

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6225 SENATE COMMUNITY & REGIONAL AFFAIRS

679

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16	Section	34:	W1/2

6-0896E
Bradley
2/27/90

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 356 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Susitna State Forest."

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

8 * Section 1, AS 41.17 is amended by adding a new section to read:

9 Sec. 41.17.410. SUSITNA STATE FOREST. (a) Subject to valid
10 existing rights and except for land owned by or transferred to the
11 University of Alaska under a settlement agreement between the state
12 and the university, the state-owned or acquired land and water lying
13 within the parcels described in (d) of this section is designated as
14 the Susitna State Forest.

15 (b) The commissioner shall prepare a management plan for the
16 Susitna State Forest under AS 41.17.230. The management plan for the
17 Susitna State Forest must include the guidelines from the Susitna
18 Regional Forest Plan.

19 (c) The commissioner shall consider and permit the uses de-
20 scribed in AS 41.17.230(e) within the Susitna State Forest subject to
21 findings by the commissioner under AS 41.17.230(f).

22 (d) The Susitna State Forest includes the state-owned or
23 acquired land and water lying within the following described parcels:

24 (1) Susitna River Block

25 (A) Township 17 North, Range 6 West, Seward Meridian

26 Section 2: NW1/4

27 Section 3: W1/2, NE1/4, N1/2SE1/4

28 Section 4: East of the left bank of the Susitna

29 River

1 Section 7: East of the left bank of the Susitna
2 River

3 Section 8: East of the left bank of the Susitna
4 River

5 Section 9: NW1/4 lying east of the left bank of
6 the Susitna River, N1/2NE1/4

7 Section 17: NW1/4

8 Section 18: N1/2 east of the left bank of the
9 Susitna River, SW1/4, W1/2SE1/4

10 Section 19: NW1/4, N1/2SW1/4, W1/2NE1/4

11 (B) Township 17 North, Range 7 West, Seward Meridian

12 Section 24: N1/2 east of the left bank of the
13 Susitna River, N1/2S1/2

14 (C) Township 18 North, Range 6 West, Seward Meridian

15 Section 1: East of the left bank of the Susitna
16 River

17 Section 2: E1/2E1/2 east of the left bank of
18 the Susitna River

19 Section 11: East of the left bank of the
20 Susitna River

21 Section 12: N1/2, SW1/4

22 Section 13: W1/2, W1/2SE1/4

23 Sections 14 - 15: East of the left bank of the
24 Susitna River

25 Section 22: East of the left bank of the
26 Susitna River

27 Sections 23 - 26

28 Section 27: East of the left bank of the
29 Susitna River

1 Section 33: SE1/4 East of the left bank of
2 the Susitna River

3 Section 34: East of the left bank of the
4 Susitna River

5 Section 35

6 Section 36: NW1/4

7 (D) Township 19 North, Range 5 West, Seward Meridian

8 Sections 3 - 10

9 Section 15: NW1/4, N1/2SW1/4, SW1/4SW1/4,
10 W1/2NE1/4

11 Sections 16 - 21

12 Section 22: W1/2W1/2

13 Section 28: NW1/4

14 Sections 29 - 32

15 (E) Township 19 North, Range 6 West, Seward Meridian

16 Section 1: E1/2

17 Sections 12 - 13

18 Section 24

19 Section 25: East of the left bank of the
20 Susitna River

21 Section 36: East of the left bank of the
22 Susitna River

23 (F) Township 20 North, Range 5 West, Seward Meridian

24 Sections 1 - 2: West of the left bank of the
25 Susitna River

26 Sections 3 - 4

27 Section 5: E1/2E1/2

28 Section 8: E1/2

29 Sections 9 - 10

1 Section 11: West of the left bank of the
2 Susitna River

3 Section 14: West of the left bank of the
4 Susitna River

5 Sections 15 - 17

6 Section 18: E1/2E1/2

7 Section 19: E1/2

8 Sections 20 - 21

9 Sections 22 - 23: West of the left bank of the
10 Susitna River

11 Section 27: West of the left bank of the
12 Susitna River

13 Sections 28 - 33

14 Section 34: West of the left bank of the
15 Susitna River

16 (G) Township 20 North, Range 6 West, Seward Meridian

17 Section 25: E1/2E1/2

18 Section 36: E1/2

19 (H) Township 21 North, Range 5 West, Seward Meridian

20 Section 23: S1/2SE1/4

21 Section 24: W1/2SE1/4 west of the left bank of
22 the Susitna River, E1/2SW1/4 west of the left
23 bank of the Susitna River, SW1/4SW1/4

24 Section 25: West of the left bank of the
25 Susitna River

26 Sections 26 - 27

27 Section 28: NE1/4

28 Section 33: SE1/4

29 Sections 34 - 35

Section 36: West of the left bank of the
Susitna River

(2) Kashwitna Block

(A) Township 20 North, Range 3 West, Seward Meridian

Sections 3 - 10

Sections 15 - 22

Section 27: W1/2, W1/2NE1/4

Section 28

Section 29: N1/2, E1/2SE1/4

(B) Township 21 North, Range 3 West, Seward Meridian

Sections 4 - 9

Section 15: W1/2W1/2, E1/2NW1/4, W1/2NE1/4

Sections 16 - 21

Section 22: W1/2

Section 27: W1/2

Sections 28 - 33

Section 34: N1/2

(C) Township 21 North, Range 4 West, Seward Meridian

Section 25: S1/2, SE1/4

Section 36: E1/2, E1/2W1/2

(D) Township 22 North, Range 1 East, Seward Meridian

Section 7

Section 8: W1/2W1/2, E1/2SW1/4, SW1/4SE1/4

Section 16: N1/2NW1/4

Sections 17 - 18: N1/2N1/2

(E) Township 22 North, Range 1 West, Seward Meridian

Sections 3 - 6: S1/2

Sections 7 - 12

(F) Township 22 North, Range 2 West, Seward Meridian

not included

1 Section 1: S1/2

2 Sections 2 - 12

3 Section 18: N1/2, N1/2S1/2

4 (G) Township 22 North, Range 3 West, Seward Meridian

5 Sections 1 - 3: S1/2

6 Section 4

7 Section 5: E1/2

8 Section 8: E1/2

9 Sections 9 - 12

10 Section 13: N1/2, N1/2S1/2

11 Sections 14 - 16

12 Section 17: E1/2

13 Section 20: E1/2NE1/4

14 Section 21

15 Section 28

16 Section 33

17 (H) Township 23 North, Range 3 West, Seward Meridian

18 Section 2: S1/2, S1/2NE1/4, SE1/4NW1/4

19 Section 3

20 Sections 9 - 10

21 Section 11: N1/2N1/2, S1/2NW1/4, SW1/4NE1/4,
22 N1/2SW1/4, SW1/4SW1/4

23 Section 15: N1/2N1/2

24 Section 16

25 Section 21

26 Section 28

27 Section 33

28 (I) Township 24 North, Range 3 West, Seward Meridian

29 Section 4

Section 5: E1/2, SW1/4, SE1/4NW1/4

Section 8: N1/2

Sections 9 - 10

Section 15

Section 22

Section 27

Section 34

(3) Petersville Road Block

(A) Township 24 North, Range 7 West, Seward Meridian

Sections 3 - 5

Section 6: NE1/4

Section 8: N1/2, N1/2S1/2, S1/2SE1/4

Sections 9 - 10

Section 18: SW1/4, SW1/4NW1/4, SW1/4SE1/4

Section 19: W1/2, W1/2E1/2, E1/2SE1/4,
SE1/4NE1/4

Section 20: S1/2

Section 28: W1/2

Sections 29 - 31

(B) Township 24 North, Range 8 West, Seward Meridian

Section 1: W1/2

Sections 2 - 5

Sections 6 - 11

Section 12: W1/2, W1/2SE1/4

Section 13: W1/2NE1/4, SE1/4NE1/4

Section 15

Section 16: W1/2

Sections 17 - 20

Section 22

*no
included*

1 Section 23: W1/2, W1/2E1/2, NE1/4NE1/4

2 Section 28: W1/2

3 Sections 29 - 31

4 (C) Township 24 North, Range 9 West, Seward Meridian

5 Section 1

6 Sections 2 - 3

7 Section 5: SW1/4

8 Sections 6 - 8

9 Sections 10 - 13

10 Section 14: E1/2, SW1/4

11 Section 15

12 Section 16: W1/2

13 Sections 17 - 20

14 Section 21: E1/2NE1/4

15 Section 22

16 Section 23: W1/2, W1/2E1/2, NE1/4NE1/4

17 Sections 26 - 27: N1/2NE1/4

18 (D) Township 24 North, Range 10 West, Seward Meridian

19 Section 1

20 Section 2: E1/2

21 Section 10: E1/2

22 Sections 11 - 14

23 Section 15: E1/2E1/2

24 (E) Township 25 North, Range 7 West, Seward Meridian

25 Sections 3 - 4

26 Section 6: W1/2, N1/2NE1/4

27 Section 7: W1/2, NW1/4

28 Section 8: E1/2, E1/2SW1/4

29 Sections 9 - 10

1 Sections 15 - 17

2 Sections 20 - 22

3 Section 23: W1/2

4 Section 26: W1/2

5 Sections 27 - 29

6 Sections 32 - 34

7 Section 35: W1/2

8 (F) Township 25 North, Range 8 West, Seward Meridian

9 Section 1: E1/2, SW1/4

10 Section 12

11 Section 13: W1/2, W1/2E1/2, E1/2NE1/4

12 Section 14: E1/2, SW1/4

13 Section 23

14 Section 24: W1/2, W1/2E1/2, E1/2SE1/4

15 Sections 25 - 26

16 Sections 35 - 36

17 (G) Township 26 North, Range 7 West, Seward Meridian

18 Section 20: SE1/4

19 Section 21: S1/2

20 Sections 27 - 28

21 Section 29: NE1/4

22 Section 31: W1/2, SE1/4

23 Section 33

24 (H) Township 26 North, Range 8 West, Seward Meridian

25 Section 24: E1/2E1/2

26 Section 25: E1/2

27 Section 36: E1/2

28 (4) Susitna Lowlands Block

29 (A) Township 19 North, Range 6 West, Seward Meridian

all included

1 Sections 4 - 5

2 Section 6: N1/2, N1/2S1/2

3 Section 8: E1/2

4 Section 9

5 Section 15: W1/2, W1/2E1/2

6 Section 16

7 Section 21

8 Section 22: W1/2, W1/2E1/2

9 Section 27: W1/2, W1/2E1/2

10 Section 28

11 Sections 33 - 34

12 (B) Township 18 North, Range 6 West, Seward Meridian

13 Sections 1 - 2: West of the left channel of the
14 Susitna River

15 Section 3

16 Section 10: N1/2, N1/2S1/2

17 Section 11: N1/2 west of the left channel of
18 the Susitna River, N1/2S1/2 west of the left
19 channel of the Susitna River

20 (C) Township 20 North, Range 6 West, Seward Meridian

21 Section 5: SW1/4, E1/2NW1/4

22 Section 6

23 Section 8: W1/2, W1/2SE1/4

24 Section 17

25 Section 20: W1/4, W1/2SE1/4

26 Section 28: SW1/4

27 Sections 29 - 32

28 Section 33: W1/2, SE1/4, SW1/4NE1/4

29 X(D) Township 20 North, Range 7 West, Seward Meridian

Section 1: E1/2

Section 18: S1/2

Section 19

Section 25: E1/2, E1/2W1/2

Section 28: SW1/4

Sections 29 - 32

Section 33: W1/2, NE1/4

Section 36: NE1/4

X (E) Township 20 North, Range 8 West, Seward Meridian

Section 1: W1/2

Sections 2 - 11

Section 12: W1/2, SE1/4

Sections 13 - 20

Section 21: Northeast of right channel of
Yentna River

Sections 22 - 26

Section 27: E1/2, E1/2W1/2, W1/2NW1/4 east of
the right bank of Yentna River, SW1/4SW1/4,
E1/2SW1/4 east of right bank of main channel
of Yentna River

Section 34: N1/2, S1/2 east of right bank of
Yentna River

Sections 35 - 36

X (F) Township 20 North, Range 9 West, Seward Meridian

Sections 1 - 2

Section 3: E1/2NE1/4

Sections 11 - 13

Section 14: NE1/4

Section 24

(G) Township 21 North, Range 6 West, Seward Meridian

Section 2: W1/2

Section 5: W1/2, N1/2NE1/4

Sections 6 - 7

Section 8: NW1/4, N1/2SW1/4

Section 11: W1/2

Section 14: NW1/4

Section 15: SE1/4, E1/2NE1/4

Sections 18 - 19

Section 20: W1/2

Section 22: N1/2

Section 29: W1/2

Section 30

Section 31: N1/2, SE1/4

Section 32: W1/2SE1/4, SW1/4NE1/4

(K) Township 21 North, Range 7 West, Seward Meridian

Sections 1 - 14

Section 15: N1/2, SE1/4

Sections 16 - 21

Section 23: NE1/4

Sections 24 - 25

Section 27: W1/2, W1/2E1/2

Section 28: E1/2, E1/2W1/2

Section 33: NE1/4

Section 34: NW1/4, W1/2NE1/4, SE1/4

Section 36: E1/2

X(I) Township 21 North, Range 8 West, Seward Meridian

Section 1

Section 2: E1/2E1/2

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Section 3: W1/2E1/2, E1/2NW1/4

Section 11: E1/2, E1/2NW1/4, NE1/4SW1/4

Sections 12 - 13

Section 14: NE1/4, N1/2SE1/4, SE1/4SE1/4

Sections 17 - 20

Section 21: W1/2, SE1/4

Section 23: E1/2E1/2, SW1/4SE1/4

Section 24

Section 25: W1/2, W1/2E1/2

Section 26: S1/2, NW1/4, N1/2NE1/4

Section 27: SE1/4, S1/2NE1/4

Sections 28 - 35

Section 36: W1/2, W1/2E1/2

X (J) Township 21 North, Range 9 West, Seward Meridian

Section 7: N1/2, N1/2S1/2

Section 12: S1/2S1/2

Sections 13 - 14

Section 17: E1/2, E1/2NW1/4

Section 20: NE1/4, NE1/4SE1/4

Section 27

Section 28: NE1/4, NE1/4NW1/4, NE1/4SE1/4

Section 34: NE1/4, NE1/4NW1/4,

NE1/4SE1/4

Sections 35 - 36

(K) Township 22 North, Range 6 West, Seward Meridian

Section 19

Section 28: W1/2SW1/4

Section 29: W1/2, SE1/4, W1/2NE1/4

Sections 30 - 32

1 Section 33: N1/2NW1/4

2 Section 35: W1/2

3 (L) Township 22 North, Range 7 West, Seward Meridian

4 Section 1: SW1/4

5 Sections 12 - 36

6 (M) Township 22 North, Range 8 West, Seward Meridian

7 Sections 13 - 16: S1/2, S1/2N1/2

8 Section 17: S1/2 East of Kahiltna River,

9 S1/2N1/2 East of Kahiltna River

10 Section 20: Northeast of Kahiltna River

11 Section 21: E1/2, W1/2 North of Kahiltna River

12 Sections 22 - 27

13 Section 28: E1/2

14 Section 33: NE1/4, N1/2SE1/4, SE1/4SE1/4

15 Sections 34 - 36

16 (5) Mt. Susitna Block

17 (A) Township 14 North, Range 10 West, Seward Meridian

18 Section 3

19 (B) Township 15 North, Range 8 West, Seward Meridian

20 Section 3

21 Section 4: S1/2, S1/2N1/2, N1/2NE1/4,

22 NE1/4NW1/4

23 Section 5: S1/2, SE1/4NE1/4

24 Section 6: S1/2

25 Sections 7 - 9

26 Sections 17 - 18

27 (C) Township 15 North, Range 9 West, Seward Meridian

28 Section 9: S1/2S1/2, NE1/4SE1/4

29 Section 10: W1/2

need partial description

Section 11: S1/2

Sections 12 - 16

Section 17: E1/2E1/2, SW1/4SE1/4, S1/2SW1/4

Section 18: SW1/4, S1/2SE1/4

Sections 19 - 22

Sections 29 - 31

(D) Township 15 North, Range 10 West, Seward Meridian

Sections 3 - 4

Section 10

Section 11: W1/2, SE1/4

Section 12: SW1/4

Sections 13 - 15

Sections 22 - 27

Sections 34 - 36

X (E) Township 16 North, Range 8 West, Seward Meridian

Section 1: S1/2, NW1/4

Section 2

Section 3: E1/2, E1/2NW1/4

Section 10: E1/2E1/2

Section 11

Section 12: S1/2NW1/4, N1/2NE1/4

Section 13: W1/2, NE1/4

Section 14

Section 15: E1/2E1/2

Section 22: SE1/4, E1/2NE1/4

Section 23

Section 24: W1/2W1/2

Section 27: E1/2, E1/2SW1/4

Section 33: E1/2SE1/4, SW1/4SE1/4

Sections 34 - 35

(F) Township 16 North, Range 10 West, Seward Meridian

Section 3: W1/2

Section 8: E1/2

Section 9

Section 10: W1/2

Sections 15 - 17

Section 18: S1/2, NE1/4

Section 19: N1/2

Sections 20 - 21

Section 22: N1/2, SW1/4

Section 27: W1/2

Section 28

Section 29: E1/2

Section 32: NE1/4

Section 33

Section 34: W1/2

X (G) Township 17 North, Range 8 West, Seward Meridian

Section 4: SW1/4

Section 5: S1/2, S1/2N1/2

Section 6

Section 7: N1/2

Section 8: W1/2, SE1/4

Section 15: W1/2, S1/2SE1/4

Section 16

Section 17: NE1/4

Section 21: E1/2

Section 22

Section 23: SW1/4

Section 25: SW1/4, S1/2NW1/4

Section 26

Section 27: N1/2, SE1/4

Section 34: NE1/4

Sections 35 - 36

(H) Township 17 North, Range 9 West, Seward Meridian

Section 1: SE1/4

(I) Township 17 North, Range 10 West, Seward Meridian

Section 34: E1/2SE1/4

Section 35: SW1/4

(6) Trail Ridge Block

(A) Township 18 North, Range 7 West, Seward Meridian

Section 18: SW1/4, E1/2SE1/4

Section 19: W1/2, SE1/4, W1/2NE1/4

Section 28: W1/2

Section 29: S1/2, S1/2N1/2, N1/2NW1/4

Sections 30 - 33

(B) Township 18 North, Range 8 West, Seward Meridian

Section 1: W1/2W1/2

Sections 2 - 3

Section 4: E1/2

Section 10: N1/2, SE1/4

Section 11

Section 12: W1/2, W1/2SE1/4

Section 13

Section 14: E1/2, NW1/4, NE1/4SW1/4

Section 23: NE1/4, E1/2SE1/4

Sections 24 - 25

Section 26: E1/2

all included

Section 36: E1/2.

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sources for the project that equals the amount of grant money to be used for the project. The total amount of grant money provided to an organization during a fiscal year may not exceed \$50,000.

(d) There is established in the department the regional development fund consisting of appropriations to the fund. Money from the fund may be used only for regional development grants.

(e) In this section

(1) "department" means the Department of Commerce and Economic Development;

(2) "regional development organization" or "organization" means a nonprofit organization or nonprofit corporation formed to encourage economic development within a particular region of the state that includes the entire area of each municipality within that region and that has a board of directors that represents the region's economic, political, and social interests. (§ 2 ch 94 SLA 1988; r § 3 ch 94 SLA 1988)

Postponed repeal. — Section 3, ch. 94, SLA 1988 repeals this section effective July 1, 1993.

Cross references. — For statement of legislative purpose, see sec. 1, ch. 94, SLA 1988 in the Temporary and Special Acts.

Secs. 44.33.030 — 44.33.060. Power development. [Repealed, § 10 ch 79 SLA 1983.]

Sec. 44.33.110. Civil Air Patrol. [Repealed, E.O. No. 33 (1968). For current provisions, see AS 18.60.146.]

Article 2. Alaska Division of Tourism.

Section	Section
119. Purposes	124. Membership of the Tourism Coordinating Committee
120. Alaska division of tourism	135. Grants for promotion or development of visitor travel
122. Establishment of Tourism Coordinating Committee	

Sec. 44.33.119. Purposes. The purposes of AS 44.33.119 — 44.33.135 and AS 44.33.700 — 44.33.735 are to

- (1) encourage the expansion and growth of the state's visitor industry for the benefit of the citizens of the state;
- (2) ensure that the economic benefits to be derived from tourism in the state are retained in the state, to the greatest extent possible;
- (3) ensure that a maximum number of residents of the state are employed in the tourism industry;
- (4) promote cooperation between the state and private sector in the planning and execution of a generic visitor marketing campaign in the public interest;

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§ 3 ch 94 SLA

- For statement of
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Repealed, § 10

33 (1968). For

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44.33.119 —

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(5) promote the development of visitor industry facilities, both in the public sector and the private sector, through the use of state resources, as appropriate;

(6) ensure that the visitory experience in the state is and continues to be satisfactory and leads to word-of-mouth advertising and return visits to the state;

(7) ensure that consideration is given in the development and implementation of the tourism program to local community goals and objectives, to impacts on existing private enterprises, and to impacts on recreational and subsistence opportunities for the residents of the state;

(8) promote the development of tourism opportunities along the highway system of the state, including the marine highway, and in rural areas of the state. (§ 5 ch 78 SLA 1988)

Cross references. — For legislative findings, see sec. 1, ch. 78, SLA 1988 in the Temporary and Special Acts.

Sec. 44.33.120. Alaska division of tourism. (a) There is created in the Department of Commerce and Economic Development the Alaska division of tourism. The director of tourism is appointed by the commissioner of commerce and economic development and serves at the pleasure of the commissioner.

(b) The Alaska division of tourism shall

(1) cooperate with the tourism marketing council and organizations in the private sector for the promotion and development of tourism and conventions into and within the state;

(2) coordinate with municipal, state, and federal agencies for the development and promotion of tourism resources and conventions in the state;

(3) review and approve the procurement documents and procedures of the tourism marketing council to ensure compliance with applicable laws and regulations;

(4) promote and develop the state's tourist and convention industry by any of the following:

(A) publicizing state attractions through such means as display advertising in magazines and newspapers, advertising on radio and television or other advertising media, publishing pamphlets, brochures and other graphic and pictorial materials, or by aiding and assisting representatives of the media, to ensure greater coverage of the visitor attractions in the state;

(B) participation in travel shows;

(C) increasing the awareness of the citizens of the state at the state-wide, regional and community level of the economic importance of the visitor industry;

- (D) assisting potential investors in creating new visitor facilities;
- (E) administering programs of the state in which the state provides matching funds for municipalities of the state or nonprofit organizations that undertake the promotion of visitor travel to and the development of visitor amenities in the state;
- (F) administering visitor information centers;
- (G) conducting research to evaluate the effectiveness of the tourism marketing council's marketing programs;
- (H) analyzing the effect on the state's visitor industry of state land and resource development projects;
- (I) organizing, administering, and evaluating demonstration projects for the promotion of the state's visitor industry and the development of new tourism destination markets; and
- (J) administering grants under AS 44.33.135.

(c) The commissioner of administration shall separately account for money that derives from the sale of advertising space, pamphlets, brochures, and other graphic and marketing materials under this section and AS 44.33.020(28) and that the division of tourism deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the Department of Commerce and Economic Development to cover related costs of the division of tourism. (§ 4 ch 207 SLA 1975; am § 72 ch 138 SLA 1986; am § 6 ch 78 SLA 1988)

Effect of amendments. — The 1986 amendment added subsection (c).

The 1988 amendment, effective July 1, 1988, added the second sentence in subsection (a); in subsection (b), inserted "the tourism marketing council and" in paragraph (1), substituted "the state" for "Alaska" in paragraphs (1) and (2), made a minor punctuation change in paragraph (2), inserted present paragraph (3), redesignated former paragraphs (3)-(8) as present paragraphs (4) and (4)(B)-(4)(F), divided the formerly undivided language in paragraph (4) into an introductory paragraph and subparagraph (A), added "any of the following" at the end of the introductory paragraph of paragraph (4), substituted "media, to ensure greater coverage of the visitor attractions in the state" for "media to insure greater coverage of Alaska's visitor attractions" in paragraph (4)(A), "participation" for "participate" in paragraph (4)(B), and "increasing" for "increase" and "visitor" for "tourist" in paragraph (4)(C), rewrote paragraphs (4)(D)-(4)(F), which read "assist potential investors in creating new tourist facilities," "administer any program of the state in which the state provides matching funds for political subdivisions or nonprofit organizations that undertake the promotion and development of tourism," and "administer visitor information centers which participate in state funds," respectively, and added paragraphs (4)(G)-(4)(J); and, in the first sentence in subsection (c), inserted "advertising space" and substituted "marketing" for "pictorial."

Sec. 44.33.122. Establishment of Tourism Coordinating Committee. (a) The Tourism Coordinating Committee is established in the Department of Commerce and Economic Development.

(b) The committee is established to advise the division of tourism and to coordinate the activities of state agencies that affect tourism.

(c) The committee shall

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(1) provide a forum to develop interagency goals for visitor attraction and services that are consistent with the public interest and that will provide increased economic benefits to the various regions of the state;

(2) conduct analyses of problems facing development of tourism in the state and develop solutions to those problems by exploring successful models for the development of travel and recreation in other tourism-focused states and nations;

(3) develop, review, and recommend to the governor and commissioners budget requests for tourism development in the various programs of the agencies of the state; and

(4) coordinate the operating programs of state agencies to enhance tourism development efforts.

(d) The committee may hold formal or informal meetings concerned with the responsibilities assigned under this section and with other associated responsibilities. The committee may appoint subcommittees and may consider topics at meetings with less than the entire membership of the committee present. (§ 7 ch 78 SLA 1988)

Sec. 44.33.124. Membership of the Tourism Coordinating Committee. The governor shall appoint the members of the Tourism Coordinating Committee. Members may be appointed from the operational level of state agencies and may include representatives from the following:

(1) Office of the Governor (office of management and budget, international trade);

(2) Department of Commerce and Economic Development (tourism, business development);

(3) Department of Community and Regional Affairs;

(4) Department of Education (state museums);

(5) Department of Environmental Conservation;

(6) Department of Fish and Game (sport fish, habitat, fisheries rehabilitation, enhancement, and development);

(7) Department of Labor;

(8) Department of Natural Resources (parks, forestry, land and water, and historic preservation);

(9) Department of Revenue (taxation and revenue considerations);

(10) Department of Transportation and Public Facilities (airports, ferry system, highways);

(11) University of Alaska (Center for International Business, School of Management);

(12) Alaska Railroad. (§ 7 ch 78 SLA 1988)

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

3601 C STREET
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 561-2020

March 12, 1990

Mary McBurney
Office of Sen. Szymanski
P.O. Box V
Juneau, AK 99811

Dear Mary,

Gary Gustafson asked me to respond to you on proposed legislation for planning and timber harvesting in the Susitna Valley. Our general comments follow.

Legislative direction of planning

We appreciate the support you have given the planning process throughout your work on SB 430. We are concerned that legislative direction to complete the Susitna update within two years won't be possible without adequate funding. The Susitna Update is a high priority for DNR. However, we must balance the update timing with needs for area plans in unplanned areas such as the Kenai Peninsula and Yakataga, and with other legislatively mandated projects such as the Susitna State Recreation Rivers plan. We will not have staff available to start the Susitna update until some ongoing projects are completed later this year. Depending on the effective date of the bill, two years may be inadequate as there is a long list of issues for the update to address. We would hate to give them inadequate consideration because of a combination of insufficient funding and a mandated deadline.

Intent for recreation and tourism

We support including a study of recreation and tourism in the Susitna Update, but must receive funding to do so. It is also appropriate to include consideration of roadless areas in the update. It must be clear, however, that recreation and tourism are only two of the many uses of the Susitna Valley that will be considered by the plan. The required consideration must not prejudice the outcome of the planning process. We recommend including consideration of remote recreation and roadless areas in legislative intent rather than the bill.

Coordination with other legislation

This bill overlaps with HB 356 (Susitna State Forest) and SB 454 (Multiple Use). We recommend including all changes to the multiple use definition in a SB 454, which we support. DNR also supports HB 356. That bill requires management planning for some of the same lands covered in this legislation. The boundaries and intent are consistent with the Susitna and Willow Subbasin area plans.


Moratorium on harvesting

DNR can support a moratorium on harvesting in areas (3) Northeast Side of Mt. Susitna and (4) Trail Ridge provided the boundaries are consistent with those in the Susitna Regional Forest Plan and with HB 356. Areas (1) Susitna River and (2) Susitna Lowlands are the heart of the area proposed for near-term expansion of timber harvesting and road access by both the state and the borough. DNR opposes a moratorium in these areas. The current DNR 5-year timber sale schedule includes sales in both these areas. Part of the area in unit

(1) is even east of the Susitna River and is already road accessible. [Note: the Susitna Regional Forest Plan will be reviewing block (2) in the next ten days. More information on proposals for this area will be available after that review.]

We look forward to continuing working with you on these issues and the Susitna update. Thank you again for your support for the planning process.

Sincerely,



Ron Swanson, Chief
Land and Resources Section

cc. Gary Gustafson, DLWM
Tom Hawkins, CO
Marty Welbourn, LRS

Original sponsor(s): SEN. RODEY

IN THE SENATE

BY THE C&RA COMMITTEE

CS FOR SENATE BILL NO. 430 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state land management generally and within the Susitna Valley."

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

* Section 1. AS 38.04.910(5) is amended to read:

(5) "multiple use" means the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of the state [ALASKA], making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it includes

(A) the use of some land for less than all of the resources, and

(B) a combination of balanced and diverse resource uses that takes into account the short-term and long-term needs of present and future generations for renewable and nonrenewable resources, including, but not limited to, recreation, remote recreation, range, timber, minerals, watershed, wildlife and fish, roadless areas, and natural scenic, scientific, and historic values;

* Sec. 2. REVIEW OF SUSITNA AREA PLAN. (a) The commissioner of natural resources shall undertake and complete the review of the Susitna area plan within three years from the effective date of this Act.

(b) In the review of the Susitna area plan, the commissioner of

natural resources shall consider remote recreation and the designation of roadless areas and shall contract for an independent economic survey of tourism, recreation, including both remote recreation and site-specific recreation, within the area described by the Susitna area plan. The independent economic survey may not be conducted by an agency supervised by the governor or by an officer supervised by the principal executive officer of a department but may be conducted by an agency such as the Institute of Social and Economic Research of the University of Alaska.

(c) The commissioner shall submit the revised Susitna area plan to the presiding officers of each house of the legislature on its completion.

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FEB 20 1990

Talkeetna Remote Recreation Area - An Alternative to Clearcutting

Purpose - To protect the publicly-owned lands and waters containing the wild waterways, scenic flightpaths, prime fishing and hunting grounds, wilderness recreation lands, and the remote settlements that lie North and East of Talkeetna from clearcutting, logging roads, and habitat destruction which would destroy the unique character of the Talkeetna area.

Geographical Description - The approximately 44 townships in the proposed Talkeetna Remote Recreation Area include the watersheds of Whiskers Creek, Chunilna Creek, Iron Creek, Sheep River, and the Talkeetna River. It is bound on the East by the Nelchina Public Use Area; on the North by a block of Native Corporation land at Devil's Canyon and Prarie Creek. To the West, Denali State Park forms the boundary from Gold Creek to Lane Creek and then the Chulitna River south of the Park to the confluence with the Susitna. At Talkeetna, the Talkeetna River would be the Southern boundary east to Bartlett Hills, where the line would veer south-east to enclose the Sheep River drainage. Also included are two townships in the Tokosha area.

Current Public Uses - Tens of thousands of visitors are attracted to these wild lands every year. While most are hunters, fishermen, climbers, and tourists visiting during the spring, summer, and fall months, winter use is growing with x-country skiing, dog mushing tours, and the Su Valley 300 sled dog race. Many recreational users and resident cabin dwellers enjoy the remote country throughout the year.

Talkeetna is known as the place where the road ends and wild country begins. Here, the traveler leaves their auto or camper behind for bush plane, river boat, dogsled, snowmachine, skis, or foot travel. While there are a few human footprints in the form of access trails and rustic cabins, the virtually unbroken forest up to 1,200 feet and the trackless tundra of the high country are major draws to those searching for the "real Alaska".

According to the Susitna Area Plan, the Talkeetna Mountains are one of the most heavily used big game hunting areas in the state, offering moose, Dall sheep, bear, and caribou. The watersheds included in this proposal produce the bulk of salmon and trout spawned in the upper Susitna Valley. A multi-million dollar sport and commercial fishery depends upon the high water quality and valuable rearing habitat.

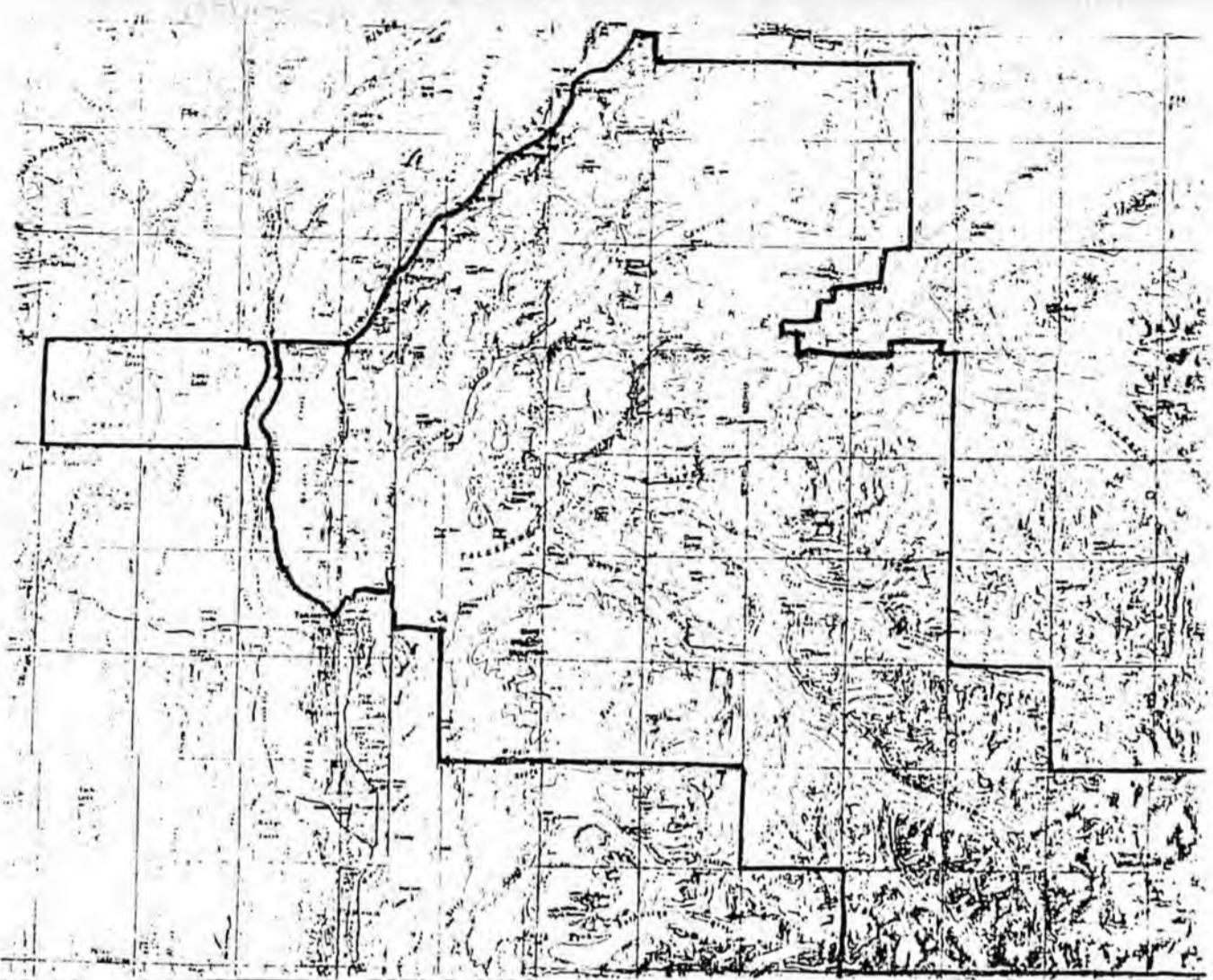
Why is Legislation Needed? - In recent years the state and borough have promoted a variety of destructive and ill-conceived projects which would damage and ultimately destroy that which has attracted both residents and tourists to the Talkeetna area. The current proposal for massive clearcutting surrounding Talkeetna is only the latest in a long line of special interest boondoggles.

Area residents are developing the proposal for a Talkeetna Remote Recreation Area to ensure protection for the remote character, fish and wildlife habitat, and wilderness recreation values of these public lands. This designation would prohibit commercial (but not personal use) logging, new road construction by the state or borough, and new land disposals. Existing private lands and existing land uses would not be affected. Over the counter offerings of past disposals will be allowed and mining would continue to be regulated under existing law.

In effect the purpose of the legislation is to direct agencies to maintain these public lands in their current state. This is necessary to support the burgeoning wilderness recreation economy and the community character which makes Talkeetna a special place to live in or visit.

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FEB 20 1990



Talkeetna Remote Recreation Area - proposed boundaries

Please contact our Senators and Representatives to ask them to introduce and support this proposal:

call:

Sen. Jay Kerttula	465-3771
Sen. Mike Szymanski	465-4978
Rep. Ron Larson	465-3727
Rep. Curt Menard	465-2679

or write:

Name
P.O.Box V
Juneau, AK 99811

If you would like more information, or to assist with this proposal, contact:

Krista Maciolek	733-2703
Roberta Sheldon	733-2414
Dennis Devore	733-1010
Diane & Brian Okonek	733-2649
Becky Long	Box 344, Talkeetna

ALASKA SURVIVAL
Box 344
Talkeetna, AK 99676



Senator Mike Szymanski
P.O. Box V
Juneau 99811



State of Alaska
Senate Community and Regional Affairs
Committee

Senator Mike Szymanski, Chairman
Senator Al Adams
Senator Steve Frank
Senator Drue Pearce
Senator Pat Pourchot

P.O. Box V
Juneau, AK 99811
(907) 465-4978

MARCH 22, 1990

NEWS RELEASE

The Senate Community and Regional Affairs Committee, chaired by Senator Mike Szymanski, this week passed an amended version of SB 430, the Susitna Valley Remote Recreation Area bill. "I feel that it's necessary to strike a balance between the conservation, visitor industry and resource development interests in the Valley," said Szymanski, "and the amended version of SB 430 does just that." The C&RA committee substitute for SB 430 includes four major changes to the original legislation.

- 1) changes the title to: "An Act relating to state land management generally and within the Susitna Valley;"
- 2) amends the definition of "multiple use" to include remote recreation and roadless resource values;
- 3) directs the Department of Natural Resources to include remote recreation and roadless considerations in the update of the Susitna Area Plan, and
- 4) directs DNR to conduct an independent economic survey of tourism and recreation (both remote recreation and site-specific) within the area described by the Susitna Area Plan.

"I feel that the changes made to SB 430 are good public policy." According to Szymanski, the amendments give the Department of Natural Resources the direction and latitude it needs to deal with remote recreation and roadless designations in their area planning processes. The current definition of "multiple use" used by DNR does not include remote recreation and roadless designations.

"It's important to consider all resource values when making decisions regarding economic development," said Szymanski. "The original proposal to create a remote recreation area out of the entire Susitna Valley was too restrictive and did not accommodate resource interests such as timber and mineral development. We cannot afford to close the door on timber development in the Valley, but at the same time, we must recognize the economic potential and benefits of the tourism and recreation industries - this is what the C&RA Committee set out to accomplish with its amendments to SB 430."

SB 430 now goes to the Senate Resources Committee, chaired by Senator Bettye Fahrenkamp, and then to the Senate Finance Committee.

S B

438

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862

MEMORANDUM

DATE: February 26, 1990

TO: Senator Mike Szymanski, Chair
Senate Community & Regional Affairs Committee

FROM: Senator Jack Coghill

SUBJECT: Senate Bill 438 - Sponsor Statement

BILL SUMMARY:

Senate Bill 438 "An Act relating to the provision of fire protection services by a municipality outside its boundaries" is a piece of legislation which would amend AS 29.35.020 to add "fire protection services" to the list of services and facilities that a municipality can provide outside its boundaries.

FISCAL IMPACT:

Zero fiscal note from the Department of Public Safety, Division of Fire Prevention.

ABOUT THE BILL:

SB 438 would give municipalities the authority to extend their fire protection services outside the city limits, and the right to regulate those services. Currently, there is no law which allows this.

This provision is especially important in small rural cities which presently may be held liable when the fire department responds to a call outside the city boundaries and leaves the city and the taxpayers unprotected.


Alaska
MUNICIPAL
League

TELEPHONE
(907) 586-1325
FAX 463-5480

217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

February 23, 1990

TO: Senator Mike Szymanski, Chair, and
Committee Members
Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

SUBJECT: SB 438 - Relating to provision of fire protection services by a
municipality outside its boundaries

SB 438 would add fire services to the list of facilities and services municipalities may provide outside their boundaries. It also clarifies that municipalities have the authority to regulate the use and operation of facilities and services provided to the extent that the jurisdiction in which they are located does not regulate them.

Under present law, municipalities do not have the specific authority to provide fire services outside their boundaries, which means that fire departments must justify each decision to operate outside their boundaries on the basis of life safety issues. A fire department may want to provide protection to, for instance, a residence just outside municipal boundaries to protect property within the boundaries, but questions of liability coverage as well as an unwillingness to expose the department to public criticism about operating outside the taxing district may deter such a decision.

Giving fire departments authority to provide fire services outside their boundaries would insure that liability and workers compensation insurance would cover all job-related actions of firefighters. It would also extend fire fighters' statutory immunity for job-related actions to actions outside municipal limits.

The Alaska Municipal League supports this legislation as providing greater protection for municipalities, for municipal fire fighters, including volunteers, and for the general public.

cc: Senator Jack Coghill

CSS/LEG:SB398

BILL NO:

SB 438

DATE:

February 20, 1990

TITLE:

An act relating to the provision of fire protection services by a municipality outside its boundaries.

CONTACT:

Gordon Brunton
465-4331

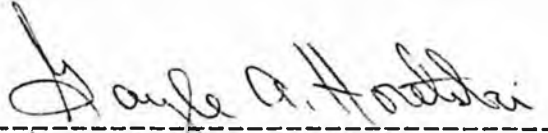
DEPARTMENT OF
PUBLIC SAFETY

This bill would authorize a municipality to provide fire protection services outside its boundaries.

The bill amends AS 29.35.020(a), adding "fire protection services" to other facilities and services currently authorized, such as parks, cemeteries, emergency medical services, sewage disposal, airports, etc. The authority to provide fire protection, while permissive, will provide statutory authority for the extraterritorial service.

Unincorporated areas outside municipalities, especially in rural areas, may benefit by having fire protection not currently available.

The Department of Public Safety supports passage of SB 438.



Arthur English
Commissioner



FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An act relating to fire protection BRU: Fire Prevention
by a municipality outside its boundaries.
 Sponsor: Senator Coghill Component: Fire Prevention
 Requestor: Senate C & R A Operations

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
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.

Prepared by: Gordon E. Brunton *5/15*
 Division: Fire Prevention
 Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Phone: 465-4331
 Date: 2/15/90
 Date: 2-20-90
 Page 1 of 1

MB
2/15/90

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

February 26, 1990

POSITION PAPER

RE: Senate Bill 438

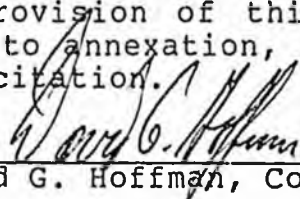
SPONSOR: Senator Coghill

Program Effects of the Bill

The bill amends AS 29.35.020(a) by adding language which would authorize municipalities to exercise the power of fire protection outside their boundaries. Existing AS 29.35.020(a) authorizes municipalities to provide the following services outside their boundaries: parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities.

Comments

Extraterritorial powers have been added to AS 29.35.020 incrementally as needed or requested by municipal governments. This bill to permit fire protection powers appears to fit within this tradition and would clear up existing ambiguities as to the power of municipalities to exercise this service on an extraterritorial basis. The provision of this service is not expected to act as a deterrent to annexation, any more than the other powers listed under this citation.



David G. Hoffman, Commissioner

FISCAL NOTE

REQUEST: _____

Revision Date: _____
 Title: An act relating to fire protection outside municipalities
 Sponsor: Senator Coghill
 Requestor: _____

Agency Affected: DCRA
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

Prepared by: *Jim Plummer* Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 2/26/90
 Approved by Commissioner: *David G. Johnson* Date: 2-26-90
 Agency: Community & Regional Affairs

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

RECEIVED

FEB 22 1990

City of Klawock Alaska

P.O. Box 113
Klawock, Alaska 99925

Phone: (907) 755-2261
or: (907) 755-2262

"Site of the First Cannery in Alaska"

February 20, 1990

Senator Mike Suymanske
Chairman
Community & Regional Affairs
P.O.Box V
Juneau, AK 99811

Dear Senator Suymanski,

The City of Klawock supports Senate Bill 438 which would include fire protection under extra territorial jurisdiction for this would provide needed fire protection for the residents residing outside of the City limits such as a trailer court where approximately One Hundred persons reside and fire protection for the Klawock Alaska Timber Saw Mill which employs approximately One Hundred persons in three shifts and lives and property of those residing on the Saw Mill site. In fact the City had submitted an application for a fire protection grant to provide needed fire protection for the residents of Klawock and those residing outside of the City limits. The grant application was rated high by one of the review board but rated low by two others because they believed that the fire department should not leave the City limits to extinguish fires.

In the past the Klawock Volunteer Fire Department has responded to fires outside the City limits. In 1989 the Klawock Volunteer Fire Department had to respond to Sanitary Landfill fires. Had those fires not been extinguished, the cities of Klawock and Craig would not have had a site to dispose of solid waste. The Klawock Volunteer Fire Department has also responded to emergency medical, police and fires in the trailer court outside the City limits and fires at the Saw Mill. Had the Saw Mill been destroyed or even partially destroyed by fire many would be unemployed until necessary repair work was completed, also lives and property were in jeopardy. Therefore it is very important to those living and working outside City limits to have fire protection. This has been discussed with the insurance company. There should not be an increase in insurance premium for the City. Currently the City does face potential liability by City limits. Passage of Senate Bill 438 would eliminate that liability and provide needed fire protection for those living and working outside the City limits.

An amendment to Senate bill 438 that should be considered is Police Protection. Currently City police jurisdiction is within City limits. Alaska State Troopers deputize City police to allow the City police to respond to police protection needs outside City limits. Does deputizing City Police Officers to allow them to respond to police protection needs outside City limits protect the City from any potential liability should the City police be unable to respond to police protection needs within the City limits because the City police was responding to police protection needs outside the City limits? It is the City tax payers that are paying the wages of the City police officers. Also the City has no documentation to justify or authorize spending City tax dollars for police protection outside the City limits, nor does the City derive any revenues other

Continued...

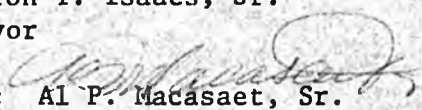
Senator Mike Suymanske
February 20, 1990
Page TWO

than for traffic violations for police protection outside the City limits.

The aforementioned are mentioned in consideration as a possible amendment to Senate Bill 438.

Respectfully,

Aaron T. Isaacs, Jr.
Mayor


by: Al P. Macasaet, Sr.
Administrative Assistant

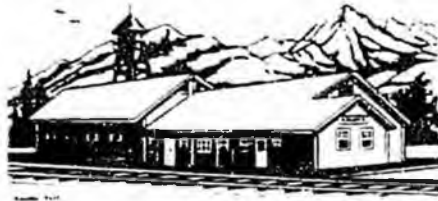
AM/lf



CITY OF PALMER



231 W EVERGREEN AVE
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

February 22, 1990

The Honorable Jack Coghill
Senator
State of Alaska
Box V
Juneau, Alaska 99811

RE: Senate Bill 438
Fire Protection Service Outside Municipalities

Dear Senator Coghill,

I have read Senate Bill 438 which has been proposed by you and Senator Fischer and fully support it.

However, it could go one step further. In the Matanuska-Susitna Borough, Fire Service Areas have been established and one is the Grater Palmer Fire Service Area. The City of Palmer has its own fire department and contracts with the Matanuska-Susitna Borough to provide fire service to the areas which are a part of the Greater Palmer Fire Service Area.

The majority of the residents as well as the Fire Service Area supervisors would like to be a part of the City of Palmer Fire Department rather than under the Matanuska-Susitna Borough auspices. There are several reasons for this desire, but most importantly are the joint funding and managerial operation of the department.

In expanding your proposed Senate Bill 438 to incorporate the ability of a Fire Service Area to petition a municipality for fire protection services, this would alleviate a problem such as ours as well as other fire service areas throughout the State.

The Honorable Jack Coghill
February 22, 1990

If you feel an amendment to your bill would be in order and need additional information, you may contact either Chief Dan Contini or myself regarding this issue.

Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Fire Chief Dan Contini
Representative Curt Menard
Representative Ron Larson
Senator Jalmar Kerttula
Senator Mike Szymanski
Alaska Municipal League

S B

446

Professional Line

FD-36

PHONE MESSAGE

TO	<i>Mary / Mike</i>	DATE	<i>2/12</i>	TIME	AM
FROM	<i>Doug Griffin / Haldey</i>	AREA CODE			PM
OF		NO.			
		EXT.			
MESSAGE	<i>SB446 - munis & responsibility of business design to give munis more resp^o funds. Think we, will oppose it -</i>				
				SIGNED	
PHONED	<input type="checkbox"/>	CALL BACK	<input type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>
		WANTS TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
		WAS IN	<input type="checkbox"/>	URGENT	<input type="checkbox"/>



446

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 7, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to municipalities and the responsibility to provide for the custody and care of prisoners.

Existing law places upon the commissioner of public safety the responsibility for the custody and care of state prisoners pending admission into a state correctional facility. Where state correctional facilities do not exist, this has resulted in a large number of communities holding state prisoners and contracting with the commissioner of public safety for the associated costs. Unfortunately, municipalities are not obligated under present law to hold prisoners, and some have threatened to close down their jails. This would create serious problems for the state due to the high costs of transporting prisoners across vast distances to state facilities, which are already crowded.

This bill would shift from the state to the larger municipalities the responsibility for the care and custody of prisoners arrested in outlying areas, but would still require the state to pay for the cost of care, including certain medical expenses, of prisoners. Moreover, a municipality's obligation would last only until a prisoner is sentenced or accepted into a state correctional facility.

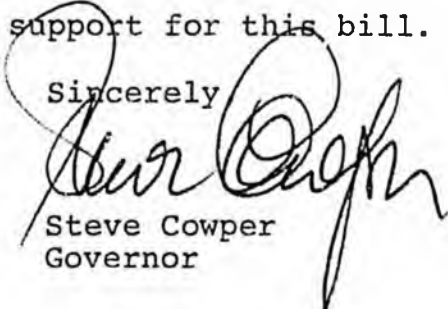
Under this bill, only organized boroughs without a state correctional pretrial facility, and cities of 1,000 or more people that are 50 miles or more away from a state pretrial facility, would be affected. The state would continue to have the responsibility for, and pay the cost of care for, prisoners arrested in smaller communities.

This bill is a reasoned attempt to have municipalities share the responsibility for addressing the problem of

crime committed in their communities, and at the same time relieve the state of having to spend unnecessary resources to transport prisoners from communities who refuse to assist in their care.

I respectfully request your support for this bill.

Sincerely



Steve Cowper
Governor

44

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Municipalities' responsibilities for prisoners BRU: Commissioner's Office
 Sponsor: Rules Committee Component: Contract Jails
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
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)

The amount needed to reimburse local communities for housing prisoners charged with violations of state law in local "contract jails" continues to grow. Appropriations for this program must continue, but passage of this bill would not itself impose a cost. This bill is intended to require certain communities to continue to maintain a local jail.

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
 Division: Office of the Commissioner Date: 1/31/90

Approved by Commissioner: Arthur English Date: 1/31/90
 Agency: Department of Public Safety Page 1 of 1

Alaska MUNICIPAL League

TELEPHONE
(907) 586-1325
FAX 463-5480

217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

February 12, 1990

RECEIVED

FEB 13 1990

Commissioner Art English
Department of Public Safety
Post Office Box N
Juneau, Alaska 99811

Dear Commissioner English:

I received a copy of a proposed bill "relating to municipalities and the care and responsibility for prisoners" from a municipal official on February 1st. The proposed legislation was brought to the attention of the Alaska Municipal League Board of Directors by Mayor Willie Goodwin, a Board member. The Board asked me to follow up and express the AML's opposition to the bill quickly in hopes that it would not be pursued by the Administration.

Unfortunately, the legislation, HB 489 and SB 446, was introduced on February 7, 1990 in the Rules Committees at the request of the Governor. I was told by Mayor Goodwin that he was told by the Administration that they were going to discuss the legislation further internally and would discuss it with at least the affected municipalities prior to its introduction. I understand this did not happen. I was unaware of the bill and do not know your intent behind the bill but I wanted to try and outline why the AML opposes the legislation.

I will address the proposed legislation generally first. First and foremost, public safety is a constitutionally-mandated function of the State. Secondly, the proposed legislation is another mandate on local government and for which there is no obligation to reimburse the municipalities affected for the cost of carrying out the mandate. Thirdly, the legislation is inequitable and another disincentive to incorporation because it would only affect municipalities, and, in doing so, it affects only some municipalities - those with 1000 or more people and those in which the State has not met its responsibility to build adequate correctional facilities. And, finally, if there is a desire by the Administration to make changes in the roles and responsibilities of state and local governments in the provision of government services to Alaskans (a study and discussion which AML has supported and encouraged for a number of years) such a piece meal and unilateral approach is surely not the best way to do so.

Specifically, the proposed legislation would add the "custody and care of prisoners, i.e. jails, as a mandatory power. Already, the mandatory powers of education, taxation and planning are more than most of Alaska are willing to take on. Second class boroughs that would be affected by this legislation would be required to take on jail powers when they do not or may not have police powers!

Commissioner Art English
February 12, 1990
Page 2

The premise under which the State contracts with approximately 17 municipalities for jails is contained in Section 33.30.041, i.e. "If the commissioner determines that it would be in the best interest of the state...". The contract jails are therefore, by statutory finding, beneficial to the State if for no other reason than its cheaper than building additional facilities and staffing them with state employees. I do not dispute that there are benefits to the municipalities with who the State contracts, for example, having prisoners remaining in their community at least until sentenced. There are local costs, too. The most recent concern has been the cost of liability insurance.

Currently, the State pays municipalities for the operation of the contract jails. The language proposed in Section 33.30.071 provides for reimbursement up to the amount appropriated by the legislature. This is a hollow promise to municipalities based on our experience with other state reimbursement programs such as the senior citizens property tax exemption, school debt reimbursement, and revenue sharing programs. If the intent is to fully reimburse the costs under the proposed legislation then the legislation would not save any more money for the State (which I assume is the reason behind the legislation) than the existing program does.

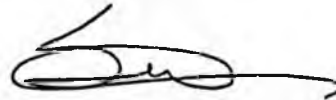
As mentioned above, a major concern of municipalities is liability insurance availability and cost for many municipal services, particularly police and jail functions. The exposure is increased with other state mandates such as the AS 37.47 and the Busby ruling for which we got only partial relief last year (SB 66). The cost and availability of insurance for municipalities is one reason the AML established the Alaska Municipal League Joint Insurance Association, Inc. (AML/JIA). Police and jail operation risks make police professional liability coverage one of the most expensive coverages available from our experience. That experience also tells us that such coverage on a first dollar basis may be hard to find in the future.

The Alaska Municipal League passed resolution No. 90-11 asking the State to indemnify municipalities operating contract jails as a reasonable cost of doing business and because \$1 million of first dollar coverage is very expensive and inadequate. I understood the State was sympathetic to these concerns and were at least looking into providing excess insurance. The proposed legislation makes the problem worse. Under the legislation, municipalities would be clearly responsible for, and therefore liable for, jail operations even if they followed state guidelines exactly. Such a change could make first dollar coverage unaffordable or unavailable. In fact, we are looking now for any market for police professional liability coverage for municipalities in Alaska as of July 1, 1990. This legislation if introduced and passed will not help!

Commissioner Art English
February 12, 1990
Page 3

I hope these comments are helpful and convincing. Again, the AML is opposed to the proposed legislation. On behalf of the AML and the municipalities in Alaska, I encourage the Administration to work with local governments as partners and to discuss common problems and solutions with us before legislation is introduced that affects municipalities.

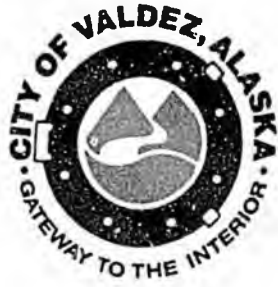
Sincerely,



Scott A. Burgess
Executive Director

cc: Deputy Chief of Staff Bob Evans
Mary Halloran, Director, OMB
Commissioner David Hoffman
Commissioner Susan Humphrey-Barnett
Representative Eileen MacLean
Senator Mike Szymanski ✓
AML Board of Directors
AML Legislative Subcommittee on Transportation,
Environment and Utilities and Public Safety

sab3:jails



RECEIVED
FEB 27 1990

February 22, 1990

Senator Mike Szymanski
Room 11, Capitol
P. O. Box V
Juneau, Alaska 99811

Dear Senator Szymanski:

Enclosed for your consideration is Resolution No. 9015 which was adopted by the Valdez City Council on February 20, 1990.

This resolution urges the Alaska State Legislature to oppose passage of Senate Bill 3446 and House Bill 489, an act relating to municipalities and the care of and responsibility for prisoners.

Thank you for your consideration of this resolution.

Yours truly,

Jeanne Donald
City Clerk

Enclosure

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 9015

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, RECOMMENDING THE OPPOSITION OF ADOPTION OF SENATE BILL 446 AND HOUSE BILL 489 AN ACT RELATING TO MUNICIPALITIES AND THE CARE OF, AND RESPONSIBILITY FOR PRISONERS.

WHEREAS, the City of Valdez urges the State of Alaska to exercise its responsibility to provide custody and care of prisoners and not pass this responsibility to municipalities; and

WHEREAS, the State currently is accountable for custody and care from time of arrest of prisoners; and

WHEREAS, it is now the obligation of the State to reimburse local municipalities for the custody and care of prisoners, and this obligation should remain at the State level rather than the municipal level; and

WHEREAS, any reimbursement by the State to local municipalities should be for total cost incurred by the municipalities rather than a fixed amount appropriated by the legislature; and

WHEREAS, the State is asking that responsibility of the Commissioner of Public Safety does not begin until a prisoner is accepted into a correctional facility or other facility designed for holding prisoners, and the commissioner of Public Safety is notified of the admission, the City denies this arrangement; and

WHEREAS, the State rather than the municipality, must assume full financial liability for prisoner custody and care from time of arrest unless gross negligence is shown on the part of the municipality.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

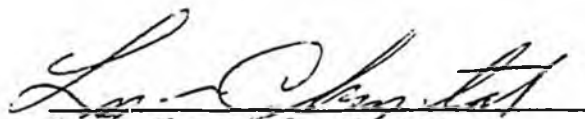
Section 1. The City of Valdez urges the Alaska State Legislature to oppose passage of Senate Bill 446 and House Bill 489 an act relating to municipalities and the care of and responsibility for prisoners.

Section 2. A copy of this resolution, properly certified, shall be sent to Senator Mike Szymanski, Senator Jay Kerttula, Representative Gene Kubina, Representative Eileen MacClean and the Alaska Municipal League.

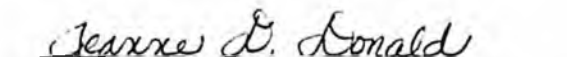
RESOLUTION NO. 9015
Page 2

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
VALDEZ, ALASKA, this 20th day of February, 1990.

CITY OF VALDEZ, ALASKA


Lynn Chrystal, Mayor

ATTEST:


Jeanne D. Donald, City Clerk

S B

453

SB 453: An Act allowing nonprofit associations to receive grants from the Department of Public Safety for a reward program to enforce alcoholic beverage control laws.

Sponsor: Binkley

The first bill before the committee is SB 453, an Act allowing nonprofit associations to receive grants from the Department of Public Safety for a reward program to enforce alcoholic beverage control laws.

Mary Jo Thill is here to represent the bill's sponsor, Senator Binkley. At this time I'd like to invite Ms. Thill to join us at the table and give the committee a brief outline of SB 453. We also have Lieutenant Tom Sterns of the Department of Public Safety to answer questions related to the alcohol reward grant program.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Reward/grants for alcohol law enforcement BRU: Alaska State Troopers
 Sponsor: Senators Binkley & Zharoff Component: Detachments
 Requestor: Senate C&RA

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER/PROG RCPT						
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)

No fiscal impact anticipated.

Prepared by: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/16/90

Approved by Comm: _____ Date: 2-20-90
 Agency: Depart: _____ Page 1 of 1

TANANA CHIEFS CONFERENCE, INC.
Executive Board
Resolution No. 90- 19

REWARD PROGRAMS

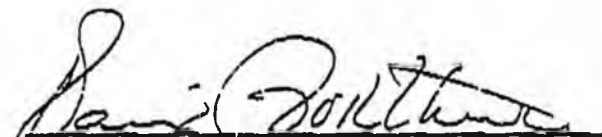
Whereas, Senators Binkley and Zharoff have sponsored Senate Bill Number 453 in the second session of the Alaska State Legislature, and

Whereas, This Bill would allow nonprofit associations to receive grants from the Department of Public Safety for a reward program to enforce alcoholic beverage control laws,

Now Therefore be it Resolved that the Tanana Chiefs Conference, Inc. Executive Board supports the enactment of Senate Bill 453.

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

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Executive Board on March 12, 1990 at Fairbanks, Alaska and a quorum was duly established.


Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc.

F A X T R A N S M I T T A L M E M O
TO: Pat Jackson
DEPT: Sen John Binkley FAX #: 463-3060
FROM: Daisy Stumm PHONE: 465-4985
CO: T.C.C. FAX #: 465-4663
Posible brand fax transmittal memo 7871
8936

NO. OF
PAGES
1

S B

458

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Revenue
 Title: Distribution of Income from BRU: Treasury
National Forest Land
 Sponsor: Jones Components: _____
 Requestor: Senate C & RA

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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
LANDS & 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	4,000.0	4,000.0	4,000.0	4,000.0	4,000.0	4,000.0

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: Fiscal year 1990 effect is zero. The projected revenues reflect that portion of federal revenue sharing received by the General Fund, and subsequently available for appropriation for public schools (25%) and roads (75%) in the unorganized borough. A breakdown of eligible regional educational attendance areas may be obtained from the Department of Community and Regional Affairs.

Prepared By: Bob Elliott *BE*
 Division: Treasury

Phone: 465-2350
 Date: March 1, 1990

Approved by Commissioner: _____
 Agency: Department of Revenue

Date: 3/2/90

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

STATE OF ALASKA
THE LEGISLATURE

FEB 27 1990

LEGISLATIVE AGENCY
ALASKA STATE CAPITAL
BUREAU ALASKA 99501
FEB 27 1990

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 27, 1990

SUBJECT: Distribution of Income from National
Forest Land (SB 458)

TO: Senator Lloyd Jones

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Here is the sectional summary you requested of SB 458.

Section 1. The formula for distribution of income from national forest land pursuant to the federal National Forest Management Act is modified with respect to income from forest land in the unorganized borough. Under existing law the income is to be used for public schools and roads. This bill adds the requirement that the money be used for schools and roads in the unorganized borough. That portion to be used for schools is to be divided among regional educational attendance areas and city school districts in proportion to the area of the forest located in the district boundaries.

Section 2. The Act takes effect at the beginning of the next fiscal year.

TBC:gc
G13/107

STEVE COWPER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL
March 5, 1990

MAR 07 1990

REPLY TO:

- 1031 W 4th AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-199
PHONE: (907) 276-3550
FAX: (907) 276-3697
- 1st NATIONAL CENTER
100 CUSHMAN ST. SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 452-1568
FAX: (907) 456-1317
- PO BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

465-3603

The Honorable Lloyd Jones
Alaska State Senator
P.O. Box V
Juneau, Alaska 99811

Re: Impact on school funding of 1990
SB 458 (distribution of income
from national forest lands)

Dear Senator Jones:

I. Introduction

Ray Matiashowski of your staff has asked whether receipt of income from national forest lands under the above bill by a Regional Educational Attendance Area ("REAA") or city school district would have an impact on the state's ability to meet equalization criteria under the federal impact aid program. We conclude that federal regulations require the inclusion of that income when conducting the disparity test. The Department of education should therefore be asked to analyze the results of that inclusion.

Mr. Matiashowski also asked whether the receipt of income from national forest lands under the bill would affect the state aid for which a school district is eligible. We conclude that it would not.

II. Discussion

- A. Federal Forest Reserve funds must be included in the disparity test.

The federal impact aid program, at Sec. 5(d)(2) of P.L. 81-874 as amended (20 U.S.C. 240(d)(2)), requires that a state may not consider the federal payments received by school districts under that program as local resources when distributing state aid to districts, unless the state has in place a school funding program that meets certain equalization criteria outlined in federal regulations. Alaska has structured its school funding program to meet those criteria.

In particular, the state attempts to meet the "disparity test," found at 34 C.F.R. 222.63, which measures the disparity in revenues or expenditures between local educational agencies within a state. That test requires the inclusion for each local educational agency, among other things, of

"(4) Any other Federal funds received by the agency for which the agency is not accountable to the Federal Government for their use such as Federal Forest Reserve funds (16 U.S.C. 500)."

34 C.F.R. 222.63(d)(4). Your staff has indicated to us that most or all of the money to be paid to REAA's and city school districts under proposed SB 458 would fall within that language.

Accordingly, we conclude those payments would need to be included when measuring the disparity in revenues. We understand that your office has consulted with the department of education to determine the probable impact of such payments on the disparity test.

B. Receipt of forest lands income would not affect a school district's state aid entitlement under AS 14.17.021.

Under section (a) of AS 14.17.021, a school district's entitlement to state foundation aid is computed by subtracting from the district's "basic need," as defined in (b) of that section, in addition to the required local contributions under AS 14.17.025, 90 percent of the district's "eligible federal impact aid" for that fiscal year. "Eligible federal impact aid" is defined in AS 14.17.250(5) to include only certain payments received by the district under sections 2,3, and 4 of P.L. 81-874 (20 U.S.C. 237 - 239), as amended, the federal impact aid program. Federal Forest Reserve funds and other income from national forest lands would not come within the meaning of that definition, and would therefore not be a basis for reduction of state aid under AS 14.17.021.

III. Conclusion

For the above reasons, we conclude that federal regulations require that a school district's income from national forest lands, at least insofar as it constitutes Federal Forest Reserve funds under 16 U.S.C. 500, would need to be included in the disparity test to determine whether Alaska's school finance program meets federal equalization standards. However, receipt of such income would not be the basis for a reduction in the district's entitlement to state aid under current AS 14.17.021.

Honorable Lloyd Jones
Re: SB 458

March 5, 1990
Page 3

Please contact me if you have further questions regarding
this matter.

Sincerely,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:

LuAnn E. Bailey
LuAnn E. Bailey
Assistant Attorney General

TEW:LEB:ade

cc: Arthur Peterson

ALASKA STATE LEGISLATURE

While in Ketchikan
352 Front Street
Ketchikan, AK 99901
907-225-9675

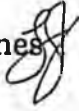


While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Senator Mike Szymanski, Chairman
Senate Community and Regional Affairs Committee

FROM: Senator Lloyd Jones 

DATE: March 6, 1990

SUBJECT: Senate Bill 458

Thank you for hearing Senate Bill 458.

This legislation remedies a conflict between current federal and State law concerning allocation of National Forest Receipts that are returned to the State. Currently, approximately 31% of the stumpage fees returned to the State of Alaska are returned to the organized boroughs located within the national forest. This percentage is based on the area of the forest contained within the boundaries of the organized boroughs. The remainder of these funds go directly to the general fund. All areas outside of organized boroughs, but within national forest boundaries receive no direct funding. It is the intent of federal law that these monies go directly to areas within the National Forest.

SB 458 will correct the existing conflict between State and federal law by focusing this national forest income receipt money back to the areas actually within the national forest. I urge the passage of this legislation.

NATIONAL FOREST INCOME

MOST RECENT PAYMENT

SITKA	\$546,628
JUNEAU	\$498,750
HAINES	\$275,508
KETCHIKAN	\$225,387
UNORGANIZED BOROUGH	\$3,498,510

MOST RECENT PAYMENT

ANCHORAGE	\$2,906
KENAI PENNINSULA	\$12,080
KODIAK	\$2,276
MAT-SU	\$470
UNORGANIZED	\$42,505

ACREAGE

ACRES

HAINES	918,072
JUNEAU	1,656,042
KETCHIKAN	748,662
SITKA	1,815,925
UNORGANIZED BOROUGH	11,622,771
THE UNORGANIZED BOROUGH CONSISTS OF THE SOUTHEAST ISLAND AND CHATHAM SCHOOL DISTRICTS REAA #'s 19 & 20	

ACREAGE

ACRES

ANCHORAGE	274,290
KENAI PEN.	1,160,653
KODIAK	215,217
MATSU	44,411
UNORGANIZED	4,027,708
THE UNORGANIZED BOROUGH CONSISTS OF THE CHUGACH SCHOOL DISTRICT REAA #21	

MEMORANDUM

State of Alaska

Community and Regional Affairs

TO: Marty Rutherford
Director, MRAD

DATE: March 1, 1990

FILE NO: 0175C/P.6

THRU: Jim Plasman
Deputy Director
MRAD

TELEPHONE NO: 465-4814

SUBJECT: SB 458

FROM: Peter K. Freese *PKF*
SERO Supervisor
Southeast Regional Office

SB 458, introduced by Senators Jones, Eliason and Coghill, would make REAA's and city school districts within national forests in the unorganized borough eligible to receive National Forest Receipts funds. The bill amends AS 41.15.180 by adding language to section (c), specifying that national forest receipts funds deposited in the general fund are for use in the unorganized borough, 25% for schools and 75% for roads. Each qualifying city school district and REAA would receive funding in proportion to the area of national forest located within their boundaries. The Southeast Islands School District (REAA 19) would qualify for the largest share of funds, since approximately 50% of the Tongass is within REAA 19. This year, with the formula in the statute, REAA 19 would have received, roughly speaking, about \$625,000 in national forest receipt funds.

AS 41.15.180 currently authorizes the payment of national forest receipts funds to organized boroughs, based on the 1908 federal law that authorizes these payments to counties. Evidently, the term "county" can be interpreted broadly to include the unorganized borough as well as the organized borough, according to legislative attorney Tam Cook. Tam also says the amended bill may actually be closer to the intent of the federal enabling legislation than existing law. This is because the legislation directs funds back to local schools on a proportional basis rather than allowing funds outside organized boroughs simply to go into the general fund. REAA superintendent Bob Weinstein claims that passage of the bill

Marty Rutherford
March 1, 1990
Page 2

would upset neither the school funding formula nor the federal disparity rule. Weinstein says if the bill is not signed into law, REAA 19 will sue the state for what he regards as the REAA's share of national forest receipt funds over the last ten years.

We will probably have to take a position on the bill, since we are administrators of the funds and have been regarded as knowledgeable about the program. The major issues which will require some examination are:

1. Effects on the school funding formula;
2. Conflict with the federal disparity rule, which places limits on the differences between costs per student between school districts;
3. The effect this might have as a dis-incentive for borough formation (In the Chatham Borough Feasibility Study, for example, the ability to capture these funds was regarded as an incentive for borough formation), and;
4. Whether the term "county", as it is used in federal law, can indeed be interpreted broadly enough to include state-sponsored service areas such as REAA's.

Three of these issues are legal in nature and will require some determination from the Attorney General's office. The fourth, possible effects on borough formation, is a policy issue which needs to be addressed by the Local Boundary Commission staff. If they have no objection, and if the legal concerns cited above are not problematic, then it would be politic for us to consider supporting the legislation. It implements a longstanding desire to capture national forest receipts funds at the local level, though it will probably not fully satisfy communities such as Thorne Bay and the Ketchikan Borough, both of which have expressed strong feelings about channeling these funds to affected local communities.

The bill has three committee referrals, C and RA, HESS and Finance, and will be heard in C and RA March 6th.

STEVE COWPER, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
301 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

March 2, 1990

The Honorable Lloyd Jones
Alaska State Senator
P.O. Box V
Juneau, Alaska 99811

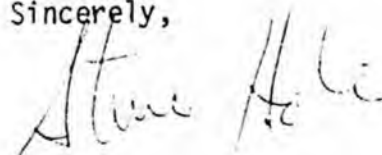
Dear Senator Jones:

The following is the maximum additional funds for FY91 the Chatham and Southeast Island school districts could receive and still maintain the federal disparity standards:

Chatham	779,838
Southeast Island	1,354,884

If you have any questions or need further information, please call John Anttonen, Director of Educational Finance and Support Services (465-2865).

Sincerely,



William G. Demmert
Commissioner

By: John Anttonen, Director
Educational Finance and
Support Services



United States
Department of
Agriculture

Forest
Service

Region 10

Tongass National Forest
Ketchikan Area
Federal Building
Ketchikan, AK 99901

Reply To: 1390

Date: February 27, 1990

Mr. Bob Weinstein
Southeast Island School District
P.O. Box 8340
Ketchikan, Ak. 99901

Dear Bob:

The National Forest acreage figures which you requested from our Geographic Information System (GIS) show that the Southeast Island School District has 8,368,010 acres (13,075 Sq Mi) of National Forest land. The Chatham School District contains 2,832,618 acres (4,426 Sq Mi) of National Forest land.

Our calculations are based on using our Geozone line on the mainland to separate the two districts rather than the straight line indicated on your map. This approximation places a couple thousand acres of Chatham District land in the Southeast Island district, but amounts to less than a one percent deviation.

We are also enclosing our computation sheets and maps as agreed, so that should the need arise, you will be able to make adjustments for areas like Duke Island.

Sincerely,

WALTER A. DORTCH
Planning Officer, Ketchikan Area

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AML Position

4. Income Tax Law Impact: The League supports the tax exemption of municipal bonds for public purposes and federal legislation to remove restrictions placed on municipal bonds by tax reform legislation. The League opposes changes to federal tax laws that place additional burdens on local governments.

5. National Forest Receipts Shared Revenue: The League supports the full funding and distribution of National Forest Receipts to communities affected by timber harvest and urges amendment to federal and state laws to require distribution of these funds to harvest-impacted incorporated cities located in the unorganized borough.

Currently federal law (U.S. Code, Title 16, Section 200) restricts state distribution of these funds to counties, boroughs, and unified municipalities. Several communities throughout Alaska, although greatly impacted by timber harvest, are part of the state's unorganized borough and are not receiving their proportionate share of these funds. This situation is inequitable and federal and state law should be amended to require the State to distribute National Forest Receipts Shared Revenue to timber-harvest-impacted, incorporated cities located in the unorganized borough.

H. LOCAL DEBT

1. Debt Limits: The League opposes the imposition of limits on municipal debt other than those imposed by the Alaska Constitution and by the bond market because there are great differences between municipalities in Alaska with respect to revenue sources, number and levels of functions performed, and needs for infrastructure development.

The local government structure in Alaska is quite different from that in other states. First, all local government power resides in cities and boroughs; there are no independent special districts with independent debt issuing and taxing authority as there are in other states. For this reason, there are relatively few municipal issuers in the State of Alaska. Those issuers are financially stable and have a good bond-repayment track record. The growth pattern in Alaska is erratic and various areas have experienced extremely rapid growth, which places very heavy demands on the ability of the municipality to respond with the heavy capital investment required to meet infrastructure expansion needs. The tried and traditional assessed value-based methods of limiting local debt do not take into account such unpredictable demands and would make such limits unworkable in Alaska. The constitution prohibits general obligation debt except for capital improvements that have been approved by the voters. In most situations the voters will probably say "no" to new debt before debt limits are reached. Additionally, the bond market is sensitive to the amount of debt assumed by an issuer and its ability to repay such debt. These two mechanisms together should serve to establish a practical limit on local debt. Artificial limits that cannot take into account the varying needs of municipalities should be avoided.

PAYMENTS TO STATE OF ALASKA FROM NATIONAL FORES RECEIPTS

Fiscal Year 1959 to 1988 (i

<u>FEDERAL FISCAL YEAR</u>	<u>CHUGACH NF</u>	<u>TONGASS NF</u>	<u>TOTAL R-10</u>
1959	\$ 8,225.	\$ 150,038.	\$ 158,263.
1960	8,466.	189,665.	198,131.
1961	10,425.	202,006.	212,431.
1962	10,455.	161,137.	171,592.
1963	4,842.	208,332.	213,174.
1964	5,476.	231,512.	236,988.
1965	4,656.	212,576.	217,232.
1966	7,323.	276,162.	283,485.
1967	5,044.	399,923.	404,967.
1968	7,435.	510,123.	517,558.
1969	17,678.	557,097.	574,775.
1970	23,283.	1,057,638.	1,080,921.
1971	20,993.	1,031,200.	1,052,193.
1972	30,806.	351,337.	882,143.
1973	47,692.	926,223.	973,915.
1974	44,811.	643,322.	688,133.
1975	31,630.	1,014,448.	1,046,078.
1976	29,081.	279,570.	308,651.
1976	2,768.	158,119.	160,887.
1977	90,066.	2,465,222.	2,555,288.
1978	139,820.	2,970,500.	3,110,320.
1979	112,596.	3,461,103.	3,573,699.
1980	21,957.	6,506,123.	6,528,080.
1981	23,208.	3,751,986.	3,775,194.
1982	24,681.	5,405,691.	5,430,372.
1983	33,589.	1,341,479.	1,375,068.
1984	36,299.	1,015,797.	1,052,096.
1985	37,154.	52,308.	89,462.
1986	53,719.	491,810.	545,529.
1987	0.	0.	0.
1988	101,989.	308,167.	410,156.

1) This table of payments to the State of Alaska from National Forest receipts indicates the final payment derived from the National Forests in Alaska for the period requested (16 U.S.C. 500 as amended by P.L. 94-588).

PAYMENTS TO STATES FROM THE NATIONAL FOREST RECEIPTS

Fiscal Year 1988
October 1, 1987 to September 30, 1988
--National Forest Summary--

<u>NATIONAL FOREST</u>	<u>BOROUGH</u> S	<u>FY 88 ACRES</u>	<u>TOTAL PAYMENTS</u>
<u>CHUGACH</u>	ANCHORAGE	274,290	\$ 4,888.74
	KENAI PEN.	1,160,653	20,686.63
	KODIAK	215,217	3,835.87
	MAT-SU	44,411	791.55
	UNORGANIZED	4,027,708	71,786.92
NF TOTAL:		5,722,279	\$101,989.71
TONGASS	HAINES	918,072	\$ 16,879.21
	JUNEAU	1,656,042	30,447.15
	KETCHIKAN	748,662	13,764.52
	SITKA	1,815,925	33,386.68
	UNORGANIZED	11,622,771	213,690.37
NF TOTAL:		16,761,472	\$308,167.93
REGIONAL TOTAL:		22,483,751	\$410,157.64

relating to the subject matter of AS 41.15.010 — 41.15.170, the escape of a fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain the recovery. (§ 12 ch 130 SLA 1961)

Sec. 41.15.170. Definitions. In AS 41.15.010 — 41.15.170

(1) *[Repealed, § 43 ch 85 SLA 1988.]*

(2) "damages" includes costs incurred in suppressing, controlling or extinguishing a fire;

(3) "forested land" includes all land on which grass, brush, timber and other natural vegetative material grows;

(4) "forest fire" includes the uncontrolled burning of grass, brush, timber and other natural vegetative material. (§ 1 ch 138 SLA 1961; am § 3 ch 179 SLA 1970; am § 43 ch 85 SLA 1988)

Revisor's notes. — In 1983 this section was reorganized to place the terms defined in alphabetical order.

Effect of amendments. — The 1988 amendment repealed former paragraph (1), which defined "commissioner."

Article 2. Forest Reserve Fund.

Section

180. National forest income

Collateral references. — 52 Am. Jur. 2d, Logs and Timber, § 65.

Sec. 41.15.180. National forest income. (a) When the commissioner of administration receives national forest income under 16 U.S.C. 500, the commissioner shall immediately pay to every organized borough in which national forest land is located a share of the income from that forest. A borough's share of income from a national forest shall be proportional to the area of the national forest located within its boundaries. The payments shall be made under an appropriation made for that purpose.

(b) The national forest income paid to an organized borough under this section shall be expended for public schools or roads.

(c) The commissioner shall deposit income from national forest land outside of organized boroughs in the general fund of the state, 25 percent to be used for public schools and 75 percent for roads. (§ 47-5-1 ACLA 1949; am § 1 ch 106 SLA 1965; am § 1 ch 32 SLA 1969)

red into the Treasury and shall appropriated and made available until a may direct, for the payment of the on, or improvements by the Forest tributors of amounts heretofore or of their share of the cost of said nts.

9, 1928, c. 901, § 1(99), 45 Stat. 993.)

Note

ports be made to Congress of moneys rived as contributions for cooperative work.

References

bursement of funds appearing on books of ervice", see section 1321 of Title 31, Money

administration or protection of lands within tute special fund which may be appropriat- section 572 of this title.

Regulations

ation system, see 36 CFR 212.1 et seq.

ed by or on account of Forest and moneys erroneously collect-

of the Forest Service for timber, or revenue, including moneys received e of lands in national forests created moneys received on account of permits lands acquired under authority of , shall be covered into the Treasury receipt, and except as provided in is appropriated and made available, et, out of any funds in the Treasury may be necessary to make refunds reafter deposited by them to secure oducts or for the use of any land or ess of amounts found actually due o so much as may be necessary to ants such sums as may be found by en erroneously collected for the use resources sold from lands located rests, or for alleged illegal acts done quently found to have been proper

4, 1911, c. 238, 36 Stat. 1253; Mar. 4, 348, § 9, 43 Stat. 655; May 29, 1928, c.

Historical Note

References in Text. Section 471(b) of this title, referred to in text, was repealed by section 704(a) of Pub.L. 94-579, Title VII, Oct. 21, 1976, 90 Stat. 2792. For further details, see Codification note below.

Codification. Section is a combination provision the basis for which is Act Mar. 4, 1907, which superseded previous provisions relating to the disposal of money received from sale of products or use of any land or resources of the forest reserves, contained in Act Feb. 1, 1905, c. 288, § 5, 33 Stat. 628.

Act Mar. 4, 1911 is the source of the last portion of the section beginning with the words, "and also so much as may be necessary," etc. That Act provides that so much of the former Act "which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much;".

The words of this section reading, "including moneys received from sale of products from or use of lands in national forests created under section 471(b) of this title" were derived from the fourth sentence of section 9 of Act of June 7, 1924, which reads as follows: "All receipts from the sale of products from or for the use of lands in such national

forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law." Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 Act, and was repealed by section 704(a) of Pub.L. 94-579. Section 505 of this title is based on the second and third sentences of section 9 of the 1924 Act.

The words "and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title," are from a provision of Act Mar. 4, 1917, which reads, "Hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act [Act Mar. 1, 1911, c. 186, 36 Stat. 961] or any Amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests."

The words of this section reading, "except as provided in sections 500 and 501 of this title" are intended to relate this section to the apparent exceptions contained in later law.

1928 Amendment. Act May 29, 1928 deleted provision which required the Secretary of Agriculture to make an annual report to Congress of the amounts refunded under this section.

Cross References

- Conservation programs on military reservations, inapplicability to forest lands administered pursuant to this section, see section 670e of this title.
- Deposit in "Oregon and California land-grant fund" of proceeds of sale of timber added to Siskiyou National Forest, see section 487 of this title.
- Payments from account for refund of moneys erroneously received and covered and authorization of appropriation of sums necessary, see section 1322 of Title 31, Money and Finance.

Notes of Decisions

- 1. Scope of review
The discretion of the Secretary of Agriculture in making refunds under this section is absolute only on questions of fact; his rulings on questions of law are reviewable in the court of claims (now Claims Court). Utah Power & Light Co. v. U. S., 1929, 67 Ct.Cl. 602.

§ 500. Payment and evaluation of receipts to State or Territory for schools and roads; moneys received; projections of revenues and estimated payments

On and after May 23, 1908, twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of

Deegan, Clancy, King & Vanston
 907 Broadway Street
 New York, N.Y. 10010

such year, by the Secretary of the Treasury to the State or Territory in which such national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated; *Provided*, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

May 23, 1908, c. 192, 35 Stat. 260; Mar. 1, 1911, c. 186, § 13, 36 Stat. 963; June 30, 1914, c. 131, 38 Stat. 441; Sept. 21, 1944, c. 412, Title II, § 212, 58 Stat. 737; Apr. 24, 1950, c. 97, § 17(b), 64 Stat. 87; Oct. 22, 1976, Pub.L. 94-588, § 16, 90 Stat. 2961.)

Historical Note

References in Text. The Act of June 9, 1930, referred to in text, is Act June 9, 1930, c. 416, 46 Stat. 527, as amended, popularly known as the Knutson-Vandenberg Act, which is classified generally to sections 576, 576a, and 576b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 576 of this title and Tables volume.

The Act of May 23, 1908, referred to in text, is Act May 23, 1908, c. 192, 35 Stat. 251, as amended. A portion of that Act appearing at 35 Stat. 260 is classified to this section. For complete classification of this Act to the Code, see Tables volume.

Codification. "National forest" was substituted for "forest reserve" the first, third and fourth time appearing, and for "reserve" the second time appearing, and "forest" was substituted for "reserve", on authority of Act Mar. 4, 1907, c. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

Section is a combination of Acts May 23, 1908, as amended, and Mar. 1, 1911, as amended.

1976 Amendment. Pub.L. 94-588 added provision that beginning Oct. 1, 1976, the term "moneys received" would include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract, and that the Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

1950 Amendment. Act Apr. 24, 1950 deleted second proviso relating to limitation paid county.

1944 Amendment. Act Sept. 21, 1944 added sentence relating to stumpage value of the timber.

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Collateral references. — 68 Am. Jur. 2d School, §§ 14-36.

78 C.J.S. Schools and School Districts, §§ 23-81.

Grounds for ousting educational corporation of its franchise. 46 ALR 1478.

Incorporated educational body as an institution belonging to the state. 65 ALR 1394.

Discretion of administrative officers as to changing boundaries of school district. 65 ALR 1523; 135 ALR 1096.

Constitutionality and construction of statute which leaves to determination of

private individuals the boundaries of territory to be erected into a school district or other political subdivision, or to be added to or detached from an existing district or subdivision. 70 ALR 1062.

Unionization, centralization, or consolidation of school districts as affecting indebtedness and property of the individual districts. 121 ALR 826.

Propriety, under First Amendment, of school board's censorship of public school libraries or course books. 64 ALR Fed. 771.

Sec. 14.12.010. Districts of state public school system. The districts of the state public school system are as follows:

(1) each first class city in the unorganized borough is a city school district;

(2) each organized borough is a borough school district;

(3) the area outside organized boroughs and outside first class cities is divided into regional educational attendance areas. (§ 1 ch 98 SLA 1966; am § 3 ch 124 SLA 1975; am § 7 ch 208 SLA 1975)

NOTES TO DECISIONS

Regional educational attendance areas are school districts. — Although this title does not specifically provide that regional educational attendance areas are to be considered "school districts," implicit in the statute is the notion that they are in fact school districts. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Quoted in *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Stated in *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).

Cited in *Alaska State-Operated School Sys. v. Mueller*, Sup. Ct. Op. No. 1157 (File No. 2138), 536 P.2d 99 (1975).

Sec. 14.12.020. Support, management, and control. (a) Each regional educational attendance area shall be operated on an area-wide basis under the management and control of a regional school board. The regional school board manages and controls schools on military reservations within its regional educational attendance area until the military mission is terminated or so long as management and control by the regional educational attendance area is approved by the department. However, operation of the military reservation schools by a city or borough school district may be required by the department under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by the regional educational attendance area is disapproved by the depart-

Sec. 14.08.010. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.011. Purpose. (a) It is the purpose of this chapter to provide for public education in the unorganized borough and the military reservations in the state.

(b) Nothing in this chapter prohibits an organized borough, city, village, community or settlement in an unorganized area of the state from becoming part of or being formed into an organized political subdivision authorized under AS 29. (§ 2 ch 124 SLA 1975)

NOTES TO DECISIONS

History of public education in Alaska. — See *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975) decided under former Chapter 08.

Sec. 14.08.020. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.021. Authority. The legislature delegates to school boards for each regional educational attendance area the authority to operate the public schools in those areas in accordance with the provisions of this chapter, subject to the provisions of this title and the regulations adopted under it that apply to all school districts in the state. (§ 2 ch 124 SLA 1975)

NOTES TO DECISIONS

As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees. see note following chapter analysis. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71.* Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).
Applied in *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71.* Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 14.08.030. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.031. Regional educational attendance areas. (a) The Department of Community and Regional Affairs in consultation with the Department of Education and local communities shall divide the unorganized borough into educational service areas using the boundaries or sub-boundaries of the regional corporations established under the Alaska Native Claims Settlement Act, unless by referendum a community votes to merge with another community contiguous to it but within the boundaries or sub-boundaries of another regional corporation.

(b) An educational service area established in the unorganized borough under (a) of this section constitutes a regional educational atten-

S B

461



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

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

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

12 March, 1990

MEMORANDUM:

TO: Senator Mike Szymanski, Chairman
Senate C&RA

FROM: Senator Fred Zharoff *M.T.*

RE: SB 461: "An act making an appropriation to the Department of Revenue for the fisheries tax refund program for payments based on the harvest of fish; and providing for an effective date."

I would like to thank you for scheduling SB 461 before the Senate C&RA Committee and I am forwarding the attached backup for inclusion in the committee members files.

Although we have requested a position paper and analysis from the Department of Revenue, the only backup we have received thus far are a series of resolutions provided by the Kodiak Island Borough, the City of Kodiak, the Alaska Conference of Mayors, and the City of Chignik. We hope to be in receipt of position papers from the Alaska Municipal League and the Department of Revenue prior to the meeting.

Thank you.

By: Mayor Selby
Lonnie White
Introduced: 01/04/90
Adopted: 01/04/90

KODIAK ISLAND BOROUGH
RESOLUTION NO. 90-06

A RESOLUTION URGING THE LEGISLATURE TO FUND AN
OIL SPILL IMPACTED RAW FISH TAX PROGRAM

WHEREAS, under the provision of AS 43.75.130, the Kodiak Island Borough and several of the cities within the borough annually receive a significant return of raw fish tax revenues; and

WHEREAS, the amount of these revenues, as provided in the statute, is based on the actual raw fish taxes collected from local processors; and

WHEREAS, the Exxon Valdez oil spill prevented most of the Kodiak Island Borough salmon season from opening; and

WHEREAS, the Alaska Department of Fish and Game has confirmed that the return of salmon and herring would have provided a Kodiak Island catch in excess of \$100 million if there had been no oil spill; and

WHEREAS, this catch would have provided in excess of \$1,500,000 of fish tax to Kodiak Island communities; and

WHEREAS, communities throughout the spill area were affected in a similar manner; and

WHEREAS, the resulting shortfall of raw fish tax funds to the cities and boroughs in the oil spill impact area will be devastating to the operating revenue of these communities; and

WHEREAS, the amount of shortfall is in the range of 2.5

to 3 full mills of property tax assessment to the people of the Kodiak Island Borough; and

WHEREAS, funds should be recoverable by the State of Alaska from Exxon through claims or legal action to cover the cost of this program; and

WHEREAS, the State of Alaska can relieve these financially and economically hard-hit communities of the burden of possibly waiting several years to receive these funds;

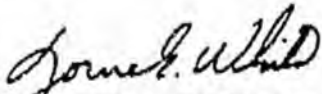
NOW, THEREFORE, BE IT RESOLVED that the Kodiak Island Borough Assembly urges the Alaska Legislature to fund an oil spill impacted raw fish tax program which would provide funds to each community equal to the raw fish tax which would have been received if the oil spill had not occurred and that the state then recover these funds from Exxon through claims or legal action; and

BE IT FURTHER RESOLVED that should Exxon decide to fund these shortfalls to each community after the Legislature has acted, these funds would be returned to the State of Alaska.

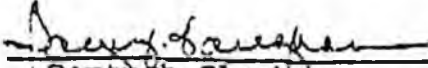
PASSED AND APPROVED THIS 4th DAY OF JANUARY, 1990.

KODIAK ISLAND BOROUGH


Borough Mayor


Presiding Officer

ATTEST:


Borough Clerk

ALASKA CONFERENCE OF MAYORS
RESOLUTION NUMBER 00-90

A RESOLUTION OF THE ALASKA CONFERENCE OF MAYORS URGING THE ALASKA STATE LEGISLATURE TO FUND AN OIL SPILL IMPACTED RAW FISH TAX PROGRAM

WHEREAS, under the provision of AS 43.75.130, cities and boroughs all over the state annually receive a significant return of raw fish tax revenues; and

WHEREAS, the amount of these revenues, as provided in the statute, is based on the actual raw fish taxes collected from local processors; and

WHEREAS, the Exxon Valdez oil spill prevented many of the regions salmon seasons from opening normally; and

WHEREAS, the Alaska Department Of Fish and Game has confirmed that the disrupted return of salmon and herring would have provided a catch in excess of \$100 million if there had been no oil spill; and

WHEREAS, this catch would have provided in excess of \$3,000,000 of fish tax to effected communities; and

WHEREAS, the resulting shortfall of raw fish tax funds to the cities and boroughs in the oil spill impact area will be devastating to the operating revenue of these communities; and

WHEREAS, the amount of shortfall is in the range of 2.5 to 3 full mills of property tax assessment to the people of the effected communities; and

WHEREAS, funds should be recoverable by the State of Alaska from Exxon through claims or legal action to cover the cost of this program; and

WHEREAS, the State of Alaska can relieve these financially and economically hard-hit communities of the burden of possibly waiting several years to receive these fund,

NOW, THEREFORE, BE IT RESOLVED that the Alaska Conference of Mayors, urges the Alaska Legislature to fund an oil spill impacted raw fish tax program which would provide funds to each community equal to the raw fish tax which would have been received if the oil spill had not occurred and that the state then recover these funds from Exxon through claims or legal action.

PASSED AND APPROVED THIS ___ DAY OF _____, 1990

ATTEST:

ALASKA CONFERENCE OF MAYORS

PRESIDENT

SECRETARY

CITY OF KODIAK
RESOLUTION NUMBER 04-90

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK URGING THE
LEGISLATURE TO FUND AN OIL SPILL IMPACTED RAW FISH TAX PROGRAM

WHEREAS, under the provision of AS 43.75.130, the Kodiak Island Borough, including the City of Kodiak and several other cities within the Borough, annually receive a significant return of raw fish tax revenues; and

WHEREAS, the amount of these revenues, as provided in the statute, is based on the actual raw fish taxes collected from local processors; and

WHEREAS, the Exxon Valdez oil spill prevented most of the Kodiak Island salmon season from opening; and

WHEREAS, the Alaska Department of Fish and Game has confirmed that the return of salmon and herring would have provided a Kodiak Island catch in excess of \$100 million if there had been no oil spill; and

WHEREAS, this catch would have provided in excess of \$1,500,000 of fish tax to Kodiak Island communities including approximately \$600,000 to the City of Kodiak; and

WHEREAS, communities throughout the spill area were affected in a similar manner; and

WHEREAS, the resulting shortfall of raw fish tax funds to the cities and boroughs in the oil spill impact area will be devastating to the operating revenue of these communities; and

WHEREAS, the amount of shortfall is in the range of 2.5 to 3 full mills of property tax assessment to the people of the Kodiak Island Borough; and

WHEREAS, funds should be recoverable by the State of Alaska from Exxon through claims or legal action to cover the cost of this program; and

WHEREAS, the State of Alaska can relieve these financially and economically hard-hit communities of the burden of possibly waiting several years to receive these funds,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, urges the Alaska Legislature to fund an oil spill impacted raw fish tax program which would provide funds to each community equal to the raw fish tax which would have been received if the oil spill had not occurred and that the state then recover these funds from Exxon through claims or legal action.