity to provide testimony on this legislation.

Sincerely,



Ron Somerville
Executive Director



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

March 7, 1987

Honorable Jack Coghill
Chairman, Senate Resources Committee
Pouch V
Juneau, AK. 99811

Dear Senator Coghill:

I would like to submit this letter as official testimony on behalf of the Alaska Outdoor Council regarding Senate Bill 75.

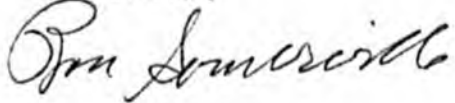
For the record, the Alaska Outdoor Council is a federation of 45 Alaskan sportsmen and outdoor organizations with a membership of over 10,000. We would request that this testimony be entered on behalf of our statewide membership.

We have reviewed SB 75 as part of our analysis of the State's funding proposals for fish and wildlife programs. In our opinion, the 25 cent license has long since outlived its usefulness. Numerous examples abound where the present low income license law is being misused and abused. In addition, recent reports indicate that portions of rural Alaska are not purchasing licenses of any kind and the 25 cent license is being heavily utilized by urban residents--many of whom are recent arrivals to Alaska. A calculation of eligible recipients within Alaska by comparing agency records indicate that at least 40% of the 25 cent license recipients were ineligible. The adoption of no fee subsistence permits also obviates whatever need existed for 25 cent licenses for subsistence fishing.

We are not opposed to the State providing no-cost or lowered cost hunting and fishing licenses for those individuals who are long time residents of Alaska and who are truly dependent on fish and wildlife resources. We would prefer that a totally welfare oriented program however be subsidized directly by the Department of Health and Social Services rather than at the expense of the management programs. We are also opposed to subsidizing new residents to the State who are located in the major metropolitan areas (over 30% issued in Fairbanks and Anchorage alone) and have access to other State aid programs. Subsidizing these individuals through this process means less revenue for critical fish and wildlife programs and encourages low cost competition for some limited resources. The Department of Revenue has projected that passage of SB 75 will increase license revenue by \$200,000 annually.

Again, we appreciate the opportunity to present our testimony and we hope this legislation will eventually be placed into law. We are fully supportive of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Ron Somerville". The signature is written in dark ink and is positioned above the printed name and title.

Ron Somerville
Executive Director



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

January 27, 1988

Senator Paul Fischer
Pouch V
Juneau, AK. 99811

Dear Senator Fischer:

I would like to submit this letter on behalf of the Alaska Outdoor Council regarding our support for Senate Bill 75.

For the record, the Alaska Outdoor Council is a federation of 45 Alaskan sportsmen and outdoor organizations with a membership of over 10,000.

We have reviewed SB 75 as part of our analysis of the State's funding proposals for fish and wildlife programs. In our opinion, the 25 cent license has long since outlived its usefulness. Numerous examples abound where the present low income license law is being misused and abused. In addition, recent reports indicate that portions of rural Alaska are not purchasing licenses of any kind and the 25 cent license is being heavily utilized by urban residents--many of whom are recent arrivals to Alaska. A calculation of eligible recipients within Alaska by comparing agency records indicate that at least 40% of the 25 cent license recipients were ineligible. The recent adoption of no fee subsistence permits also obviates whatever need existed for 25 cent licenses for subsistence fishing.

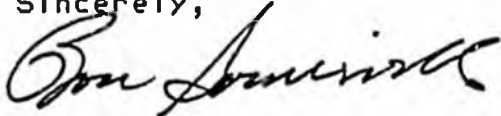
We are not opposed to the State providing no-cost or lowered cost hunting and fishing licenses for those individuals who are long time residents of Alaska and who are truly dependent on fish and wildlife resources. We would prefer that a totally welfare oriented program, however, be subsidized directly by the Department of Health and Social Services rather than at the expense of the management programs. We are also opposed to subsidizing new residents to the State who are located in the major metropolitan areas (over 30% issued in Fairbanks and Anchorage alone) and have access to other State aide programs. Subsidizing these individuals through this process means less revenue for critical fish and wildlife programs and encourages low cost competition for some limited resources. The Department of Revenue has projected that passage of SB 75 will increase license revenue by \$200,000 annually.

Certainly, in this day and age when the State is providing a \$700 - \$800 dividend for every man, woman and child, it is not

unreasonable to ask that we all purchase a resident hunting and fishing license when we are of age.

We appreciate your efforts on this legislation and we will assist in working for passage of SB 75.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Somerville".

Ron Somerville
Executive Director

SB

76

SENATE RESOURCES COMMITTEE

February 1987

SENATE BILL 76

I am the President of the Seldovia Native Association. The Seldovia Native Association is an ANCSA Village Corporation which owns land within the boundaries of the Kachemak Bay State Park boundaries.

The Seldovia Native Association and the State Department of Natural Resources have been negotiating for a land exchange for these lands since 1975.

Although some progress has been made through the years, both parties find it is now impossible to conclude this land exchange to our mutual satisfaction.

Unfortunately, the agreement to exchange land did not have a deadline or date of termination.

I feel it is in the best interests of both the State and the Seldovia Native Association, that the obligations of this exchange agreement not continue indefinitely.

Senate Bill 76 sets June 30, 1988 as the last day of this agreement. The Seldovia Native Association urges passage of Senate Bill 76.

Fred H. Elvsaas, President
Seldovia Native Association, Inc.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghull, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Artiss Stungulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1907

February 11, 1987

MEMORANDUM

To: Senate Resource Committee Members

From: Committee Staff

Re: SB 76, Relating to an exchange of land with the Seldovia Native Assn.

SB 76, sponsored by Senator Fischer, sets a time limit on the ability of the Department of Natural Resources to continue land exchange negotiations with the Seldovia Native Association.

Land exchange negotiations have been ongoing since 1979, resulting in two small land trades.

If the parties are unable to reach an agreement on the lands for exchange by July 1, 1988, the Native association retains its lands within Kachemak State Park.

The committee will hear from Fred Elvsaaas, president of the Seldovia Native Association on the impacts of the negotiations.

Included in your packets are: a memorandum from Sen. Fischer; DNR's position paper and fiscal note.

Alaska State Legislature



Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

To: Senator Jack Coghill, Chairman Senate Resources
From: Senator Paul Fischer
Subject: SB 76, Seldovia Native Association Land Exchange
Date: February 4, 1987

In May of 1979, the Seldovia Native Association (SNA) and the Department of Natural Resources entered into an agreement to exchange SNA land within the Kachemak Bay State Park for mutually agreed upon State property outside the park. The memorandum of understanding that laid out this agreement explicitly stated the "...exchange shall be made on the basis of equal value." The agreement also stated that both parties would "...diligently pursue and complete as quickly as practicable, such exchange..."

It is now almost eight years later and after many offers and counter offers, it has become obvious that no agreement is going to be reached unless there is a deadline put upon the original agreement. SB 76 would establish a deadline of July 1, 1988. If no agreement is reached by this time, the deal is off. SNA will do what they may with their privately owned lands within Kachemak Bay State Park.

SNA has negotiated in good faith and is very anxious to complete this land trade. It is obvious that they can not proceed with any long term resource management plan until they know what resources they will be managing.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801
PHONE: (907) 465-2400

February 10, 1987

The Honorable Jack Coghill
Chairman
Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: Senate Bill 76, which would require the Department of Natural Resources to complete exchange negotiations with the Seldovia Native Association (SNA) for SNA inholdings within Kachemak Bay State Park by July 1, 1988.

Response: The Department of Natural Resources cannot support this bill because its passage could result in a breach of contract suit against the state; further, it could prevent the state from filing suit against SNA, if it were determined to be warranted.

Background: In 1979 the Department of Natural Resources signed a Memorandum of Understanding with SNA, Cook Inlet Region Inc. (CIRI), and the Kenai Peninsula Borough to negotiate a land exchange agreement that would restore land within the Kachemak Bay State Park to state ownership.

In the past six years only two small land trades have been completed and the state has acquired 4,538 acres from SNA. Negotiations for the remaining park lands have been stalled because of a dispute over the appraised value of SNA lands.

The state has in good faith pursued an exchange agreement with SNA. If it is determined that SNA has breached its agreement the state may file suit. Enactment of SB 76 would likely terminate the state's ability to sue SNA and expose the state to a possible suit from SNA.

Senator Coghill

-2-

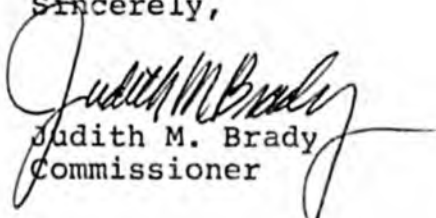
February 10, 1987

Enactment of this bill could also have implications for state exchange agreements with the Cook Inlet Reg on.

It is evident that there is a great deal of frustration on both sides due to the lack of progress. I intend to personally review the status of this exchange.

Please let me know if I may provide additional information about this matter.

Sincerely,



Judith M. Brady
Commissioner

cc: Committee Members
Governor's Legislative Liaison

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

REQUEST: _____

Bill Version : SB 76

Publish Date : _____

Revision Date: February 9, 1987

Agency Affected: Natural Resources

Title: Seldovia Land Exchange

BRU: Land & Water Management

Sponsor: Senator Fischer

Components : _____

Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		95.3				
TRAVEL		4.0				
CONTRACTUAL		25.0				
SUPPLIES		1.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		125.3				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		125.3				
FEDERAL FUNDS						
OTHER						
TOTAL		125.3				

POSITIONS:

FULL-TIME		2				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached explanation.

Prepared by: Tom Hawkins

Phone: 465-2400

Division: Land and Water Management

Date: 2/9/87

Approved by Commissioner: 

Date: 2-10-87

Agency: Natural Resources

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS

SB 76

If SB 76 is enacted as written, a major effort would be needed by the department to identify state lands suitable for exchange with Seldovia Native Association and to guide these lands through the administrative process.

Funding would include a Natural Resource Manager (NRM) II, a Natural Resource Officer (NRO) I, a large appraisal contract (20.0) and related travel funds. The two full-time employees would be occupied solely with this exchange for one fiscal year.

Line Item Explanation:

- 100- Two positions, 95.3
 - 1) NRM I (range 20) to supervise, negotiate, conduct hearings
 - 2) NRO I (range 14) to provide technical support, agency contact, title work.
- 200- Travel for negotiations and hearings, 4.0
- 300- Appraisals, miscellaneous support, 25.0
- 400- Supplies and commodities for staff, 1.0

S B

8 1

SENATE COMMITTEE REPORT

FURTHER: FINANCE

4 /14/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 81

Alaska Power Authority; efd.

and recommended:

replace with CS FOR SB 81 (RES)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signatures]

[Handwritten signature]

Chairman signature and recommendation

Committee Backup Attached



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 488-5259

DURING SESSION:

P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

25 April, 1987

MEMORANDUM:

TO: Senator Coghill, Chairman
Senate Resources Committee

FROM: Senator Zharoff

F.Z. / M.T.

I appreciate your having scheduled CSSB 81(L&C) for a hearing before the Senate Resources Committee. This measure, as amended by the Senate Labor and Commerce Committee, has altered the original intent of the bill, however the remaining provisions clarify the "exempt" status of the Alaska Power Authority staff. This clarification would allow the statutes to reflect the current employment status of the Alaska Power Authority staff, and clear up any possible ambiguities.

Thank you for your prompt consideration of this measure.



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

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DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

CSSB 81 (RES): Sectional Analysis

Purpose of the legislation is to depoliticize the APA Board, provide longterm stability (6 year overlapping terms), and have a member appointed to the board who has "hands on" electrical utility experience. In addition to restructuring the APA Board, this measure clarifies in statute that APA staff are in the "exempt" service.

- Section 1) Clarifies in statute that officers and employees of the APA are in the exempt service.
- Section 2) Restructures the composition of the APA to reflect the following membership:
- Commissioner of DCED;
 - Commissioner of the Department of Revenue;
 - One Director from the Banking Industry;
 - One Consumer Representative;
 - Two Directors from Business and Industry;
 - One Director Experienced in the Electrical Utility Industry;
 - Seven member board, with directors appointed by the Governor serving for staggered 6 year terms, and subject to Legislative confirmation.
- Section 3) Deletes language which provided that public director's serve for staggered 4 year terms.
- Section 4) Additional clarification that staff in the Authority are in the exempt service;
- Section 5) Concerns the transition from current membership to that which is proposed in the bill. Allows the

public members to serve until the expiration of their terms, yet requires the Governor to replace the 3 Commissioners and the Director of OMB on the effective date.

Section 6) Immediate effective date;

5-0425L
Cramer
4/29/87

Original sponsor: Zharoff

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 81 (Resources)

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 Alaska Power Authority; and
7 providing for an effective date."

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

9 * Section 1. AS 39.25.110(11) is amended to read:

10 (11) the officers and employees of the following boards,
11 commissions, and authorities:

12 (A) Alaska Gas Pipeline Financing Authority;

13 (B) Alaska Permanent Fund Corporation;

14 (C) Alaska Energy Center;

15 (D) Alaska Industrial Development Authority;

16 (E) Alaska Commercial Fisheries Entry Commission;

17 (F) Alaska Commission on Postsecondary Education;

18 (G) Alaska Power Authority;

19 * Sec. 2. AS 44.83.030 is repealed and reenacted to read:

20 Sec. 44.83.030. MEMBERSHIP OF THE AUTHORITY. The board of
21 directors of the authority consists of seven members. The commission-
22 er of commerce and economic development and the commissioner of reve-
23 nue serve as directors and the governor shall appoint one director
24 from the banking industry, one consumer representative, two directors
25 from business and industry, and one director who is experienced in the
26 electrical utility industry. Directors appointed by the governor
27 serve for staggered terms of six years and are subject to confirmation
28 by a majority of the members of the legislature in joint session.

29 * Sec. 3. AS 44.83.045(a) is amended to read:

1 (a) The [PUBLIC] directors appointed by the governor must
2 [SHALL] be residents and qualified voters of Alaska and shall comply
3 with the requirements of AS 39.50 (conflict of interest [INTERESTS]).
4 [THE PUBLIC DIRECTORS SHALL SERVE OVERLAPPING FOUR-YEAR TERMS.]

5 * Sec. 4. AS 44.83.045(c) is amended to read:

6 (c) The authority shall employ an executive director who may,
7 with the approval of the authority, employ additional staff as neces-
8 sary. In addition to its staff of regular employees, the authority
9 may contract for and engage the services of legal and bond counsel,
10 consultants, experts, and financial and technical advisors the author-
11 ity considers necessary for the purpose of conducting studies, inves-
12 tigation, hearings, or other proceedings. The board of directors
13 shall establish the compensation of the executive director. The
14 executive director and staff of the authority are in the exempt ser-
15 vice under AS 39.25.110 [IS SUBJECT TO THE PROVISIONS OF AS 39.25.-
16 010 - 39.25.220].

17 * Sec. 5. Notwithstanding the amendments to AS 44.83.030 made by sec. 2
18 of this Act, the public directors of the authority on the day before the
19 effective date of this Act shall continue to serve until their terms
20 expire. On the effective date of this Act, the governor shall replace the
21 director of the office of management and budget and the three commissioners
22 in accordance with AS 44.83.030 as amended by this Act.

23 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).
24
25
26
27
28
29

Pg line 21 STRIKE 3
INSERT 2;

5-0425B
Cramer
4/6/87

Original sponsor: Zharoff

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 81 (RES)
(L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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7 with the approval of the authority, employ additional staff as neces-
8 sary. In addition to its staff of regular employees, the authority
9 may contract for and engage the services of legal and bond counsel,
10 consultants, experts, and financial and technical advisors the author-
11 ity considers necessary for the purpose of conducting studies, inves-
12 tigation, hearings, or other proceedings. The board of directors
13 shall establish the compensation of the executive director. The
14 executive director and staff of the authority are in the exempt ser-
15 vice under AS 39.25.110 [IS SUBJECT TO THE PROVISIONS OF AS 39.25.-
16 010 - 39.25.220].

17 * Sec. 5. Notwithstanding the amendments to AS 44.83.030 made by sec. 2
18 of this Act, the public directors of the authority on the day before the
19 effective date of this Act shall continue to serve until their terms ex-
20 pire. On the effective date of this Act, the governor shall replace the
21 director of the office of management and budget and the ~~three~~ ^(two) commissioners
22 in accordance with AS 44.83.030 as amended by this Act.

23 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).
24
25
26
27
28
29

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zhanoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1907

TO: SENATE RESOURCES COMMITTEE
FROM: COMMITTEE STAFF
DATE: APRIL 24, 1987
RE: CSSB 81 "AN ACT RELATING TO THE ALASKA POWER
AUTHORITY"

CONTENTS

1. POSITION PAPER FROM ALASKA POWER AUTHORITY ON SB 81
2. DEPARTMENT OF ADMINISTRATION FISCAL NOTE
3. LETTER FROM APA EXECUTIVE DIRECTOR LERESCHE TO SENATOR SENATOR KELLY ON SB 81
4. RELEVANT STATUTES

POSITION PAPER
SB 81

SB 81 changes the organization of the membership for the Alaska Power Authority Board of Directors and places its officers and employees in the Exempt Service by amending AS 39.25.110.

The status of the employees of the Alaska Power Authority does need to be clarified. The status of State employees is determined by AS 39.25. Unless employees or positions are specifically exempted from the Classified Service either by statutory reference or personnel board action, they are considered to be in the Classified Service. However, in regards to the Alaska Power Authority, a recent Anchorage Superior Court decision cited past practice and states that it was the intent of the legislature to treat employees as members of the Exempt Service. However, AS 39.25 does not expressly place Alaska Power Authority employees in the Exempt Service. SB 81 would confirm that ruling.

The Department of Administration, Division of Personnel's position on this bill is neutral.

Diana DeSimone
Diana DeSimone, Director
Division of Personnel

2/11/87
Date

Garrey Peska
Commissioner Garrey Peska
Department of Administration

2/11/87
Date

Senator Tim Kelly, Chairman
Senate Labor and Commerce Committee

April 3, 1987

Senate Bill No. 81

Robert E. LeResche, Executive Director
Alaska Power Authority

As I will not be able to attend the Senate Labor and Commerce Committee hearing on Senate Bill No. 81, scheduled for consideration on April 3, 1987, please accept the following comments in lieu of my appearance before the Committee.

On February 27, 1987, the Alaska Power Authority Board of Directors met and consideration was given to Senate Bill No. 81. At this meeting the Board adopted a formal position in strong support of Section 1 of SB 81 and voted to oppose Sections 2,3,4 and 5 of the Bill. It is the consensus of a majority of members of the Alaska Power Authority Board that the structure of the Board remain as currently established. In their opinion, considering the statutory powers vested in the Alaska Power Authority Board of Directors, the current structure provides a proper level of checks and balances between the Alaska Power Authority, the Governor and the Legislature.

Additional Board action taken on SB 81 included the unanimous adoption of Alaska Power Authority Resolution No. 1987-06. The resolution supports amendment to AS 39.25.110 (11) as presented in Section 1 of SB 81, which specifically names the Alaska Power Authority as a state agency in exempt service. A copy of the resolution is attached.

While the Board opposes Sections 2,3,4 and 5 of SB 81, legislation which would resolve the Alaska Power Authority's exempt status issue is still necessary and desired during the legislative session. At this time, on behalf of the Alaska Power Authority Board of Directors, I respectfully request the Committee's favorable consideration of amendment to AS 39.25.1110 only.

Please contact me if I may provide additional information or assistance.

Attachment as stated.

ALASKA POWER AUTHORITY
Resolution 1987-06

RESOLUTION BY THE ALASKA POWER AUTHORITY BOARD OF DIRECTORS RECOMMENDING THAT AS 39.25.110 BE AMENDED TO SPECIFICALLY NAME THE ALASKA POWER AUTHORITY AS A STATE AGENCY IN EXEMPT SERVICE.

WHEREAS, the Alaska Power Authority was created as a public corporation of the State of Alaska with a separate and independent legal existence in the Department of Commerce and Economic Development; and

WHEREAS, the Alaska Power Authority consists of a seven member board of directors required to employ an Executive Director, who employs additional staff as necessary, and is granted powers under AS 44.83.080 to carry on and further its corporate purposes; and

WHEREAS, the Alaska Power Authority, although considered to be a State agency in exempt service not covered by the provisions of AS 39.25 (the State Personnel Act), is not specifically named as such in this chapter; and

WHEREAS, the Authority has been advised by the Office of the Attorney General to seek legislation to provide clarification on the status of the Executive Director and staff; and

WHEREAS, the Alaska Power Authority Board of Directors has previously adopted Resolution No. 1985-03 on February 26, 1985, in support of amendment to AS 39.25.110, to specifically name the Alaska Power Authority as a state agency in exempt service; and

WHEREAS, on September 19, 1986, the Superior Court of the State of Alaska ruled as a matter of law that the Alaska Power Authority employees were not members of the State of Alaska classified service;

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Alaska Power Authority:

That AS 39.25.110 is recommended for statutory amendment to specifically name the Alaska Power Authority as being a State agency in exempt service, thereby exempting the Authority from the provisions of the State Personnel Act;

BE IT FURTHER RESOLVED, that the Alaska Power Authority Board of Directors supports amendment to AS 39.25.110(11) as presented in Section 1 of Senate Bill No. 81, introduced in the Alaska State Senate on January 22, 1987.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Dee Halloran, Allison, Schaeffer
Mitchell, Wood

NAYS: 0

ABSENT: Huffman

And the resolution was declared adopted on this the 27th day of February, 1987.

ALASKA POWER AUTHORITY

BY: _____

S B

8 6

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturpilewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Etason

Box V
Juneau, Alaska 99811
(907) 465-1907

February 18, 1987

MEMORANDUM

To: Members of the Senate
Committee on Resources

From: Committee Staff

Re: SB 86, Garden Week

SB 86 adds a new section to Chapter 12, relating to holidays within Title 44, State Government.

Sponsored by Sen. Duncan, SB 86 would officially proclaim that June 1 to June 7 of each year is Alaska Garden Week. Garden Week is intended to recognize the importance of gardening to Alaskans and hopefully would encourage public participation in activities sponsored by the National Council of State Garden Clubs, in conjunction with National Garden Week.

Included in your packet today are:

Fiscal Note
National Council of State Garden Clubs, Inc. letter
Senate State Affairs Committee Report

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/28/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/27/87
Mr. President:

DATE TURNED INTO OFFICE 2/3/87

STATE AFFAIRS Committee considered SB 86

establishing Alaska Garden Week.

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FURTHER:

Rulle

2/4/87

DATE TURNED INTO OFFICE

2/20/87

Mr. President:

RESOURCES

Committee considered

SB 86

establishing Alaska Garden Week.

and recommended:

replace with

or adopt _____

CS FOR

CS FOR

SB 86 (Res.)

)

)

same title

new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Mark Jones

Pat Gleason

Willis Sturgeon

Fred L. Sharff

Jim Deen

Paul Trish

John R. ...

Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 86
Publish Date: _____

REQUEST _____

Revision Date: _____
Title: Establishing Alaska Garden Week.

Agency Affected: Administration
BRU: _____

Sponsor: Duncan
Requestor: Senate State Affairs

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill does not affect the Department of Administration.

Prepared By: Michael P. McMillen Phone: 465-2200
Division: Commissioner's Office Date: 2/3/87

Approved by Commissioner: Garrey Peska Date: _____
Agency: Department of Administration

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



National Council of State Garden Clubs, Inc.

Providence, Ky.
March 31, 1986

RECEIVED
MAY 27 1986

Dear Legislative Chairman:

With in the past year, commercial interests related to gardening combined their efforts to have National Garden Week established in April rather than June as National Council of State Garden Clubs, Inc. has proposed and promoted.

Through Senator Mark Hatfield of Oregon, SJR 136 was introduced in the U. S. Senate and was passed on June 18, 1985. Soon after, a corresponding House Joint Resolution (HJR 266) was introduced by Representative Luken of Ohio. This HJR has been referred to the Post Office/Civil Service Committee.

Since the legislation to establish National Garden Week from June 1-8 seems to be in trouble in Washington, National Council wishes to have this legislation introduced and passed in all State Legislatures by April 1987.

Some states have already passed this legislation, and we would like to know the status of this legislation in every state. I know that the Kentucky Legislature enacted this legislation in 1983.

Please investigate the status of your state, and I would appreciate your informing me of your findings as quickly as possible. It is important that this date be set by an act of the legislature rather than by proclamation as a proclamation expires after June 8th. If your legislature is not in session, -however, this date could be set by a Proclamation which would be most helpful this year.

I would also appreciate you sending me a Legislative Report on other legislative activities in your state by April 30th.

Sincerely,

Mrs. J. Murray Blue (Genev
National Legislative Chair
300 West Main Street
Providence, Ky. 42450



National Council of State Garden Clubs, Inc.

Providence, Ky.

April 16, 1986

Dear Legislative Chairman,

National Council of State Garden Clubs, Inc. would like to have all garden clubs celebrate National Garden Week from June 1-7. This is the time to have flower shows, displays in malls, radio and television programs, talk shows, etc. to proclaim to everyone that we, as gardeners, are showing "Pride In The Land".

I am enclosing an article by our publicity chairman, Mrs. Harold V. Pasley, which will give some ideas on how to accomplish this observance. This would be an excellent time to recruit new gardeners and increase our membership.

A number of our states have enacted in their state legislatures a bill to establish "Garden Week" the first full week in June of each year, while other states have asked Mayors and Governors to issue a proclamation which would proclaim the first week in June as Garden Week.

A proclamation would expire after June 7th, however, legislation would remain from year to year. The real importance is that we let everyone know that this week is the time for a celebration of better gardening and a more beautiful America.

National Council of State Garden Clubs, Inc. does not participate in political activity, and if you desire to seek legislation for setting this date, it must be done on an individual basis.

Please help your president make plans for an exciting observance of this week. Let's show America that we are dedicated to "Gardening With Pride In The Land.

Sincerely,

Geneva Blue
Geneva Blue (Mrs. J. Murray)

NATIONAL GARDEN WEEK

JUNE 1 - 7

With the theme of our National Council President, Mrs. John N. Fehrer "Pride in the Land" in particular focus this year, members of our 10,553 garden clubs will celebrate NATIONAL GARDEN WEEK June 1 - 7, the first full week in June. Although observances will be varied in form, NATIONAL GARDEN WEEK is an event which brings a sense of togetherness among us and a sense of pride in membership in a garden club federated with the National Council of State Garden Clubs, Inc., the largest organization in the world devoted to gardening in its broad context. Community residents will respond favorably to well-planned observances and these provide our organization with visibility in a very positive way--the ideal climate for securing new club members.

A strong, nation-wide effort to project NATIONAL GARDEN WEEK and "PRIDE IN THE LAND" is now in progress under the direction of Mrs. Graem Yates, Fourth Vice-President and Promotion Coordinator, National Council of State Garden Clubs, Inc., who has completed plans with the McDonald Corporation to carry this message:

SHOW PRIDE IN THE LAND
OBSERVE NATIONAL GARDEN WEEK, JUNE 1 - 7
NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.

on its community service readerboards located in the interior of each restaurant throughout our country.

NATIONAL GARDEN WEEK is our opportunity to tell the story of gardening and its benefits; aesthetic, economic and therapeutic and to tell the story of the importance of garden clubs. Let it be known that the idea of a NATIONAL GARDEN WEEK originated in The National Council of State Garden Clubs.

Whatever may be the form of observance, do relate it to your garden club, your state federation and our National Council of State Garden Clubs, Inc. and to our National Council President's theme "Pride in the Land".

Television and radio stations schedule community service time with advance reservation. It will be an educational experience to participate in a "talk show" not only discussing horticultural practices but also explaining selected National Council programs relating them to your area when applicable, our conservation and environmental concerns and our contributions to the betterment of our country: In a shopping mall, set up a display or a "how to do" exhibit including information about your own club and its projects. Place an artistic design in a location where it can be appreciated. Plan something special for garden therapy.

Within the past year, commercial interests related to gardening, combined their efforts and introduced SJR 136 in the U.S. Senate to hold a "National Gardening Week" beginning on April 13, 1986. The Resolution passed in the Senate on June 18, 1985. Soon thereafter, a corresponding Resolution was introduced in the House of Representatives (HJR 266) which is, as of this writing, yet in the Post Office/Civil Service Committee. It is understood that, should this Resolution become a reality, its duration would be for one year.

Be that as it may, together we will continue on to work, without interruption, for our NATIONAL GARDEN WEEK,

So much work has already been done in that direction by so many people in our organization that it seems in order to proceed to accomplish what is evident our members want, a NATIONAL GARDEN WEEK, in perpetuity.

A number of our states have enacted in their state legislatures a Bill to establish a Garden Week the first full week in June of each year. It is the goal that all states will have such legislation by June 1987, the conclusion of the present biennium. We will then have achieved a NATIONAL GARDEN WEEK for always. Mrs. J. Murray Blue, National Council Legislation Chairman, will direct this activity.

Celebrate NATIONAL GARDEN WEEK June 1 - 7, with pride in your membership and "Pride in the Land".

S B

94

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

Bill Version: SB 94
Publish Date: _____

REQUEST: _____

Revision Date: 3/10/87
Title: Mineral Policy

Agency Affected: Natural Resources
BRU: Minerals Management

Sponsor: Senator Coghill, et. al.
Requestor: Senate Resources

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						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Activities required by this bill will be performed by existing staff.

Prepared by: Larry Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: _____

Approved by Commissioner: Lennie Bodin Date: 3/10/87
Agency: Natural Resources

Distribution (by preparer):

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

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 94

adopting a mineral policy for the state.

and recommended:

[] replace with CS SB 94 [] same title
[] attached amendment(s) and [] new title

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

[] Committee Backup Attached

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 29, 1988

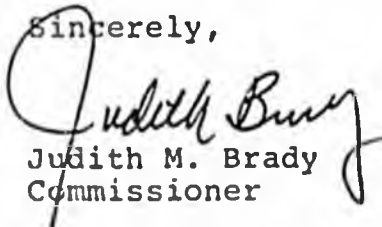
The Honorable Sam Cotten
Co-Chair
House Resources Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Cotten:

The Department of Natural Resources has previously expressed support for the Alaska Minerals Policy Act, and we continue to believe that a Minerals Policy Act is an important component in creating a strong, stable mining industry.

We are concerned, however, about the addition of Section 3 in the House Committee Substitute for SB 94. This section weaves into the Minerals Policy Act the very important and very difficult issues raised in the continuing 6(i) litigation. But we believe that the Minerals Policy Act does not impact or restrict the state's ability to fully consider all fiscal options and that the language in Section 3 is unnecessary. As Mr. Worcester from the Department of Law discussed with you, the 6(i) issue has not completed its course through the courts, and we do not believe it is appropriate, in light of the state's legal position, to include this language.

Sincerely,


Judith M. Brady
Commissioner

cc: Senator Jack Coghill
Mark Worcester
Jerry Gallagher

Alaska State Legislature

Senate Resources Committee

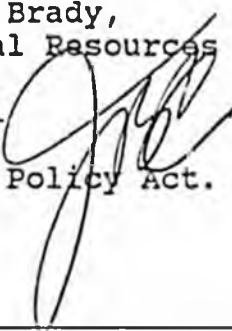


Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

To: Commissioner Judith Brady,
Department of Natural Resources

From: Senator Jack Coghill 

Subj: SB 94; the Minerals Policy Act.

Date: April 1, 1988

As you are aware, conference committees have been appointed from both houses to work out the differences between the Senate and House versions of the Mineral Policy Act. In our informal discussions we have identified several questions that have arisen out of concerns with reopening the coastal zone management plans. We would appreciate your assistance in resolving these issues. We would also like you to coordinate your answers to the following questions with the Department of Law.

- 1) How would the Minerals Policy Act be implemented?
- 2) What effect, from a legal perspective, would the act have on those areas closed to mineral entry and location, by the land planning process and administrative orders? (with special emphasis on the coastal zone plans).
- 3) What language might possibly be added to protect the integrity of the planning process, so that the areas that are already closed to mineral entry, are not disrupted? or is the planning process already protected by other laws?
- 4) Under the act, could mineral closures be interpreted as inconsistencies or deficiencies?
- 5) What is the relationship between this "policy" act and the Administrative Procedures Act? and what possible ties does the administrative act have to the eventual implementation of SB 94?

A M E N D M E N T # 1

Offered in the SENATE

TO: CSSB 94 (Resources)

By Szymanski
Coghlan

Page 2, line 3:

Delete "six months"

Insert "~~one year~~ *TEN months*"

Page 2, line 13:

Delete "10 days"

Insert "~~10~~ *60* days"

On the floor 3/17/87
passed



ALASKA MINERS ASSOCIATION, INC.

ALASKA MINERS ASSOCIATION

BRIEFING PAPER

The Association:

- It represents over 1000 members who are miners, professionals, business people and support industries.
- It represents Hard Rock, Placer, Coal, Sand and Gravel as well as Recreational Miners.
- It was incorporated in 1939.
- It is a Statewide organization with five Branches located in Alaska's major communities.

The Association Goals Are:

- To increase access to mineralized lands.
- To reduce unreasonable constraints on mineral development.
- To increase public awareness of the importance of mineral development.
- To provide services to membership to assist them in their mining activities.
- To increase minerals production in Alaska with attendant revenues and jobs.

Current Status of Minerals Industry in Alaska:

- 85 Exploration companies have left the State or gone out business in the past few years. This represents about a 76 million dollar annual reduction in expenditures since 1981.
- In 1986 the Placer mining industry suffered a 27% decrease in the number of mines, a loss of 390 jobs and a 16% decrease in gold production.
- In contrast the placer gold production in the Yukon Territory set a new record.
- Nevada opened up 14 new mines in 1986 employing 1560 more people.
- Exploration activities in B.C. increased 24% in 1986 - 10 times greater than Alaska.
- Alaska with all its mineral reserves ranks 41st among all the states in mineral production and 11th among the 15 Western states.
- Eight major projects now in the permitting stage together with gravel production and a 60 million dollar per year placer industry could bring mineral gross sales to over one billion dollars annually by 1992.
- It is not unrealistic to anticipate a 2 - 3 billion dollar mineral industry in Alaska by the late 1990's.
- Mineral reserves in Alaska represents near 100 billions of dollars.



ALASKA MINERS ASSOCIATION, INC.

Alaska Miners Association
Briefing Paper
Page 2

- Alaska (not including offshore) encompasses 375 million acres - - 144 million acres of Federal land is closed to mineral entry - - 1.8 million acres of the States land is closed to mineral entry. Only 10% of the land open is considered favorable mineral terrains (24 million acres)
- - only 7% of Alaska has been investigated for minerals in detail.

What has to be done:

- Improve the mineral investment climate in Alaska by stabilizing regulatory requirement and making the permit processes predictable, reduce duplication.
- Improve the international trading environment.
- Bring domestic cost structures in line with international realities. (Look as costs generated by legal and regulatory requirements).
- Keep lands available for mineral exploration and development.

Legislation:

The Alaska Miners Association has some general as well as specific legislative priorities. The theme accompanying our legislative program is stability in laws and regulations effecting management of land and natural resources, reduction of duplication, realistic laws which balance between all uses, multiple use of State lands, and access to mineralized areas.

Specific proposals:

- State Legislation which establishes realistic water quality guidelines considering current scientific knowledge, economics and achievable standards. We feel that a policy/guidance statement concerning water quality policy is necessary. The AMA recognizes that it is necessary to comply with the Federal Clean Water Act but feel that to go farther than this must involve some consideration of scientific/technical capabilities as well as economic feasibility.
- Minerals Policy Act - Alaska needs to establish a policy/philosophy concerning mineral development. Outside financing and investment capital will only be available if the position of the State Government is expressed and if a positive attitude is conveyed concerning mineral development. This policy also also would serve as guidance to the Executive Branch of State Government.



ALASKA MINERS ASSOCIATION, INC.

Alaska Miners Association
Briefing Paper
Page 3

- Coastal Zone Management -

This program designed to provide protection to the Coastal Zone had done two things which have the potential to restrict mineral development in a major way. First the boundaries of the coastal zone are being extended far inland based solely on the range of anadromous fish. Second, the local Coastal Policy Councils are functioning as another government entity and can assume veto power over any project. These actions could be detrimental to the local Borough Government, States and even National interests.

- AMA has taken a strong position against land designations closing land to mineral entry unless there is a showing that closure is necessary first, to protect other values and current laws and regulations are not sufficient and second, there is an analysis of mineral values which could be foregone if closure is effected, third there is a competent analysis of the unmitigable impacts of mineral development.

Boosting resource development

SENATE BILL 94 is "an act adopting a mineral policy for the state." It was introduced by Sen. Jack Coghill and four other senators. It makes so much common sense that it would seem difficult for any open and fair minded person to vote against it. It is the type of bill, however, that for the last 16 years hasn't had a prayer of becoming law.

This year, with the emphasis by the governor and the legislature on diversity, maybe the bill has a chance. It is a bill of a general nature and not overly specific. It is only 31 lines long. It is simple to read and understand.

The policy consists of four principles. First the state land is to be made available for mineral exploration through multiple use practices that may not subordinate mineral resource development. Second it provides that mineral development not be encumbered by excessive, unattainable, and uneconomical stipulations. Third it provides that a comprehensive transportation infrastructure be developed to provide for marketing. Fourth it provides that the state shall promote mineral development, education of the public, and knowledge about the mineral industry.

A KICKER to the bill provides that any individual may file a civil suit against a person or agency of the state who fails to carry out the above policy.

Since our constitution states that "It is the policy of the state to encourage . . . development of its resources by making them available for maximum use consistent with the public interest" such a new law should not be needed. We, however, have seen many of the state lands being withdrawn from mineral entry. We have seen excessive, unattainable, and uneconomic stipulations for development. We have seen next to nothing occur toward achieving a comprehensive transportation infrastructure. And certainly no one in state government is promoting mineral development.

Anyone who wants to develop some of our abundant mineral resources runs into a bureaucratic maze. There are more laws and regulations on the books that allow a bureaucrat, ostensibly performing his duties, to frustrate any development.

This bill would put the shoe on the other foot. Today, for any mineral development to occur the developer has so many obstacles placed in front of him by government that there has been very little mineral resource development. Under this bill any government agency which says no to the locating, development, and transportation of Alaskan minerals would have to defend his action in the light of the four point policy.

There is another way to address this problem. It would require that all the laws and regulations which have inhibited the development of mineral resources be repealed. That direct attack has too many political obstacles. The people who have sup-



by Tom Fink

ported these types of laws and regulations maintain that the laws do not inhibit resource development. This bill doesn't argue that point. It merely says that if it is so, there shouldn't be any objection to establishing a minerals policy.

THOSE WHO oppose development and use of our mineral resources are always getting laws passed which appear to be innocuous but which give them a hook to stop any form of development. This bill turns the situation around. This bill gives individuals the right to use the courts to force the bureaucracy to follow this mineral policy and the constitution of our state.

Although it appears that any open-minded and fair lawmaker will have a difficult time not supporting this legislation. Such will not be the case. If the bill gets a fair hearing, it should at least put all of those anti-resource developers in a glass house where their positions will be better exposed.

This bill doesn't cost the state government any money. It sets out a policy to support our constitution which nearly everyone says they support even when they don't. It will be a step to reinstitute resource development. It will in fact diversify our economy down the road.

Tom Fink, a 34-year Anchorage resident, is an insurance broker and a former member of the state legislature.

Quote

"SDI cannot be deployed unless both houses of Congress agree with the president by a majority vote. I'm confident Congress will defeat any attempt this year."

— Sen. William Proxmire, D-Wis., saying Congress will block any attempt by President Reagan to deploy the Strategic Defense Initiative, or "Star Wars," missile defense system.

Berry's World



"I really LIKE the way we handle pay raises around here."

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 12, 1987

The Honorable Jack Coghill
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: SB 94 (mineral policy)

Dear Senator Coghill:

We have briefly reviewed Senate Bill No. 94, the bill for an Act entitled "An Act adopting a mineral policy for the state." In addition to significant policy matters which, we understand, will be brought to your attention by other departments, we believe the bill raises serious legal questions. Briefly stated, two major legal issues are presented: (1) giving mineral development a favored position, in relation to other uses of state land, would depart significantly from the balance among competing uses mandated by the Alaska Constitution; and (2) the lack of specificity in the policies as drafted would simply delegate to the judicial branch the responsibility for defining the state's mineral policy (with perhaps the greatest benefits going only to lawyers).

The policy that "state land be available for mineral exploration and development through multiple use practices that may not subordinate mineral resource development" could be interpreted as invalidating any legislative or administrative action which would not allow mineral resource development to occur. Examples of actions which might be invalidated (and prohibited in the future) include: (1) legislative and administrative mineral closures in parks, game refuges, critical habitat areas, protected watersheds, etc.; (2) state land disposal programs for residential, industrial, commercial, recreational and similar non-mineral development purposes; (3) all municipal zoning of state lands which did not permit mineral development; and (4) to the extent water is required for mineral development, the existing system for prioritizing, determining and adjudicating water rights. If interpreted broadly enough, it would place mineral development in a pre-eminent position when compared to any other use of state lands. Such an interpretation, we

STEVE COWPER, GOVERNOR

REPLY TO:

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ANCHORAGE, ALASKA 99501
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1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

P.O. BOX K-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

believe, would violate the balanced approach to resource use, development and conservation inherent in the provisions of article VIII of the Alaska Constitution.

The policy that "mineral development may not be encumbered by excessive, unattainable, or uneconomical legislative or administrative stipulations" could be interpreted as impliedly repealing all statutes and regulations relating to environmental protection (water quality; habitat protection; land reclamation; etc.) and could even be construed as prohibiting requirements for the recording of mining claims, the obtaining of business licenses, the filing of tax forms, etc. Without standards for determining what constitute "excessive, unattainable, or uneconomical legislative or administrative stipulations," a rational argument could be made that any state governmental requirement whatsoever violated the policy. At a minimum, all environmental protection and enforcement activities would be taken over by the federal government, which is generally far less responsive to the mineral industry's needs concerns than state agencies.

The policy that "a comprehensive transportation infrastructure be developed in the state to facilitate the entry into the marketplace of mineral products" arguably could provide a basis for an action brought against the state to compel the state to develop such a system -- i.e., to judicially appropriate funds for capital improvements, taking such decisions away from the legislature. As so interpreted, it probably would be an invalid delegation of legislative authority; without such an interpretation, however, the policy is unenforceable.

Finally, the authorization for a person to file a civil action against "a person or entity, including the state [and state officials], for failing to carry out a policy established under this section" seems somewhat overbroad. It would apparently authorize a suit against any individual or organization -- public or private -- not actively promoting mineral development. In addition to those who sometimes are characterized as actually hostile to mineral development by virtue of their environmental activism, this also would include those who simply devote their energy to activities which do not include overt support of mineral development. We cannot conceive of any court, under any set of facts, which would entertain an action against a private citizen or organization for failing to actively promote mineral development (or, for that matter, any person or organization exercising the right of free speech to urge greater regulation of the mineral industry).

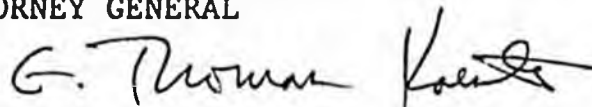
The courts probably would, however, entertain a suit against the state, its political subdivisions and state and municipal officials "for failing to carry out" the articulated "policies." Indeed, such suits probably would be necessary to actually determine the state's mineral policy because of the very general nature of the "policies" outlined; of necessity, they would have to be developed and detailed through litigation. The results of such litigation, particularly with respect to how the courts would balance this legislative pronouncement against the host of constitutional provisions, other statutes and implementing regulations relating to the mineral industry and state lands generally, cannot be predicted with any degree of confidence. What can be predicted, however, is that passage of this bill would delegate, in wholesale fashion, responsibility for development of the state's mineral policy to the judicial branch of government, primarily benefiting only the state's legal fraternity.

We would be happy to discuss these matters in greater detail at your convenience.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:



G. Thomas Koester
Assistant Attorney General

GTK/dlm

cc: Commissioner Brady, DNR
Ccmmissioner Collinsworth, F&G
Commissioner Kelso, DEC
Commissioner Smith, C&ED
Rod Swope, Office of the Governor
Bob Evans, Office of the Governor
Bob Grogan, Div. of Gov. Coordination

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
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MEMORANDUM

TO: Senate Resource Committee Members
FROM: Senator Coghill
RE: SB 94; An Act adopting a mineral policy for the state.
DATE: February 26, 1987

This legislation is bound to create some controversy. The agencies may not support it's strong language, but this is understandable. SB 94 gives the government in Alaska a clear directive, to dust off long forgotten statutes and articles of our constitution.

In my view, the policy outlined in section (a), has already been establish in our laws. This section only pulls the intent of the statutes, scattered throughout title 38, together in one concise location.

The agencies and select interest groups will probably oppose the bill because of section (b). This section gives the policy what existing statute lacks, clear accountability. There is no question of the effectiveness of similar provisions of the Federal Civil Rights Act, Clean Air Act, and the Clean Water Act. This citizen suit clause is nearly identical. Without this section, the bill is of little use.

Section (b) does several things. First, it ensures compliance with the letter and spirit of the Act. Second, it provides incentive for citizens to help enforce the act. Third, it emphasizes the state's endorsement of the long-standing judicial policy to award attorney's fees to successful public interest litigants, who uphold by evidence, a public right or policy.

PUBLIC OPINION MESSAGE

DEAR: SENATOR COGHILL

NAME: KEVIN ADLER

TITLE: MINING CONSULTANT

ADDRESS: 11976 WILDERNESS DR.

CITY: ANCHORAGE

ZIP: 99516

PHONE: 345-4815

BILL NO: SB 94

SUBJECT: STATE MINERAL POLICY; CIVIL ACTION

MESSAGE: ALASKA NEEDS THE DIVERSIFICATION OF STRONG NATURAL RESOURCE INDUSTRIES UNTIL THE STATE ESTABLISHES A CLEAR MINERAL POLICY, OUTSIDE COMPANIES WILL BE RELUCTANT TO INVEST IN ALASKA'S MINERAL INDUSTRY. FEDERAL AND STATE STATUTES ALREADY IN PLACE GOVERNING MINING ACTIVITIES AND ENVIRONMENTAL PROTECTION. THANK YOU.

POHID: 03114549

DATE: 02/26/87

TIME: 11:45:49

LOCATION: ANCHORAGE LIO

COPIES: SENATORS

DUNCAN

ELIASON

FISCHER

JONES

STURGULEWSKI

ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR COGHILL

NAME: LOREN ST.AMAND
TITLE:
ADDRESS: BOX A
CITY: COPPER CENTER ZIP: 99573
PHONE: N/A-
BILL NO: SB 94
SUBJECT: STATE MINERAL POLICY; CIVIL ACTION
MESSAGE: I SUPPORT SB 94 IN ITS ENTIRETY.

POMID: 01131717
DATE: 02/16/87
TIME: 13:17:17
LIONAME: GLENNALLEN LIO

PUBLIC OPINION MESSAGE

DEAR: SENATOR COGHILL

NAME: CLAUDE MORRIS

TITLE:

ADDRESS: BOX 547

CITY: GIRDWOOD

ZIP: 99587

PHONE: 783-2836

BILL NO: SB 94

SUBJECT: STATE MINERAL POLICY; CIVIL ACTION

MESSAGE: I SUPPORT SB 94. THIS IS A STEP IN THE RIGHT DIRECTION. IT IS TIME THAT THE STATE LEGISLATURE SHOWED SUPPORT FOR A STRONG MINERALS INDUSTRY.

POHIO: 03133044

DATE: 02/16/87

TIME: 13:30:44

LIONAME: ANCHORAGE LIO

PUBLIC OPINION MESSAGE

DEAR: SENATOR COGHILL

NAME: ROBERT LOPETERONE
TITLE: MONTANA CREEK MINING

ADDRESS: 10601 MAKUSHIN BAY

CITY: ANCHORAGE

ZIP: 99502

PHONE: 349-8419

BILL NO: SB 94

SUBJECT: STATE MINERAL POLICY; CIVIL ACTION

MESSAGE: I WOULD LIKE TO SAY THAT I AM IN SUPPORT OF THIS BILL AS I AM A
PLACER MINER IN THIS STATE AND BELIEVE THAT WE SHOULD FINALLY BE GETTING
SOME HELP FROM THE GOVERNMENT INSTEAD OF THEM LETTING THE ENVIRONMENTALISTS
CONTROL MY INCOME AND POSSIBLE PUT ME AND MY FAMILY OUT OF WORK AT A TIME
WHEN THERE IS NO OTHER WORK AVAILABLE.

POHID: 03114207

DATE: 02/16/87

TIME: 11:42:07

LIONAME: ANCHORAGE LIO