

**ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672**

**8976 SENATE RESOURCES**

*Jean*

# FISCAL NOTE

STATE OF ALASKA

BILL NO. SB201

1996 LEGISLATIVE SESSION

Revision Date: Original Dept Affected Natural Resources  
 Title: An Act relating to the employment of BRU: Resource Development  
emergency fire-fighting personnel by the commissioner of... Component: Forest Management & Development  
 Sponsor: Senator Lincoln  
 Requestor: \_\_\_\_\_ Component Serial No. 435

Expenditures/Revenues	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

This is a zero cost fiscal note for the operating budget. Funding will be provided by the agency(s) requesting fire management work other than wildland fire suppression. This bill would provide DNR authority to hire EFF crews under AS 41.15.030 for fire management work.

In FY95 the Division received approval through the capital budget to receive and expend up to \$500,000 in federal receipts to supply Emergency Fire Fighting crews to federal agencies on a reimbursable basis. (Reference: SLA94-00363, Sec 10, Pg 10, Ln 23). This bill provides hiring authority to DNR to utilize EFF for other fire management work under AS 41.15.030. The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and the U.S. Forest Service have identified prescribed burning projects which require approximately 300 days of work for trained fire fighting crews. This work cannot be effectively or efficiently conducted without a trained workforce.

Prepared by: Tom Bruhn, Director Phone: 465-3379  
 Division: Forestry Date: 31-Jan-96  
 Approved by Commissioner: [Signature] Date: 31-Jan-96  
 Agency: Natural Resources

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**ALASKA FEDERATION OF NATIVES, INC.**

1577 C Street, Suite 201, Anchorage, Alaska 99501  
907-274-3611 - Fax 907-276-7989

March 18, 1996

The Honorable Georgianna Lincoln  
Alaska State Senate  
State Capitol  
Juneau, Alaska 99801-2652  
Via Fax Mail: (907)-465-2652  
3 Page Fax. No Hard Copy to follow

RE: SB 201

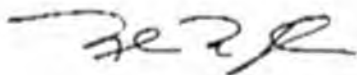
Dear Senator Lincoln:

Please be advised that the Alaska Federation of Natives (AFN) supports SB 201 as it presently stands. AFN supports and continues to support the mitigation of wildfire hazards as evidenced by the enclosed AFN Convention Resolution 92-96.

This bill will not only authorize the Commissioner of Department of Natural Resources to conduct fire suppression, fire hazard reduction, among others, it will provide employment opportunities for fire fighting crews who reside in rural/busli Alaska where such opportunities are very limited.

If you have any questions concerning this letter or the attached resolution, please call me at AFN.

Sincerely,



Nelson N. Angapak, Sr.  
Special Assistant, Lands

Attachment



## ALASKA FEDERATION OF NATIVES, INC.

## 1992 ANNUAL CONVENTION

## RESOLUTION 92 - 96

**TITLE:** WILDLIFE FIRE HAZARD MITIGATION PROPOSAL

**WHEREAS:** annually the State of Alaska, Department of Natural Resources, Division of Forestry, spends an average of \$11.6 million on wildland fire suppression activities; and

**WHEREAS:** this amount is above the regular operating, pre-suppression, budget; and

**WHEREAS:** the fire season fluctuates dramatically from year to year; and

**WHEREAS:** of the expenses, an average of \$4 million is paid to village fire fighting crews, and the Bureau of Land Management expends an average of \$4.2 million in fire fighting wages, thus combined expenditures average \$8 million in wages; and

**WHEREAS:** wildland fires routinely threaten man-made improvements, villages and communities, yet little is done in terms of mitigation near villages; and

**WHEREAS:** mitigation measures would enable villages, communities, and other valuable properties to be made fire safe by the creation of defensible space over a period of time; and

**WHEREAS:** mitigation measures would eventually reduce suppression costs; and

**WHEREAS:** village fire fighting crews could be hired on a rotational basis to perform hazard reduction and resource management activities such as fuel break construction, prescribed burning, tree planting, timber sale layout, insect infestation control, tree pruning, cone collection, seed orchid planting, etc.; and

**WHEREAS:** a more stable income could be provided to village fire fighting personnel during slow suppression years, thus aiding in reducing the long term cost of subsequent public assistance expenditures; and

**WHEREAS:** village fire fighting crews would be better trained, managed, and conditioned as a result of this additional work;

NOW THEREFORE BE IT RESOLVED that delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc. request that during years of limited fire suppression activity the State of Alaska and the Bureau of Land Management research and consider the concept of expending 25% of the annual average suppression costs for hazard reduction projects throughout the state.

SUBMITTED BY: MTNT, Limited / Vicki Clayman

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



# 1994 Fire Statistics

Fires statewide: 643

Acres burned: 265,721.6

## Fire Activity by Landowner

Landowner	Number	Acres
State	122	52,960.3
Borough/City	30	6.5
Private	242	1,127.8
Bureau of Land Mgmt.	75	93,675.4
National Park Service	15	10,331.6
Fish & Wildlife Service	59	74,879.5
Bureau of Indian Affairs	4	410.2
Native Claims Act Lands	55	20,393.2
Military	7	11,914.2
Forest Service	34	22.9
<b>Total</b>	<b>643</b>	<b>265,721.6</b>

## 1994 Fires by Cause on State Protected Land

Cause	Number	Acres
Lightning	73	85,274.1
Smoking	24	16.3
Campfires	85	4,126.6
Trash/debris	29	64.6
Land clearing	75	1,059.2
Children	50	206.5
Fireworks	22	11.1
Equipment use	12	11.6
Incendiarly/crson	16	7.1
Structures	18	3.5
Other	43	46.0
<b>Total</b>	<b>446</b>	<b>90,826.8</b>

## Emergency Firefighter Wages

Year	State	Federal	Total
1980-85	\$4,689,081	\$9,861,933	\$14,551,014
1986	2,515,750	2,832,208	5,347,958
1985 <sup>1</sup>	561,770	---	561,770
1987	646,674	5,352,799	5,999,473
1987 <sup>2</sup>	643,932	---	643,932
1988	4,474,107	5,146,661	9,620,968
1988 <sup>3</sup>	907,865	---	907,865
1989	1,805,955	2,276,175	4,082,130
1990	7,398,211	5,765,547	13,163,758
1991	5,344,384	3,741,521	9,085,905
1992	786,747	612,048	1,398,795
1993	3,699,629	580,866	4,280,495
1994	5,952,942	3,654,245	9,607,187
1995	904,492	207,958	1,112,450
<b>Total</b>	<b>\$40,331,539</b>	<b>\$40,032,161</b>	<b>\$80,363,700</b>

<sup>1</sup> Special appropriation due to Fair Labor Standards Act.

<sup>2</sup> U.S. Dept. of Labor ruling required payment of time-and-one-half when week exceeded 40 hours. Amount shown was paid in 1990.

<sup>3</sup> U.S. Dept. of Labor ruling required payment of time-and-one-half when week exceeded 40 hours. Amount shown was paid in 1991.

## Emergency Out-of-State Crew Use

Number of 20-person crews sent outside of Alaska to fight fires.<sup>1</sup>

Year	Crews
1985	39
1986	22
1987	59
1988	54
1989	61
1990	7
1991	0
1992	5
1993	0
1994	83
1995	1

<sup>1</sup> Wages are paid by other states or suppression agencies.



# Alaska Fire Chief's Association

2358 Broadway Road • North Pole, Alaska 99705 • (907) 488-3400 • Fax: (907) 488-6118

TIMOTHY J. BIGGANE  
*President*

MAR 15 1996

MICHAEL G. MCGOWAN  
*1st Vice President*  
(907) 474-7916  
Fairbanks

March 8, 1996

MIKE DOLPH  
*2nd Vice President*  
(907) 486-8040  
Kodiak

Senator Georgianna Lincoln  
Attn: Paula Terrel  
State Capital, Room 510  
Juneau, AK 99801-1182

J. DEE KING  
*Secretary / Treasurer*  
(907) 488-3400  
North Pole

Dear Paula,

JIM WHITE  
*Director*  
(907) 278-2324  
Anchorage

Please accept this as a letter of support for SB201. It is a great pleasure to support such vital common sense legislation. So often details such as fire prevention activities usually lack the necessary glamor to attract the attention of the legislature. Not only has your support been noticed by the emergency services it is appreciated.

DAVID L. TYLER  
*Director*  
(907) 479-5672  
Fairbanks

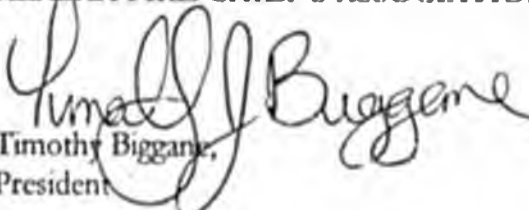
Attached is our resolution 96-03 strongly supporting SB201. If there is anything else we can do to support this or other pending legislation please let us know.

MIKE HOLZMUELLER  
*Director*  
(907) 474-6303  
Fairbanks

Respectfully,

ALASKA FIRE CHIEFS ASSOCIATION

DANIEL L. GREGORY  
*Director*  
(907) 283-4202  
Nikiski

  
Timothy Biggane,  
President

JACK KRILL  
*Director*  
(907) 373-8800  
Wasilla

TJB:jdk

BILLY HARRIS  
*Past President*  
(907) 283-4388  
Nikiski



# Alaska Fire Chief's Association

2358 Bradway Road • North Pole, Alaska 99705 • (907) 488-3400 • Fax: (907) 488-6118

TIMOTHY J. BIGGANE  
*President*

## Resolution 96-03

MICHAEL G. MCGOWAN  
*1st Vice President*  
(907) 474-7916  
Fairbanks

MIKE DOLPH  
*2nd Vice President*  
(907) 486-8040  
Kodiak

J. DEE KING  
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(907) 373-8800  
Wasilla

BILLY HARRIS  
*Past President*  
(907) 283-4388  
Nikiski

A RESOLUTION OF THE ALASKA FIRE CHIEF'S ASSOCIATION SUPPORTING SENATE BILL 201 WHICH PROVIDES THE COMMISSIONER OF NATURAL RESOURCES WITH THE NECESSARY AUTHORITY TO HIRE EMERGENCY FIREFIGHTERS AND TO ASSIGN THEM TO FIRE PREVENTION RELATED TASKS.

**WHEREAS,** the Alaska Fire Chief's Association is dedicated to educating the public in matters of fire prevention,

**AND WHEREAS,** existing law authorizes the Commissioner of Natural Resources to hire emergency firefighters but does not expressly authorize their use for fire prevention or hazard reduction,

**AND WHEREAS,** in FY 95, the Division of Forestry received approval to receive and expend up to \$500,000 in federal receipts to supply emergency firefighting crews for use in fire prevention activities to federal agencies on a reimbursable basis.,

**AND WHEREAS,** SB201 would clarify that emergency firefighting personnel could be employed by the Department of Natural Resources in non-emergency circumstances to construct and maintain fire breaks and trails, remove brush and timber deadfall, conduct prescribed burns, etc.,

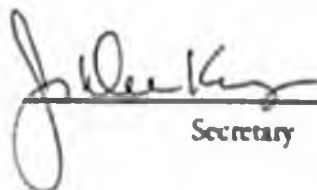
**AND WHEREAS,** SB201 would enable these federal dollars to be utilized by already trained firefighting crews for these projects.

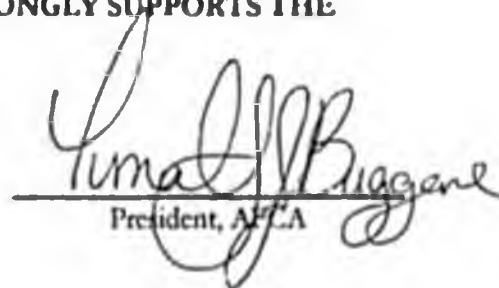
**NOW THEREFORE BE IT RESOLVED THAT,**

**THE ALASKA FIRE CHIEF'S ASSOCIATION STRONGLY SUPPORTS THE SIGNING OF SENATE BILL 201 INTO LAW.**

**ADOPTED, THIS 6th DAY OF FEBRUARY, 1996.**

ATTEST:

  
Secretary

  
President, AFCA

73 crews plus  
 2 Hotshot crews (20 each)  
 1 Tazlawa & E crew (20 each)  
 APPENDIX B

## INTERAGENCY EFF CREW LOCATION LIST (1994)-95

<u>LOCATION</u>	<u>16 Person CREWS</u>	<u>AGENCY*</u>	<u>3-LETTER DESIGNATION</u>
Allakaket/Alatna	2	AFS (TZ)	AET
Ambler	1	AFS (GZ)	ABL
Angoon	1	USFS (CMF)	ANG
Aniak	1	DOF (SWA)	ANI
Beaver	1	AFS (UYZ)	WBQ
Big Lake/Wasilla	1	DOF (MSA)	BGQ
Buckland	1	AFS (GZ)	7K5
Chalkyitsik	1	AFS (UYZ)	CIK
Chevak	2	DOF (SWA)	VAK
Copper River	2	DOF (VCRA)	CZC
Delta	2	DOF (DA)	BIG
Eagle	2	AFS (UYZ)	FAA
Fairbanks	2	DOF (FA)	FAI
Fort Yukon	3	AFS (UYZ)	FYU
Galena	1	AFS (GZ)	GAL
Grayling	1	AFS (GZ)	KGX
Holy Cross	1	AFS (GZ)	4Z4
Hooper Bay	3	DOF (SWA)	HPB
Hughes	1	AFS (TZ)	HUS
Huslia	2	AFS (GZ)	HSL
Kalskag, Lower	1	DOF (SWA)	KLG
Kalskag, Upper	1	DOF (SWA)	KLG
Kaltag	2	AFS (GZ)	KAL
Kiana	2	AFS (GZ)	IAN
Koyuk	1	AFS (GZ)	KKA
Koyukuk	1	AFS (GZ)	KYU
Marshall	1	AFS (GZ)	MLL
Mentasta	1	DOF (TA)	MEN
Minto	1	AFS (TZ)	51Z
Mountain Village	1	AFS (GZ)	MOU
Nenana	1	DOF (FA)	ENN
New Stuyahok	1	DOF (SWA)	KRW
Nikolai	1	DOF (SWA)	5NI
Nondalton	1	DOF (SWA)	5NN
Noorvik	2	AFS (GZ)	ORV
Northway	2	DOF (TA)	ORT
Nulato	2	AFS (GZ)	NUL
Pilot Station	1	AFS (GZ)	PST
Rampart	1	AFS (TZ)	RMP
Ruby	1	AFS (GZ)	RBV

## INTERAGENCY EFF CREW LOCATION LIST (1994)

<u>LOCATION</u>	<u>CREWS</u>	<u>AGENCY*</u>	<u>3-LETTER DESIGNATION</u>
Scammon Bay	1	DOF (SWA)	SCM
Selawik	2	AFS (GZ)	WLK
Shageluk	1	DOF (SWA)	SHX
Shungnak	1	AFS (GZ)	SHG
Sleetmute	1	DOF (SWA)	SLQ
Stebbins	2	AFS (GZ)	WBB
Stevens Village	1	AFS (UYZ)	SVS
St. Marys	1	AFS (GZ)	KSM
St. Michael	1	AFS (GZ)	SMK
Tanacross	1	DOF (TA)	TSG
Tanana	2	AFS (TZ)	TAL
Tetlin	1	DOF (TA)	STE
Tok	1	DOF (TA)	GKB
Venetic	1	AFS (UYZ)	VEE

## \* AFS Zones:

- GZ - Galena Zone, Galena
- TZ - Tanana Zone, Tanana
- UYZ - Upper Yukon Zone, Central

## \* DOF Areas:

- SWA - Southwest Area, McGrath
- MSA - Mat-Su Area, Big Lake
- VCRA - Valdez/Copper River Area, Glennallen
- TA - Tok Area, Tok
- DA - Delta Area, Delta Junction
- FA - Fairbanks Area, Fairbanks

## \* USFS Areas:

- CMF - U.S. Forest Service, Chatham Area, Sitka

## Summary:

AFS	44
DOF	28
USFS	1
<u>Total</u>	73 crews

There are also 2 HOTSHOT crews by Alaska Fire Service 20 each  
 1 Type I EFF Crew - Tazlina 20



Many of these emergency fire fighting crews live in rural/bush Alaska. Job opportunities are limited in these communities. The legislation allows for increased flexibility for using the trained emergency fire fighter crews in rural/bush Alaska to fulfill the manpower-intensive prevention projects.

Basic fire prevention projects, such as clearing brush around villages could be performed prior to an emergency situation. During years when fire fighting jobs are not available, enactment of this legislation would help to stabilize Alaska's economy in various regions by providing off-season employment.

In conclusion, Senate Bill 201 will result in a considerable savings to the state while providing a substantial economic benefit to smaller Alaska communities.



**SB**

**215**

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: An Act streamlining the functions BRU: Revenue Operations  
of state government, etc. Component: Treasury  
 Sponsor: Rules Committee  
 Requester: (S) RES COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>	<b>7,065.0</b>	<b>685.5</b>	<b>685.5</b>	<b>685.5</b>	<b>685.5</b>	<b>685.5</b>

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary)**

This fiscal note is based on our understanding and assumption that the bill will allow for insurance premium tax payments to be paid quarterly (versus current annual payment) and paid by an electronic method. The electronic method of payment allows for machine capture of the remittance data, which will be posted directly to their database by the Division of Insurance which will streamline and make more current the status of the remitter's account. This will result in approximately \$7.0 million of previously anticipated fiscal year 1998 revenue being received in FY97. This will not reduce FY98 or subsequent year revenue, it is simply accelerating the receipt of revenues. In addition, the earlier and more frequent receipt of these funds will result in an estimated increase in interest earnings to the general fund of \$65.0 in FY97 and \$685.5 in years thereafter.

Prepared by: *[Signature]* Vern Volk, Capital Manager and Investment Officer Phone: 465-3700  
 Division: Treasury Date: March 13, 1996  
 Approved by Commissioner: Ross Kinney, Deputy Commissioner *[Signature]* Date: March 13, 1996  
 Agency: Department of Revenue

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Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Streamlining State Government BRU: Audit Operations  
 Component: Income and Excise Audit  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 113

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost \$ 0

**POSITIONS:**

FULL-TIME					
PART-TIME					
TEMPORARY					

**ANALYSIS: (Attach a separate page if necessary)**

Section 9 of this bill repeals the Non-Resident Affidavit Tax Bond program. This will eliminate staff time spent on processing non-essential sworn affidavits and tax bonds required to be filed by non-resident corporations. Staff time freed up will be used to enhance our tax compliance programs (i.e. corporation, motor fuel and fisheries). The state will no longer receive interest earned on the cash bonds paid to the state. This loss of approximately \$100,000 will be more than offset by increased revenues from our compliance unit.

Prepared by: Robert N. Bartholomew *Robert Bartholomew* Phone: 465-2320  
 Division: Income & Excise/Audit Date: 1/9/96  
 Approved by Commissioner: [Signature] Date: 1/9/96  
 Agency: Department of Revenue

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STATE OF ALASKA  
LEGISLATIVE SESSION

Bill Version: SB 215 No. 2  
(S) Publish Date: 1/12/96

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: Streamlining Bill BRU: State Health Services  
Sponsor: Rules Committee Component: Epidemiology  
Requestor: Tony Knowles, Governor COMPONENT SERIAL NO. 296  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: 10.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No Fiscal Impact.

Prepared by: Peter M. Nakamura, MD, MPH *Peter Nakamura*  
Division: Public Health

Phone: 465-3090  
Date: 01/09/96

Approved by Com: *Karen Perdue*  
Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Date: 1/9/96

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STATE OF ALASKA  
1996 LEGISLATIVE SESSION

No. 3  
Bill Version: SB 215  
(S) Publish Date: 1/12/96

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: Streamlining Bill BRU: State Health Services  
Component: Maternal, Child, & Family Hlth  
Sponsor: Rules Committee COMPONENT SERIAL NO. 290  
Requestor: Tony Knowles, Governor See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: 10.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There will be zero fiscal impact with these changes. Without the changes the department will need to develop a contracting mechanism which would involve extensive amounts of time and effort by program staff and providers.

Prepared by: Peter M. Nakamura, MD, MPH  
Division: Public Health

Phone: 465-3090  
Date: 01/09/96

Approved by Com: Nash Perdue, Commissioner  
Agency: Department of Health & Social Services

Date: 1/9/96

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FISCAL NOTE

No. 4

Bill Version: SB 215

(S) Publish Date: 1/12/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: Streamlining Bill

Department Affected: Environmental Conservation

Sponsor: Rules Committee  
Requestor: Governor

BRU: Environmental Health  
Component: Seafood and Sanitation Inspections

COMPONENT SERIAL NO. 1936

Expenditures/Revenues:

(Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 01
<b>OPERATING EXPENDITURES</b>						
PERSONNEL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
OPERATING SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>FINANCIAL REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE

General Fund Receipts	0.0	0.0	0.0	0.0	0.0	0.0
State Match	0.0	0.0	0.0	0.0	0.0	0.0
Federal	0.0	0.0	0.0	0.0	0.0	0.0
Federal/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL/MTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Bill repeals statutory requirement that department regulate rabies reporting and animal constraint with no threat to the public health and safety. The Department of Health and Social Services and local governments will continue rabies control efforts.

Bill also repeals the department's authority to administer flour and bread standards. The federal government sets standards for flour and bread which makes state standards unnecessary.

Prepared by: Larry Jones Lawrence Jones  
Division: Director, Division of Administrative Services

Phone: 465-5010  
Date: 1/9/96

Approved by Commissioner: Lawrence Jones  
Agency: Department of Environmental Conservation

Date: 1/9/96

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# FISCAL NOTE

No. 5

Bill Version: SB 215

(S) Publish Date: 1/12/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: An Act streamlining the functions of state government. BRU: Administration and Support  
 Sponsor: Rules Committee Component: Administrative Services  
 Requester: Governor COMPONENT SERIAL NO. 479

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)
-------------------------------	---------	---------	---------	---------	---------	---------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1024 Fish and Game Fund	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)	(720.0)
<b>TOTAL</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>	<b>(720.0)</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will alter the way in which fish and game license vendor compensation is paid. Currently, the vendor withholds 5% of revenue generated from the sale of sport licenses as commission. The department also pays each vendor an additional \$1 per item sold on a quarterly basis. The amount of additional vendor compensation has been increasing for several years, requiring the department to request increases to its budget. This bill will allow vendors to withhold their additional vendor compensation along with their 5% commission. This will result in a reduction of revenue to the fish and game fund and an equal reduction in expenditures to be charged against the fund. This change will streamline the process for paying vendor compensation while having a net zero affect on the fish and game fund. This bill will affect approximately 1000 of the department's 1400 license vendors. It will still be necessary to make manual payments of up to \$50 to approximately 400 vendors that sell less than 50 licenses per year. The department will continue to report all compensation in the state accounting system and to vendors and the Internal Revenue Service on a form 1099.

Prepared by: Kevin Brooks *Kevin Brooks* Phone: 485-5999  
 Division: Administrative Services Date: 1/8/96  
 Approved by Commission: Frank Rue *Frank Rue* Date: 1/9/96  
 Agency: Fish and Game

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# FISCAL NOTE

No. 6

Bill Version: SB 215

(S) Publish Date: 1/12/96

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An Act streamlining the functions of state BRU: Occupational Licensing  
 government..... Component: Operations  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	(4.4)	(4.4)	(4.4)	(4.4)	(4.4)	(4.4)
TRAVEL	(0.5)	(0.5)	(0.5)	(0.5)	(0.5)	(0.5)
CONTRACTUAL	(0.4)	(0.4)	(0.4)	(0.4)	(0.4)	(0.4)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES</b>	<b>(3.9)</b>	<b>(3.9)</b>	<b>(3.9)</b>	<b>(3.9)</b>	<b>(3.9)</b>	<b>(3.9)</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1091 Designated PR	(5.3)	(5.3)	(5.3)	(5.3)	(5.3)	(5.3)
<b>TOTAL</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.3)</b>

Estimate of any current year (FY 96) cost: \$ 5.3

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Section 8 repeals regulatory oversight statutes and statutory references under centralized licensing for the Athletic Commission (AS 05.05 and AS 05.10), and the certification of professional geologists (AS 08.02.011). The reduction identified in this fiscal note represent direct costs associated with these programs: Athletic Commission at \$3.6, and Professional Geologists at \$1.7. The reduction of revenue is based on fees generated in FY 95. Revenue of the Athletic Commission totalled \$1.4 and licenses are renewed annually. Revenue generated by certification of professional geologists totalled \$2.5 and are based on a one time charge with no expiration.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144  
 Division: Occupational Licensing Date: January 9, 1996  
 Approved by Commissioner: William L. Hensley Date: 1-9-96  
 Agency: Commerce and Economic Development

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# FISCAL NOTE

No. 7

Bill Version: SB 215

BILL (S) Publish Date: 1/12/96

## STATE OF ALASKA 1996 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources

Title: Streamlining State Government BRU: Resource Development

Component: Water Development

Sponsor: Rules Committee

Requestor: Governor Knowles Component Serial No. 916

Expenditures/Revenues	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none

### POSITIONS

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

### ANALYSIS:

(Attach a separate page if necessary)

The Alaska Water Resources Board (Board) was established by Article 3 of Alaska Statute 46.15, the Water Use Act, which was enacted in 1966. The seven-member board was created to advise the Governor on all matters relating to the use, appropriation, and protection of water. The Board is appointed by the Governor and confirmed by the Legislature. Over the past 15 years the Board has tackled a broad range of water management issues including federal reserve water rights, basin wide adjudications, critical management areas, instream flow for fish and wildlife, and water quality concerns. Funding had always been provided to the Board through the Department of Natural Resources. Three years ago, it was decided to eliminate this funding for higher priority projects within the Department. The Board has not been funded over the past three years and has not met since October 1993. It is not anticipated that this Board will be funded in the future and without the funding there is no need to preserve Article 3 of AS 46.15, that requires tasks that are not being accomplished.

Prepared by: Jules Tileston, Director Phone: 269-8625  
 Division: Mining & Water Date: 5-Jan-96  
 Approved by Commissioner: [Signature] Date: 5-Jan-96  
 Agency: Natural Resources

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**ENATE COMMITTEE REI RT  
First Committee of Referral**

DATE: 1/12/96

FURTHER: HESS  
L&C, Finance

Date of 5-Day Notice: 3-12-96  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: 3-20-96

The Resources Committee considered SB 215

Omnibus state fees and cost assessments.

and recommends:

- be replaced with CS SB 215 (RES)
- adopt previous CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Pass to floor</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<i>Recess</i>		<input checked="" type="checkbox"/>	
		<i>Rich Halford</i>	<input checked="" type="checkbox"/>		
CHAIR:		<i>Arnon J. Lerman</i>	<input checked="" type="checkbox"/>		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>Revenue</i>	<i>3/13</i>		

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>Revenue</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>HSS / CPI</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>HSS / M&amp;FM</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>DEC - CNO Health</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>F+G - Admin</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>COMMERCE - Dec Licensing</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	
<i>ONE - WATER RES</i>	<i>7/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

*SB and CS*




# Alaska State Legislature

Official Business

State Capitol  
Juneau AK 99801

## MEMO

**TO:** Legal Services  
via fax: X2029 this page only

**FROM:** Annette Kreitzer, Aide to  
Senate Resources Committee 

**DATE:** March 18, 1996

**RE:** CS SB 215: Gov's Omnibus bill

---

Please create a FINAL Resources committee substitute for SB 215 that deletes Section 1 of the bill and any reference to it in the title. This would mean deleting Page 2, lines 1-8; and any reference to the commissioner of fish and game awarding grants.

There were no other changes to the bill. Please deliver the FINAL to Senator Leman's office, Room 115 of the Capitol.

**SENATE BILL NO. 215**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

Introduced: 1/12/96

Referred: RES, HES, L&C, FIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act streamlining the functions of state government, including authorizing the  
2 commissioner of fish and game to award grants for certain resource activities;  
3 allowing agents selling fish and game licenses and tags to retain certain  
4 compensation; authorizing the Department of Health and Social Services to  
5 award grants for certain services for developmentally delayed or disabled  
6 children; relating to rabies control and administration of flour and bread  
7 standards by the Department of Environmental Conservation; repealing the  
8 Athletic Commission, the regulation of boxing and wrestling, the certification of  
9 professional geologists, and the Water Resources Board; repealing certain filing  
10 statements and bonds for enforcement and collection of certain taxes; and  
11 providing for an effective date."

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

1 \* Section 1. AS 16.05 is amended by adding a new section to read:

2           Sec. 16.05.085. GRANT AUTHORITY. The commissioner may award grants  
3 for protecting, maintaining, improving, or extending fish, game, or aquatic plant  
4 resources of the state, including making those resources available to the public. The  
5 commissioner may adopt regulations to interpret or implement this section. In order  
6 to recover all or part of the department's costs of administering the grants, the  
7 commissioner may charge a fee to grant applicants and may retain up to 10 percent  
8 of a grant award.

9 \* Sec. 2. AS 16.05.390 (a) is amended to read:

10           (a) Except as provided in (e) of this section, an agent appointed by the  
11 commissioner under AS 16.05.380 to sell licenses and tags is entitled to retain

12                       (1) [RETAIN] five percent of the fee that is charged for a license or  
13 tag or 25 cents for each license or tag sold, whichever is greater; and

14                       (2) compensation of \$50 per year or \$1 for each license or tag sold  
15 during the year, whichever is greater.

16 \* Sec. 3. AS 16.05.390(b) is amended to read:

17           (b) Each agent appointed to sell licenses or tags under AS 16.05.380 shall, as  
18 directed by the commissioner, transmit the proceeds from the sales of licenses and  
19 tags, except the amount authorized to be retained under (a) [(a)(1)] of this section,  
20 together with a report of the sales, to the commissioner for deposit in the fish and  
21 game fund or the general fund.

22 \* Sec. 4. AS 16.05.390(g) is amended to read:

23           (g) The commissioner may assess a penalty against an agent who does not  
24 transmit proceeds within the time allowed under (f) of this section. The penalty is  
25 equal to one and one-half percent of the amount of proceeds due. The penalty may  
26 be assessed for each month or portion of a month that the proceeds are delinquent. [A  
27 PENALTY UNDER THIS SUBSECTION SHALL BE WITHHELD FROM THE  
28 AGENT'S COMPENSATION UNDER (a)(2) OF THIS SECTION.]

29 \* Sec. 5. AS 43.10.170(b) is amended to read:

30           (b) The service of process shall be made by leaving a copy with the  
31 commissioner of commerce and economic development. If legal action is instituted

1 against the nonresident taxpayer, the commissioner of commerce and economic  
2 development shall immediately notify the nonresident by sending a copy of the process  
3 by registered letter to the [POST OFFICE ADDRESS STATED IN THE AFFIDAVIT  
4 ON FILE WITH THE COMMISSIONER OF REVENUE, OR, IF NO ADDRESS IS  
5 STATED IN THE AFFIDAVIT, TO THE] last known address of the taxpayer.

6 \* Sec. 6. AS 47.20 is amended by adding a new section to read:

7 *11/1/02* Sec. 47.20.075. GRANT AUTHORITY. The department may award grants  
8 for covered services to children eligible under this chapter.

9 \* Sec. 7. AS 47.20.110(a) is amended to read:

10 (a) The department shall adopt regulations necessary to implement this chapter,  
11 including regulations

12 (1) for personnel development, including preservice and in-service  
13 training programs for providers of early intervention services;

14 (2) to govern resolution of intraagency and interagency disputes about  
15 the provision of services under this chapter and the financial responsibility of the  
16 respective parties for those services;

17 (3) that ensure that services are provided to children and their families  
18 in a timely manner pending the resolution of disputes among public agencies or service  
19 providers;

20 (4) providing for due process with respect to the rights of children and  
21 parents who are eligible for services under this chapter; the regulations must provide  
22 that during the pendency of a complaint about a change in services, the child and  
23 family shall continue to receive the prior services unless the state and the family  
24 otherwise agree, or, if the complaint relates to an application for initial services, the  
25 child and family shall receive the services that are not in dispute; and

26 (5) for the award of grants under this chapter.

27 \* Sec. 8. AS 03.05.070; AS 17.07.010, 17.07.020, 17.07.030, 17.07.040, 17.07.050,  
28 17.07.060, 17.07.070, 17.07.080, 17.07.090, 17.07.100, and 17.07.200 are repealed.

29 \* Sec. 9. AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020,  
30 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,  
31 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170; AS 08.01.010(3),

1 08.01.010(32); AS 08.02.011; AS 46.15.190, 46.15.200, 46.15.210, 46.15.220, 46.15.230, and  
2 46.15.240 are repealed.

3 \* Sec. 10. AS 16.05.390(c), 16.05.390(d); AS 43.10.160, 43.10.180, 43.10.190, and  
4 43.10.200 are repealed.

5 \* Sec. 11. TRANSITION: REGULATIONS. Notwithstanding secs. 13 and 14 of this Act,  
6 the state agencies affected by this Act may proceed to adopt regulations necessary to  
7 implement changes in law enacted by this Act. The regulations take effect under AS 44.62  
8 (Administrative Procedure Act), but not before the respective effective date of the change in  
9 law in this Act.

10 \* Sec. 12. Sections 8 and 11 of this Act take effect immediately under AS 01.10.070(c).

11 \* Sec. 13. Sections, 1, 6, 7, and 9 of this Act take effect July 1, 1996.

12 \* Sec. 14. Sections 2, 3, 4, 5, and 10 of this Act take effect January 1, 1997.

## ALASKA DEPARTMENT OF REVENUE INCOME AND EXCISE AUDIT DIVISION

### MERITS FOR DISCONTINUING NONRESIDENT AFFIDAVIT(NRA) TAX BOND PROGRAM

#### SITUATION

Bond program began in 1955 because (1) the overwhelming majority of nonresident persons have no security or property physically located in the state against which the state can proceed to enforce the payment of state taxes and license fees; (2) these nonresidents leave the state for varying periods, making the recovery of state taxes and license fees difficult or impossible; (3) because of departures from the state it is impossible to obtain personal service upon nonresidents in a proceeding for the recovery of state taxes and license fees. AS 43.10.190 - 200.

- Alaska is the only state which imposes a tax bonding requirement on nonresident corporations. All 49 states were contacted, a few did have such a requirement, but abolished it because of discrimination issues.
- The requirement projects Alaska business environment as unfriendly to nonresident corporations. Many taxpayers have complained over the phone that the effort to meet our requirements are excessive considering the amount of business they do in the state. Eliminating this program helps achieve the governor's goal of showing that the State of Alaska is "open for business". The corporations subject to this program are providing jobs to Alaskans.
- If challenged, the bonding program may be deemed discriminatory under the Equal Protection Clause in the U. S. Constitution. Many taxpayers have told us this over the phone plus the volume of Supreme Court decisions are replete with cases challenging taxes that draw lines between in-state and out-of-state corporations.
- The program is unproductive for business and staff because it has no real benefit. Taxpayers go through the efforts of obtaining a bond, completing the forms and filing, and also make estimated tax payments. Staff must maintain a file of documents and provides telephone assistance when bonds are never used as a tax collection tool.
- Staff of IEAD does not remember a case where a bond was used to pay a delinquent tax lien.
- The program costs the state approximately \$33,250 to administer. The time currently spent administering the program would be refocused to other tax program, compliance work (ie corporate, fish, motor fuel) and increase revenue recovery.
- \$4,238,052 was prepaid by 815 corporations. Interest earned was approximately \$116,000. The state does get revenue from this program, but the cost and work imposed on nonresident corporations is not justified. Also revenues recovered from the increased compliance effort would offset any revenue loss.
- Approximately 3,500 affidavits were filed during FY95.

#### RECOMMENDATION

Discontinue the requirement for nonresident taxpayers to post a tax bond. Corporations tend to maintain permanent headquarters and honor their tax liabilities due to SEC regulations, and audit requirements. Things change over time, such as the individual income tax went out of existence, labor bonding is administered by the Department of Labor and has its own bonding requirements, and fish processors, the most volatile taxpayers, are required to provide a specific surety bond under AS 44.25.040.

**Facsimile Transmission Cover Sheet  
 State of Alaska, Department of Revenue  
 Income and Excise Audit Division  
 PO Box 110420  
 Juneau, AK 99811-0420  
 Telephone: (907) 465-2320  
 Facsimile: (907) 465-2375**

**IMPORTANT NOTICE**

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Firm: Senator Leman

City: Juneau

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included in SB 215.

Number of Pages (including cover sheet): 2

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## MEMORANDUM

March 19, 1996

**SUBJECT:** Single Subject Problems in CSSB 215(RES)

**TO:** Senator Loren Leman, Chair  
Senate Resources Committee

**FROM:** Tamara Brandt Cook  
Director *TBC*

Here is the committee substitute you requested for this bill. Because the bill has been reported from committee, I have tried not to make many changes to the language requested. However, I did add at the end of the title reference to service on nonresident taxpayers which did not seem to me to be included in the subject description. Please let me know if that is not acceptable. Also, be aware that this bill, both as originally introduced by the Governor and as amended in this committee substitute, may well violate article II, sec. 13 of the state constitution, which provides, in part:

Every bill shall be confined to one subject \* \* \*. The subject of each bill shall be expressed in the title. \* \* \*

With respect to the single subject rule, the courts have generally given the requirement a liberal interpretation, adopting, in Gellert v. State, 522 P.2d 1120 (Alaska 1974), the position stated by the Minnesota Supreme Court in 1891:

All that is necessary is that [the] act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

Id., at 1123, quoting Johnson v. Harrison, 50 N.W. 923, 924 (Minn. 1891). Five years after Gellert, the court stated that the test

. . . requires no more than that the various provisions of [a] single legislative enactment fairly relate to the same subject, or have a natural connection therewith. Quoted in Short v. State, 600 P.2d 20, 24 (Alaska 1979).

In construing the single subject rule, the court will "disregard mere verbal inaccuracies" and "resolve doubts in favor of validity"; "in order to warrant the setting aside of enactments for failure to comply, the violation must be substantial and plain." Suber v. Alaska State Bond Committee, 414 P.2d 546, 557 (Alaska 1966). The rule should be "construed with considerable breadth. Otherwise statutes might be restricted unduly in scope and permissible subject matter, thereby multiplying and complicating the number of necessary enactment(s) and their interrelationships." Gellert, at 1122.

Using this broad construction of the rule, the court has approved such single subjects as "water resources" in Gellert; "state taxation" in North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534 (Alaska 1978); "land" in State v. First Nat'l. Bank of Anchorage, 660 P.2d 406 (Alaska 1982); and "transportation" in Yute Air Alaska, Inc. v. McAlpine, 698 P.2d 1173 (Alaska 1985). The Alaska Court of Appeals has approved the single subjects "liquor regulation" in Van Brunt v. State, 646 P.2d 872 (Ak. App. 1982); and "criminal law" in Galbraith v. State, 693 P.2d 880 (Ak. App. 1985). In fact, the Alaska Supreme Court and the Alaska Court of Appeals have never found that an Alaska statute violated the single subject rule. This is consistent with the record of other states that have substantially the same rule. Generally, only clear violations of the single subject requirement have been found unconstitutional. (cf. State ex rel Hinkle v. Franklin County Board of Elections, 580 N.E.2d 767 (Ohio 1991) finding a violation of the single subject requirement where a bill on a local option for allowing the sale of alcoholic beverages was added to a bill concerning elected judicial offices)

In recent years, however, the Alaska Supreme Court has begun to reevaluate its broad interpretation of the single subject rule. In First Nat'l. Bank of Anchorage, the court expressed reservations about prior cases, but was unwilling in that case to overturn past precedents. In Yute Air Alaska, Inc., the court again expressed concern with the broad interpretation of the rule, but gave three reasons why it was not ready to reject its past approach: (1) "it is not at all clear that there are workable stricter standards"; (2) the legislation in that case was the result of a voter initiative and the sponsors of the initiative had relied on the court's precedents in preparing it; and (3) because the sponsors were not experts at drafting the court was reluctant to invalidate a worthy or popular cause merely because of doubtful legality.

In his dissent in Yute Air Alaska, Inc., Justice Moore blasted the majority's "test" as meaningless. "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce," he said. Id. at 1182. Moore suggested a new test: "An act or initiative should embrace one subject. By this we mean that all matters treated should be logically connected." This, he said, means that various provisions of legislation will pass muster if they are inextricably intertwined, if they have an effect on one another, or if they are reasonably interdependent. Moore urged that "[e]nactments should be presented clearly and candidly," and that the court should "use a plainer standard and be more willing to look closely at the logic of an asserted connection and the reasonable

interdependence of separate provisions. . . . to discourage logrolling and . . . duplicity." *Id.* at 1186.

The Moore dissent in Yute Air takes on increased importance in light of the California Supreme Court's decision two years later in Harbor v. Deukmejian, 742 P.2d 1290 (Cal. 1987). Prior to Harbor, the law in California was substantially similar to Alaska. Both states prohibit multiple subjects in the same bill.<sup>1</sup> California's courts had interpreted the single subject rule primarily in the context of the expression rule, but when focusing on single subject their pronouncements were remarkably similar to the Alaska cases cited above.<sup>2</sup> Justice Mosk's opinion in Harbor summed up the California cases as holding that

. . . a measure complies with the [single subject] rule if its provisions are either functionally related to one another or are reasonably germane to one another or the objects of the enactment. *Id.* at 1303.

The Harbor case involved a measure relating to "fiscal affairs" and was essentially a budget reconciliation bill, making the "necessary statutory adjustments to implement" the budget enactment. *Id.* at 1291, quoting from the bill's title and from sec. 71, which set out the justification for the bill's immediate effective date. As the court described the bill, it sounds remarkably similar to SB 215. The bill contained "71 sections enacting, amending, and repealing numerous provisions in numerous codes." *Id.* at 1291. The court went on to state, at 1303, that "fiscal affairs" as the subject, and "statutory adjustments" to effect savings consistent with the budget as its object, suffer from "excessive generality" that "violates the purpose and intent of the single subject rule."<sup>3</sup> In the heart of its holding, the court said:

[Fiscal affairs and statutory adjustments] are too broad in scope if, as petitioners appear to claim, they encompass any substantive measure which has an effect on the budget. The number and scope of topics germane to "fiscal affairs" in this sense is virtually unlimited. If petitioners' position were accepted, a substantial portion of the many thousand statutes adopted

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<sup>1</sup> California's constitution, in art. IV, § 9, provides that "...a statute shall embrace but one subject, which shall be expressed in its title." In context, "statute" is equivalent to "bill," so it can be seen that the constitutional provision under consideration in Harbor is almost identical to Alaska's.

<sup>2</sup> See the discussion of the history of California's rule in Harbor, 742 P.2d 1290, at 1298-1303.

<sup>3</sup> The "primary and universally recognized purpose" of the single subject rule is to prevent log-rolling, the combining of several proposals in a single bill so that legislators can obtain a majority for a measure that might not have been approved as separate measures. See Harbor at 1300.

during each legislative session could be included in a single measure even though their provisions had no relationship to one another or to any single object except that they would have some effect on the state's expenditures as reflected in the budget bill. This would effectively read the single subject rule out of the Constitution. We hold, therefore, that Bill 1379 is invalid as a violation of article IV, section 9 of the California Constitution. Id. at 1303-1304. (emphasis added)

See also a prior concurring and dissenting opinion by Justice Mosk in Brosnahan v. Eu, 641 P.2d 200 (Cal. 1982), a case in which an initiative was challenged as violating the single subject rule,<sup>4</sup> in which he said:

The constitutional requirement is not satisfied by attaching a broad label to a measure and then claiming that its provisions are encompassed under that wide umbrella. Otherwise, initiatives which refer to "property" or "women" or "public welfare" or "the pursuit of happiness" could also be held to constitute one subject, no matter how diverse their terms.

It is my belief that our supreme court, when presented with the issue in the context of a bill like SB 215, will follow the path scouted by Justice Moore in his dissent in Yute Air and more thoroughly explored by Justice Mosk in Harbor (an exploration that was joined, by the way, without dissent by the other justices of California's supreme court). The fact that several of these "omnibus" bills have now been enacted in Alaska provides scant comfort. The practice had gone on for over six years in California before an affected entity brought a challenge.

In SB 215, the stated subject, as expressed in the title, is "streamlining the functions of state government." While this may be a statement of the goals of the bill, it is not a subject, let alone a single subject. Nor is it necessarily descriptive of the contents of the bill. I can see nothing that distinguishes SB 215 from the California measure that was challenged in Harbor. They both attempt to encompass an excessively broad subject matter.

TBC:gle:klb

96-171.glc

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<sup>4</sup> In California, as in Alaska, initiatives are subject to the single subject rule.

**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR  
JUNEAU

January 12, 1996

The Honorable Drue Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce:

I am offering this bill as part of my administration's goal to streamline state government. This legislation deletes requirements to perform several duties that are not essential for the public health, safety, or welfare and modifies some programs to increase efficiency.

This bill involves several state agencies and a wide variety of programs. The following is a brief description of the legislation. Departments will offer more complete analyses during the committee hearings.

Section 1 of the bill would add a new provision authorizing the commissioner of Fish and Game to directly award grants that serve some of that department's core missions--protecting, maintaining, improving, and extending public access to fish, game, and aquatic plant resources of Alaska. Currently, the department does not have authority to award grants and must channel money through other agencies. This causes delay and adds administrative cost.

Sections 2 - 4, and part of sec. 10 of the bill, would simplify the procedures regarding compensation for vendors who sell sport fishing and hunting licenses and tags on behalf of the state. Currently vendors keep some of the fees they collect as partial payment for their services and pass the balance on to the state. The state then reimburses the vendors for the rest of the compensation due to them. This proposal eliminates that last step by letting vendors calculate total payment due them up front and passing only the balance of the fees to the state.

The Honorable Drue Pearce  
January 12, 1996  
Page 2

Sections 6 and 7 of the bill would allow the Department of Health and Social Services to award grants rather than contracts for its infant learning program which provides services for developmentally delayed or disabled children. The grant process should increase efficiencies within the department.

Section 8 of the bill repeals the Department of Environmental Conservation's requirement to regulate rabies reporting and animal constraint. This can be done with no threat to the public health and safety because of continued rabies control efforts by the Department of Health and Social Services coupled with local governments, which routinely exercise animal control powers. In the unorganized borough, the Indian Health Service and village public safety officers fill this local role.

Section 8 also repeals DEC's authority to administer flour and bread standards, which have not been substantially revised since 1949. The federal government sets standards for flour and bread, making state standards unnecessary. Moreover, DEC already has authority to establish certain standards for food.

Section 9 of the bill would repeal a number of statutes. It would first abolish the Athletic Commission and the Department of Commerce and Economic Development's regulatory oversight of professional boxing and wrestling. Professional boxing and wrestling matches are very infrequent in Alaska. Therefore, the license fees which are set in statute would have to be raised significantly in order to cover the cost of adequate oversight. Currently, the fees are much too low to allow the board and department to comply with their statutory responsibility.

Section 9 would also repeal a requirement that the commissioner of commerce and economic development certify an applicant as a professional geologist if the applicant is already certified by the American Institute of Professional Geologists. This state certification requirement merely places a duty on the commissioner without providing an additional benefit to the public safety or welfare.

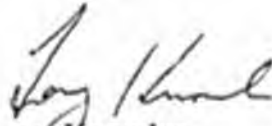
Finally, sec. 9 would abolish the Water Resources Board. The board has not convened or conducted any business in the last few years for lack of legislative financing. Although the Department of Natural Resources will not assume all of the board's functions, it can and will advise the governor on major water policy issues when the need arises. Thus, the elimination of the board will not unreasonably diminish the ability of the state to address matters relating to water appropriations and use.

The Honorable Drue Pearce  
January 12, 1996  
Page 3

A part of sec. 10 of the bill would repeal a requirement that nonresident businesses annually file information on sworn affidavits and tax bonds before conducting business in the state. This requirement was placed on nonresident businesses in 1955 when few of them had offices or property in the state. That made it difficult to enforce payment of taxes and license fees. But that is no longer the case. The bonding requirement, unique to Alaska, creates an unfriendly business environment in the state. The program provides no benefit, is unproductive for business, and burdensome for state staff. I recommend that it be repealed.

I urge your prompt consideration and passage of this bill that streamlines and improves the operations of state government.

Sincerely,



Handwritten signature of Tony Knowles in cursive script.

Tony Knowles  
Governor

**S B**

**2 2 3**

03/20/96

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PUBLIC HEARING

SENATE RESOURCES

LOCATION:YAKUTAT

SB 223

CRAIG

SWANSON

TESTIFY

SB 223

JOHN F.

VALE

TESTIFY

SB 223

MARVIN L.

ADAMS

TESTIFY

S. 223

DON

BREMNER

TESTIFY

SB 223

RAYMOND

SENSMEIER

TESTIFY





# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## SB 223, Closing the Situk River to New Mineral Entry

By request of the governor, shoreland and tideland underlying the Situk River and associated lakes and estuaries will be closed to new mineral entry. This includes all State owned surface lands of the river system and will result in permanent closure. The purpose is to protect the significant commercial, subsistence, and personal use fisheries for king, sockeye, coho, and pink salmon, Dolly Varden, and [especially] steelhead trout in the watershed by habitat conservation. The area affected resides in the Yakutat Foreland near Yakutat, and encompasses approximately 2,797 acres.

In 1988, \$2.8 million were contributed to the local economy by sport fishing on the Situk River, making its importance to the Yakutat economy unquestionable. This has expanded by 18% since that time. The Yakutat district has 170 set net permits with 82 of these on the Situk River. 50% of the income from local commercial fishing is derived from the Situk River, amounting to \$1.5 million annually.

Of 400 steelhead rivers in Alaska, only 17 support runs of more than 300 fish. The Situk, with a run of 5,000 steelhead, supports a steelhead population five times larger than the next largest steelhead run in Alaska.

There is consensus from all interest groups that the river should be protected. Local and area sport and commercial fishermen, the Alaska Department of Fish and Game, the Department of Environmental Conservation, and the general public have been consulted through an exhaustive comment process. The Alaska Miners Association has agreed that there are no current or foreseeable mining and mineral lease interests in the

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHRYSTED GEORGE CLUB • ALASKA FRIENDS OF THE EARTH  
ANCHORAGE ALUTIQUON SOCIETY • ANCHORAGE ALUTIQUON SOCIETY • CLEAN AIR COALITION • DENALI CITIZENS COUNCIL  
DENALI GROUP SIERRA CLUB • JUNEAU ALUTIQUON SOCIETY • JUNEAU GROUP SIERRA CLUB  
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TONGVALE WILLIAMS AND CONSERVATION ALLIANCE • UTAH FLOWERS FROM SOCIETY • WESTERN ALASKA CONSERVATION COUNCIL • TONGVALE CONSERVATION SOCIETY



area, and permanent closure of surface land is deemed appropriate to protect riparian habitat. Although the Environmental Lobby opposes the amendment leaving the subsurface open to mining development per se, we are very pleased that the Alaska Miners Association has agreed that the river and its fishery resources are worth protecting.

One widely recognized reason to close the area to surface mineral development is to prevent "phony" recreational mining. The type of recreational mining referred to here occurs when mining laws are used as homesteading laws; establishing mining claims in order to secure the rights to build recreational cabins on state or federal lands. This generally occurs in areas highly desirable for recreational use, but marginal in terms of mining potential, as is the case with the Situk River.

Is the answer to close the area to all mining to deter some misuse? Shouldn't stricter enforcement of current mining laws be sufficient? In these times of declining state revenues, regulatory agencies are so pressed for time, money, and man hours, that enforcement in the field is becoming increasingly rare. After issuing the permit, no onsite inspection is ever performed as a routine. Because enforcing current mining law is financially and logistically difficult, and the usurpation of these laws through spurious recreational mining claims could threaten habitat and economic interests in the area, this ban would effectively close a large loophole while ensuring the unimpeded use of the area by all legitimate parties. Experts agree that no surface mineral deposits of interest exist, therefore closing the area to mineral development would disenfranchise no one except those seeking to abuse the law.

We urge you to pass SB 223.

AM #1

AMENDMENT

**OFFERED IN:** Senate Resources Committee

**TO:** SB 223: Approve Closing Situk to Mineral Entry

Page 1, Line 13:

DELETE: [subsurface]

Insert: surface

Page 2, Line 1:

Insert following "fisheries." Such surface estate closure will protect the fisheries without eliminating mineral location of the subsurface minerals or development of the subsurface minerals by underground mining methods.

Page 2, Line 2:

Following "state-owned" Insert:

surface estate portion of the



# ALASKA MINERS ASSOCIATION, INC.

801 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 278-0347

March 19, 1996

Honorable Loren Lemman  
Chairman  
Senate Resources Committee  
Capitol Building  
Juneau, AK 99801

RE: Senate Bill 223, Situk River Mineral Closing

Dear Senator Lemman,

Thank you for contacting us about Senate Bill 223 which proposes mineral closings in the area of the Situk River. As you know, we have been adamantly opposed to most mineral closures in the past. However, we recognize the fisheries values of this area, especially the steelhead fishery, which is indeed unique and of tremendous value.

We have talked with the Administration about this bill and, in fact, the Governor himself called me just before the bill was introduced to discuss our feelings on the bill. Because of the tremendous steelhead fishery and the marginal potential for major mineral finds in the area, it was our conclusion that we would not oppose SB-223.

A modification to a strict mineral closure has however just been suggested that deserves consideration. This approach would be to close the surface of the land, meaning the floor of the riverbeds, lakes, etc., to mineral entry but leave the subsurface open to mineral entry. The effect would be that if a miner found a mineral deposit that could be mined by underground mining methods without affecting the surface, riverbeds, lakes, etc., the mining could still occur. This would protect the fishery but would not "sterilize" the underlying State-owned minerals from future use. This could be done in SB-223 by making changes in two places.

In Section 1, page 1, line 12 should be changed to read:

"...for steelhead trout. The legislature further finds that permanent closure of the state-owned surface (subsurface) estate the river system to new mineral entry will help protect fish habitat that is essential to maintain the productivity of the system's commercial, sport, subsistence, and personal use fisheries. Such surface estate closures will protect the fisheries without eliminating mineral location of the subsurface minerals or development of the subsurface minerals by underground mining methods.

Then in Sec. 2, should be changed to read:

"Sec. 2. Under AS 38.05.300(c), and subject to existing valid rights, the state-owned surface estate portion of the land underlying the following waterbodies, totalling..."

These changes would protect both the fisheries values and at the same time protect the minerals values, should valuable mineral deposits be found.

Thank you for your consideration of these changes.

Sincerely,

Steven C. Borell, P.E.  
Executive Director

cc: Pat Fouchot

TONY KNOWLES  
GOVERNOR



P O Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 16, 1996

223

The Honorable Drue Pearce  
Senate President  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the permanent closure of certain land within the Situk River system to new mineral entry. The closure was called for in the Yakutat Area Plan adopted in April, 1995. The permanent closure is sought due to the importance of the Situk River system in supporting commercial, sport, subsistence, and personal use fisheries.

A permanent closure of an area of state land exceeding 640 contiguous acres to new mineral entry requires legislative approval. This bill would provide legislative approval of an interim classification order by the commissioner of natural resources.

The state Department of Fish and Game has worked closely with Yakutat area businesses and fishers in developing the Situk management plan. The closure to new mineral entry has gathered broad local support from users of this world-class fishery.

Because the interim classification closing the system to new mineral entry will expire on the 90th day of the legislative session unless approved by the legislature, I urge your early and favorable consideration of this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles  
Governor

## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Situk River Mineral Closure BRU: Habitat and Restoration  
 Component: Stream and Refuge Permits  
 Sponsor: House Rules at Request of Governor  
 Requester: \_\_\_\_\_ COMPONENT SERIAL NO. 2099

## Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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## FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0

## POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Geron Bruce *Geron Bruce* Phone: 485-6143  
 Division: Commissioner's Office Date: 12/27/95  
 Approved by Commissioner: Frank Rus *Geron Bruce for* Date: 12/27/95  
 Agency: Department of Fish and Game

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# FISCAL NOTE

Bill Version: SB 223

BILL (S) Publish Date: 1/17/96

## STATE OF ALASKA 1996 LEGISLATIVE SESSION

Revision Date: Original Dept Affected Natural Resources  
 Title: Situk River System Mineral Closure BRU: Resource Development  
 Component: Mining Development  
 Sponsor: House/Senate Rules Committees  
 Requestor: Governor Knowles Component Serial No. 442

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02	
PERSONAL SERVICES							
TRAVEL							
CONTRACTUAL							
SUPPLIES							
EQUIPMENT							
LAND & STRUCTURES							
GRANTS, CLAIMS							
MISCELLANEOUS							
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0	
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0	
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0	

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1091 GF/Designated Prog. Rec							
Other							
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY96) cost: \$ none

POSITIONS		FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME		0	0	0	0	0	0
PART-TIME		0	0	0	0	0	0
TEMPORARY		0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

There is no anticipated financial impact for the Department of Natural Resources associated with Implementation of this legislation.

Records research as of 12/20/95 shows there are no outstanding or existing mineral rights, leases or claims of record in this area.

Prepared by: Jules Tileston, Director Phone: 269-8625  
 Division: Mining & Water Date: 20-Dec-95  
 Approved by Commissioner: \_\_\_\_\_ Date: 20-Dec-95  
 Agency: Natural Resources

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# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526  
JUNEAU, ALASKA 99802-5526  
PHONE: (907) 465-4100  
FACSIMILE: (907) 465-2332

January 23, 1996

The Honorable Loren Leman  
Chairman, Senate Resources Committee  
State Capitol Building, Room 113  
Juneau, AK 99801

Dear Senator Leman:

I am requesting a hearing on Senate Bill 223, which has been referred to the Senate Resources Committee. The commissioner of the Department of Natural Resources issued an interim order on April 3, 1995, closing the bed of the Situk River, associated lakes, and lagoon to new mineral entry. This order will expire unless the legislature enacts it into law before April 6, 1996, or upon the adjournment of the legislature should it adjourn sooner.

The Situk River is an extremely valuable river. It supports important recreational, subsistence, and commercial fisheries. The Situk River spring steelhead run is the largest in the state and one of the largest wild runs in the world. An economically important sport fish guiding industry has developed on the Situk River. The river draws many visitors to the state and is an important contributor to Alaska's growing visitor industry.

The Yakataga Area Plan, developed in accordance with AS 38.04.065 and 11 AAC 55.010-030, recommends closing the Situk to new mineral entry. There is widespread public support for protecting the Situk River. This closure is supported by the Yakutat Chamber of Commerce.

Because of the April 6 deadline for legislative action, I am respectfully requesting a hearing as soon as possible. I have enclosed a copy of the closing order for your information. Thank you for your consideration.

Sincerely,



Frank Rue  
Commissioner

Enclosure

cc: Pat Pourchot

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES

*Uron*

INTERIM MINERAL CLOSING ORDER NO. 711

Closing Lands to Mineral Entry     Opening Lands to Mineral Entry

I. Name: YAKATAGA AREA PLAN

II. This interim mineral order is based upon the attached Commissioner's Finding and the written documentation contained in:

Area Plan: YAKATAGA AREA PLAN Dated \_\_\_\_\_

Management Plan: \_\_\_\_\_ Dated \_\_\_\_\_

Site Specific Plan: \_\_\_\_\_ Dated \_\_\_\_\_

Other: \_\_\_\_\_ Dated \_\_\_\_\_

III. <u>File Number</u>	<u>Legal Description</u>	<u>Acreage</u>
	See attached map	Approximately 2.797 acres

IV. This order is subject to valid existing rights and issued under the authority granted by AS 38.05.185 - 38.05.275 to the Department of Natural Resources. The above described lands are hereby  closed  opened to entry under the locatable mineral and mining laws of the State of Alaska. Because this mineral order applies to more than 640 contiguous acres and is for purposes of protecting fish habitat, it is issued on an interim basis only under AS 38.05.300(c). Unless the legislature approves this order, the order expires on April 6, 1996, or upon adjournment of the 1996 legislative session, whichever occurs first. If legislatively approved, it will remain in effect until it is amended or revoked.

Concur: *[Signature]* 4/3/95  
Director, Division of Land Date

Concur: *[Signature]* 4/3/95  
Director, Division of Mining and Water Management Date

Approved: *[Signature]* 4/3/95  
Commissioner Effective Date

**RECEIVED**

10-1019 (01-89)

DEC 15 1995

DEPT. OF FISH & GAME  
COMMISSIONER'S OFFICE

YAKATAGA AREA PLAN  
 FINDING OF THE COMMISSIONER  
 MINERAL CLOSING ORDER NO. 711  
 AS 38.05.185 (a)

The Yakataga Area Plan (YAP), developed in accordance with AS 38.04.065 and 11 AAC 55.010-030, identifies the Situk River and associated lakes as waterbodies that should be closed to new mineral entry. Anadromous fish habitat constitutes a significant use of the surface estate of the Situk River system. Closing the state-owned subsurface estate of the river system to new mineral entry will help protect the fish habitat and high water quality which are essential for sustaining the productivity of the area's commercial, sport, and community harvest. The amount of land to be closed under Mineral Closing Order No. 711 approximates 2,797 acres and is depicted in the chart below:

Area	Acreage (subtotal)
Mountain Lake	205
Unnamed River between Mountain Lake & Situk Lake	20
Situk Lake	1,000
Situk River below Situk Lake	745
Situk Lagoon	827

**TOTAL            2,797**

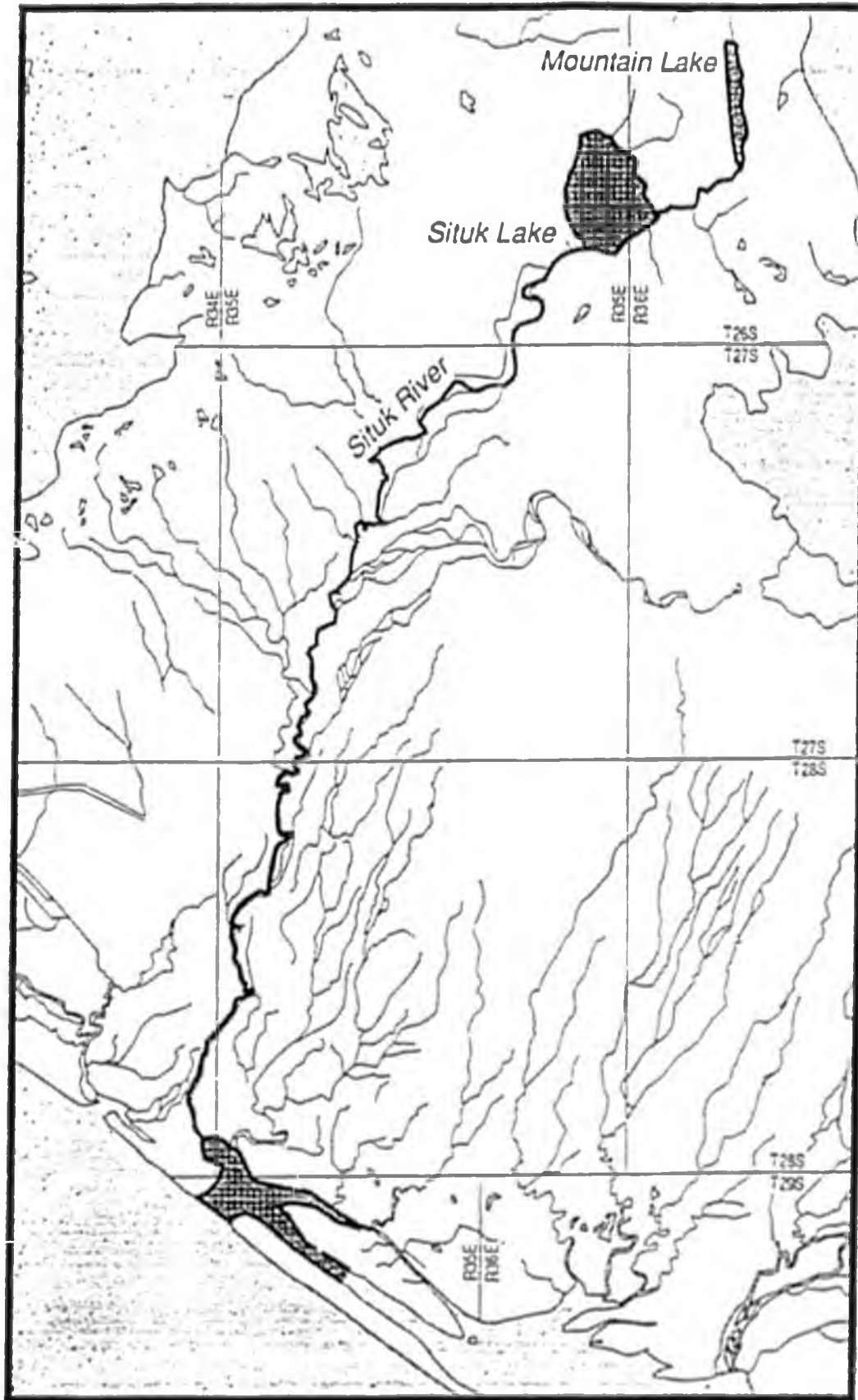
Fish escapement figures for the Situk River as determined by the Alaska Department of Fish and Game are: 654,000 pink salmon; 192,000 sockeye salmon; 14,000 coho salmon; 5,000 cutthroat trout; 50,000 Dolly Varden/char; and significant numbers of spring and fall steelhead trout.

The Situk River and associated waters support a commercial and community harvest fishery utilized by set netters along the coastline and lagoons in the Yakataga area, including commercial fish camps and Native allotments at the mouth of the Situk River. The sport fishery is a significant wild fishery for king, sockeye, coho, and pink salmon and Dolly Varden/char and steelhead. The system is the most important in Southeast Alaska for harvesting steelhead trout. The mean catch (1989-1990) totaled 3,532 fish and the mean annual angler hours totaled 13,193. The late summer-fall coho fishery had a mean catch of 2,758 fish and 11,787 angler hours (1985-89). Sportfishing in the Situk River attracts anglers from across the country and abroad. In addition, the U.S. Forest Service has made a considerable investment in the public use cabins, hiking trails, and other services that support the fishery.

  
 John Shively, Commissioner  
 Department of Natural Resources

Date

4/3/95



Map 7  
YAKATAGA AREA PLAN  
SITUK RIVER, SITUK LAKE, & MOUNTAIN LAKE  
Mineral Closure (MCO 711)

Township, Range & Sections affected by Situk River MCO 711

Arcedit: LIST NAME, TYPE, NUMBER, MTR, SECTION *Meridian Township, Range, Section*

Record	NAME	TYPE	NUMBER	MTR	SECTION
55374	SITUK R	MCO	711	C028S034E	36
55375	SITUK R	MCO	711	C028S035E	31
56056	SITUK R	MCO	711	C029S035E	4
56074	SITUK R	MCO	711	C029S035E	3
56089	SITUK R	MCO	711	C029S035E	5
56126	SITUK R	MCO	711	C029S035E	2
56197	SITUK R	MCO	711	C029S035E	10
56234	SITUK R	MCO	711	C029S035E	11

Arcedit: LIST NAME, BUFCODE, TYPE, NUMBER, MTR, SECTION

Record	NAME	BUFCODE	TYPE	NUMBER	MTR	SECTION
576	SITUK R	15	MCO	711	C026S036E	20
578	SITUK R	15	MCO	711	C026S036E	29
580	SITUK R	15	MCO	711	C026S036E	30
585	SITUK R	50	MCO	711	C026S035E	25
586	SITUK R	50	MCO	711	C026S035E	26
587	SITUK R	50	MCO	711	C026S035E	35
588	SITUK R	50	MCO	711	C027S035E	2
589	SITUK R	50	MCO	711	C027S035E	3
590	SITUK R	50	MCO	711	C027S035E	10
591	SITUK R	50	MCO	711	C027S035E	9
592	SITUK R	50	MCO	711	C027S035E	10
593	SITUK R	50	MCO	711	C027S035E	9
594	SITUK R	50	MCO	711	C027S035E	16
595	SITUK R	50	MCO	711	C027S035E	17
596	SITUK R	50	MCO	711	C027S035E	20
600	SITUK R	50	MCO	711	C027S035E	29
623	SITUK R	50	MCO	711	C027S035E	32
626	SITUK R	50	MCO	711	C028S035E	5
627	SITUK R	50	MCO	711	C028S035E	6
628	SITUK R	50	MCO	711	C028S035E	5
634	SITUK R	50	MCO	711	C028S035E	6
635	SITUK R	50	MCO	711	C028S035E	7
639	SITUK R	50	MCO	711	C028S035E	8
649	SITUK R	50	MCO	711	C028S035E	7
665	SITUK R	50	MCO	711	C028S035E	18
673	SITUK R	50	MCO	711	C028S035E	19
674	SITUK R	50	MCO	711	C028S034E	24
696	SITUK R	50	MCO	711	C028S034E	25
703	SITUK R	50	MCO	711	C028S034E	36

Record	NAME	TYPE	NUMBER	MTR	SECTION
54119	SITUK L	MCO	711	C026S035E	13
54130	SITUK L	MCO	711	C026S035E	24
54164	SITUK L	MCO	711	C026S036E	19
54249	SITUK L	MCO	711	C026S036E	30
54253	SITUK L	MCO	711	C026S035E	25

Record	NAME	TYPE	NUMBER	MTR	SECTION
53969	MOUNTAIN L	MCO	711	C026S036E	8
54004	MOUNTAIN L	MCO	711	C026S036E	17
54122	MOUNTAIN L	MCO	711	C026S036E	20

Record	NAME	TYPE	NUMBER	MTR	SECTION
55352	SUMMIT L	MCO	712	C028S033E	2
55389	SUMMIT L	MCO	712	C028S033E	1
55402	SUMMIT L	MCO	712	C028S033E	12
55403	SUMMIT L	MCO	712	C028S033E	11

~~LIST NAME, BUFCODE, TYPE, NUMBER, MTR, SECTION~~

Record	NAME	BUFCODE	TYPE	NUMBER	MTR	SECTION
603	OPHIR CR	15	MCO	712	C027S034E	30
608	OPHIR CR	15	MCO	712	C027S034E	31
625	OPHIR CR	15	MCO	712	C027S033E	36



**SB**

**230**

02/12/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

16:20:10

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:MAT

TCN:60324

SCHEDULED FOR:02/12/96 15:30 TO 17:00

FOR:MAT

PUBLIC HEARING

SENATE RESOURCES

LOCATION:MATSU

SB 230

✓MR

NOEL

WOODS

*1st - 5th wing park main 400 n. a. b. 11*

TESTIFY

SB 230

✓MR

KEN

RIVARD

TESTIFY

SB 230

✓MR

ROY

BURKHART

TESTIFY

SB 230

✓MR

LEONARD

HAIRE

*testify later (50)*

TESTIFY

# FISCAL NOTE

STATE OF ALASKA

BILL NO. SB230

1996 LEGISLATIVE SESSION

Revision Date: original Dept Affected Natural Resources  
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management  
land and water may not be classified so as to preclude or... Component: Parks Management  
 Sponsor: Senator Pearce, Frank, Green, Halford  
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	1.0	1.5	1.5	1.0	1.0	1.0
CONTRACTUAL	1.0	2.0	2.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.0</b>	<b>3.5</b>	<b>3.5</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	3.5	3.5	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>2.0</b>	<b>3.5</b>	<b>3.5</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

When parks receives an ILMA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 ILMAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transferred to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stratton, Director Phone: 269-8700  
 Division: Parks Date: 5-Feb-98  
 Approved by Commissioner: [Signature] Date: 5-Feb-98  
 Agency: Natural Resources

To: Dave Stancliff

From: Jim Stratton 

It's taken a little longer than I thought to find the citations used by Division of Land for their Interagency Land Management Agreements. I spoke with Mary Kay Hession at 269-8511. I'd call her for more information.

ILMAs are administered by Division of Land and provide for land transfer to all agencies in state government for such purposes as DOT/PF for materials sites, Division of Communications for tele-communications repeater sites, Division of Forestry for fire bases, etc.. The citations Mary Kay gave me are 38.04.060(b), 38.05.295, 38.05.300, 38.05.030.

Hope this helps out.



ILMA's opened to uses otherwise prohibited by state park regulations.

1. Bernice Lake SRS	Powerboats	180 acres	* Closed June 1994
2. Bonnie Lake SRS	Powerboats	129 acres	
3. Chilkoot Trail	Firearms	866 acres	*2 ILMA's
4. Eagle Trail SRS	Firearms	280 acres	
5. Harding Lake SRA	Firearms	169 acres	
6. Johson Lake SRA	Aircraft	320 acres	
7. Kepler - Bradley SRA	Horses on trails	344 acres	
	boats with electric trolling motors		
8. Long Lake SRS	Aircraft	480 acres	
9. Lower Chatanika SRA	Firearms	400 acres	
10. Old Sitka SHS	Powerboats	59 acres	
11. Rocky Lake SRS	Aircraft	49 acres	
	Motroized boats excluding jet skiis, airboats and jet boats with inboard motors.		
12. Settlers Cove SRS	Powerboats	37 acres	
13. Summit Lake SRS	Snowmachines#	360 acres	

#Managed as open under Hatcher Pass East Management Area Agreement. Regs moving thru APA process opening area.

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Kenai/PWS Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Anchor River SRA	65068	08-22-1999	0**
	66155	01-13-2000	0**
Anchor River SRS	50059	05-22-1997	0**
Caines Head SRA	224263	indefinite	620
Centennial Lake SRS	221088	09-30-2010	97.98
Clam Gulch SRA	38244	04-18-1993	46.06
	220821	09-30-2010	283
	212217	requested	0**
Crooked Creek SRS	221151	09-30-2010	86.85
Deep Creek SRA	50074	08-15-1999	44.38
	204189	05-31-2006	0**
Johnson Lake SRA	37261	12-08-1992	0**
	42294	10-22-1999	107
	65720	01-06-2000	157.85
Cooper Landing, KRSMA	225157	indefinite	421
Kasilof River SRS	54288	05-22-1997	47.23
	65122	09-12-1999	0**
Upper Kasilof River SRA	221088	09-30-2010	281.02
Ninilchik SRA	40971	08-12-2005	0**
	56524	05-18-1997	0**
	65744	01-06-2000	12.35
Scout Lake, KRSMA	215450	08-24-2007	30
Stariski SRS	42295	01-14-1994	0**

Pending Actions - Proposed ILMAs

Stariski SRS (tidelands)	42396	Eagle Rock, KR	220733
Cohoe Beach	200758	North Cohoe Beach	no #
Kasilof River Mouth	223799	Lower Kasilof River	no #
Crooked Creek SRS	-issue ILMA for OSL 1092		

Total number of ILMAs 23  
 Total acreage 2,234.72  
 Average acreage per ILMA 97.16

\*\* acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

VCB District, Mat-Su/VCB Area

\* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Blueberry Lake SRS	50064	05-18-1997	0**
Dry Creek SRS	81245	09-13-2002	320**
Lake Louise SRA	65591 215412	10-22-1999 requested	0** 0**
Liberty Falls SRS	226236	indefinite	0**
Little Nelchina SRS	65296	06-20-2002	0**
Little Tonsina SRS	50057	05-22-1997	0**
Porcupine Creek SRS	65298	06-17-2001	0**
Squirrel Creek SRS	50056	06-12-2012	160
Valdez Glacier CG*	50052 55852	05-16-1997 05-25-1997	0** 45.92
Worthington Glacier SRS	51051	12-01-2001	0**

Pending Actions:

Porcupine Creek SRS

-will need land added by ILMA when land is issued to state from feds

Blueberry Lake SRS

- typo in amendment, correct when re-issued

Total number of ILMAs            12  
 Total acreage                        525.92  
 Average acreage per ILMA        43.82

\*\* acreage on general state land only, OSL & 507 land excluded from this number

Mat-Su/VCB Area totals

Total number of ILMAs            30  
 Total acreage                        3,590.59  
 Average acreage per ILMA        119.69

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Southeast Area

\* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Baranof Castle SHS	39213	07-08-1993	0**
Chilkoot Trail*	65587 103245	01-06-2000 07-02-2007	638 228
Grindall Island SMP	105755	indefinite	240
Halibut Point SRS	73659 75840	07-15-2002 10-27-2005	0** 17.76
Johnson Creek SRS	103850	12-15-2008	7.7
Juneau Trail System	65585	09-20-1999	0**
Mosquito Lake SRS	50070	11-15-1999	0**
Old Sitka SHP	39505 104586	07-31-1993 07-01-2017	0** 7.86
Pioneer Park SRS	104719	05-22-2011	0**
Portage Cove SRS	60165	04-23-1998	0**
Refuge Cove SRS	50073	01-06-2000	0**
Salmon River, Gustavus*	103836	11-14-2008	22.95
Settlers Cove SRS	103798	09-15-2008	37.5
Totem Bight SHP	65588 105607	07-08-2008 indefinite	0** 23.50
Totem Square, Sitka*	65586	03-27-2000	0**

Pending Actions:

Chilkoot Lake SRS

-in future, ILMA will need to be requested when land is approved for state patented by the feds.

Grindall Island SMP

-ILMA needs to be replaced by legislation

Juneau Trail System

-add easement to current ILMA

Total number of ILMAs

19

Total acreage

1223.27

Average acreage per ILMA

64.38

\*\* acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Northern Area

\* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acerage
Big Delta SHP	414607	03-12-2017	3.39**
Birch Lake SRS	67058	12-01-2006	191
Chena River SRS	39240	01-09-1995	26.86
Lower Chatanika River SRA	56390	07-31-2008	400
Upper Chatanika River SRS	63136	02-19-1999	54**
Clearwater SRS	50054	05-25-1997	0**
Deadman Lake CG*	50069	06-17-2201	0**
Donnelly Creek SRS	50066	10-24-2029	42
Dry Creek Site	65667	03-12-2004	90
Eagle Trail SRS	50050	09-12-2016	280
Harding Lake SRA	39238	04-01-2005	168.96
Lake View CG*	50068	06-17-2001	0**
Moon Lake SRS	50067	06-17-2001	0**
Quartz Lake SRA	65463	06-11-2000	556.15
Salcha River SRS	65299	09-12-1999	0**
Tok River SRS	50053	06-17-2001	0**

Pending Actions:

- Delta SRS -issue ILMA, no number
- Fielding Lake SRS -issue pending ILMA 412741
- Birch Lake SRS -issue pending easement for lakeshore
  
- Donnelly Creek SRS -legal description error in ILMA amendment, have corrected when ILMA renewed

Total number of ILMAs 16  
 Total acreage 1,812.36  
 Average acreage per ILMA 113.27

\*\* acreage on general state land only, OSL & 507 land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Mat-Su District, Mat-Su/VCB Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Big Lake North SRS	42296	04-15-2010	0**
Big Lake South SRS	42296	04-15-2010	0**
Bonnie Lake SRS	42298 42397	01-14-1994 10-22-1999	30.72 98
Finger Lake SRS	6571	10-17-1999	0**
Denali SP	225.71 225373	indefinite indefinite	620 600
Independence Mine SHP	223571	04-30-2011	490**
Kepler-Bradley Lakes SRA	210980	08-29-2010	49.57**
King Mountain SRS	42292	12-20-1993	0**
Long Lake SRS	50072	05-18-1997	479.72
Matanuska Glacier SRS	50063	05-22-1997	228.94
Moose Creek SRS	42300	12-20-1993 or indefinite?	0**
Nancy Lake SRS	37437	12-15-1992	35.59
Rocky Lake SRS	50071 67519	05-18-1997 indefinite	48.32 1
Summit Lake SRS	223584	04-30-2011	360
Wolf Lake SRS	216795 (P&C lease)	04-04-2029	22.81

Pending Actions:

- Denali SP - ILMA 225372 needs to be issued
- Independence Mine -land needs to be added to existing ILMA
- Kepler-Bradley -lakes & OSL 854 & 858 need to be added to existing ILMA or issued under new ILMA
- Montana Creek -ILMA 217793 is a duplication of mgt rts and needs to be closed
- Nancy Lake SRA -ILMAs 56936 & 57369 are duplications and can be closed

Total number of ILMAs 18  
 Total acreage 3,064.67  
 Average acreage per ILMA 170.25

\*\* acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 02, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Chugach Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Bird Creek CG	226191	09-16-2018	31.38
California Creek TH	203859	06-01-2020	3.33
Comercial Dr	201134	08-24-2004	7
McHugh Creek parcel	225945	12-31-2002	0**

Pending Actions:

LDA needs to be updated to include additional parcels in various locations.

Total number of ILMAs           4  
 Total acreage                       41.71  
 Average acreage per ILMA       10.42

\*\* acreage on general state land only, OSL land excluded from this number

Kodiak Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Fort Abercrombie SHP	39239	01-30-1994	182.72
Pasagshak River SRS	65396	02-25-2000	100
Woody Island SRS	215531	indefinte	72.71**

Pending Actions

Pasagshak River SRS       -application in for addition to park by ILMA

Total number of ILMAs           3  
 Total acreage                       355.43  
 Average acreage per ILMA       118.47

\*\* acreage on general state land only, OSL land excluded from this number

### Alaska State Parks ILMA & Acreage Information

Area	# of ILMAs	Total ILMA acreage	Average ILMA acreage
Northern	16	1,812.36	113.27
Mat-Su/VCR	30	3,590.59	119.69
Chugach	4	41.71	10.42
Kenai/PWS	23	2,234.72	97.16
Kodiak	3	355.43	118.47
Southeast	19	1,223.27	64.38
WT	0	0	0
<hr/>			
Grand Totals	95	9,258.08	97.45

MAR 25 1996

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF PARKS AND OUTDOOR RECREATION**

3601 C STREET SUITE 1200  
ANCHORAGE ALASKA 99503  
PHONE (907) 782 2600

20 March 1996

Recipients of Public Notice

November 2, 1995

Regarding Proposed Changes to State Park Regulations

Dear Alaskan:

Enclosed is the "Additional Regulations Notice Information" form required by AS 44.62.190(d) concerning proposed amendments to Title 11 AAC 05, 12, and 20. Notice of the proposed regulations and publication of that notice of the proposed regulations first occurred in November 1995.

Please note that this additional regulation notice information does not reopen the comment period which closed December 12, 1995. The attached information was inadvertently not included with the notice distributed in November 1995.

Sincerely;



Peter J. Panarese  
Chief, Field Operations

Enclosure

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. The regulations cover four categories: statewide regulations concerning the park user fee system (11 AAC 5); regulations affecting public use of state parks related to camping and boating (11 AAC 12); regulations pertaining to the use of weapons, vehicles, horses, and alcoholic beverages in certain units of the state park system (11 AAC 20); and boating methods and commercial uses of the Kenai River Special Management Area (11 AAC 20).
3. Citation of regulations: Title 11AAC 05.010.(a)(12), 11AAC 12.220, 11AAC 20.015 - 20.990.
4. Reason for proposed action: The proposed fee regulations will allow greater participation by park users in deferring the State's maintenance and operation costs for the state park system. Proposed regulation relating to uses of state park land and water implement management recommendations found in several, previously approved park master plans and accommodate changing recreational use patterns in the state park systems. The regulation proposals for the Kenai River Special Management Area address concerns raised by property owners, river users and issues identified in the Kenai River Carrying Capacity Study.
5. Program: Park Operation and Maintenance, BRU: Parks and Recreation Management.
6. Cost of implementation: (in thousands of dollars) are primarily for new signs in campgrounds, at boat launches and fee kiosks, printing of commercial RV rental passes, and increased postage to mail out information on new fees.

	1st year FY 96*	Subsequent
Cost	\$5.6	\$2.0
GF	\$5.6	\$2.0
Fed.	\$0	\$0

\* Fiscal year indication is contingent on filing date of regulations by Lt. Governor.

7. The name of the contact person for the regulations:

Pete Panarese, Chief, Field Operations  
Division of Parks and Outdoor Recreation  
3601 "C" Street, Suite 1200  
Anchorage, Alaska 99503-5921

8. The proposed action originated from the staff of the agency and from concerns of the general public who participated in the state park master planning process or live on land adjacent to state parks.

9. Date: 21 March 1996

Prepared by:



Peter J. Panarese  
Chief, Field Operations  
907-269-8702

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. CSSB230(RES)**

Revision Date: \_\_\_\_\_ Dept Affected Natural Resources  
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management  
land and water may not be classified so as to preclude or ... Component: Parks Management  
 Sponsor: Senator Pearce  
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	34.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES	26.8					
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>146.6</b>	<b>50.6</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	146.0	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>146.0</b>	<b>50.6</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>

Estimate of any current year (FY96) cost: \$ none

**POSITIONS**

FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:**

(Attach a separate page if necessary)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

While no income is presently derived from areas administratively added to Denali and Wood-Tikchik State Parks, current additions or those anticipated in the near future do have the possibility of generating commercial use fees (Denali) and boat launch fees (Wood-Tikchik). Combined income potential is about \$10.0.

The inability to manage lands purchased by federal Land and Water Conservation Fund monies that lie beyond the boundary of Chilkat State Park in 1977 and 1979 would require the state to purchase similar lands for recreational purposes at another site. Costs would be for appraising existing parcels and appraising potential

Prepared by: Jim Stratton, Director Phone: 269-8700  
 Division: Parks Date: 20-Mar-96  
 Approved by Commissioner: Nick ... Date: 20-Mar-96  
 Agency: Natural Resources

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

Fiscal note analysis continued...

new parcels. There are three parcels involved at Chilkat State Park. Because they are on the road system, appraisals would be about \$3.0 each. Appraisal for the new piece is placed at \$5.0. Purchase price in 1977 and 1979 was \$13,405. The price for similar land today will have at least doubled (that is the figure we used). An alternative would be for the legislature to add these parcels to Chilkat State Park.

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$150.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resources Officer I for six months (17.4). Remainder is for travel (\$8.0), contractual (\$30.0), supplies (\$16.0), and oversight by Chief of Policy and Planning (\$25.6).

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/13/96

FURTHER: Finance

Date of 5-Day Notice: 2-1-96  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-96

The Resources Committee considered SB 230

\*An Act providing that state land, water, and land and water may not or restrict traditional means of access for traditional recreational u

*FN for CS coming from DNR*

lude

and recommends:

- be replaced with CS SB 230 (REPS)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

- same title
- new title
- House Bill:
- same title
- technical title
- new: SCR#

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Wick Helford</i>	<input checked="" type="checkbox"/>	<i>Wick Helford</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>					
<i>[Signature]</i>					
<i>[Signature]</i>					
<i>[Signature]</i>					
<b>CHAIR: <i>Wick Helford</i></b>	<input checked="" type="checkbox"/>	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
DNR - PARKS	2/5/96		\$2.0

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill

*0 2/11 1996*

# Alaska State Legislature



*During Interim (June - Dec)*  
716 West 4th Avenue, Suite 500  
Anchorage, AK 99501-2133  
(907) 258-8185  
Fax (907) 258-0226

*During Session (Jan - May)*  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3993  
Fax (907) 465-3872

**Drue Pearce**  
*President of the Senate*

## **Sectional Analysis of CS for Senate Bill 230** (version 9-LS1538\K)

Prepared for the Senate Resources Committee  
by staff to Senator Drue Pearce  
March 12, 1996

**Section one:** Adds a section to the list of duties required of the Department of Natural Resources. The Department must annually submit a report to the Legislature on each designation of an incompatible use that prohibits or restricts a traditional means of access. The report must state reasons for the restriction or prohibition, the specific area affected, and the duration of the restriction or prohibition. The sections further defines "traditional means of access" and "traditional recreational activity" as used in the section.

**Section two:** Adds a further section to the list of duties required of the Department of Natural Resources. The Department may not manage as special purpose park land those areas not inside park boundaries as designated by the legislature.

**Section three:** Adds a section to the statute establishing Denali State Park specifying what constitutes an incompatible use.

**Section four:** Specifies that past regulations, and regulations being currently promulgated, concerning Denali State Park take effect only if they are consistent with the provisions of this Act. Past regulations not consistent with this Act are annulled.

9-LS1538\K  
Luckhaupt  
3/11/96

CS FOR SENATE BILL NO. 230( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS PEARCE, Frank, Green, Halford, Leman, Miller, Phillips, Sharp, Taylor, Torgerson, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as  
2 part of a state park, recreational or special management area, or preserve;  
3 relating to reports to the legislature concerning prohibitions or restrictions of  
4 traditional means of access for traditional recreational uses within a park,  
5 recreational or special management area, or preserve; and relating to Denali State  
6 Park."

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

8 • Section 1. AS 41.21.020(a) is amended to read:

9 (a) The department shall

10 (1) develop a continuing plan for the conservation and maximum use in  
11 the public interest of the scenic, historic, archaeological, scientific, biological, and  
12 recreational resources of the state;

13 (2) plan for and develop a system of state parks and recreational

1 facilities, to be established as the legislature authorizes and directs;

2 (3) acquire by gift, purchase, or transfer from state or federal agencies,  
3 or from individuals, corporations, partnerships, or associations, land necessary, suitable,  
4 and proper for roadside, picnic, recreational, or park purposes;

5 (4) develop, manage, and maintain state parks and recreational areas;

6 (5) provide for the acquisition, care, management, supervision,  
7 improvement, development, extension, and maintenance of public recreational land, and  
8 make necessary arrangements, contracts, or commitments for the improvement and  
9 development of land acquired under AS 41.21.010 - 41.21.040; contracting for  
10 improvement and development under this paragraph is governed by AS 36.30 (State  
11 Procurement Code);

12 (6) adopt, in accordance with this section and AS 44.62 (Administrative  
13 Procedure Act), regulations governing the use and designating incompatible uses within  
14 the boundaries of state park and recreational areas to protect the property and to preserve  
15 the peace;

16 (7) cooperate with the United States and its agencies and local  
17 subdivisions of the state to secure the effective supervision, improvement, development,  
18 extension, and maintenance of state parks, state monuments, state historical areas, and  
19 state recreational areas, and secure agreements or contracts for the purpose of  
20 AS 41.21.010 - 41.21.040;

21 (8) encourage the organization of state public park and recreational  
22 activities in the local political subdivisions of the state;

23 (9) provide for consulting service designed to develop local park and  
24 recreation facilities and programs;

25 (10) provide clearinghouse services for other state agencies concerned  
26 with park and recreation matters;

27 (11) perform other duties as are prescribed by executive order or by law;

28 (12) maintain memorials to Alaska veterans located in state parks; [AND]

29 (13) adopt, in accordance with AS 44.62 (Administrative Procedure Act),  
30 regulations governing the use of the Chena River State Recreation Area and designating  
31 incompatible uses within the boundaries of the Chena River State Recreation Area in  
32 accordance with AS 41.21.490; and

1                   (14) annually, by the first day of each regular session of the  
2 legislature, submit a report to the legislature on each designation of an incompatible  
3 use under this chapter, or other action, that prohibits or restricts a traditional  
4 means of access across a park, area, or preserve established under this chapter for  
5 a traditional recreational activity on or within the park, area, or preserve; for each  
6 prohibition or restriction, the report must state reasons for the designation of  
7 incompatibility or prohibition or restriction of a traditional means of access, the  
8 specific area of the prohibition or restriction, and the time period during which the  
9 incompatibility or prohibition or restriction is expected to exist; in this paragraph,

10                   (A) "traditional means of access" means those types of  
11 transportation on, to, or in the state land, water, or land and water, for  
12 which a popular pattern of use has developed; the term includes general or  
13 commercial aviation, ballooning, motorized and nonmotorized boating,  
14 snowmachining, operation of all-terrain vehicles, mushing, skiing,  
15 snowshoeing, and walking;

16                   (B) "traditional recreational activity" means those personal  
17 or commercial types of activities that people may utilize for sport, exercise,  
18 subsistence, or personal enjoyment, including hunting, fishing, trapping, or  
19 gathering, and that have historically been conducted as part of an individual,  
20 family, or community life pattern on or in the state land, water, or land and  
21 water.

22 \* Sec. 2. AS 41.21.020 is amended by adding a new subsection to read:

23                   (d) Notwithstanding (a)(3) of this section, the department may not manage as  
24 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water,  
25 or land and water that is not within the boundaries, as designated by the legislature, of  
26 the park, area, or preserve.

27 \* Sec. 3. AS 41.21 is amended by adding a new section to read:

28                   Sec. 41.21.155. INCOMPATIBLE USES. (a) The commissioner may designate  
29 by regulation incompatible uses within the land and water areas described in  
30 AS 41.21.151.

31                   (b) Use of a weapon in the Denali State Park shall be allowed except in unique  
32 areas that may be closed for purposes of public safety by regulation by the

1 commissioner.

2 (c) The regulations governing public use of the Denali State Park must

3 (1) provide ample access for legal sport and subsistence hunting and  
4 fishing, trapping, and recreational uses; except to protect public safety, the commissioner  
5 may not restrict the exercise of sport or subsistence fishing or hunting or trapping  
6 permitted under law or under a regulation of the Board of Fisheries or the Board of  
7 Game within the Denali State Park;

8 (2) recognize that the current practice of traditional subsistence and  
9 recreational activities includes the use of small outboard motors and snow machines;

10 (3) permit reasonable access by aircraft for recreational purposes; and

11 (4) provide ample access for recreational mining.

12 \* Sec. 4. Regulations that have not taken effect before the effective date of this Act and are  
13 in the process of being adopted by the Department of Natural Resources concerning Denali State  
14 Park and uses within Denali State Park may only take effect to the extent the regulations are  
15 consistent with the provisions of this Act. Regulations adopted by the Department of Natural  
16 Resources concerning Denali State Park and uses within Denali State Park that take effect in  
17 1996 before this Act takes effect, are annulled.



# Alaska State Legislature

Official Business

State Capitol  
Juneau AK 99801

## SENATE RESOURCES COMMITTEE

\*expected to be present

- \*Chairman: Senator Loren Leman
- \*Vice Chairman: Senator Drue Pearce
- \*Senator Steve Frank
- \*Senator Rick Halford
- \*Senator Robin Taylor
- \*Senator Georgianna Lincoln
- \*Senator Lyman Hoffman

Teleconference Sites for both bills: ANC, FBX, Mat-Su

### AGENDA

3:30 to 5:00 p.m.

Monday, February 12, 1996

**SB 230: Leg Approve Perm'nt Recreat'nl Restrict'n**  
**SENATOR PEARCE, Sponsor**

Teleconferenced

#### Expected Witnesses:

- SENATOR Pearce to present bill (may be assisted by legislative aide, Krag Johnsen)
- Ron Swanson, Director of Lands/DNR (ANC LIO)
- Jim Stratton, Director of Parks & Outdoor Recreation/DNR (ANC LIO)
- Chuck Johnson, president, ERA Aviation (offnet)
- Roy Burkhart, (Mat-Su LIO)
- Randy Crosby, Sno-Action Alaska/Far North Tours (ANC LIO)
- Pat Phillips, AK Snow Industry Alliance, also member of Chugach State Park Citizen Advisory Board (ANC LIO)
- Janet Littlewood, Anchorage Snowmobile Club (ANC LIO)
- Eddie Grasser, Alaska Outdoor Council (ANC LIO)
- Steve Morgheim, Alaska Marine Dealers Association (ANC LIO)
- David Rogers, Producers' Council - Juneau

**SB 262: Management of Fish/Game Population & Area**  
**SENATOR MILLER, Sponsor**

Teleconferenced

#### Expected Witnesses:

- Senator Miller to present bill
- Wayne Regelin, Director, Division of Wildlife Conservation/DF&G
- Lynn Leveton (FBX LIO)

over over over over over



# ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501  
(907) 274-3621 • fax: 274-8733

February 23, 1996

Senate Resources Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Re: SB 230

Dear Committee Members:

SB 230 would cripple the state's ability to increase, for those Alaskans who use truly traditional means of access to state lands like skis, snowshoes, hiking boots, or canoes, the severely limited opportunities that exist at the present time to enjoy quiet recreational pursuits, while relatively recent, non-traditional, motorized, and noisy means of access, like snowmachines, airboats and helicopters, would continue to be inadequately managed. Consequently, we oppose this bill, which would only perpetuate a situation which is fundamentally unfair and inequitable.

On millions of acres of state lands, including many park lands, most types of motorized vehicle use are virtually unrestricted, while only a tiny portion of those lands have been set aside for quiet recreation. This failure to provide quiet refuges from the almost constant noise pollution in most urban, suburban and other areas adversely affects not only a great many Alaskans, but many visitors as well. The state's tourism operators, both large and small, rely on Alaska's wildness to lure visitors to the state, as one can see from looking at almost any of their brochures. For a great many of those visitors, the frequent sound of motorized vehicles is hardly compatible with wild Alaska, and their once-in-a-lifetime trip to the state could be a serious disappointment because of our failure to set aside quiet areas and provide a spectrum of tourism and recreational opportunities.

This is not a plea to prohibit motorized access on all state lands, or even on most state lands. What we should be striving for is a fair and equitable balance between land allocated for motorized, or noisy uses, and land allocated for non-motorized, or quiet ones—just as we strive for an equitable allocation of our fish and wildlife resources between subsistence, commercial, and recreational users.

What we have right now is a gross imbalance between noisy and quiet uses that heavily favors the former. For example, in southcentral Alaska millions of acres of state lands, the vast majority—including park lands—are open to snowmachines. Chugach State Park is the only area with a semblance of balance (even there only a minority of the major valleys are set aside for quiet recreation); a small proportion of the lands at Hatcher Pass and Nancy Lake are reserved for quiet sports; and at Denali State Park no such areas exist—nor do they exist on the millions of acres of undesignated state lands along both sides of the Parks and Glenn Highways. As a result it is nearly impossible to find a place to enjoy quiet recreational activities on the great majority of these public lands that supposedly provide opportunities for all Alaskans, not just a favored few. With 104 million acres of land, surely we can do better than this.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev 6 98

Central Microfilm Services  
Department of Education  
State of Alaska



# Alaska State Legislature

Official Business

State Capitol  
Juneau AK 99801

## SENATE RESOURCES COMMITTEE

\*expected to be present

- \*Chairman: Senator Loren Leman
- \*Vice Chairman: Senator Drue Pearce
- \*Senator Steve Frank
- \*Senator Rick Halford
- \*Senator Robin Taylor
- \*Senator Georgianna Lincoln
- \*Senator Lyman Hoffman

Teleconference Sites for both bills: ANC, FBX, Mat-Su

AGENDA  
3:30 to 5:00 p.m.  
Monday, February 12, 1996

SB 230: Leg Approve Perm't Recreat'nl Restrict'n  
SENATOR PEARCE, Sponsor

Teleconferenced

### Expected Witnesses:

- SENATOR Pearce to present bill (may be assisted by legislative aide, Krag Johnsen)
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- Jim Stratton, Director of Parks & Outdoor Recreation/DNR (ANC LIO)
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- Randy Crosby, Sno-Action Alaska/Far North Tours (ANC LIO)
- Pat Phillips, AK Snow Industry Alliance, also member of Chugach State Park Citizen Advisory Board (ANC LIO)
- Janet Littlewood, Anchorage Snowmobile Club (ANC LIO)
- Eddie Grasser, Alaska Outdoor Council (ANC LIO)
- Steve Morgheim, Alaska Marine Dealers Association (ANC LIO)
- David Rogers, Producers' Council - Juneau

SB 262: Management of Fish/Game Population & Area  
SENATOR MILLER, Sponsor

Teleconferenced

### Expected Witnesses:

- Senator Miller to present bill
- Wayne Regelin, Director, Division of Wildlife Conservation/DF&G
- Lynn Levengood (FBX LIO)

over over over over over

**NEXT MEETING:**

**Wednesday, Feb. 14**

- SCR 24: Reestablish ADF&G Division of Game (Sharp)**
- SB 243: Oil & Gas Leases; Areawide & Others (Resources)**
- SB 245: North Slope Oil & Gas Best Interest Finding**

**ADJOURN**



# ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501  
(907) 274-3621 • fax: 274-8733

February 23, 1996

Senate Resources Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Re: SB 230

Dear Committee Members:

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On millions of acres of state lands, including many park lands, most types of motorized vehicle use are virtually unrestricted, while only a tiny portion of those lands have been set aside for quiet recreation. This failure to provide quiet refuges from the almost constant noise pollution in most urban, suburban and other areas adversely affects not only a great many Alaskans, but many visitors as well. The state's tourism operators, both large and small, rely on Alaska's wildness to lure visitors to the state, as one can see from looking at almost any of their brochures. For a great many of those visitors, the frequent sound of motorized vehicles is hardly compatible with wild Alaska, and their once-in-a-lifetime trip to the state could be a serious disappointment because of our failure to set aside quiet areas and provide a spectrum of tourism and recreational opportunities.

This is not a plea to prohibit motorized access on all state lands, or even on most state lands. What we should be striving for is a fair and equitable balance between land allocated for motorized, or noisy uses, and land allocated for non-motorized, or quiet ones—just as we strive for an equitable allocation of our fish and wildlife resources between subsistence, commercial, and recreational users.

What we have right now is a gross imbalance between noisy and quiet uses that heavily favors the former. For example, in southcentral Alaska millions of acres of state lands, the vast majority—including park lands—are open to snowmachines. Chugach State Park is the only area with a semblance of balance (even there only a minority of the major valleys are set aside for quiet recreation); a small proportion of the lands at Hatcher Pass and Nancy Lake are reserved for quiet sports; and at Denali State Park no such areas exist—nor do they exist on the millions of acres of undesignated state lands along both sides of the Parks and Glenn Highways. As a result it is nearly impossible to find a place to enjoy quiet recreational activities on the great majority of these public lands that supposedly provide opportunities for all Alaskans, not just a favored few. With 104 million acres of land, surely we can do better than this.

The Division of Parks, to their great credit, has begun to try to right this imbalance between noisy and quiet recreational pursuits. In that regard, we strongly support the prohibition of aircraft landings on Curry and Kerugi Ridges. On the other hand, we were very disappointed to learn that the weight of public comment would be ignored and helicopter landings would be permitted in the Tokositna area; for many years a substantial majority of public commenters has opposed a variety of proposals for helicopter landings in parks and other sensitive areas; this authorization is a giant step backward.

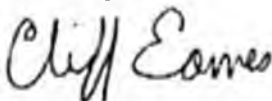
A number of witnesses at the recent committee hearings have said that they are concerned about being denied access to state lands. However, even in those few instances where access is regulated it isn't people that are being denied access, but machines. Anyone can still access these areas by the truly traditional means that people have employed for thousands of years.

One witness expressed the fear that residents of remote villages would be prevented from using motorized vehicles for necessary subsistence or travel purposes. But are there any instances where either the Division of Lands or the Division of Parks has imposed such restrictions?

Finally, state planning, regulatory, and classification processes provide abundant opportunities for both public participation and the fashioning of delicate compromises to resolve difficult and controversial issues. Asking the legislature to engage in the detailed level of land management that would be required to try to resolve the conflicts that are the subject of this bill would be time-consuming and inefficient; even though we, too, are often unhappy with DNR decisions, we nevertheless believe that these questions are best left to that agency's professional land managers (we would point out in this regard that the difficult compromise worked out by the Division of Lands in the Recreation Rivers Management Plan was presented to and implicitly ratified by the legislature; the system, although it's never going to be perfect, is in fact working well).

Thank you very much for your consideration of these comments on a very controversial subject of great importance to all Alaskans--as well as to a great many of our visitors.

Sincerely,



Cliff Eames  
Issues Director

cc: Governor Tony Knowles  
Commissioner John Shively  
Jane Angvik, Director, Div. of Lands  
Jim Stratton, Director, Div. of Parks

Karen Holt  
P.O. Box 489  
Talkeetna, Alaska 99676

March 13, 1996

To: Chairman Leman  
for distribution to the members of the Senate Resource Committee

I am a Talkeetna resident who wholeheartedly supports SB 230.

There is a proposal to change the Alaska State Park Regulations as they effect aircraft use in Denali State Park that has been approved by Department of Natural Resources Commissioner John Shively, that is now under review by the Department of Law. This proposal will disallow aircraft landings on Byers Lake, Curry Ridge, and Kesugi Ridge.

Jim Stratton, Alaska State Parks Director told me in a meeting on February 23, 1996 that his decision to disallow aircraft access to Curry Ridge, Kesugi Ridge, and Byers Lake was for a social reason.

According to DNR there are (resident and non-resident) visitors to the State Parks who believe their experience is negated by motorized methods of transportation. It is because of these users who desire an exclusive non-motorized experience that this proposal is being considered.

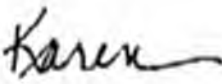
During the public comment period for this proposal, I question if Department of Natural Resources adequately considered the comments for the maximum use in the public interest as required by AS 41.21.010-20. Summary of public comment show 115 in favor and 181 opposed to the restrictions. Mr. Stratton explained to me it was his decision to exclude 139 opposed form letters from consideration. I understood all the "form letters" without a written comment were considered as one opposition. Upon my personal review of these "form letters" I saw well over one hundred personally signed letters that had used the same language, most were photocopies, and some were retyped with personal letterhead. With only a few exceptions, all letters had a return address, and many had phone numbers. I could look at these letters and see they were from an Alaskan resident, and it would not be too difficult to contact the individual. I think these people were unfairly considered as only one opposition in the public comment process. Additionally after thorough review of the 115 comments in favor of the restrictions, there were less than 75 that actually could be considered as supporting the aircraft restrictions, and not some other part of the proposal package. That is more than two to one against the aircraft restrictions.

This public comment shows there are many Alaskans who agree with me in my contention that Alaskan residents who choose to fly should not be restricted traditional access to their State recreational lands.

This manipulation of the public comment is a perfect example why the decision to restrict recreational access needs to be made at the legislative level, not by the bureaucrats.

As an Alaskan who is continually being faced with events that threaten the lifestyle I know and love, I applaud this legislation.

Sincerely,

  
Karen Holt



Alaska Airmen's Association  
1515 E. 13th Avenue  
Anchorage, AK 99501  
907-272-1251

by FACSIMILE

March 13, 1996

Senator Druc Pearce  
State Capitol Building, Room 111  
Juneau, AK 99801-8102

RE: SB 230

Dear Senator Pearce:

This letter is in reference to the hearing to be held on March 13th regarding SB230 currently in the Senate Resource Committee. The Alaska Airmen's Association, Inc. would like entered into the record our position that we strongly support the proposed changes to the current law and specifically support the new subsections 2,3, and 4 of AS 41.21. We will have a representative, Mr. Jim Dodson, who is a board member of the association, at the teleconference this afternoon and will testify in favor of this legislation.

The Alaska Airmen's Association would like to thank you for the opportunity to submit this position statement.

Sincerely,

John Spalding  
President



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Anchorage Snowmobile Club  
P.O. Box 232196  
Anchorage, AK 99523-2196

Senate Resources Committee  
State Capitol  
Juneau, AK 99801-1182

Re: SB230, Version K

Dear Senators:

The Anchorage Snowmobile Club, with 700 members, appreciates the actions of the Alaska State Legislature to safeguard Alaskan's access to Alaskan lands.

We provided input to the original SB230 and we now support Version K as it is written. Thank you your efforts. We will track the progress of this bill through the Senate and the House with great interest and hope for a positive outcome.

Thank you,

Joe Gauria

President

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
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Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

March 13, 1996

**SUBJECT:** CSHB 4+7 ( ), DRAFT, DATED 2/12/96 and Intradepartmental Land Transfers (Work Order No. 9-LS1427G)

**TO:** Representative Beverly Masek  
Attn: Dave Stancliff

**FROM:** Gerald P. Luckhaupt *GL*  
Legislative Counsel

**Question Presented:** Does the Department of Natural Resources have the authority to transfer land from the Division of Lands to the Division of Parks and Outdoor Recreation and solely by reason of that transfer remove that land from multiple purpose use and restrict all uses of the land except for uses that are subsequently found to be compatible?<sup>1</sup>

**Answer:** I have not found any authority that would allow the Division of Lands to merely transfer land to the Division of Parks and Outdoor Recreation and that, solely by reason of that transfer, would result in the land being closed to all uses except for uses that are subsequently found to be compatible. The director of the division is given rather broad authority to manage, direct, and control state land. That authority must be exercised in a manner that is consistent with the statutes and the constitution. AS 38.05.295 allows the commissioner to classify state land as "parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of [AS 38.05] is maintained." The general intent of AS 38.05 is multiple use of state land. AS 38.05.300(a) provides that the commissioner may not classify an area of more than 640 acres of land as closed to multiple purpose use. If the commissioner wishes to designate state park land, it appears that the commissioner must classify that land as park land consistent with AS 38.05.300. The director of the Division of Lands could then transfer that land to the Division of Parks and Outdoor Recreation for management. To merely transfer land so that it magically becomes park land, without first classifying that land, does not appear to comply with the requirements set by the legislature.

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<sup>1</sup>This discussion is based upon the situation Dave presented to me that DNR transfers land from the Division of Lands to the Division of Parks and Outdoor Recreation without first classifying the land, and upon transfer, closes the land to all uses except those compatible uses that are then determined.

Representative Beverly Masek

March 13, 1996

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As to the designation of compatible uses on the land after its closure, AS 41.21.020(a) provides that land that is managed by the Division of Parks and Outdoor Recreation is subject to regulations adopted by the department and the designation of incompatible uses within the boundaries of state park and recreational areas. This process of designating incompatible uses appears to me to be fundamentally different than closing land to all uses and then designating compatible uses. The general fundamental thrust of the constitution and the statutes seems to be that land is open unless closed. The designation of compatible uses on land transferred to the division of parks and outdoor recreation in the manner you have described seems to me to be inconsistent with this authority.

GPL:klb

96-188.klb



MAR 01 1996

## ALASKA BOATING ASSOC.

02/27/96

To: Senator Loren Leman

### Supporting SB-230

Asking for a few changes:

- #1. Include the commissioner of ADF&G
- #2. Include the Boards of Fish and Game
- #3. Write the law so the lack of action does not restrict us.

If a bureaucrat develops a land or water management plan that has access restrictions in it, the legislature would half to approve the access restriction within 100 days or the restriction will not stay in the plan ( Sunset Claws)

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My name is George Piaskowski I have lived in Alaska for forty one years, my grandfather came to this state in 1932. He instilled in his family a love and respect for this land.

I am the president of the Alaska Boating Assoc. our membership of 600 plus Alaskan recreational boaters are solidly united against boating restriction.

The only reason boats should be restricted is, boat cased resource degradation, or there is a percent safety issue documented by competent authority.

I am here today to thank the author of this bill, and to pledge my support and the Alaska Boating Assoc..

Boat access to Alaska is of course, a high priority for the Alaska Boating Assoc.. Our motto: Safety education and preservation, preservation of the natural resource has been easy, compared to preservation of traditional recreational opportunities. this one issue