

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7201 HOUSE RESOURCES

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: ALLAN C. JONES
TITLE:
ADDRESS: PO BOX 70693
CITY: FAIRBANKS ZIP: 99707
PHONE: 479-5458
BILL NO: SB 38
SUBJECT: INTERFERENCE WITH HUNTING/FISHING
MESSAGE: I FULLY SUPPORT THE CONCEPT OF SB 38, THAT DEALS WITH THE ANTI
HARASSMENT OF HUNTERS, AND TRAPPERS. I STRONGLY URGE YOU TO SUPPORT THIS
LEGISLATION, AND ASK THAT YOU DO EVERYTHING IN YOUR POWER TO SEE THIS BILL IS
PASSED. THANK YOU. EOM/CLS

POMIO: 07151254
DATE: 91/04/29
TIME: 15:12:54
LIUNAME: FAIRBANKS LIO

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LINCOLN
IVAN
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CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JOHN MILLER
TITLE:
ADDRESS: 1260 MARCH DRIVE
CITY: FAIRBANKS ZIP: 99709
PHONE: 479-3720
BILL NO: SB 38 ..
SUBJECT: INTERFERENCE WITH HUNTING/FISHING
MESSAGE: PLEASE PASS SB 38, WITH A DUE PASS RECOMMENDATION. HUNTER HARRASSMENT
IS NOT A SERIOUS PROBLEM IN ALASKA YET, BUT I FEEL IT IS IMPORTANT THAT
LEGISLATION SUCH AS THIS BE IN PLACE WHEN IT BECOMES A PROBLEM. THANK
YOU. EOM/CLS

POHID: 07170541
DATE: 91/04/29
TIME: 17:05:41
LIONAME: FAIRBANKS LTD

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COLN
VAN
MOYER
FINDELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: TOM LESSARD
TITLE:
ADDRESS: 13042 RIDD CIRCLE
CITY: EAGLE RIVER ZIP: 99577
PHONE: 696-1547
BILL NO: SB 38
SUBJECT: INTERFERENCE WITH HUNTING/FISHING
MESSAGE: MAJORITY OF STATES IN THE COUNTRY HAVE RECOGNIZED THE NEED TO
INSTITUTE HUNTER HARRASSMENT LEGISLATION. I FEEL STRONGLY THAT WE NEED IT IN
ALASKA ALSO. /BN

POMID: 03104041
DATE: 91/04/17
TIME: 10:40:41
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
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CHOQUETTE	B.DAVIS	DUNCAN
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KOPONEN	KUBINA	JONES
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LINCOLN	MACKIE	MENARD
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R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	UIMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: HERBERT R. MELCHIOR
TITLE:
ADDRESS: 2721 HORSETAIL TRAIL
CITY: FAIRBANKS ZIP: 99709
PHONE: 455-6615
BILL NO: SB 38
SUBJECT: INTERFERENCE WITH HUNTING/FISHING
MESSAGE: ~~PLEASE~~ SUPPORT PASSAGE OF THE ANTI-HARRASSING BILL. EXISTING LAW DOES NOT COVER ADEQUATELY THE HARRASSMENT OF ALASKANS ENGAGED IN LEGAL, FISHING, HUNTING, AND TRAPPING ACTIVITIES, BY PERSON'S OPPOSED TO THESE ACTIVITIES. PLEASE TAKE ACTION NOW BEFORE SUCH HARRASSMENT ACTIVITIES BECOME A SERIOUS PROBLEM IN ALASKA. THANK YOU. EOM/CLS

POMID: 07170243
DATE: 91/04/29
TIME: 17:02:43
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN
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MOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JOHN SHEETS
TITLE:
ADDRESS: 1097 DEE LANE
CITY: NORTH POLE ZIP: 99705
PHONE: 488-3362
BILL NO: SB 38

SUBJECT: INTERFERENCE WITH HUNTING/FISHING
MESSAGE: PLEASE SUPPORT SB 38. THE RECENT DISPLAY IN FAIRBANKS INDICATES THIS
WILL BE NEEDED IN THE NEAR FUTURE. THANK YOU JOHN SHEETS, NATIONAL FIELD
ARCHERY ASSOCIATION/DIRECTOR FOR ALASKA. EOM/CLS

POMID: 07141558
DATE: 91/04/29
TIME: 14:15:58
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN
IVAN
MOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: DEL DEMERITT
TITLE:
ADDRESS: 2049 OLD STEESE HWY NORTH
CITY: FAIRBANKS ZIP: 99712
PHONE: 457-2692
BILL NO: SB 38
SUBJECT: ~~INTERFERENCE WITH HUNTING/FISHING~~
MESSAGE: I URGE YOUR SUPPORT OF SB 38 TO PREVENT THE HARASSMENT OF ALASKA
PUSUING AN ALASKA WAY OF LIFE. THANK YOU. EOM/CLS

POMID: 07145443
DATE: 91/04/29
TIME: 14:54:43
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN
IVAN
MOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: MIKE SCHMIDT, EXEC. BOARD MEMBER
TITLE: SITKA SPORTSMAN'S ASSOCIATION
ADDRESS: BOX 136
CITY: SITKA ZIP: 99835
PHONE: N/R-
BILL NO: SB 38
SUBJECT: ~~INTERFERENCE WITH HUNTING/FISHING~~ †
MESSAGE: THE SITKA SPORTSMAN'S ASSOCIATION ENCOURAGES YOU TO APPROVE SB 38,
INTENDED TO MAKE IT ILLEGAL TO HARASS HUNTERS IN ALASKA.

POMID: 12082345
DATE: 91/04/26
TIME: 08:23:45
LIONAME: SITKA LIO

COPIES: REPRESENTATIVES

LINCOLN
IVAN
MOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI



Alaska Reform
P.O. Box 116
Gustavus, Alaska 99826
(907) 697-2371

3/16/91

To: Senator Frank
Senator Pierce
Sen. Sturgelewski
Rep. Davidson

Dear Legislators,

We appreciate your involvement in passage of the hunter harassment bill (SB38). We strongly support the current language.

In light of the growing national anti-hunting movement, we urge the House to promptly adopt this legislation also. Perhaps more important than potential inconvenience to individual hunters is the even greater potential for the anti movement to capture the national media attention by legally harrassing outdoorsmen.

We actively opposed last years version of this bill because it would have broadly denied public access to harvest information, rather than simply allowing penalties for abuse of that information.

Alaska Reform is currently surveying hunters, guides, outdoor groups as well as public officials in an effort to form a concensus on the principles of "Fair Chase" in hunting. We intend to introduce legislation next year to direct the Board of Game to act within these guidelines.

Unfortunately, the biggest threat to hunters is slobhunting.

We appreciate hearing from you on any proposed changes to the bill.

Sincerely,

Charles Rice
President

SB-38, "HUNTER HARASSMENT"----CONSIDERATIONS

1. Hunters, fishermen, and trappers are not being harassed in Alaska, and no new law is needed to protect them.
2. Existing laws, particularly the assault, criminal mischief, and general harassment statutes protect all wildlife user groups from the malicious behavior of others.
3. Since most conflicts occur within a particular user group, this proposed law would primarily be used to prosecute hunters, trappers, and fishermen. The attempt to overcome this in SB 38, Section 1, (e) by exempting those engaged in "lawful competitive practices" is either meaningless or unconstitutional. It is meaningless if the intent is to exempt those who are not committing the described offense. It is unconstitutional if the intent is to prevent only hunters, fishermen, and trappers from being prosecuted for engaging in hindrance or obstruction.
4. Any property owner or village official who attempts to prevent someone from hunting, fishing, or trapping on private lands would be in clear violation of the law unless he could prove that trespass has occurred.
5. If someone set traps near a homeowners property endangering pets or children, and the homeowner springs those traps he would be in violation of this proposed law. Justice is certainly better served under current law where the criminal mischief or general harassment standard would be applied.
6. If the legislature decides that wildlife user groups in Alaska need protection from harassment certainly all user groups including viewers, photographers, etc. deserve the same protection under the law.

RICHARD HELLARD, ALASKA WILDLIFE ALLIANCE, 789-2255

March/April 1991

Alaska's wildlands provide a rich variety of recreational and educational experiences found nowhere else in the world. This issue of *Alaska's Wildlife* focuses on wildlife watching opportunities in Alaska and their relationship to economics and conservation.

According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, more than 167 million Americans (about 75 percent) participated in hunting, fishing or wildlife watching during 1985. The survey also identified wildlife watching (including viewing, photography, and feeding) as the fastest growing segment of wildlife recreation, with 135 million participants age 16 years old or older accounting for \$14 billion in annual expenditures. The same survey estimated that 288,000 Alaskans participated in wildlife watching in 1985. Clearly, wildlife watching has become a significant and growing recreational pursuit in Alaska and across the nation.

Wildlife managers throughout the United States are being challenged by diverse and increasing demands for wildlife recreation while, concurrently, wildlife habitat is shrinking and becoming fragmented. Revenues to support management and conservation programs are also declining. In recognition of this dilemma and the burgeoning public interest in wildlife, state and federal wildlife agencies are embracing the national "Watchable Wildlife" initiative. The central focus of this initiative, which is endorsed by national conservation groups (including Defenders of Wildlife, Izaak Walton League, National Audubon Society, and National Wildlife Federation), federal land management agencies, and the International Association of Fish and Wildlife Agencies, is to promote and expand wildlife recreation and education. This, in turn, is expected to broaden public support and funding for the conservation of all wildlife species and their habitats.

Like our counterparts in Colorado, Montana, Oregon, and Wyoming, the Division of Wildlife Conservation recognizes the opportunity the "Watchable

Wildlife" initiative represents for enhancing wildlife recreation and conservation in Alaska. This should not be interpreted as abandoning our traditional hunting constituency, nor decreasing our efforts to provide for sustained yield of game resources. Rather, we are acknowledging an expanding public interest in wildlife conservation and management and we will begin broadening our programs to reflect that change. All wildlife users (including hunters, wildlife watchers, and tour operators) must recognize that the conservation of wildlife habitat is the common ground they share in their pursuit of wildlife opportunities throughout this remarkable state.

We have the opportunity in Alaska for developing a wildlife recreation and conservation program that could stand as a model for the world. There are few areas on earth that capture people's enthusiasm for experiencing wildlife and wildlands more than Alaska. Tourism has become a billion dollar industry in Alaska and our spectacular wildlife resources are one of the state's primary attractions. A brief glance at Alaska travel brochures lends credence to this point. Where else can you walk on an ocean beach and watch mountain goats, brown bears, bald eagles, and humpback whales; or hike a tundra ridge and observe caribou, Dall sheep, snowy owls, muskoxen, wolves, and hundreds of thousands of migratory birds? In east Africa where wildlife viewing and photography have become a major industry, they say, "If wildlife pays, wildlife stays."

This issue of *Alaska's Wildlife* highlights some of the world's premiere viewing areas, explains how and when to find several of the most sought-after species, and how we manage for wildlife viewing. You will also learn more about the importance of wildlife to the tourism industry and its potential economic significance to the state.

Although Alaska has outstanding potential for wildlife watching, we are at an early stage in our development of these new programs. One of our new projects, in cooperation with other resource agen-



John V. Schoen

cies, will be a revision of the department's *Guide to Wildlife Viewing in Alaska* as part of a new national series. A key to successfully broadening the division's wildlife program will be finding new alternative funding sources. Currently, over 80 percent of our division budget comes from hunters through the sale of hunting licenses and excise taxes on firearms and ammunition.

Successful conservation of Alaska's unique wildlife heritage will require broad-based public support and interagency cooperation. We believe that expanding wildlife recreational and educational opportunities in Alaska will increase the public's enjoyment of their wildlife resources, promote long-term conservation, and benefit the Alaskan economy. We welcome your ideas and comments as we begin our new and exciting journey toward expanding wildlife management on the last frontier.

John Schoen in the senior staff biologist for Conservation and Education, Division of Wildlife Conservation, ADF&G, Fairbanks.

ALASKA TRAPPERS ASSOCIATION

P.O. Box 82177
Fairbanks, Alaska 99708

Feb. 1, 1991

Sen. Steve Frank
Box V
Juneau, AK 99811

Dear Steve,

The Alaska Trappers Association gives
its whole hearted support to Senate Bill 38.

As a statewide trappers organization we
have seen a need for an anti harassment law
and have always supported the concept. Any help
we can give you in the passage of this bill will
be rendered if at all possible.

Sincerely,

A. Roy Wilbur
Vice Pres. Alaska
Trappers. 755



NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871

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

RUPE ANDREWS
FIELD REPRESENTATIVE
ALASKA

9416 LONGRUN DRIVE
JUNEAU AK 99801
907/789-7422

January 30, 1991

Hon. Steve Frank
Alaska State Senate
Capitol Building
Juneau, AK 99801

Dear Senator Frank:

This letter is to affirm support of the National Rifle Association for Senate Bill No. 38, " An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping." The Alaska membership of NRA has long sought a statutory solution to this problem. Alaskan hunters, fishermen and trappers need lawful means to protect them from the harassment of those that have personal objections to these activities.

Our review of SB 38 indicates agreement with similar legislation approved by Legislatures in other States and could be model legislation for others. Legislation of this type has proved valuable to wildlife resource users by providing a legal redress for loss of hunting opportunities and preventing violent attacks on lawful hunters and trappers.

Sincerely.

Rupe Andrews, Field Representative Alaska



1989 Subsistence Conference Summary



"Subsistence Is Survival"



Photo by David Hardenbergh

Co-Sponsored by the Alaska Federation of Natives, Inc.
and the Rural Alaska Community Action Program, Inc.

October 16-17, 1989

Egan Convention Center, Anchorage

1989 Subsistence Conference

Migratory Birds in Western Alaska

The topic of migratory birds was the focus of the next speaker, Jack U. Williams, Sr. of Mekoryuk. Chuck Hunt interpreted for him. As Mr. Williams was growing up, there were very many ducks and geese. He never heard of waterfowl sport hunting at that time, nor were there shotguns. They used bows and arrows when hunting waterfowl.

The Waterfowl Conservation Commission, chaired by Mr. Williams, originated in 1984. The main purpose of the WCC is to work with the USFWS and others to help people in the villages of the Y-K Delta deal with the issue of waterfowl population declines.

Animal Rights Groups Threaten Subsistence Lifestyles

The panel on "Threats to Our Way of Life - The Animal Rights Agenda" was next. Larry Mercurieff, Commissioner of the Alaska Department of Commerce and Economic Development, and Dave Monture of Indigenous Survival International in Canada were the speakers.

Mr. Mercurieff showed a video depicting animal rights protectionists harassing Natives on the Pribilof Islands, because of their use of fur seals for subsistence. His focus was on strategies and tactics used by the animal rights groups, their effect on aboriginal people, and what can be done about it. "What happened in the Pribilofs are exactly the same things that will be focused on throughout Alaska, throughout the entire Northern Hemisphere, and throughout the whole world," due to the activities of the animal rights groups.

Dave Monture described Indigenous Survival International as an organization born in 1984 as a direct result of the Dene people in Canada's Northwest Territories becoming very concerned about a new wave of a "colonial attitude from the South," -- people organizing with tremendous resources in a manner which would prove to be a great threat to Dene plans for self-determination and land claim settlements in the Northwest Territories.

"We're not dealing with people with the same sense of ethics or fairness, but we're dealing with people with a new zeal, a new religion for urban Western man," Monture said. ISI-Canada has joined with the British Museum to produce "The Living Arctic," a highly successful major exhibition in London, England designed to educate the public on aboriginal lifestyles.

In Conclusion

The afternoon session commenced with workshops on "Marine Mammals," "Title VIII of ANILCA," and the "Animal Rights Movement." The facilitators of these sessions reported back to the general assembly following the workshops.

The Animal Rights Movement workshop participants first viewed a film on strategies and the lack of ethics in the animal rights community, specifically in the Native seal campaign. It was concluded that animal rights groups pose a life-threatening situation to our people, not only in their methods of fire-bombs, but in actual cases of teenagers committing suicide in communities where seal subsistence is being cut off, thereby drastically altering traditional lifestyles.

The Marine Mammals workshop addressed the five species of seals in Alaska, sea otter, walrus, beluga whale, and polar bear. The participants learned that there are 900,000 fur seals today, and the population may have leveled off. The Fish & Wildlife program on walrus includes a management plan for walrus, monitoring populations, monitoring harvest, and habitat protection.

The Alaska Sea Otter Commission was formed in 1988. The Commission is very concerned about a proposed rule by the Fish & Wildlife Service to restrict cottage industry practices involving sea otter by Alaska Natives. The Commission has recently initiated a Memorandum of Agreement with FWS which, along with a Management Plan, would address problems FWS is trying to answer in its proposed rule.



Photos by David Mardenberg

Dave Monture of ISI-Canada (left) led a workshop on the threats that animal rights groups are posing to subsistence lifestyles. Rural CAP attorney Eric Smith (below) explaining how villages can write their own fish and game regulations.



ALASKA FEDERATION OF NATIVES, INC.

411 W. 4th Avenue, Suite 301 • Anchorage, Alaska 99501 • Phone (907) 274-3611



April 24, 1990

The Honorable Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Frank:

Please be informed that the Alaska Federation of Natives is on record as supporting Senate Bill 469 as introduced.

You are correct your assessment that "hunter harassment" presents a potential threat to subsistence lifestyles in Alaska. SB469 will serve to protect lawful hunting rights and the special degree of dependence Alaska residents have on hunting and fishing resources.

Sincerely,

Julie E. Kitka
President

ESKIMO WALRUS COMMISSION
P.O. Box 948
Nome, Alaska 99762

March 13, 1990

Senator Steve Frank
P.O. Box V
Juneau, AK 99811

FAX # 463-3378

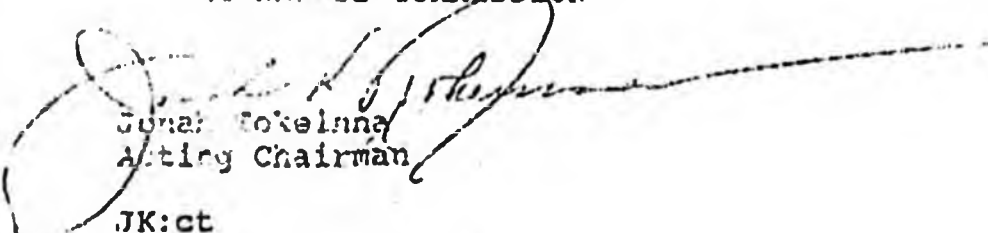
Dear Senator Frank:

The Eskimo Walrus Commission is supporting Senate Bill 469
adoption by the State Legislature.

We believe that adopting this Senate Bill would not
do justice on those people that have a legitimate right to
trap and fish.

Sincerely,

ESKIMO WALRUS COMMISSION


Jonna Tokelina
Acting Chairman

JK:ct



ALASKA OUTDOOR COUNCIL, INC.

3126 PALM BLVD. JUNEAU, ALASKA 99801
607-156-4141

P.O. Box 34097
Juneau, Ak. 99803

MEMORANDUM

DATE: March 13, 1990
TO: Senator Steve Frank
FROM: Ed Grasser, Director Legislative Affairs
RE: SB 469 Hunter Harassment

The Alaska Outdoor Council has continually supported the passage of legislation which will protect individuals engaged in lawful harvesting of fish and wildlife from undue harassment by those persons who believe such practices should be banned.

There are increasing incidents of unprovoked attacks by individuals opposed to the harvest of wildlife nationwide. These types of activities were not in evidence here in Alaska until recently; therefore, past efforts to protect an individual's legal harvest activities were denied by Governor Sheffield, who vetoed two different pieces of legislation which would have accomplished this vital goal.

This past year, Native peoples in remote areas of Alaska were harassed during their attempts to harvest fine mammals which they depend upon for a livelihood. These types of activities will no doubt increase as individuals opposed to the harvest of wildlife become bolder in their attempts to physically harass or prevent legal harvests from taking place.

The problems posed by the increasingly blatant attempts of anti-hunters for lawful outdoorsmen will continue to grow if we do nothing. We feel SB 469 is a step in the right direction to protect the rights of persons legally engaged in wildlife harvests. In our opinion it will go a long way toward solving any future potential conflicts between user groups and will help protect America's outdoor heritage.

S B

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FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HCSCSSB 81 (Fin)AMH

Revision Date: 16-Jan-92 Department Affected: Natural Resources
 Title: Establishing DNR as Platting Authority BRU: Land Management
in Certain Areas Components: Land Management
 Sponsor: Senator Fahrenkamp
 Requestor: House COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	77.0	77.0	77.0	77.0	77.0	77.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS.CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	85.0	85.0	85.0	85.0	85.0	85.0

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	85.0	85.0	85.0	85.0	85.0	85.0
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	85.0	85.0	85.0	85.0	85.0	85.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of Current year impact:

ANALYSIS:	(Attach a separate page if necessary)
See attached	

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Management Date: 16-Jan-92

Approved by Commissioner: Harold C. Heirze Date: 1/16/92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

Position Title Cadastral Surveyor I		No. of Positions 1	Range/Step 19A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	<p>Justification</p> <p>A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots locatable to future owners and surveyors retracing the lots in the future.</p> <p>We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.</p> <p>Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.</p>	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		62.5		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		68.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	68.5		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position

inpland1

AGENCY Natural Resources

BRU Land & Water

COMPONENT Land & Water

Page 1 of 1

Revised Date:

FY 93

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PP3	Staff Months 3	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification Three months of a Clerk Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files. Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		8.5		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		9.8		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	9.8		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Personal Services Salary and Benefits costs are from PACS.				

Request For
New Position

rnpland2

AGENCY Natural Resources
BRU Land & Water
COMPONENT Land & Water

Page 1 of 1

Revised Date: _____

FY 93

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 81 (FINANCE) am

Page 4, line 30, following "maps":

Insert ", site plans, or other graphic representations"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 81 (FINANCE) am

Page 4, line 23:

Delete "The"

Insert "Except for a subdivision of state land, the"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 81 (FINANCE) am

Page 5, line 3, following "sections":

Insert ", provided that the least aliquot part unit shall be not less than a 1/4 1/4 section"

Alaska State Legislature



SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
CAPITOL ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

Senate

MEMORANDUM

TO: Representative Jerry Mackie, Chair, Community and Regional Affairs Committee.

FROM: Senator Bettye Fahrenkamp

DATE: May 1, 1991

SUBJECT: SB 81.
An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; efd.

BILL SUMMARY:

- * DNR is established as the plat approval authority in areas of the unorganized borough without land use planning ordinances.
- * Minimal monumentation standards are established (page 4, line 4). The commissioner is directed to establish plat standards, but is specifically prohibited from setting engineering standards for subdivisions.
- * Maps prepared for the purpose of transferring leasehold interests; extraction of natural resources; or solely for the issuance of licenses or permits are exempted from approval requirement. Land disposals by aliquot part descriptions of 40 acres or more within surveyed sections are also exempt.

FISCAL IMPACT:

\$74.0 FN from DNR; Zero FNs from DEC, C&RA, and DOT.

DEPARTMENT POSITION:

Supported by DNR, DEC, DOT, C&RA. Requested by State Surveying and Mapping Advisory Board. Supported by AFN.

ABOUT THE BILL:

Under present law, in areas of the unorganized borough without land use planning ordinances, there is no requirement for subdivision plats to meet standards of mapping and monumentation before recording. This leads to problems of proving clear and clean title to subdivision parcels. With increased activity in subdivision, acquisition and conveyance in the unorganized borough; state agencies, survey professionals and Native regional corporations have come to the legislature to propose this bill as a solution.

An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date.

This bill was drafted at the request of the State Surveying and Mapping Advisory Board in order to address certain deficiencies and ambiguities in statute pertaining to subdivision plats in the unorganized borough.

Present Situation: In the unorganized borough, outside of municipalities with the power of land use regulation under AS 29.40, there is no requirement for any authority to approve the plat of a subdivision except for re-plats and vacations. At least two state agencies have limited approval authority. DEC has authority to see that a subdivision plat addresses environmental health questions, i.e. sewage and water provisions. DOT has authority relating to access from public roads and highways. However, no agency is granted authority to approve the plat of a subdivision to ensure that it will substantiate clear and clean title to the component parcels. This can lead to expensive re-plats and contentious litigation when questions of clear title arise.

WHAT THIS BILL DOES:

- ◆ CLOSES LOOPHOLE THAT ALLOWS RECORDING OF SUBDIVISIONS IN THE UNORGANIZED BOROUGH WITH INADEQUATE MONUMENTATION AND SLOPPY PREPARATION.
- ◆ APPLIES ONLY TO AREAS OF THE UNORGANIZED BOROUGH WHERE THERE IS NO MUNICIPALITY WITH LAND USE PLANNING ORDINANCES.
- ◆ ENSURES CLEAR AND CLEAN TITLE TO PARCELS.
- ◆ APPLIES TO SUBDIVISIONS FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT, DOES NOT INCLUDE CADASTRAL PLATS, CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE PARCEL PLATS CREATED BY, OR ON BEHALF OF THE STATE.
- ◆ DOES NOT APPLY TO MAPS PREPARED FOR LEASES, NATURAL RESOURCE EXTRACTION OR LICENSES OR PERMITS.
- ◆ DOES NOT APPLY TO ALIQUOT PART SUBDIVISIONS 40 ACRES OR LARGER.
- ◆ MINIMUM MONUMENTATION:
 - 5 OR FEWER LOTS= MONUMENT AT CONTROLLING EXTERIOR CORNER OF SUBDIVISION.
 - MORE THAN 5 LOTS= MONUMENT AT EACH CORNER OF THE SUBDIVISION.
 - IF NO MONUMENT OF RECORD LIES ON PARCEL OR TRACT BOUNDARY,

PLAT WILL REFLECT A BOUNDARY SURVEY AND TIE TO A MONUMENT OF RECORD.

◆ ESTABLISHES SPECIFIC MONUMENTATION REQUIREMENTS FOR GOVERNMENTAL BODIES ACQUIRING RIGHTS OF WAY FOR ROADS, AIRPORTS AND OTHER PUBLIC PURPOSES (THESE ARE MINIMAL AND REFLECT CURRENT DOT PRACTICES).

◆ FISCAL: BILL REQUIRES APPROVAL OR RETURN TO APPLICANT WITHIN 45 DAYS. ESTIMATED 150 PLATS PER YEAR WOULD FALL UNDER THIS SECTION. DNR FISCAL NOTE FOR \$74.0/YEAR IS FOR 1 FTE CADASTRAL SURVEYOR I AND A PART TIME CLERK TYPIST III. NOTE: DNR FY 92 DECREMENT REQUEST OF REDUCTION FROM 20 TO 12 CADASTRAL SURVEYORS. HOUSE BUDGET REFLECTS 14. THIS WOULD ADD ONE MORE BACK. STATE WOULD STILL HAVE 5 LESS CADASTRAL SURVEYORS THAN FY 91.

◆ THIS BILL DOES NOT AFFECT LAND USE PLANNING AUTHORITY IN MUNICIPALITIES OF THE UNORGANIZED BOROUGH THAT HAVE ORDINANCES.

◆ DOES THIS BILL MAKE SUBDIVISION PLAT REQUIREMENTS MORE STRINGENT IN THE UNORGANIZED BOROUGH?

YES, BECAUSE NOW THERE ARE NO REQUIREMENTS FOR APPROVAL, OTHER THAN FOR VACATIONS OF RIGHTS OF WAY ETC. AND RE-PLATS. REMEMBER, THIS BILL ONLY APPLIES TO AREAS OUTSIDE OF MUNICIPALITIES THAT HAVE LAND USE PLANNING ORDINANCES.

Article 2. Control of Plats, Subdivisions and Dedications.

Section
70. Platting authority

Section
75. Authority in the unorganized borough and third class boroughs

AMENDED

Sec. 40.15.070. Platting authority. If land proposed to be subdivided or dedicated is situated within a first or second class borough, the proposed subdivision or dedication shall be submitted to the borough planning commission for approval. If the land is situated within a city in the unorganized borough or the third class borough, the proposed subdivision or dedication shall be submitted to the city planning commission for approval. The borough planning commission is the platting authority for the first or second class borough, the city planning commission is the platting authority for the city, and the Department of Natural Resources is the platting authority in the remaining areas of the state and third class borough for the change or vacation of existing plats or a portion of such plats, as provided in AS 40.15.075. If the borough or the city does not have a planning commission, the borough assembly or the city governing body, respectively, is the platting authority and the proposed subdivision or dedication shall be submitted to it. A subdivision may not be filed and recorded until it is approved by the platting authority. (§ 1 (ch II) ch 115 SLA 1953; am § 68 ch 69 SLA 1970; am § 2 ch 112 SLA 1971; am § 36 ch 161 SLA 1988)

Cross references. — For planning, platting, and zoning by municipalities, see AS 29.40.

Effect of amendments. — The 1988 amendment, effective January 1, 1989, made a series of minor punctuation changes in the first two sentences, substi-

tuted "Department of Natural Resources" for "Division of Lands" in the third sentence, and rewrote the last sentence, which read "No subdivision may be filed for record until it is approved by the platting authority."

NOTES TO DECISIONS

Approval by department of environmental conservation. — Department of environmental conservation can validly require its approval of potential subdivision plans as a prerequisite to the recording and sale of any lots in the subdivision. State v. Anderson, Sup. Ct. Op. No. 3287 (File No. S-1824), P.2d (1988).

Stated in State v. Weidner, Sup. Ct. Op. No. 2788 (File Nos. 6220, 6240, 6272), 684 P.2d 103 (1984).

Cited in Kenai Peninsula Borough v. Kenai Peninsula Bd. of Realtors, Inc., Sup. Ct. Op. No. 2576 (File No. 6374), 652 P.2d 471 (1982).

REMOVED

Sec. 40:15.075. Authority in the unorganized borough and third class boroughs. The Department of Natural Resources is the platting authority in the area outside organized boroughs and outside cities in the unorganized borough and in the third class borough for only the purposes of hearing and acting on petitions for the change or vacation of plats and shall execute this function substantially in conformity with the provisions of AS 29.40.130 — 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid to the Department of Natural Resources by the petitioner. The Department of Natural Resources shall adopt reasonable regulations governing the exercise of the authority conferred by this section. (§ 1 ch 112 SLA 1971; am § 7 ch 118 SLA 1972; am § 64 ch 74 SLA 1985; am § 37 ch 161 SLA 1988)

Effect of amendments. — The 1985 amendment substituted "AS 29.40.130 — 29.40.160" for "AS 29.33.210 — 29.33.240" at the end of the first sentence and in the second sentence deleted "as well as other costs" following "mailing" and substituted "AS 29.40.130" for "AS 29.33.210"

The 1988 amendment, effective January 1, 1989, substituted "Department of Natural Resources" for "Division of Lands" in the first sentence and for "division" in the second sentence, and deleted "upon the Division of Lands" at the end of the third sentence.

Sec. 40.15.290. Definitions. In this chapter
(1) "street" includes streets, avenues, boulevards, roads, lanes, alleys, and other ways;
(2) "subdivision"
(A) means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided;
(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications. (§ 7 (ch II) ch 115 SLA 1953; am § 3 ch 95 SLA 1955; am § 41 ch 113 SLA 1981)

Repealed

7
provided in SB 81
DEFINITIONS

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

3601 C STREET
P.O. Box 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 762-2692

March 19, 1991

The Honorable Pat Pourchot, Co-Chairman
Senate Finance Committee
P.O. Box V
Juneau, Alaska 99811

Re: Senate Bill 81, State Platting Authority

Dear Senator Pourchot:

At the committee meeting held on March 12, 1991 you requested more information about three subjects. The following is in response to those questions.

Land ownership outside of organized municipalities

Of the 367,700,000 acres of land in the state, 201,261,238 acres lie outside of organized municipalities. This is comprised of 45,123,770 acres of state land, 22,660,538 acres land conveyed under ANCSA, and 133,476,930 acres of federal land (31,957,676 acres managed by BLM, 49,462,615 acres managed by the F&WS, 15,621,972 acres managed by the Forest Service, and 36,434,230 managed by the NPS).

There is also 5,055,536 acres of land in private ownership which includes Native allotments. We were not able, in this short period of time, separate that amount into how much is outside of municipalities. However, I would expect that the vast majority lies inside of municipalities.

Disposal by aliquot parts

The proposed legislation, at Section 40.15.360, states that the provisions making the state the platting authority do not apply to surveyed sections that are being disposed of by aliquot parts that are described as 40 acres or larger. This 40 acre aliquot part exclusion is the same that is offered in the Matanuska-Susitna, Fairbanks North Star, and Kenai Peninsula Boroughs.

The platting requirements that are being proposed in Senate Bill 81 are very easy to accomplish and have been abbreviated to a point that a further platting waiver to a smaller aliquot part is not necessary nor in a future land owners best interest. For example

Senator Pourchot
March 19, 1991
Page 2

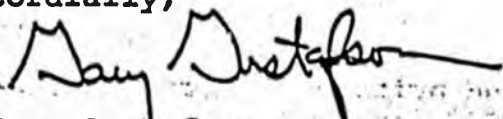
the legislation lightens the monumentation requirement for subdivisions of 5 and fewer lots to the point where only the exterior corners need to be monumented. This is also less than is required by most municipalities.

Positions

Enclosed is a revised fiscal note and the request for new positions. I apologize for not including the position forms with the original the fiscal note.

Please feel free to contact me if you or members of the committee have any additional questions.

Cordially,



Gary Gustafson
Director

cc: Senator Fahrenkamp, Dan Austin
Commissioner Heinze

FISCAL NOTE

STATE OF ALABAMA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 81

Revision Date: 19-Mar-91 Department Affected: Natural Resources
 Title: Establishing DNR as platting authority BRU: Land & Water Management
in certain areas Components: Land & Water Management
 Sponsor: Senator Fahrenkamp
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	74.0	74.0	74.0	74.0	74.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	74.0	74.0	74.0	74.0	74.0	74.0
FEDERAL FUNDS						
OTHER						
TOTAL	74.0	74.0	74.0	74.0	74.0	74.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680
 Division: Land & Water Date: 19-Mar-91

Approved by Commissioner: Harold Heinze Date: 19-Mar-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, R-questor, OMB,
 & Impacted Agency(ies).

Position Title Cadastral Surveyor I		No. of Positions	Range/Step 19 A	Barg. Unit GGU																																				
Time Status F/T	Staff Months 12	Location Anchorage		Election District																																				
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>2</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Salary</td> <td>41.4</td> <td rowspan="4"></td> </tr> <tr> <td>Benefits</td> <td>16.0</td> </tr> <tr> <td>Premium Pay</td> <td></td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td>58.2</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td>4.0</td> </tr> <tr> <td>Commodities</td> <td></td> <td>2.0</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td>64.2</td> </tr> </tbody> </table>		Type of Expenditure	2	Amount	1	2	3	Salary	41.4		Benefits	16.0	Premium Pay		Other		Total Personal Services		58.2	Travel			Contractual		4.0	Commodities		2.0	Equipment			Other			Total Cost		64.2	<p>Justification</p> <p>A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB 81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots readily locatable to future owners and surveyors retracing the lots in the future.</p> <p>We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.</p> <p>Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.</p>		
Type of Expenditure	2	Amount																																						
1	2	3																																						
Salary	41.4																																							
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Other																																								

**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component Land and Water

Page of
 Revised Date

FY 92

Position Title Clerk Typist III		No. of Positions 1	Range/Step 0B	Barg. Unit GGU
Time Status PP3	Staff Months 3	Location Anchorage		Election District
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	5.1			
Benefits	2.7			
Premium Pay				
Other				
Total Personal Services		7.8		
Travel				
Contractual		1.0		
Commodities		1.0		
Equipment				
Other				
Total Cost		9.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	9.8		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits costs are from PACS.				

Three months of a Clerk-Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.

**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component Land and Water

Page of
 Revised Date

FY 92

03/13/91 10:23

ANCH DLWN

DLWN DLWN

003 005

ANCH DLWN

002

Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

Alaska Federation of Natives, Inc.

April 2, 1991

Mr Lyman Hoffman
Alaska Senate
P. O. Box V
Juneau, Alaska 99811

Dear Senator Hoffman:

The drafting of CSSB 81 was an effort of the Department of Natural Resources Platting Advisory Board. Membership of the Advisory Board represents DNR, DCRA, private surveying interests and the AFN Land Committee.


The AFN Land Committee represents twelve regional and twenty five village ANCSA corporations. Mr Pete Nagel of Chugach Alaska Corporation has held a seat on the Advisory Board representing the Land Committee. The entire Land Committee has met on a quarterly basis to review draft language.

The CSSB 81 currently in Senate Finance Committee is supported by the Land Committee. The bill will assist ANCSA corporations in their efforts to purify title by codifying surveying and recording standards for those areas outside of municipal jurisdictions that administer subdivision and platting regulations.

The Land Committee appreciates your interest in this bill and requests your continued support for it.

Thank you.

Sincerely,


Lawrence H. Kimball, Jr.
Chairman, AFN Land Committee

S B

116



Official Business

Alaska State Legislature

Senate

SENATOR VIRGINIA COLLINS

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Representative Cliff Davidson, Chair
House Resource Committee

FROM: Senator Virginia Collins *VM*

DATE: March 22, 1991

RE: Senate Bill 116, "An Act relating to permits for the hunting of bison; and providing for an effective date."

I respectfully request that you schedule the above-referenced bill for a hearing at your earliest convenience. Senate Bill 116 passed the Senate by a unanimous vote. The revised fiscal note indicates that revenue would be generated on an increasing level from FY93 through FY97.

Under current law, the application fee for a drawing permit issued by the Department of Fish and Game for the hunting of bison in the Delta Junction Bison Range Area is \$10 and the fee in both the Farewell and Chitina herd areas is \$5.

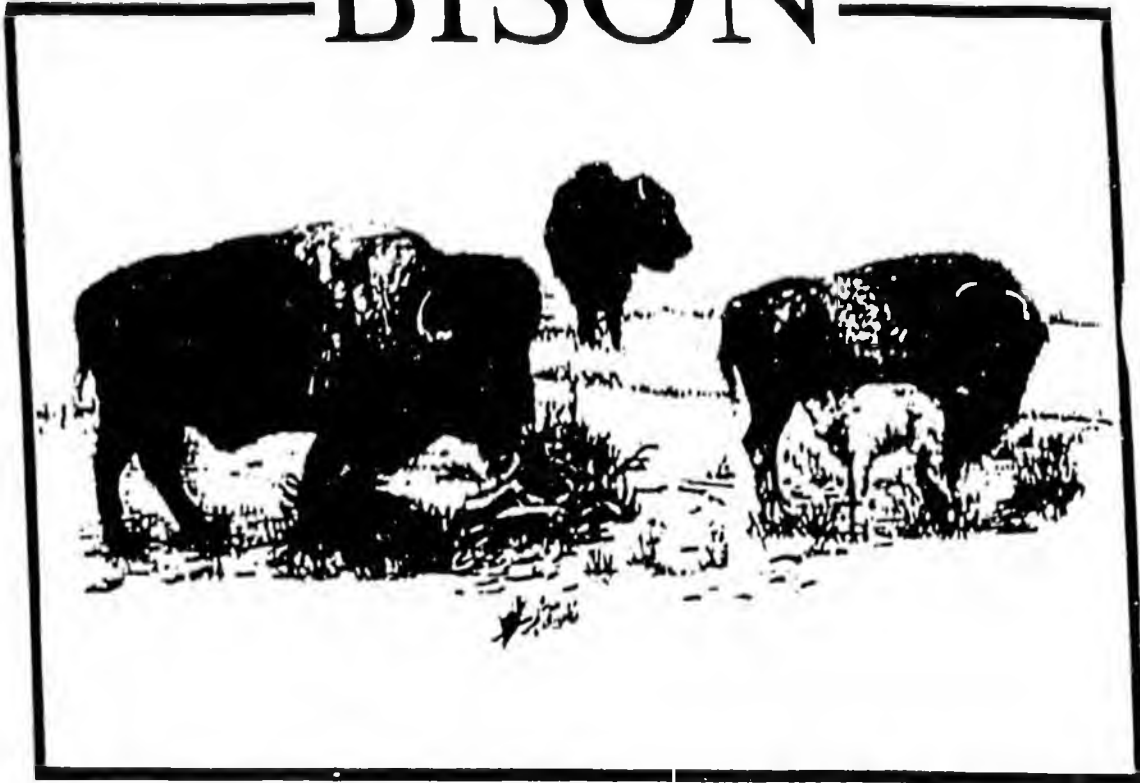
This bill would increase the fee in the Farewell and Chitina areas to \$10 so the fee would be consistent for the three areas.

This fee increase would allow for better range and herd management in each of the areas. Current funding is inadequate. Management includes providing areas of adequate forage for the bison, making aerial surveys to gather herd data including population figures, equipping some of the herd with tracking collars, and checking the herd for disease.

There is an increasing interest in bison hunts. The hunt is unique in North America and there is a growing demand and market for the meat. Applications are on the increase. Adequate funding to allow good management is imperative.

Please contact Marveen at 465-2828 if you have any questions.

BISON



Senate Bill 116

"An Act relating to permits for the hunting of bison; and providing for an effective date."

Contents

- a. Sponsor Statement
- b. Senate Bill 116
- c. Department of Fish & Game Revised Fiscal Note
- d. Department of Fish & Game Position Paper
- e. Alaska State Muzzle Loading Association letter of support
- f. McKinley Mountainmen Muzzle Loading Rifle Club letter of support
- g. Midnight Sun Muzzleloaders, Inc. letter of support
- h. Alaska Outdoor Council letter of support



Official Business

Alaska State Legislature

Senate

SENATOR VIRGINIA COLLINS

Pouch V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT

Senate Bill 116

Senate Bill 116, "An Act relating to permits for the hunting of bison; and providing for an effective date."

Under current law, the application fee for a drawing permit issued by the Department of Fish and Game for the hunting of bison in the Delta Junction Bison Range Area is \$10 and the fee in both the Farewell and Chitina herd areas is \$5.

This bill would increase the fee in the Farewell and Chitina areas to \$10 so the fee would be consistent for the three areas.

The fee increase would allow for better range and herd management in each of the areas. Current funding is inadequate. Management includes providing areas of adequate forage for the bison, making aerial surveys to gather herd data including population figures, equipping some of the herd with tracking collars, and checking the herd for disease.

There is an increasing interest in bison hunts. These hunts are one of only a few in the U.S. and Canada and there is a growing demand and market for the meat. Currently, the Alberta herd and the Yellowstone herd is experiencing an outbreak of a serious disease and many of the animals are having to be slaughtered. Applications are on the increase in Alaska. Adequate funding to allow good management is imperative.

This bill is supported by the Department of Fish & Game and the fiscal note indicates revenue increasing over the next five years. This bill is also supported by the Alaska State Muzzle Loading Association and the McKinley Mountainmen Muzzle Loading Rifle Club, Midnight Sun Muzzleloaders, Inc., and the Alaska Outdoor Council. Since no spring Farewell or Chitina bison hunt is anticipated, the fee increase would be effective with the 1992 fall hunt.

Your support of Senate Bill 116 would be appreciated.

SENATE BILL NO. 116
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR COLLINS

Introduced: 2/13/91
Referred: Resources and Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits for the hunting of bison; and providing for an effective
2 date."

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

4 * Section 1. AS 16.05.346(b) is amended to read

5 (b) The application fee for a drawing permit issued by the department for the hunting of
6 bison [IN THE DELTA JUNCTION BISON RANGE AREA] is \$10.

7 * Sec. 2. This Act takes effect January 1, 1992.

FISCAL NOTE

REVISED

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 116

Revision Date: March 11, 1991 Department Affected: Fish and Game
Title: An Act relating to permits BRU: Div. of Wildlife Conservation
for the hunting of bison Component: Wildlife Conservation

Sponsor: Senator Collins

Requestor: _____

COMPONENT SERIAL NO.

	4	7	3
--	---	---	---

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	\$15.5	\$17.9	\$20.5	\$23.6	\$27.2
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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

Estimate of current year impact: No FY 91 or FY92 impact.

ANALYSIS: (Attach a separate page if necessary.)

Projected revenue assumes (1) no Spring 92 Farewell bison hunt, and (2) an annual 15% growth rate in permit applications for the next few years, similar to the long-term increase in applications for the Delta Junction bison permit hunts.

Prepared By: Phil Kochl Phone: 465-4190

Division: Wildlife Conservation Date: 3/11/91

Approved by Commissioner: *Benjamin*

Agency: Department of Fish and Game Date: 3/11/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No: SB 116

Sponsor: Senator Collins

Division: Wildlife Conservation

Bill Title: An Act relating to permits for the hunting of bison

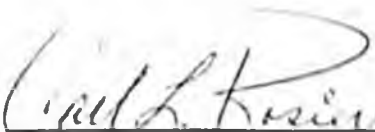
Department Position: Support

Application fees for drawing hunt permits for big game have been set by the Legislature at \$5. In 1985, the application fee for the popular bison hunts in the Delta Junction area were raised to \$10 to provide extra funding to help cover bison range management costs. At the time, hunting of Alaska's other 3 bison herds was very limited.

This bill would raise the application fee for permit drawing hunts for bison in the Chitina and Farewell herds and thus equalize the fee at \$10, statewide. The number of applications for the Farewell permit drawing has grown rapidly in recent years, and the hunt is heavily oversubscribed (in 1990-91 approximately 2700 applications for 70 permits). Hunting of the Copper River bison herd is currently managed by registration permit (no application fee is required). In the next few years, that hunt also will likely become a drawing permit hunt.

The increase in the application fee would provide a modest revenue source to the Fish and Game Fund. Although those funds cannot be dedicated, separate accounting would allow the department to allocate additional funds for bison range management and other projects that would benefit bison.

Commissioner's Signature



Date

2/20/91



ALASKA STATE MUZZLE LOADING ASSOCIATION

FEB 21 1990

February 21, 1990

Senator Virginia Collins
P.O. Box V
Juneau, Alaska 99811

Re: SB 116 (Bison permit fees)

Dear Senator Collins:

Because of historical interest our organization has a vested interest in the well being and health of the State's Bison herds. Bison are a very limited and highly prized game animal. We believe that it is important that the area Biologists have adequate funding to insure that they have the necessary information so that they can professionally manage the herds to meet the management objectives.

Therefore our organization fully supports the bill (SB 116) that you have introduced to raise the Bison drawing permit application fees to \$ 10 for all drawings (not just the Delta herd). Many of our members are hunters (both "subsistence" and recreational) and we support the "concept" of "user" fees that can help meet the management objectives.

Sincerely Yours,

A handwritten signature in cursive script that reads "Tim R Crawford".

Tim R Crawford, President
Alaska State Muzzle Loading Association
10034 Goodnews Circle
Anchorage, Alaska 99515

265-4800 (w) 344-1783 (h)





McKinley Mountainmen

MUZZLE LOADING RIFLE CLUB

P.O. Box 770555
Eagle River, Alaska 99577-0555



February 22, 1990

Senator Virginia Collins
P.O. Box V
Juneau, Alaska 99811

Regarding: S.B. 116 - Fees charged for Bison hunting permits.

Dear Senator Collins:

Our club was quite pleased to learn of your introduction of a bill to increase the permit fees charged for Bison hunting applications to \$ 10.00 for all the Bison permits and not just the Delta herd applications.

Alaska Bison are a limited resource that require effective management to insure that herds are maintained at the carrying capacity of their ranges. We fully support your Bill, S.B. 116, and hope that the additional income earned from the drawings held for biological harvesting will be able to benefit the management of those herds for which drawings are held.

Sincerely Yours,

Keith Bayha, President
McKinley Mountainmen Muzzleloading Rifle Club.
10443 Highbluff
Eagle River, Alaska 99577
Home: 694-4123

MIDNIGHT SUN MUZZLELOADERS, INC.
P.O. BOX 10612
FAIRBANKS, AK 99710
CHARLIE BIERMAN, PRESIDENT

SENATOR COLLINS
REF: SENATE BILL #116

DEAR SENATOR COLLINS:

I SUPPORT YOUR EFFORTS TO RAISE THE BISON DRAWING APPLICATION PERMITS TO \$10.00 FOR ALL DRAWINGS, NOT JUST THE DELTA HERD. I BELIEVE THAT THE AREA BIOLOGISTS SHOULD HAVE ADEQUATE FUNDING TO MANAGE THE HERDS.

CHARLIE BIERMAN
PRESIDENT

A handwritten signature in cursive script, appearing to read "Charlie Bierman", with a long horizontal flourish extending to the right.



MAR 10 1991

ALASKA OUTDOOR COUNCIL, INC.

March 11, 1991

Senator Jay Kerttula, Co-chair
Senator Pat Pourchoi, Co-chair
Senate Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Senators:

The Alaska Outdoor Council supports SB 116, a bill to establish parity among drawing permit application fees for bison hunts.

Hunters, trappers and fishers generally subscribe to the "user pay" philosophy, as evidenced by their advocacy of Pittman-Robertson, Dingell-Johnson, waterfowl stamp, and similar "user pay" state and federal laws. The Council opposed increased hunting and fishing license and tag fees proposed during the 16th Legislature for various reasons, foremost among them the reluctance of the previous administration to address long standing resource management concerns of hunters, trappers and sport fishers. We anticipate some change in that regard, but in any event, bison management has generally accomodated our interests. Given the potential for funding reductions for fish and game management, SB 116 will help ensure adequate funding for programs that have addressed conservation needs, including hunting opportunity. We are pleased that Senator Collins introduced this legislation, and thank her for her efforts.

Please pass SB 116.

Sincerely,

Richard H. Bishop
Legislative Affairs

cc: Governor Walter J. Hickel
Senator Collins

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: CHARLIE DIERMAN
TITLE:
ADDRESS: 533 ALBERTA
CITY: FAIRBANKS ZIP: 99712
PHONE: H/R-
BILL NO: SB 116
SUBJECT: BISON HUNTING PERMIT FEES
MESSAGE: I WOULD LIKE TO SEE THIS LEGISLATION PASSED AND SUPPORTED. THANK YOU.
EOM/CLS

POMID: 07150107
DATE: 91/04/17
TIME: 15:01:07
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN
IVAN
HOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: TIM CRAWFORD
TITLE:
ADDRESS: 10034 GOODNEWS
CITY: ANCHORAGE ZIP: 99515
PHONE: 344-1703
BILL NO: SB 116
SUBJECT: BISON HUNTING PERMIT FEES
MESSAGE: ON BEHALF OF ALASKA STATE MUZZLE LOADING RIFLE ASSOCIATION, I
ENCOURAGE YOUR SUPPORT FOR SB 116. THIS WOULD RAISE FAIRBANKS BISON PERMIT FEES
THE SAME LEVEL AS ALREADY BEING CHARGED TO DELTA BISON PERMITS. ADDITIONAL
FUNDS NECESSARY FOR LOCAL FIELD BIOLOGIST HERD MANAGEMENT. THANK YOU. /CHR

POMID: 03111901
DATE: 91/04/17
TIME: 11:19:01
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

LINCOLN
IVAN
HOYER
FINKELSTEIN
CARNEY
HUDSON
LEMAN
ZAWACKI

SB

145

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

May 13, 1991

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

The Honorable Cliff Davidson, Chair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

Subject: CSSB 145 (Res), which allows the state to sell or dispose of state land, for less than the appraised value, to a nonprofit corporation or association organized to manage a cemetery or solid waste facility.

Position: The Department of Natural Resources supports this bill.


Background: At this time, the department can lease but not sell land at less than fair market value to non-profit organizations for public or charitable purposes. We would, however, prefer to sell rather than lease land for a cemetery or solid waste facility because of the associated long term liability problems. Examples of local needs for cemetery or solid waste sites:

The Trapper Creek Community Services Organization has requested state land for a local cemetery. This bill would allow the organization to purchase state land, at less than fair market value, for the cemetery.

The Tolsona and Nelchina community councils have formed to provide fire protection and operate solid waste disposal facilities. The councils have identified local sites for the facilities and are willing to operate them. We are reluctant to lease land for the facilities because of the liability problem, and the communities cannot afford to pay fair market value to purchase the land.

Please let me know if you need additional information related to this bill.

Sincerely,


Harold C. Heinze
Commissioner

cc: Committee Members
Senator Menard
Bruce Kendall, Legislative Liaison, Office of the Governor
John Sandor, Commissioner, Department of Environmental
Conservation

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 145

Revision Date: _____
Title: State land as cemeteries and hazardous facilities
Sponsor: Senator Curt Menard
Requestor: Senator Curt Menard

Department Affected: DEC
BRU: Environmental Quality
Component: EQ Projects

COMPONENT SERIAL NO.

1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair
Division: Commissioner's Office

Phone: 465-2600
Date: _____

Approved by Commissioner: *Mendelsohn*
Agency: Dept. of Environmental Conservation

Date: 3/12/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SB

154



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

M E M O R A N D U M

April 30, 1992

TO: Rep. Ivan, Rep. Lehman and Rep. Carney
(House Resources SB 154 Subcommittee)
FR: David Finkelstein
RE: Proposed Changes to Draft House CS for SB 154

Yesterday, after the Resources Committee meeting, my staff met with Senator Rodey's staff and the banking industry to work out some of the concerns about my draft CS. They came up with some changes which I feel go a long way toward resolving these issues. I've asked Legislative Legal Services to draw up the changes, but I'll describe them to you generally so you are aware of them as soon as possible:

1. Draft CS, Page 3, lines 26-29: change the current language to say that the assessment shall require an inquiry into the history and current condition of the property, but not using the word "reasonable." The reason for the change is to avoid a vague word which tends to invite litigation. Also, change the site inspection requirement to state that site visits shall not be required if other information suggests that they are not necessary, so that rural loans are not so disadvantaged.
2. Page 3, line 31: change \$100,000 to \$250,000. Raising the assessment-triggering amount will help alleviate the concerns of the rural communities and will assure that assessments are not a prohibitively expensive addition to total property transaction costs.
3. Page 4, following line 1: add a new subsection that clarifies that the recording of an assessment does not create a right of action by any third party based on the correctness of the assessment. Also clarify that this new section does not require a borrower to have filed an assessment in the past to be exempted from total liability on previous loans.

If these changes are acceptable to you, I hope we can expedite the process of returning this bill to the Resources Committee without waiting to find a time when we can all meet. Please let me know your thoughts on these proposed changes.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 154 (JUD)

Revision Date: 4/23/92
 Title: Limiting Lender Liability/Oil and Hazardous Substance Releases
 Sponsor: Senator Rodey
 Requestor: _____

Department Affected: Environmental Conservation
 BRU: Spill Prevention and Response
 Component: Contaminated Sites

COMPONENT SERIAL NO. 1 | 4 | 3 | 1

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair
 Division: Commissioner's Office

Phone: 465-5010
 Date: _____

Approved by Commissioner: Janice Adair for John Sandor
 Agency: Environmental Conservation Date: 4/23/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Senate

MEMORANDUM

DATE: April 13, 1992
TO: Members, House Resources Committee
FROM: Senator Pat Rodey *Pat*
SUBJ: CSSB 154 (JUD) Liability of Security Interest Holders

This bill will be before you on Tuesday, April 14th. It addresses the needs of lenders, both commercial and individual, including those who choose to owner-finance the sale of their homes.

Its intention is to limit the liability of security interest holders (creditors) in certain hazardous contamination clean-up situations. Those situations are where lenders, as innocent third parties who did not initiate or contribute to a contamination, are currently held liable beyond their borrowers for any or all costs of containment or clean-up under our strict liability laws.

Lender liability can exceed the value of the loan or its collateral, and in some cases, place other company or personal assets at risk. Through SB 154, lender liability would be limited, but not eliminated, in certain cases.

Reasons for SB 154 are as follows:

1. To provide lenders with a clearer picture of potential liability so as to more realistically assess loan risk and collateral value.
2. To insure reasonable and consistent credit availability for Alaska business, especially small and mid-sized businesses.

To assist with questions regarding the implications of SB 154, several individuals will be on hand to testify. Ms. Janice Adair will appear for DEC to address regulatory concerns. Mr. Robert Regis, an assistant AG who litigates strict liability

cases for the state, will be available. Both of these individuals have contributed significantly to the current version of the bill. In addition, Mr. Gerard Diemer, Environmental Risk Officer for the National Bank of Alaska will be present.

The need for the provisions of SB 154 are not unique to Alaska. The impact of strict liability laws are being reviewed nationally. The Environmental Protection Agency has regulations pending which would provide some limits to lender liability. Several other states have passed legislation similar to this bill (see Diemer letter attached).

I invite your support of CSSB 154 (JUD) as a measure which fairly addresses an excess in Alaska's strict liability laws. This bill has been crafted to limit, but not eliminate, lender liability.

National Bank of Alaska



Corporate Headquarters P.O. Box 100600 Anchorage, Alaska 99510-0600 (907) 276-1132

January 28, 1992

Senator Patrick Rodey
Alaska State Senate
P. O. Box Z (MS3100)
Juneau, Alaska 99811

Dear Senator Rodey:

I want to ask you for your support of Senate Bill #154 which deals with issues of environmental liability to lenders. Passage of the Bill will facilitate small business commerce in the State of Alaska.

We all wish to live in a clean and healthy environment; however, we have become concerned over attempts to hold lender's liable for the cost of cleaning up a borrower's property.

Lenders already have adequate incentives to encourage their borrowers to engage in environmentally safe practices but lenders are not equipped to police the environmental activities of their borrowers. Imposition of unlimited liability on lenders can be expected to restrict credit to any borrowers where there is environmental risk. A reduction in the availability of credit threatens businesses and their ability to contribute to cleanup of the environment and thereby also frustrates environmental interests.

Banks are now examining property carefully before they foreclose and sometimes walk away from their collateral in order to avoid liability. I have been designated the banks' "Environmental Risk Officer". As such, I review loan requests to assess the level of risk to the bank.

Imposing liability for environmental cleanup costs on lenders is likely to do little to prevent pollution, but may interfere with the availability of credit to even prudent businesses that use hazardous substances such as fish processors, all maritime businesses, trucking, car dealerships, dry cleaners, aviation and service stations to name just a few.

Senator Patrick Rodey
January 28, 1992
Page 2


We recently declined credit to a gift shop in Valdez, not because they used hazardous substances, but because they were next door to a service station. In rural Alaska most communities rely exclusively on petroleum for heat and transportation and to operate all forms of equipment essential to their livelihoods. Existing State environmental laws were modeled after what others have done in the lower 48 and do not consider problems unique to Alaska.

Meanwhile, other states continue to pass legislation similar to Senate Bill #154. In 1991 alone Arizona, Illinois, Indiana, Maine, Maryland, Minnesota, Missouri, Hawaii, Nebraska, Oregon, Texas, West Virginia, Indiana, Montana and New Mexico all passed such legislation.

Again I ask you for your support of Senate Bill #154.

Sincerely,

NATIONAL BANK OF ALASKA


Gerard Diemer
Assistant Vice President
Commercial Credit Services

GD:ld

FACSIMILE

DATE: March 25, 1992
TO: Cliff Davidson
COMPANY:
FACS NO.: 907/465-2864
FROM: Al Haslebacher
COMPANY: Spokane District Farm Credit Council
TOTAL PGS.: 2

SPECIAL INSTRUCTIONS OR COMMENTS:

We wanted you to know the Farm Credit Bank of Spokane supports this legislation and encourage you to give me a call if you would like additional background information.

Thanks.

WE ARE TRANSMITTING FROM AN AUTOMATIC FACSIMILE.
TO TALK TO US: 509/838-9669
TO FACSIMILE TO US: 509/838-9445

THE SPOKANE DISTRICT FARM CREDIT COUNCIL

FARM CREDIT BANKS BUILDING - POST OFFICE BOX 246-05 - SPOKANE, WASHINGTON 99220 • (509) 838-9208

Testimony
on
Senate Bill 154
In the Legislature of the State of Alaska
Before the House Resources Committee
3/25/92
by
Al Haslebacher
President, SDFCC

The Spokane District Farm Credit Council is a trade association representing the legislative interests of cooperative lenders in the Twelfth Farm Credit District. Our members, the Farm Credit Bank of Spokane and the Northwest Farm Credit Services, an agricultural credit association, have over two billion dollars in loans outstanding in our five states of Alaska, Idaho, Montana, Oregon, and Washington. Farm Credit system loans in Alaska cover farms, rural homes, fishing boats, cooperative operations/facilities, and timber.

Lender liability relative to "clean-up" of acquired properties is a growing concern and will eventually tend to restrict mortgage credit unless some reasonableness is returned to CERCLA legislation. Alaska Senate Bill 154 is positive legislation that we support.

If any "tales of horror", relative to acquired properties and the resultant "losses" to the lender, would be helpful to your consideration of the bill, we can provide them. If you need any clarification or elaboration please feel free to call me at (509) 838-9208.

Al Haslebacher
President, SDFCC

Alaska State Legislature



Senate

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

SPONSOR SUMMARY

CS Senate Bill 154 (JUD)

CSSB 154 (JUD) is intended to address inequities in strict liability laws where innocent third parties are held liable for unpermitted hazardous substance contamination. Specifically, the bill limits (but does not eliminate) the liability of security interest holders (creditors), and fiduciaries.

Originally intended to address the concerns of the state's commercial lenders, the bill has now been broadened to include individual lenders, including those who owner-finance property.

Section 1 defines circumstances where limited liability is, and is not, applicable.

Section 2 (f) limits a person's property which may be subject to the state's lien for cleanup costs; states that a person's liability is limited to the difference, if any, in the positive fair market value before the state's cleanup action, and FMV after the conclusion of cleanup action.

(g) provides that the state's lien is subject to prior parties' perfected liens.

CSSB 154 (JUD) rectifies shortcomings in the original strict liability laws enacted in 1989, but does not unduly impact on the substance, intent, or effectiveness of those laws.

The bill enjoys the support of DEC. There is a zero fiscal note.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. α
Bill Version: CSSB 154 (JUD)
(S) Publish Date: 3-11-92

Revision Date: _____ Department Affected: Environmental Conservation
Title: Lender liability for environmental damage BRU: Spill Prevention and Response
Component: Contaminated Sites
Sponsor: Rodey
Requestor: Rodey

COMPONENT SERIAL NO.

1	4	3	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

If SB 154 is enacted into law, the number of contaminated sites for which the State would become responsible for cleaning up would be expected to increase. Also, the limitation on cost recovery to that property which was subject to the cleanup would be expected to severely limit DEC's ability to cost recover. However, estimating the first impacts of these expectations is not possible.

Prepared By: Janice Adair Phone: 465-5050
Division: Commissioner's Office Date: January 26, 1992
Approved by Commissioner: Jan A. Davidson
Agency: Environmental Conservation Date: January 27, 1992

Patrick M. Rodey
Senator

Alaska State Legislature



311 C. St., Suite 512
Anchorage, Alaska 99503
(907) 561-7618


During Session
PO Box V
Juneau, Alaska 99801
(907) 465-3793

Senate

M E M O R A N D U M

DATE: March 20, 1992

TO: Representative Cliff Davidson
Chairman, House Resources Committee

FROM: Senator Patrick M. Rodey 

SUBJ: Request for Committee Hearing - CSSB 154 (JUD)

I request that CSSB 154 (JUD) be scheduled for a hearing in the House Resources Committee at your earliest convenience. A bill summary is attached. The bill has undergone a great deal of scrutiny in the Senate Resources and Judiciary Committees, and enjoys broad support.

A hearing and favorable recommendation from your committee would go a long way toward refining good public policy under the state's strict liability laws.

Support material and further assistance are available from Tim Benintendi of my staff at 3793.

RECEIVED MAR 23 1992



DENALI STATE BANK

119 N. Cushman Street • (907) 450-1400 • FAX (907) 450-2140 • P.O. Box 74568 • Fairbanks, Alaska 99707-4568

March 17, 1992

Representative Davidson
House of Representatives
State Capitol
Juneau, AK 99801-1182

RE: SB154 "An Act Relating to the Liability of Financial Institutions Arising Out of an Unpermitted Release of a Hazardous Substance or the Substantial Threat of an Unpermitted Release of a Hazardous Substance, and to Liens on the Property of Financial Institutions Resulting From an Oil or Hazardous Substance Spill or the Threat of an Oil or Hazardous Substance Spill"

Dear Representative Davidson:

This letter is being written both as President of Denali State Bank and in my current capacity as President of the Alaska Bankers Association.

I am asking you to support SB154 as it has passed the Alaska State Senate. The passage of this bill is vitally important to financial institutions in the State of Alaska and the borrowing customers that we serve. Much effort has been put into this bill by Senator Rodey and his staff, the Department of Environmental Conservation, and the Alaska Bankers Association. I am confident that it will fulfill the needs of all parties concerned.

Your support of this bill will be sincerely appreciated. Please do not hesitate to contact the undersigned if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Gary Roth".

Gary Roth
President and Chief Executive Officer

GR/bf

RECEIVED

Key Bank of Alaska
A KeyCorp Bank



Post Office Box 100420
Anchorage, Alaska 99510-0420
(907) 562-6100

Don Mogck
Vice President

Direct Line: (907) 564-0448
Fax: (907) 564-0200

March 12, 1992

Representative Cliff Davidson
Alaska State Legislator
State Capital - 108 Capital Building
Juneau, Alaska 99801-1182

Re: SB 154

Dear Representative Davidson:

I represent the Alaska Bankers Association in our efforts to clarify the security interest exemption in the state environmental strict liability law. As a member of the House Resources committee, you will likely be hearing of SB 154 soon. I would like to take this opportunity to briefly outline the problem, and to educate you as to what we feel is a partial solution. I have enclosed a copy of the bill for your reference.

The state strict liability law, AS 46.03.822 - 828, is patterned after the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, aka Superfund). In both state and federal law there was a security interest exemption for lenders and other security holders. Over all the years, because of ambiguities in the in the wording, court cases have eroded the exemption. Lenders have been held to be liable as owners by foreclosing on a property, even though the lender had nothing to do with causing the problem and was only acting to protect a security interest. Courts have gone so far as to suggest that a lender may be liable as an operator if, in the words of the court, " the lender had the capability to influence hazardous waste decisionmaking through financial relationships". Because lenders may be the only deep pocket left after a clean up, they are easy targets for enforcement agencies.

The lending industry is very alarmed at the situation. The law and case decisions greatly increase the risks of lending money. Lenders, in many cases, are unable to lend money into the communities we serve, because of the environmental risks. Not being able to lend is very unsettling to our industry, as this is the primary way we invest in our communities. However, under current law, the risks of lending into a situation with any

Representative Cliff Davidson
Page Two

potential environmental liability, particularly in the case of someone requesting funds to perform a clean up and also in the case of small loans, far outweigh the rewards.

As a partial solution, we have proposed SB 154, legislation that would clarify the security interest exemption. The clarification would allow a lender to hold indicia of ownership, which may include full legal title through foreclosure or equivalent, as long as the lender is holding primarily to protect a security interest, and does not participate in the management of a vessel or facility. Participating in management is also clarified, so that a lender will not risk liability unless there is actual participation in the management or operational affairs.

A second section of the bill addresses the state's lien for clean up and the ability of the state to recover on its lien from a property owner not otherwise liable, to the extent of an increase in the value of the property resulting from the state's clean up.

The Alaska Department of Environmental Conservation and the Office of the Attorney General have considered the bill, and in fact the present draft of the bill is their version. We certainly appreciate their involvement and hope for their continued support of this legislation.

Please call me if you or your staff have any questions regarding the bill. I ask for your support of the bill, as it will be crucial if we are to pass the bill this session.

Thank you.

Sincerely,



Dan Mogck
Vice President

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-2007 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 9, 1992

SUBJECT: Sectional summary of CSSB 154 ()
(Work Order No. 7-LS0716/Y, 3/4/92)

TO: Senator Pat Rodey
Attn: Tim

FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have requested a sectional summary of the above described bill draft. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. This section amends AS 46.03.826, the section that defines the terms for the sections relating to strict liability for releases (and threatened releases) of hazardous substances. The amendment adds definitions for certain terms that are used in the definition of "owner" and "operator".

Section 2. This section adds provisions to the section that gives the state a lien for its costs of response, containment, removal, or remedial action.

AS 46.08.075(f) limits the property of a person (if the person is not an owner or operator under AS 46.03.826) that the state can file a lien against. The property is limited to property that was subject to the state's response, containment, removal, or remedial action. Limits the lien and the person's liability to the difference between the value of the property before and after the state's action, to the extent the difference results directly from the state's action.

AS 46.08.075(g) makes the state's lien in (f) subject to the rights of certain parties if the parties' interests were perfected before notice of the state's lien was recorded.

Senator Pat Rodey
March 9, 1992
Page 2

Gives the parties the same protections against the state's lien under (f) that they have under state law against judgment liens that arise out of unsecured obligations and that arise at the same time notice of the state's lien was filed.

If I may be of further assistance, please advise.

TLB:pl
92-164.plm

National Bank of Alaska



Corporate Headquarters P.O. Box 100600 Anchorage, Alaska 99510 (907) 276-1132

January 27, 1992

Senator Patrick Rodey
Alaska State Senate
P.O. Box 2 (MS3100)
Juneau, AK 99811

Dear Senator Rodey:

The State Banking Association is supporting Senate Bill #154 which we believe would encourage lending to small business. The reason for our support for this legislation is to facilitate small business commerce in the state of Alaska and to place the blame for environmental problems on the guilty parties. We must be able to make loans to small business without the constant threat of being required to cleanup environmental problems in which we were unaware nor did we contribute to the environmental problem. We believe in a due diligence by the state to protect us from environmental hazards.

We believe in the concept of a clean environment and that Alaska is in much better shape than much of the U.S. We do become extremely skittish when a state leasing official encourages us to make loans on its property and tells us that due to our financial resources, they would require us to cleanup any environmental problems regardless whether the problem was created by the state itself, an adjacent property owner, or a previous ground lessee.

Borrowing in the future will become more difficult if the state anticipates that we pay for everyone's environmental problems. We are encountering more and more cases whereby the marginal environmental risk causes us to decline to make the loan because of unknown future problems which we might encounter. We encourage you to vote for Senate Bill #154 which will go a long way to encourage lenders to lend on real estate and to small business.

Sincerely yours,

A handwritten signature in cursive script that reads "Jan Sieberts".

Jan Sieberts
Senior Vice President

sr



ALASKA CREDIT UNION LEAGUE

SUITE 650, 4000 CREDIT UNION DRIVE
ANCHORAGE, ALASKA 99503-6647
(907) 562-1255

Alaska Credit Union League Statement in Support of CS for SB 154

There are 18 credit unions in Alaska (16 federally chartered, 2 state chartered) and all are members of the Alaska Credit Union League, a trade association dedicated to protecting and serving the interests of Alaska's credit unions and the members who own them.

Some 338,000 Alaskans are currently members of these 18 credit unions. Obviously, credit unions are considered by Alaskans to be among the safest financial institutions in the marketplace.

However, in today's economic climate, the financial services industry and its regulators are very concerned about real estate loan losses. From a lender's standpoint, the factor which creates the greatest potential for loss is not market risk or credit risk but the risk associated with environmental contamination. Under state law, a lender can be held strictly liable for the cost of clean up of contaminated properties- regardless of who contaminated the property. The current owner (which a lender becomes through the foreclosure process) is financially responsible for clean up and damages.

There is no way to guarantee that during the term of the loan the property value will not be impaired by contamination. If the individual owner is not financially capable of cleaning up a property, the state can file a lien superior to a pre-existing lenders lien. This situation has curtailed and eliminated sources of credit for real estate lending (this includes business loans secured by real estate, home equity loans and loans for the improvement and purchase of homes).

In fact, Alaska USA Federal Credit Union discontinued granting real estate loans in October of 1989 because of losses and potential losses incurred or threatened under the strict liability provisions of state law. Prior to that time, the credit union granted \$50 million in real estate loans each year. It is the position of the Alaska Credit Union League that the availability of credit for real estate related purposes is an essential part of the Alaska economy.





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Currently, prudent lending requires not only the traditional appraisal, title insurance, etc. but also site assessment for the detection of environmental contamination. If through the site assessment contamination is discovered, then the law requires it to be reported. If the contaminated real estate is ever to have economic value, it must be cleaned up. It makes good environmental sense to encourage lending because the lender as a third party must do site assessments and has great incentive (loss of loan and collateral) to do thorough assessments to identify contaminated or potentially contaminated properties that might otherwise go undetected and unreported for years.

The changes to existing law proposed by CS of SB 154 encourage the more active involvement of financial institutions in real estate lending by limiting (not eliminating) liability of financial institutions that have acquired contaminated facilities or vessels through foreclosure or trust agreements. We believe it is in the best interest of the environment, the economy, and the people of the State of Alaska that SB 154 become law this session.



7-LS0716W
Bannister
5/11/92

HOUSE CS FOR CS FOR SENATE BILL NO. 154 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR RODEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the liability of certain security interest holders arising out of an
2 unpermitted release of a hazardous substance or the substantial threat of an unpermitted
3 release of a hazardous substance, and to liens on the property of certain security interest
4 holders resulting from an oil or hazardous substance spill or the threat of an oil or
5 hazardous substance spill."

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

7 * Section 1. AS 40.17.110(b) is amended by adding a new paragraph to read:

8 (61) an environmental risk assessment under AS 46.03.827.

9 * Sec. 2. AS 46.03.826(8) is amended to read:

10 (8) "owner" and "operator"

11 (A) mean

12 (i) in the case of a vessel, any person owning, operating, or
13 chartering by demise, a vessel;

1 (ii) in the case of facility, any person owning or operating the
2 facility;

3 (iii) in the case of an abandoned facility or vessel, any person who
4 owned, operated, or otherwise controlled activities at the facility or vessel
5 immediately before the abandonment; and

6 (iv) in the case of a facility or vessel, title or control of which was
7 conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar
8 means to a unit of the state or a political subdivision of the state, any person who
9 owned, operated, or otherwise controlled the facility or vessel immediately
10 beforehand;

11 (B) do not include a person who, without participating in the management
12 of a vessel or facility, holds indicia of ownership primarily to protect that person's
13 security interest in the vessel or facility and, if required by AS 46.03.827, files the
14 environmental risk assessments required by that section;

15 * Sec. 3. AS 46.03.826 is amended by adding new paragraphs to read:

16 (16) "indicia of ownership" means evidence of interests in real or personal
17 property held as security for a loan or other obligation, including full title to real or personal
18 property acquired through foreclosure or an equivalent procedure, and including a mortgage, deed
19 of trust, assignment, lien, pledge, or other right to or other form of encumbrance against property
20 that is recognized under applicable law as establishing a bona fide security interest;

21 (17) "participating in the management of a vessel or facility" means the actual
22 participation in the management or operational affairs by the person who is the holder of the
23 security interest; in this paragraph, "participating in the management of a vessel or facility"

24 (A) includes exercising decision-making control over

25 (i) the borrower's environmental compliance, to the degree that the
26 security holder has undertaken responsibility for the borrower's actions that result
27 in a release or threatened release; or

28 (ii) all or substantially all of the operational affairs of the
29 borrower's enterprise, other than environmental compliance;

30 (B) does not include

31 (i) the mere capacity or ability to influence, or the unexercised

- 1 right to control, facility operations;
- 2 (ii) undertaking or requiring an environmental audit or inspection;
- 3 (iii) imposing a requirement that the borrower clean up the vessel
- 4 or facility before or during the term of the security interest;
- 5 (iv) imposing a requirement of assurance that the vessel or facility
- 6 remains or is maintained in compliance with all applicable local, state, and federal
- 7 laws and regulations for the life of the loan or security interest; or
- 8 (v) periodic or regular monitoring of the borrower's business or
- 9 financial condition, loan workouts, or other actions that are reasonably necessary
- 10 for the security holder to adequately maintain the security interest;
- 11 (18) "primarily to protect a security interest" means that the indicia of ownership
- 12 in the vessel or facility are held for the purpose of securing payment or performance of a
- 13 financial obligation, including a mortgage, installment sale, trust receipt transaction, assignment,
- 14 or other financing arrangement; "primarily to protect a security interest" does not include an
- 15 ownership interest in property held for investment purposes, or for purposes other than as
- 16 protection of a security interest.

17 * Sec. 4. AS 46.03 is amended by adding a new section to read:

18 Sec. 46.03.827. ENVIRONMENTAL RISK ASSESSMENTS. (a) In order for a person

19 to qualify for the exclusion under AS 46.03.826(8)(B) from being considered an owner under

20 AS 46.03.822 - 46.03.828 for nonresidential real property in which the person has a qualifying

21 security interest, the person shall

22 (1) prepare and record under AS 40.17 an environmental risk assessment for each

23 of the person's qualifying security interests; and

24 (2) record under AS 40.17 all environmental risk assessments prepared by the

25 person on or after the effective date of this Act for nonresidential real property.

26 (b) In order for a person to qualify under (a) of this section, an environmental risk

27 assessment under (a) of this section must be recorded within 90 days after the assessment is

28 completed.

29 (c) A person preparing and recording an environmental risk assessment under (a) of this

30 section is not liable to another person for damages resulting from the assessment being erroneous

31 if the preparation and recording of the assessment complies with this section.

1 (d) In this section,

2 (1) "environmental risk assessment" means an assessment

3 (A) that assesses whether real property is or has been contaminated by
4 hazardous substances;

5 (B) that is based on at least an inquiry into the history and current
6 condition of the real property and, unless other information indicates the site inspection
7 is not necessary, a physical site inspection for obvious evidence of contamination by
8 hazardous substances; and

9 (C) whose form and content are otherwise determined by the person
10 preparing and recording the assessment;

11 (2) "qualifying security interest" means a security interest in nonresidential real
12 property if the security interest secures an indebtedness of over \$500,000 and is created on or
13 after the effective date of this Act.

14 * Sec. 5. AS 46.08.075 is amended by adding new subsections to read:

15 (f) Notwithstanding (a) of this section, if the property subject to the response,
16 containment, removal, or remedial action by the state is owned by a person who, under
17 AS 46.03.826(8)(B), is not considered an owner or operator under AS 46.03.822 - 46.03.828, and
18 who is not otherwise responsible for the action, the state may file a lien against only that property
19 that was subject to the state's action. If the lien is filed, the lien and the person's liability to the
20 state for the state's costs of the action is limited to the difference, if any, in the positive fair
21 market value of the property before the state's action and the fair market value of the property
22 after the conclusion of the state's action, to the extent the difference has resulted directly from
23 the state's action. In this subsection,

24 (1) "action" means response, containment, removal, and remedial action;

25 (2) "person" has the meaning given in AS 46.03.900.

26 (g) The lien imposed by (f) of this section is subject to the rights of a purchaser, holder
27 of a security interest, or judgment lien creditor if the interest of the purchaser, holder, or creditor
28 is perfected under applicable law before notice of the lien imposed by (f) of this section is filed
29 in the appropriate recorder's office under (b) of this section. The purchaser, holder of a security
30 interest, or judgment lien creditor shall be afforded the same protections against the lien imposed
31 by (f) of this section as are afforded under state law to a purchaser, holder of a security interest,

- 1 or judgment lien creditor against a judgment lien that arises out of an unsecured obligation and
- 2 that arises at the same time the notice of the lien created under (f) of this section is filed.

SB

1911



Alaska State Legislature

SENATOR RICHARD I. ELIASON

President of the Senate

P.O. Box V
Juneau, Alaska 99811
(907) 465-3755

M E M O R A N D U M

TO: Rep. Cliff Davidson, Chairman
House Resources Committee

FROM: Sen. Dick Eliason *Dick Eliason*

DATE: April 30, 1991

RE: Scheduling of SB 191 (Homesite Entry Program)

I would like to request that you schedule a House Resources Committee hearing for SB 191.

SB 191 is intended to correct several inequities and administrative problems of the homesite entry program. Over the last few years of administering the program DNR has been faced with several situations which had either not been anticipated or had not been spelled out in enough detail when the program was initiated.

Under current law, a person or household can only hold one homesite permit. Since the law does not provide for any exceptions, if someone who has their own homesite permit inherits another one, they would be forced to give up their own or the inherited permit. Or if two permit holders get married, one or the other would be forced to give up their permit.

Other problems or lack of legal clarity have come to light regarding the divorce or marriage dissolution of permit holder, deadlines for building a structure on the homesite, and requirements for mobile homes on homesites. SB 191 will correct these problems.

Last session the Senate unanimously passed a bill which addressed the inheritance problem just as this bill does. That bill died in House Rules. This bill reintroduces the solution to that problem and cleans up the other concerns as well.

The Department of Natural Resources testified that the bill, as it left the Senate, will not cause any problems regarding past rulings. All of the homesite cases which have come up regarding the marriage or inheritance problem have been kept in abeyance, and any homesite titles granted under the old provisions regarding mobile homes and so on will not be affected by this bill.

The bill has a zero fiscal note.

When we set up state programs, we can't always foresee every situation that might develop. This bill is aimed at correcting and clarifying the laws on the homesite entry program to make the program better, fairer, and easier to administer.

I will attach some back-up information on SB191. If you need additional information please contact my office. I would suggest that Mr. Ron Swanson of DNR, Division of Land and Water Management (762-2529), be contacted to testify, perhaps by teleconference from Anchorage, regarding the details of the bill.

Thank you for your consideration.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

April 3, 1991

The Honorable Rick Halford, Chair
Senate Judiciary Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Halford:

Subject: SB 191, which corrects inequities and administrative problems in the department's homesite entry land disposal program.

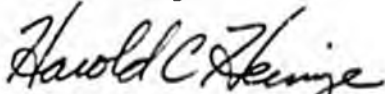
Position: The Department of Natural Resources supports this bill.

Background: The state's homesite program allows state residents of at least 18 years of age to apply for a permit to occupy and improve a homesite parcel in order to qualify for patent to the land. Only one homesite parcel is allowed per person and per household. To receive patent to the land, the applicant must erect a permanent, habitable dwelling within five years of receiving the permit and live on the land for 35 months within a seven year period. Five percent of the fair market value of the land may be paid to the state as a substitute for the 35 month living requirement.

In administering the department's homesite entry land disposal program, a number of inequities and administrative problems have come to light, including: inheritance of permits, transfer of permits, more than one permit per household because of divorce and remarriage, the deadline for building a structure on the homesite, and when deadline extensions may be granted. This bill would address these inequities and problems.

Please let me know if you have questions about this matter.

Sincerely,



Harold C. Heinze
Commissioner

enclosures

cc: Senator Eliason
Senator Duncan
Senator Menard
Committee Members
Bruce Kendall, Legislative Liaison, Office of the Governor