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March 13, 1998

Rep. Joe Ryan
State Capitol, Ste. 420
Juneau, AK 99801
Attn: Tracy

Via Fax: 907-465-4588

Re: House Bill 399
Deteriorated Property Tax Exemption

Dear Representative Ryan:

We support House Bill 399 because it will stimulate urban revitalization. When AS 29.45.050 was originally enacted in 1985, urban decay was not much of a problem in Alaska. It has since become a problem in the larger cities and this bill recognizes the fact that there are now aging, abandoned, and undesirable structures in certain urban areas in the state.

The intent of the bill is to authorize local taxing authorities to provide for tax exemption or deferral for improvements to certain deteriorated real property and for new construction in deteriorated areas. The bill does not actually create tax exemptions; it merely authorizes municipalities to do so by passing an ordinance.

The concept is generally based on Pennsylvania's Local Economic Revitalization Tax Assistance Act (LERTA), 72 P.S. § 4722 et seq., which was adopted in 1977. Proposed paragraph (o)(2) is based on Virginia Code § 58.1-3220. The language parallels Alaska's existing provisions for tax relief for "economic development property", found in AS 29.45.050(m).

MAR 13 1998
Page 2

For your information, I have attached copies of the above referenced Pennsylvania and Virginia statutes, as well as some Florida statutes.

Sincerely yours,

HOGE AND LEKISCH

Margaret J. Rawitz PAL

Margaret J. Rawitz

MJR:mpt
Enclosure
cc: Tim Rogers

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 72. TAXATION AND FISCAL AFFAIRS
CHAPTER 4. LOCAL TAXATION
EXEMPTIONS
LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT

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Current through the end of 1996 Reg. Sess.
and through 1996 Sp. Sess. No. 2

§ 4722. Short title

This act shall be known and may be cited as the "Local Economic Revitalization Tax Assistance Act."

CREDIT(S)

1995 Main Volume

1977, Dec. 1, P.L. 237, No. 76, § 1, imd. effective.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

Title of Act:

An Act Authorizing local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial and other business property and for new construction in deteriorated areas of economically depressed communities; providing for an exemption schedule and establishing standards and qualifications. 1977, Dec. 1, P.L. 237, No. 76. Title as amended 1988, July 13, P.L. 518, No. 90.

Section 7 of Act 1977, Dec. 1, P.L. 237, No. 76 is a severability provision.

LAW REVIEW AND JOURNAL COMMENTARIES

Cooperative conversion: Is it only for the wealthy? Proposals that promote affordable cooperative housing in Philadelphia. Judith Bernstein-Baker, 61 Temp.L.Rev. 393 (1988).

NOTES OF DECISIONS

Construction with other laws |

1. Construction with other laws

Local Economic Revitalization Tax Assistance Act and Improvement of Deteriorating Real Property or improvement. MacDonald, Illig, Jones & Britton v. Erie County Bd. of Assessment Appeals, 604 A.2d 306, 145 Pa.Cmwlth. 521, Cmwlth. 1992, appeal denied 617 A.2d 1276, 533 Pa. 603.

Areas Tax Exemption Act did not relate to same persons and things and, therefore, were not in pari materia, although they relate to similar persons and things: one statute applies to commercial construction or improvement within deteriorated area, but other applies to residential construction or improvement.

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Current through the end of 1996 Reg. Sess.
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§ 4723. Construction

This act shall be construed to authorize local taxing authorities to exempt new construction in deteriorated areas of economically depressed communities and improvements to certain deteriorated industrial, commercial and other business property there by implementing Article VIII, section 2(b)(iii) of the Constitution of Pennsylvania.

CREDIT(S)

1995 Main Volume

1977, Dec. 1, P.L. 237, No. 76, § 2, imd. effective. Amended 1988, July 13, P.L. 518, No. 90, § 1, effective in 60 days.

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

The 1988 amendment inserted "new construction in deteriorated areas of economically depressed communities and".

72 P.S. § 4723

PA ST 72 P.S. § 4723

END OF DOCUMENT

Citation
PA ST 72 P.S. s 4724
72 P.S. § 4724

Docs in Sequence

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§ 4724. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Deteriorated property." Any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorating area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance or regulations.

"Improvement." Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

"Local taxing authority." A county, city, borough, incorporated town, township, institution district or school district having authority to levy real property taxes.

"Municipal governing body." A city, borough, incorporated town or township.

CREDIT(S)

1995 Main Volume

1977, Dec. 1, P.L. 237, No. 76, § 3, imd. effective.

72 P.S. § 4724

PA ST 72 P.S. § 4724

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§ 4725. Deteriorated areas

(a) Each local taxing authority may by ordinance or resolution exempt from real property taxation the assessed valuation of improvements to deteriorated properties and the assessed valuation of new construction within the respective municipal governing bodies designated deteriorated areas of economically depressed communities in the amounts and in accordance with the provisions and limitations hereinafter set forth. Prior to the adoption of the ordinance or resolution authorizing the granting of tax exemptions, the municipal governing body shall affix the boundaries of a deteriorated area or areas, wholly or partially located within its jurisdiction, if any. At least one public hearing shall be held by the municipal governing body for the purpose of determining said boundaries. At the public hearing the local taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals, knowledgeable and interested in the improvement of deteriorated areas, shall present their recommendations concerning the location of boundaries of a deteriorated area or areas for the guidance of the municipal governing bodies, such recommendations taking into account the criteria set forth in the act of May 24, 1945 (P.L. 991, No. 385), known as the "Urban Redevelopment Law," [FN1] for the determination of "blighted areas," and the criteria set forth in the act of November 29, 1967 (P.L. 636, No. 292), known as the "Neighborhood Assistance Act," [FN2] for the determination of "impoverished areas," and the following criteria: unsafe, unsanitary and overcrowded buildings; vacant, overgrown and unsightly lots of ground; a disproportionate number of tax delinquent properties, excessive land coverage, defective design or arrangement of buildings, street or lot layouts, economically and socially undesirable land uses. Property adjacent to areas meeting the criteria of this section, but which would not otherwise qualify, may be included within the deteriorated area designated if the local taxing authority determines that new construction on such property would encourage, enhance or accelerate improvement of the deteriorated properties within economically depressed communities. The ordinance or resolution shall specify a description of each such area as determined by the municipal governing body, as well as the cost of improvements per unit to be exempted, and the schedule of taxes exempted as hereinafter provided.

(b) Two or more municipal governing bodies may join together for the purpose of determining the boundaries of a deteriorated area and to establish the uniform maximum cost per unit, and such municipal governing bodies shall cooperate fully with each other for the purposes of implementing this act. The local taxing authorities may by implementing ordinance or resolution agree to adopt tax exemptions contingent upon the similar adoption by an adjacent local taxing authority or by a local taxing authority with mutual jurisdiction, within the limitations provided herein.

CREDIT(S)

1995 Main Volume

1977, Dec. 1, P.L. 237, No. 76, § 4, imd. effective. Amended 1988, July 13, P.L. 518, No. 90, § 1, effective in 60 days.

[FN1] 35 P.S. § 1701 et seq

[FN2] 62 P.S. § 2021 et seq.

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

The 1988 amendment, in subsec. (a) in the first sentence, inserted "and the assessed valuation of new construction within the respective municipal governing bodies designated deteriorated areas of economically depressed communities", and inserted the fifth sentence.

72 P.S. § 4725

PA ST 72 P.S. § 4725

END OF DOCUMENT

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§ 4726. Exemption schedule

(a) A local taxing authority granting a tax exemption pursuant to the provisions of this act may provide for tax exemption on the assessment attributable to the actual cost of new construction or improvements or up to any maximum cost uniformly established by the municipal governing body. Such maximum cost shall uniformly apply to all eligible deteriorated property within the local taxing authority jurisdiction.

(b) Whether or not the assessment eligible for exemption is based upon actual cost or a maximum cost, the actual amount of taxes exempted shall be in accordance with the schedule of taxes exempted established by a local taxing authority subject to the following limitations:

(1) The length of the schedule of taxes exempted shall not exceed ten years.

(2) The schedule of taxes exempted shall stipulate the portion of new construction or improvements to be exempted each year.

(3) The exemption from taxes shall be limited to the additional assessment valuation attributable to the actual costs of new construction or improvements to deteriorated property or not in excess of the maximum cost per unit established by a municipal governing body.

(c) The exemption from taxes authorized by this act shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

CREDIT(S)

1995 Main Volume

1977, Dec. 1, P.L. 237, No. 76, § 5, imd. effective. Amended 1988, July 13, P.L. 518, No. 90, § 1, effective in 60 days.

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

The 1988 amendment inserted references to new construction throughout the section.

72 P.S. § 4726

PA ST 72 P.S. § 4726

END OF DOCUMENT

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§ 58.1-3220. Partial exemption for certain rehabilitated, renovated or replacement residential structures.

A. The governing body of any county, city or town may, by ordinance, provide for the partial exemption from taxation of real estate on which any structure or other improvement no less than fifteen years of age has undergone substantial rehabilitation, renovation or replacement for residential use, subject to such conditions as the ordinance may prescribe. The ordinance may, in addition to any other restrictions hereinafter provided, restrict such exemptions to real property located within described zones or districts whose boundaries shall be determined by the governing body. The governing body of a county, city or town may establish criteria for determining whether real estate qualifies for the partial exemption authorized by this provision and may require such structures to be older than fifteen years of age, or place such other restrictions and conditions on such property as may be prescribed by ordinance. Such ordinance may also provide for the partial exemption from taxation of multifamily residential units which have been substantially rehabilitated by replacement for multifamily use. Such replacement structures may exceed the total square footage of the replaced structures by no more than thirty percent.

B. The partial exemption provided by the local governing body may be an amount equal to the increase in assessed value or a percentage of such increase resulting from the rehabilitation, renovation or replacement of the structure as determined by the commissioner of revenue or other local assessing officer or an amount up to fifty percent of the cost of the rehabilitation, renovation or replacement, as determined by ordinance. The exemption may commence upon completion of the rehabilitation, renovation or replacement or on January 1 of the year following completion of the rehabilitation, renovation or replacement and shall run with the real estate for a period of no longer than fifteen years. The governing body of a county, city or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

C. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.

D. The governing body of any county, city or town may assess a fee not to exceed fifty dollars for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.

E. Where rehabilitation is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

(Code 1950, § 58-760.2; 1979, c. 195; 1980, c. 417; 1981, c. 625; 1984, cc. 675, 750; 1986, c. 271; 1989, cc. 89, 656; 1994, cc. 424, 435; 1995, c. 673.)

Annotations

Law review. - For survey of Virginia law on taxation for the year 1978-1979, see 66 Va. L. Rev. 367 (1980); for the year 1989, see 23 U. Rich. L. Rev. 839 (1989).

§ 58.1-3220.01. Local real property tax credits on certain rehabilitated, renovated or replacement residential structures.

A. The governing body of any county, city or town may, by ordinance, provide for a local real property tax credit equal to certain property tax liens owed on real estate on which any structure or other improvement no less than fifteen years of age has undergone substantial rehabilitation, renovation or replacement for residential use, subject to such conditions as the ordinance may prescribe. The credit shall be used by the owner of the property which has the real property tax liens and can be used to offset real property taxes assessed against such property. The governing body of a county, city or town may establish criteria for determining whether real estate qualifies for the credit authorized by this provision and may require such structures to be older than fifteen years of age, or place such other restrictions and conditions on such property as may be prescribed by ordinance. Such ordinance may also provide for a credit for multifamily residential units which have been substantially rehabilitated by replacement for multifamily use. Such replacement structures may exceed the total square footage of the replaced structures by no more than thirty percent.

B. The local tax credit shall be available only to those property owners who have purchased a structure which at the time of purchase contained property tax liens exceeding fifty percent of the assessed value of the property. The tax credit granted by the locality shall not exceed the amount by which the property tax liens exceeded fifty percent of the assessed value of the property at the time of purchase. The credit may be applied upon completion of the rehabilitation, renovation or replacement or on January 1 of the year following completion of the rehabilitation, renovation or replacement and may be divided over a period of no longer than ten years.

C. The governing body of any county, city or town may assess a fee not to exceed fifty dollars for processing an application requesting the credit provided by this section. No property shall be eligible for such credit unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.

D. Where rehabilitation is achieved through demolition and replacement of an existing structure, the credit shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

(1996, c. 765.)

§ 58.1-3220.1. Partial exemption for certain rehabilitated, renovated or replacement hotel or motel structures.

A. The governing body of any county, city or town may, by ordinance, provide partial exemption from taxation of real estate on which a hotel or motel no less than thirty-five years of age has undergone substantial rehabilitation, renovation or replacement for residential use, subject to such conditions as the ordinance may prescribe. The ordinance may, in addition to any other restrictions hereinafter provided, restrict such exemptions to real property located within described zones or districts whose boundaries shall be determined by the governing body. The governing body of a county, city or town may establish criteria for determining whether real estate qualifies for the exemption authorized by this provision and may require such structures to be older than thirty-five years of age, or place such other restrictions and conditions on such property as may be prescribed by ordinance.

B. The "partial exemption" provided by the local governing body may not exceed either an amount equal to ninety percent of the total assessed value of the rehabilitated, renovated or replaced structure or an amount equal to the increase in assessed value resulting from the rehabilitation, renovation or replacement of the structure as determined by the commissioner of the revenue or other local assessing officer, as established by ordinance. The partial exemption may commence upon completion of the rehabilitation, renovation or replacement or on January 1 of the year following completion of the rehabilitation, renovation or replacement and shall run with the real estate for a period of no longer than twenty-five years. The governing body of a county, city or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

C. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.

D. The governing body of any county, city or town may assess a fee for processing an application requesting the exemption provided by this section. No property shall be eligible for such partial exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.

E. Where rehabilitation is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

(1993, c. 157; 1994, cc. 424, 435.)

§ 58.1-3221. Partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures.

A. The governing body of any county, city or town may, by ordinance, provide for the partial exemption from taxation of real estate on which any structure or other improvement no less than twenty years of age, or fifteen years of age if the structure is located in an area designated as an enterprise zone by the Commonwealth, has undergone substantial rehabilitation, renovation or replacement for commercial or industrial use, subject to such conditions as the ordinance may prescribe. The ordinance may, in addition to any other restrictions hereinafter provided, restrict such exemptions to real property located within described zones or districts whose boundaries shall be determined by the governing body. The governing body of a county, city or town may establish criteria for determining whether real estate qualifies for the partial exemption authorized by this provision and may require the structure to be older than twenty years of age, or fifteen years of age if the structure is located in an area designated as an enterprise zone by the Commonwealth, or place such other restrictions and conditions on such property as may be prescribed by ordinance. Such ordinance may also provide for the partial exemption from taxation of real estate which has been substantially rehabilitated by complete replacement for commercial and industrial use. Such replacement structures may exceed the total square footage of the replaced structures by no more than 110 percent in areas designated as enterprise zones by the Commonwealth, and by no more than 100 percent in all other areas.

B. The partial exemption provided by the local governing body may not exceed an amount equal to the increase in assessed value resulting from the rehabilitation, renovation or replacement of the commercial or industrial structure as determined by the commissioner of revenue or other local assessing officer or an amount up to fifty percent of the cost of rehabilitation, renovation or replacement as determined by ordinance. The exemption may commence upon completion of the rehabilitation, renovation or replacement, or on January 1 of the year following completion of the rehabilitation, renovation or replacement and shall run with the real estate for a period of no longer than fifteen years. The governing body of a county, city or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

C. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.

D. The governing body of any county, city or town may assess a fee not to exceed fifty dollars for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.

E. Where rehabilitation is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic landmark.

(Code 1950, § 58-760.3; 1979, c. 195; 1980, c. 417; 1984, c. 675; 1986, c. 271; 1989, c. 89; 1994, cc. 424, 435, 608; 1995, c. 673.)

Annotations

Applied in *DKM Richmond Assocs. v. City of Richmond*, 249 Va. 401, 457 S.E.2d 76 (1995).

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XI. COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS
CHAPTER 163. INTERGOVERNMENTAL PROGRAMS
PART III. COMMUNITY REDEVELOPMENT

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Current through End of 1997 1st Reg. Sess.

163.340. Definitions

The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district as defined in s. 165.031(5), or other public body of the state, except a school district.

(3) "Governing body" means the council or other legislative body charged with governing the county or municipality.

(4) "Mayor" means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) "Clerk" means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) "Federal Government" includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.

(8) "Blighted area" means either:

(a) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
3. Unsanitary or unsafe conditions;
4. Deterioration of site or other improvements.

5. Tax or special assessment delinquency exceeding the fair value of the land; and

6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

However, for purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area described in paragraph (a).

(9) "Community redevelopment" or "redevelopment" means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a combination thereof which the governing body designates as appropriate for community redevelopment.

(11) "Community redevelopment plan" means a plan, as it exists from time to time, for a community redevelopment area.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(3).

(c) The development of affordable housing for residents of the area.

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor or demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) "Increment revenue" means the amount calculated pursuant to s. 163.387(1).

CR01

CREDIT(S)

1997 Electronic Pocket Part Update

CR01 Amended by Laws 1991, c. 91-45, § 33; Laws 1993, c. 93-286, § 1, eff. July 1, 1993; Laws 1994, c. 94-236, § 1, eff. July 1, 1994; Laws 1995, c. 95-147, § 1447, eff. July 10, 1995.

<<For additional credits, if any, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

1990 Main Volume

Derivation:

Laws 1987, c. 87-243, § 72.

Laws 1985, c. 85-180, § 83.

Laws 1984, c. 84-356, §§ 2, 22.

Laws 1983, c. 83-321, § 3.

Laws 1981, c. 81-44, § 1.

Laws 1977, c. 77-391, § 1.

Laws 1969, c. 69-305, § 3.

West's F S A. § 163.340

FL ST § 163.340

END OF DOCUMENT

WEST'S FLORIDA STATUTES ANNOTATED
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163.345. Encouragement of private enterprise

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act [FN1] and chapter 420.

CR01

[FN1] Redesignated the Florida Enterprise Zone Act of 1994 by Laws 1994, c. 94-136, § 16.

CREDIT(S)

1997 Electronic Pocket Part Update

CR01 Amended by Laws 1994, c. 94-236, § 2, eff. July 1, 1994.

<<For additional credits, if any, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

1990 Main Volume

Derivation:

Laws 1983, c. 83-231, § 4.

Laws 1969, c. 69-305, § 4.

West's F. S. A. § 163.345

FL ST § 163.345

END OF DOCUMENT

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XL COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS
CHAPTER 163. INTERGOVERNMENTAL PROGRAMS
PART III. COMMUNITY REDEVELOPMENT

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Current through End of 1997 1st Reg. Sess.

163.350. Workable program

Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; the development of affordable housing, and the clearance and redevelopment of slum and blighted areas or portions thereof.

CR01

CREDIT(S)

1997 Electronic Pocket Part Update

CR01 Amended by Laws 1994, c. 94-236, § 3, eff. July 1, 1994.

<<For additional credits, if any, see Historical Note field >>

HISTORICAL AND STATUTORY NOTES

1990 Main Volume

Derivation:

Laws 1984, c. 84-356, § 3.

Laws 1969, c. 69-305, § 5.

West's F. S. A. § 163.350

FL ST § 163.350

END OF DOCUMENT

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Current through End of 1997 1st Reg. Sess.

163.355. Finding of necessity by county or municipality

No county or municipality shall exercise the authority conferred by this part until after the governing body has adopted a resolution finding that:

(1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and,

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

CR01

CREDIT(S)

1997 Electronic Pocket Part Update

CR01 Amended by Laws 1994, c. 94-236, § 4, eff. July 1, 1994.

<<For additional credits, if any, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

1990 Main Volume

Derivation:

Laws 1984, c. 84-356, § 4.

Laws 1969, c. 69-305, § 6.

West's F. S. A. § 163.355

FL ST § 163.355

END OF DOCUMENT

HB 399 would allow municipalities to exempt or defer, in whole or in part, property taxes on the value of deteriorated property for a period of up to five years and allow renewal after the initial period.

"Deteriorated Property" has three definitions under the proposed legislation;

- 1) property that has been the subject of an order by a government agency requiring the property to be vacated, condemned or demolished by reason of non-compliance with laws, ordinances or regulations.

Under existing law, property is to be valued at its full and true value, which is synonymous with the term "market value". If a property is suffering from the condition described in subsection 1, the assessed value should also be reflective of that condition under existing law. In other words, the value, if carried on the assessment roll, should be minimal.

The second definition:

- 2) property on which a structure other improvement not less than 15 years of age has undergone substantial rehabilitation, renovation, or replacement, subject to conditions prescribed in the ordinance;

This subsection appears to offer an exemption for property (over 15 years old) which has been renovated or replaced. No definition is given for what constitutes a renovation or substantial rehabilitation, however, it appears that someone remodeling a home could qualify under this exemption. The exemption also appears to be an "after the fact" exemption in that it is given after the condition of deterioration has been removed. This exemption will place additional tax burdens on other taxpayers for the revenue lost due to the property's renovation, even though it is receiving the same services.

The last definition:

- 3) property located in a deteriorating or deteriorated area with boundaries that have been determined by the municipality.

This subsection does not define the term, "deteriorating or deteriorated area", but could exempt property within that area. This could have the affect of exempting property which may not be deteriorated as defined in the previous two definitions, but may just happen to be in the area. Again, this shifts the tax burden to other taxpayers who are receiving the same municipal services as the affected property.

Under existing statutes a municipality may exempt the increase of property taxes if the increase is directly attributable to new maintenance, repair or renovation.

AS 29.45.050(f). And a municipality may exempt certain "economic development" property within the jurisdiction. *AS 29.45.050(m)*

These statutes allow an exemption for which renovation action has taken place rather than the proposed bill which could conceivably allow an owner to sit on the property without any action for up to five years.

Based on the fact that municipalities already have the exemption authority mentioned above, there is a question of whether or not this proposed legislation is necessary.

If the legislature finds that it is, indeed, necessary, ^{Mr. Van Sant} I would recommend that the property tax deferral be made available rather than the exemption. The deferral would assure the municipality of ultimately receiving the taxes on the property even if the property owner chose not to continue with renovation plans. With today's dwindling revenues, local municipalities need all the help they can get. A deferral of taxes would not be a total loss of these revenues.

Sec. 29.45.050. Optional exemptions and exclusions.

(a) A municipality may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at an election. An exclusion or exemption authorized by this section may not exceed the assessed value of \$10,000 for any one residence.

(b) A municipality may by ordinance

(1) classify and exempt from taxation

(A) the property of an organization not organized for business or profit-making purposes and used exclusively for community purposes if the income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter;

(B) historic sites, buildings, and monuments;

(C) land of a nonprofit organization used for agricultural purposes if rights to subdivide the land are conveyed to the state and the conveyance includes a covenant restricting use of the land to agricultural purposes only; rights conveyed to the state under this subparagraph may be conveyed by the state only in accordance with AS 38.05.069(c);

(D) all or any portion of private ownership interests in property that, based upon a written agreement with the University of Alaska, is used exclusively for student housing for the University of Alaska; property may be exempted from taxation under this subparagraph for no longer than 30 years unless the exemption is specifically extended by ordinance adopted within the six months before the expiration of that period;

(2) classify as to type and exempt or partially exempt some or all types of personal property from ad valorem taxes.

(c) The provisions of (a) of this section notwithstanding,

(1) a borough may, by ordinance, adjust its property tax structure in whole or in part to the property tax structure of a city in the borough, including but not limited to, excluding personal property from taxation, establishing exemptions, and extending the redemption period;

(2) a home rule or first class city has the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes if

(A) the exemptions or exclusions have been adopted as to city taxes; and

(B) the city appropriates to the borough sufficient money to equal revenues lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly;

(3) a city in a borough may, by ordinance, adjust its property tax structure in whole or in part to the property tax structure of the borough, including but not limited to exempting or partially exempting property from taxation.

(d) Exemptions or exclusions from property tax that have been granted by a home rule municipality in addition to exemptions authorized or required by law, and that are in effect on September 10, 1972, and not later withdrawn, are not affected by this chapter.

(e) A municipality may by ordinance classify and exempt or partially exempt from taxation privately owned land, wet land and water areas for which a scenic, conservation, or public recreation use easement is granted to a governmental body. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. The easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property, so that the property owner is compensated at a rate that does not reflect the easement grant. The municipality may provide by ordinance that, if the area subject to the easement is sold, leased, or otherwise disposed of for uses incompatible with the easement or

if the easement is conveyed to the owner of the property, the owner must pay to the municipality all or a portion of the amount of the tax exempted, with interest.

(f) A municipality may by ordinance exempt from taxation all or part of the increase in assessed value of improvements to real property if an increase in assessed value is directly attributable to alteration of the natural features of the land, or new maintenance, repair, or renovation of an existing structure, and if the alteration, maintenance, repair, or renovation, when completed, enhances the exterior appearance or aesthetic quality of the land or structure. An exemption may not be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space for occupancy or nonresidential use in the structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection may continue for up to four years from the date the improvement is completed, or from the date of approval for the exemption by the local assessor, whichever is later.

(g) A municipality may by ordinance exempt from taxation all or part of the increase in assessed value of improvements to a single-family dwelling if the principal purpose of the improvement is to increase the amount of space for occupancy. An exemption provided in this subsection may continue for up to two years from the date the improvement is completed, or from the date of approval of an application for the exemption by the local assessor, whichever is later.

(h) A municipality may by ordinance partially or wholly exempt land from a tax for fire protection service and fire protection facilities and may levy the tax only on improvements, including personal property affixed to the improvements.

(i) A municipality may by ordinance approved by the voters exempt from taxation the assessed value that exceeds \$150,000 of real property owned and occupied as a permanent place of abode by a resident who is

- (1) 65 years of age or older;
- (2) a disabled veteran, including a person who was disabled in the line of duty while serving in the Alaska Territorial Guard; or
- (3) at least 60 years old and a widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection.

(j) A municipality may by ordinance approved by the voters exempt real or personal property in a taxing unit used in processing timber after it has been delivered to the processing site from up to 75 percent of the rate of taxes levied on other property in that taxing unit. An ordinance adopted under this subsection may not provide for an exemption that exceeds five years in duration. In this subsection "taxing unit" means a municipality and includes

- (1) a service area in a unified municipality or borough;
- (2) the entire area outside cities in a borough; and
- (3) a differential tax zone in a city.

(k) A municipality may by ordinance approved by the voters exempt from taxation pollution control facilities that meet requirements of the United States Environmental Protection Agency or the Department of Environmental Conservation. An ordinance adopted under this subsection may not provide for an exemption that exceeds five years in duration.

(l) A municipality may by ordinance exempt from taxation an interest, other than record ownership, in real property of an individual residing in the property if the property has been developed, improved, or acquired with federal funds for low-income housing and is owned or managed as low-income housing by the Alaska Housing Finance Corporation under AS 18.55.100 - 18.55.960 or by a regional housing authority formed under AS 18.55.996. However,

the corporation may make payments to the municipality or political subdivision for improvements, services, and facilities furnished by it for the benefit of a housing project, and this subsection does not prohibit a municipality from receiving those payments or any payments in lieu of taxes authorized under federal law.

(m) A municipality may by ordinance partially or totally exempt all or some types of economic development property from taxation for up to five years. The municipality may provide for renewal of the exemption under conditions established in the ordinance. However, under a renewal, a municipality that is a school district may only exempt all or a portion of the amount of taxes that exceeds the amount levied on other property for the school district. A municipality may by ordinance permit deferral of payment of taxes on all or some types of economic development property for up to five years. The municipality may provide for renewal of the deferral under conditions established in the ordinance. A municipality may adopt an ordinance under this subsection only if, before it is adopted, copies of the proposed ordinance made available at a public hearing on it contain written notice that the ordinance, if adopted, may be repealed by the voters through referendum. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application for each exemption or deferral. In this subsection "economic development property" means real or personal property, including developed property conveyed under 43 U.S.C. 1601 - 1629e (Alaska Native Claims Settlement Act), that

(1) has not previously been taxed as real or personal property by the municipality;

(2) is used in a trade or business in a way that

(A) creates employment in the municipality;

(B) generates sales outside of the municipality of goods or services produced in the municipality; or

(C) materially reduces the importation of goods or services from outside the municipality; and

(3) has not been used in the same trade or business in another municipality for at least six months before the application for deferral or exemption is filed; this paragraph does not apply if the property was used in the same trade or business in an area that has been annexed to the municipality within six months before the application for deferral or exemption is filed; this paragraph does not apply to inventories.

(n) A municipality may by ordinance classify as to type inventories intended for export outside the state and partially or totally exempt all or some types of those inventories from taxation. The ordinance may provide for different levels of exemption for different classifications of inventories. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application, which shall be a public document, for each exemption.

HB

406

SENATE COMMITTEE REPORT

DATE: 4/22/98

FURTHER: Resources
Finance

DATE TURNED
IN TO OFFICE: 5-6-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 406(FIN) am(efd fld)

SUBSISTENCE USES OF FISH AND GAME

and recommends:

- be replaced with _____ CS _____ (_____)
- 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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Nike Miller</i>	✓				
<i>Sean Skumle</i>	✓				
CHAIR: <i>Adrian Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
COURTS - TRIAL COURTS	4-15-98		✓
LAW - CIVIL DIV.	4-15-98		✓
F&G BODS OFF F&G	4-15-98		✓
F&G A&S ADVIS. COM	4-15-98		✓
F&G COMM. FISH	4-15-98		✓
F&G SPORT FISH	4-15-98		✓
F&G WILDLIFE CONS	4-15-98		✓

*include fiscal notes accompanying Governor's bill
F&G SUBSISTENCE 4-15-98 ✓

Alaska

Professional Hunters Association, Inc.

P.O. Box 91932 • Anchorage, Alaska 99509
(907) 522-3221

April 24, 1998

Letters
Anchorage Daily News
PO Box 149001
Anchorage, AK 99514

SUBSISTENCE-AN HISTORICAL CROSSROADS

With a strong east wind bearing down on Kodiak Island and plenty of rain I've got a few days off from the spring hunt. As I toss another piece of wood in the stove I wonder about the profession I've chosen and how it will fair during the years before us. The subsistence issue looms heavy on the horizon, not only for those of us who guide for a living but for all Alaskans who have tied their lives to Alaska's fish and wildlife. If those in positions of leadership do not act now, during this narrow window of opportunity, and craft a creative solution that we as Alaskans can live together with in 20 years we will be telling our sons and daughters what it was like to have this way of life, for surely it will not be there for them.

I am convinced, after meeting with many of our legislators that some of them understand this issue fairly well and they are committed to finding an equitable solution. They deserve our support and continued input, we must not lose sight of the fact that this is more than likely our last opportunity to get this issue resolved properly. A special session should be called. The Legislature should craft a solution that allows people the opportunity to live a Subsistence way of life correspondingly, it must be fair to all Alaskans. At the same time it appears, that the delegation in Washington will have to make some additional changes to ANILCA. The Legislature, the Governor and the delegation have a shared responsibility to break the current impasse and get this issue resolved. However, if we go into next winter without that happening, the collective momentum we have built to this point will subside and the Federal Bureaucracy will be on us like this storm outside my cabin window. Some say let it come, and when the people of Alaska have been divided to the breaking point, all parties will come to their senses, and new and just laws will be written. Do we care so little about our fellow Alaskans?

I for one have had enough, I will not stand by and watch the Federal wedge be pounded further into the heart of Alaska. My support goes to those who are willing to set aside ridged ideologies, act creatively and bring Alaskans back together.

Alaska's vastness and her valuable wildlife resources have created tremendous ways of life that are not available any other place on earth. This, coupled with an equally diverse cultural landscape make living here and creating the proper resource allocation process much more complex than any of us would like. However, it can be accomplished; but not with the Federal mauling we must live with as ANILCA is currently written. This will not be easy; nothing worth doing is. In order to get to the middle, some large bits of pride will have to be swallowed along with a little crow by those who find themselves on opposite ends of the spectrum.

The Constitution of the State of Alaska is beyond a doubt a fine piece of work and changing it to allow for an ill conceived Federal Law does not set well with many of us. However, the complexities of the allocation process as well as social considerations beg for some changes somewhere and the fact is, most people in Alaska want to be heard; they want to make a choice. So, if it takes a vote by Alaskans to allow for a priority based on a creative, well thought out plan, that can bring us back together; isn't that much better than being force fed a priority based on a plan that has proven itself to be one we can not live with?

Those Alaskans that carry a copy of that constitution next to their heart and steadfastly refuse to accept the idea of letting the voters make a choice need to look inside themselves and decide if it is worth it to force Alaska through the Federal knot hole just to prove they were right.

But this coin has two sides. Those Alaskans that have been given the Federal ride the recipients of the priority need to search their souls as well. There have been tremendous abuses carried out under the name of subsistence with the sanction afforded by the Federal system. Those "rural residents" who take full advantage of the system either to expand their personal freedoms or garner political power, knowing full well they are acting beyond the intent of the law have severely muddied the water, creating conflict where none existed before ANILCA and in the process, destroying the much deserved credibility of Alaska's true subsistence users.

An "equitable" solution means extremists on each side must give, and the time to do so is now. As Alaskans, we must all strive to understand this complicated mess, make informed suggestions to our Legislators and act this year to put this divisive monster behind us.

Rob Holt

Rob Holt, President
Alaska Professional
Hunters Association-
an organization of Alaska's Guides
907-733-2723

1

**Testimony by Jerry Booth
on HB 406
before Senate Judiciary
April 25, 1998 Fairbanks, Alaska**

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS JERRY BOOTH AND I WORK FOR MYSELF. FOR THE PAST 25 YEARS I HAVE BEEN INVOLVED WITH THE DEVELOPMENT OF ALASKA'S RESOURCES -- PRIMARILY IN MINING. THIS WORK HAS TAKEN ME TO MANY CORNERS OF THIS STATE AND I HAVE HAD THE OPPORTUNITY TO VISIT MANY PEOPLE AND SEE A WIDE VARIETY OF LIFESTYLES THAT EXIST IN ALASKA. CURRENTLY, I LIVE IN ANCHORAGE AND I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU TODAY.

MANY OF YOU ON THIS COMMITTEE HAVE BEEN INVOLVED IN PROMOTING THE DEVELOPMENT OF ALASKA'S SUB-SURFACE RESOURCES BY YOUR ASSISTANCE WITH POSITIVE LEGISLATION. THROUGH THIS SUPPORT, WE HAVE SEEN A MAJOR ESCALATION OF MINING ON STATE AND PRIVATE LANDS -- WHICH IS PROVING TO BE VERY IMPORTANT TO ALASKA.

SOME OF YOU WERE ALSO AROUND WHEN THE FEDERAL GOVERNMENT MADE THE MAJOR LAND GRAB OF THE EARLY 1970's AND MORE IMPORTANTLY IN 1980. I DON'T SEE ANY MINES BEING DEVELOPED OR BENEFITS TO ALASKANS FROM THE CONTROL OF THE 100 + MILLION ACRES THE FEDERAL GOVERNMENT TOOK CONTROL OF IN 1980. VAST AREAS WERE LOCKED UP, ACCESS RESTRICTED, AND FEDERAL LAWS ARE APPLICABLE TO RESOURCE DEVELOPMENT ON THOSE LANDS WHICH DO REMAIN OPEN -- FEDERAL OWNERSHIP PROVIDES AN OPEN AVENUE FOR THE ENVIRONMENTALISTS TO SLOW DOWN OR SHUT DOWN PROJECTS ON FEDERAL LAND. I DON'T BELIEVE THAT MORE FEDERAL CONTROL OF ALASKA BY THE FEDERAL GOVERNMENT IS WISE.

CURRENTLY ALASKANS HAVE THE CONFLICT BETWEEN WHAT ANILCA PROVIDED AS A RURAL PREFERENCE FOR HUNTING AND FISHING, AND WHAT THE STATE SUPREME COURT STRUCK DOWN IN 1989. EFFORTS TO FIX THE PROBLEM HAVE MET WITH MANY ROADBLOCKS AND THE PROCESS CONTINUES TO DIVIDE THIS STATE.

WHY NOT PROVIDE A CONSTITUTIONAL AMENDMENT GRANTING A PREFERENCE WHEN LOCAL SUBSISTENCE RESOURCES ARE IN SHORT SUPPLY? FISH AND GAME CAN CONTROL WHERE AND WHEN, JUST AS THEY DO TODAY WITH OUR RECREATIONAL FISH AND GAME.

PREFERENCES IN ALASKA EXIST AT MANY LEVELS AND THOSE PREFERENCES AFFECT ALL OF ALASKA'S RESIDENCY: SUCH AS OUR PFD, FISH AND GAME LICENSES, GOLF FEES, AND THE MANY STATE PROGRAMS PROVIDED FOR OUR OLDER FOLK. I DON'T SEE THE PROBLEM. IN FACT, THERE WAS A RURAL PREFERENCE IN STATE LAW BEFORE ANILCA CAME ALONG.

UNLESS YOU, THE LEGISLATURE, WANT TO TAKE SOLE RESPONSIBILITY FOR THE TAKE-OVER OF ALASKA'S FISH AND GAME MANAGEMENT BY THE FEDERAL GOVERNMENT, YOU SHOULD LET THE VOTERS CHOOSE, BY LETTING THEM VOTE ON A CONSTITUTIONAL AMENDMENT.

ALASKANS TOGETHER, THE GROUP I'M HERE WITH TODAY, IS A STATEWIDE COLLECTION OF PEOPLE WITH DIVERSE VIEWS ON MANY OF ALASKA'S ISSUES, BUT WE ALL ECHO THAT WE DO NOT WANT THE FEDERAL GOVERNMENT TO TAKE OVER MORE POWER IN ALASKA.

AS WE START TO SEE THE RESULTS OF VARIOUS POLLS, WE SEE THAT THE VOTERS WANT TO VOTE ON THE ISSUE. OVER 90% OF THOSE POLLED WANT TO VOTE ON THIS ISSUE.

I URGE YOU TO PASS LEGISLATION THAT WILL PROVIDE THE VOTERS OF ALASKA THE RIGHT TO VOTE ON A CONSTITUTIONAL AMENDMENT TO GET ALASKA IN COMPLIANCE WITH ANILCA. THANK YOU FOR THE OPPORTUNITY TO PROVIDE MY VIEWS TO THIS COMMITTEE.

ANCHORAGE TRIBES OF TLINGIT &
HAIDA INDIANS OF ALASKA

RESOLUTION NO. 98-07

TITLE: Opposition to House Bill 406

WHEREAS, the subsistence lifestyle and culture is extremely vital to our tribal members,


WHEREAS, the Alaska State House Finance Committee has been hearing testimony on House Bill 406 which does not comply with Alaska Native National Interest Lands Conservation Act (ANILCA),

WHEREAS, the Anchorage tribes is in favor of an Alaska constitutional amendment to comply with ANILCA,

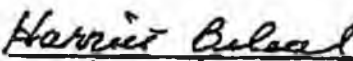
NOW, THEREFORE, BE IT RESOLVED that the Anchorage Tribes of Tlingit & Haida strongly oppose House Bill 406 and copies of this resolution be sent to the State House members as soon as possible.

ADOPTED this 11th day of April, 1998.

CERTIFY:


Lynette M. Hinz
President

ATTEST:


Harriet Deleal
Secretary

LYNETTE HINZ
8407 E. 31st Street
Anchorage AK 99508
(907)938-6698

Mrs. Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Re: House Bill 406

Dear Speaker Phillips:

Enclosed is our Resolution 98-07 which opposes House
Bill 406 as a follow-up to a public opinion message
sent to the House Finance Committee on April 13, 1998.

Very truly yours,

ANCHORAGE TRIBES OF TLINGIT
AND HAIDA INDIANS OF ALASKA

By: *Lynette M. Hinz*
Lynette M. Hinz
President

Encl.

cc: All Legislators

FISCAL NOTE

No: 4

Bill \ sion: CSHB 406 (FIN)

(H) Publish Date: 4/17/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date: 04/15/98

Dept. Affected: Alaska Court System

Title: An act relating to Fish and Game

BRU: Trial Courts

Sponsor: House Resources

Component: _____

Requestor: House Finance

COMPONENT SERIAL NO. 788

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0.0	118.3	89.6	89.6	89.6	57.5
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	118.3	89.6	89.6	89.6	57.5

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

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

Fund Source

(Thousands of Dollars)

Fund Source	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	118.3	89.6	89.6	89.6	57.5
1005 GF; Program Receipts						
1037 GF; Mental Health						
Other						
TOTAL	0.0	118.3	89.6	89.6	89.6	57.5

Estimate of any current year (FY 99) cost: \$ None

Positions

Position	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-Time						
Part-Time	0	3	3	3	3	3
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, General Counsel *[Signature]*
 Agency: Alaska Court System

Phone: 264-8228
 Date: 04/15/98

Approved by: Stephanie J. Cole, Administrative Director *[Signature]*
 Agency: Alaska Court System

Date: 04/15/98

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

COMMITTEE COPY

**Alaska Court System
Fiscal Analysis
CSHB 406 (FIN)**

CSHB 406 (FIN) creates a presumption that a resident who is domiciled in an area determined by the Board of Fisheries or Board of Game to be customarily and traditionally dependent on a resource is a qualified subsistence user, and that a resident who is not domiciled in such an area is not a qualified subsistence user.

The presumption is rebuttable by a preponderance of the evidence presented at a hearing before the appropriate board, and such hearings must be held in accordance with the Administrative Procedures Act (APA). Sec. 44.62.560 of the APA provides for judicial review by the superior court of a final administrative order.

The judicial function is reactive in nature, and thus the court system generally relies on estimates of administrative appellate caseload provided by the executive branch agencies with responsibility for handling the original administrative actions. The Department of Law has estimated that 40 cases will be appealed to the superior court during the first year that the new regulations are in effect (FY 00), 30 cases will be appealed during the second, third and fourth years, and 20 cases per year will be appealed during the fifth and subsequent years. The Department of Law anticipates that these will be extremely complex, time consuming administrative appeals, and that one attorney will be able to handle 10 cases per year.

Appeals under the APA consume substantially more judicial time than do other types of civil cases. While the large majority of other civil cases are resolved with relatively little judicial time spent (95% settle before trial, for example), all administrative appeals require substantial judicial time to review the record and render a decision. Using the estimates of case complexity made by the Department of Law, this note assumes that handling the FY 00 caseload generated by four attorneys will require 10 months of pro tem judicial time with proportionate reductions in later years.

This note does not include costs associated with adjudicating any constitutional challenges which might be mounted against the legislation, because of the speculative nature of such costs. It does not include costs associated with the creation of a new Class A misdemeanor for providing false information regarding the taking or use of fish or game for subsistence uses, because the Department of Law has not estimated the number of such case which might be prosecuted per year. Finally, it does not include costs associated with handling the administrative appeals which are appealed from the superior court to the supreme court.

Alaska Court System

Fiscal Analysis

CSH# 406 (FIN)

Personal Services

by Fiscal Year

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
<u>FY 00</u>			
Superior Court Pro Tem Judge, Anchorage, PPT, 10 months	\$ 48,750	\$ 23,762	\$ 72,512
Law Clerk, 13D, Anchorage, PPT, 10 months	28,320	11,558	39,878
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 00 Total Personal Services			<u>\$ 118,257</u>
<u>FY 01 - FY 03</u>			
Superior Court Pro Tem Judge, Anchorage, PPT, 8 months	\$ 36,583	\$ 17,821	\$ 54,384
Law Clerk, 13D, Anchorage, PPT, 8 months	22,656	6,718	29,374
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 01 - FY 03 Total Personal Services			<u>\$ 89,625</u>
<u>FY 04</u>			
Superior Court Pro Tem Judge, Anchorage, PPT, 5 months	\$ 24,375	\$ 11,881	\$ 38,256
Law Clerk, 13D, Anchorage, PPT, 5 months	14,160	4,199	18,359
In-Court Clerk, 12A, Anchorage, PPT, 1 month	2,411	523	<u>2,934</u>
FY 04 Total Personal Services			<u>\$ 57,549</u>

SCAL NOTE

No: 11

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Version: CSHB 406 (FIN)

(H) Publish Date: 4/17/98

Revision Date _____	Dept. Affected <u>Law</u>
Title <u>"An Act authorizing the Board of Fisheries ...</u>	BRU <u>Civil Division</u>
to identify fish and game that are taken or used for subsistence	Component <u>Natural Resources</u>
Sponsor <u>House Resources Committee</u>	
Requester <u>House Finance Committee</u>	Component Serial No <u>2212</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	226.4	452.9	339.6	339.6	339.6	226.4
Travel	0.7	1.4	1.0	1.0	1.0	0.7
Contractual	42.7	117.1	96.9	94.9	94.9	66.8
Supplies	3.6	7.3	5.4	5.4	5.4	3.6
Equipment	19.5	13.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	292.9	591.5	443.0	441.0	441.0	297.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	292.9	591.5	443.0	441.0	441.0	297.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	292.9	591.5	443.0	441.0	441.0	297.5

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	3	5	4	4	4	3
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS HB 406(Fin) would substantially revise the state's subsistence statute and the way in which the Boards of Fish and Game manage fish and game resources for subsistence uses. It would establish an individual eligibility for subsistence based on customary and traditional use of individual stocks and populations. Persons who were determined to be "qualified subsistence users" for a stock or population, based on individual criteria, would be eligible to take that stock or population under subsistence regulations in times of a shortage of the stock or population. Persons who lived in an area identified as dependent on each stock or population would be presumed to be qualified subsistence users of that stock or population; those who did not could apply for such status. Eligibility for the status could be challenged. The application and challenge processes would be handled by the Department of Fish and Game, and all hearings would be held under provisions of the Administrative Procedures Act, which allows for appeal to the superior court. It is estimated by the Department of Fish and Game that approximately 122,000 applications for qualified subsistence user status would be

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>4/14/98</u>
Approved by <u>Commissioner</u> <u>Bruce M. Botelho, Attorney General</u>	Date <u>4/14/98</u>
Agency <u>Department of Law</u>	

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ANALYSIS CONTINUATION

received annually and that 1,000 of those would go on to the hearing officer appeal stage. The Department of Law anticipates that 40 of these determinations would be appealed to the superior court in the first year of the new program and that 30 would be appealed annually after that time. Further, one-fifth of these decisions would then be appealed to the Supreme Court.

Management of subsistence use fish and game resources would begin with an identification of nonsubsistence areas by the boards, taking into account whether a cash economy was a principal characteristic of the area. CSHB 406 (FIN) directs the boards to review all existing nonsubsistence area designations within two years and to substantially increase the proportion of the state that is designated as nonsubsistence areas.

The boards would then identify stocks and populations located outside nonsubsistence areas that are customarily and traditionally taken or used for subsistence. The boards would determine whether there was a harvestable surplus of each of those stocks and populations and, depending on the amount of the harvestable surplus, relative to the amount determined to be reasonably necessary for subsistence uses by residents, adopt regulations that provide for different groups of persons to harvest each individual stock or population. Under the provisions of CSHB 406 (FIN), the boards would differentiate among four levels of availability for each stock or population: 1) sufficient to provide for all consumptive uses; 2) sufficient to provide for a reasonable opportunity for subsistence uses by qualified subsistence users and some, but not all, other consumptive uses; 3) sufficient to provide a reasonable opportunity for subsistence uses by qualified subsistence users but no other consumptive uses; and 4) not sufficient to provide a reasonable opportunity for human consumptive uses by all qualified subsistence users.

The legislation revamps the entire subsistence management regime and will require the boards to revisit and perhaps revise all hunting and fishing regulations during the first year after passage of the bill. They will be required to reevaluate and re-identify the nonsubsistence areas within the first two years. The boards will be required to make annual determinations of harvestable amounts, determine at which of the four levels noted above each stock and population is, and establish the appropriate types of regulations. They will also be required to determine the eligibility of those who have applied for qualified subsistence user status or whose status has been challenged.

The additional responsibilities of the boards in implementing the individual eligibility preference system of CSHB 406 (FIN) will involve extensive additional meetings of those bodies, particularly in the first year, and accompanying legal services from the Civil Division of the Department of Law. In the first year, each of the two boards will require the services of one attorney to provide advice during the regulations review and revision process. In the second year, two additional attorneys, for a total of four, will be necessary to assist with continuing advice to the boards in their eligibility and area determinations and in pursuing the challenges to hearing officer and board decisions that will be taken to court. These cases are expected to attract the attention of public interest attorneys and organizations. It is estimated that there will be at least 40 cases appealed to the superior court in the first year the new regulations will be in effect and 30 a year thereafter. It is anticipated that one-fifth of those will be appealed to the Alaska Supreme Court. As the number of appeals declines in subsequent years, the number of attorneys required will decrease to three in FY01, and to two in FY04.

A provision of the bill makes knowingly providing false information to the department or board regarding the taking or use of fish or game for subsistence uses or regarding the person's or another person's eligibility to engage in subsistence uses of fish and game a Class A misdemeanor. In addition to imposing other penalties of law, a court shall suspend the fishing and hunting privileges of a person convicted under the section not less than one year. The Criminal Division of the Department of Law will incur some additional costs under this section, but the division is unable to estimate these at this time.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Workdraft M
BILL NO. CSHB 406 (FIN)

ANALYSIS CONTINUATION

The bill as currently written presents constitutional issues and, given the volatility of this issue in the State of Alaska, challenges to the constitutionality of the law that would be enacted by this bill are anticipated. In this arena, too, we expect that public interest attorneys will handle cases that individuals themselves would not be able to bring. However, the costs of defending such constitutional challenges are too speculative and are not included in this fiscal note. Should extraordinary costs be incurred for such defense, the department would seek a supplemental appropriation.

Cost estimates are based on the department's standard FY98/99 cost allocation schedule (full-time equivalent attorney, \$133,500). The cost schedule includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

The standard cost does not include case-specific contractual and travel costs, such as the extraordinary travel to the additional multiple board meetings that Fish and Game estimates will be required by this bill, or one-time new equipment purchases for new positions. \$1,000 is added for deposition, court reporter, and transcription costs for each case anticipated to go to court, \$6,396 for travel to attend board meetings in FY99 and \$4,476 for travel to attend board meetings in the following years, and \$6,500 per new attorney position for one-time equipment purchases.

While clerical costs are included in the rate, position authorizations are required. These are included using an approximate ratio of one clerical support position for every three professional positions. One clerical support position is requested in FY99, with \$6,500 for one-time new equipment costs.

FISCAL NOTE

No: 6

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill V on: CSHB 406 (FIN)
(H) Publish Date: 4/17/98

Revision Date (Note if correction) _____	Dept. Affected <u>Fish and Game</u>
Title <u>Act authorizing Board of Fisheries and Board of Game to identify fish and game taken for subsistence...</u>	BRU <u>Administration and Support</u>
Sponsor <u>House Resources Committee</u>	Component <u>Boards of Fisheries and Game</u>
Requester <u>House Finance Committee</u>	Component Serial No. <u>2048</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	12.8	12.8	12.8	12.8	12.8	12.8
Travel	346.9	156.6	156.6	156.6	156.6	156.6
Contractual	47.5	26.6	26.6	26.6	26.6	26.6
Supplies	1.3	0.7	0.7	0.7	0.7	0.7
Equipment	0.0	10.0	10.0	10.0	10.0	10.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	408.5	206.7	206.7	206.7	206.7	206.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	408.5	206.7	206.7	206.7	206.7	206.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	408.5	206.7	206.7	206.7	206.7	206.7

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	2*	2*	2*	2*	2*	2*
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet approximately 12 days to analyze the new statute and establish the regional council system, including appointments to councils. Following, each board will meet separately for approximately 12 days each to review and revise the nonsubsistence use areas, establish the subsistence permit point system and application form, and establish the appeal process.

(*Increase two PPT clerks to PFT) (continued on separate page)

Prepared by <u>Diana Cote, Exec. Director</u> <i>Diana Cote</i>	Phone <u>465-6095</u>
Division <u>Boards Support Section</u>	Date <u>4/15/98</u>
Approved by <u>Frank Rue, Commissioner</u> <i>Frank Rue</i>	Date <u>4/15/98</u>
Agency <u>Department of Fish and Game</u>	

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FISCAL NOTE ANALYSIS, continued
BRU: Admin and Support
COMPONENT: Boards of Fisheries and Game, #2048

CSHB 406(Fin)
April 15, 1998

To perform the regulation consistence review and make determinations for subsistence, each board will meet approximately 7 days.

During subsequent years, each board will meet approximately 14 additional days.

CONTRACTUAL SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment. The budget in subsequent years reflects inflation and equipment upgrades.

STAFFING

Two existing administrative clerks will be increased from seasonal (10 months) to full-time (12 months) in the Boards of Fisheries and Game components. These positions serve as the main clerical support for the Board of Fisheries, Board of Game, and for headquarters staff.

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 406 (FIN)
(H) Publish Date: 4/17/98

Revision Date (Note if correction) _____ Dept. Affected Fish and Game
 Title Act authorizing Board of Fisheries and Board BRU Administration and Support
of Game to identify fish and game taken for subsistence... Component Advisory Committees
 Sponsor House Resources Committee
 Requester House Finance Committee Component Serial No. 2231

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	231.8	231.8	231.8	231.8	231.8	231.8
Travel	110.0	220.0	220.0	220.0	220.0	220.0
Contractual	180.0	180.0	180.0	180.0	180.0	180.0
Supplies	42.0	42.0	42.0	42.0	42.0	42.0
Equipment	80.0	20.0	20.0	20.0	20.0	20.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	643.8	693.8	693.8	693.8	693.8	693.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	643.8	693.8	693.8	693.8	693.8	693.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	643.8	693.8	693.8	693.8	693.8	693.8

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet to analyze the new statute and establish the regional council system, including appointments to councils. The regional councils will then meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

(continued on separate page)

Prepared by Diana Cole, Exec. Director *Diana Cole* Phone 465-6095
 Division Boards Support Section Date 4/15/98
 Approved by Frank Rue, Commissioner *Frank Rue for* Date 4/15/98
 Agency Department of Fish and Game

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FISCAL NOTE ANALYSIS, continued
BRU: Admin and Support
COMPONENT: Advisory Committees, #2231

CSHB 406(Fin)
April 15, 1998

The regional councils will meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

During subsequent years, regional councils will meet an estimated 12 days per year. Advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

CONTRACTUAL, SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment for four new staff positions and regional councils. The budget in subsequent years reflects inflation and equipment upgrades.

STAFFING

One new regional coordinator position will work with the new regional committees and existing advisory committees. Staff for existing regional coordinator will be increased from seasonal to full-time. Three administrative clerks will provide clerical support including processing travel claims, serve and support to both Boards Section regional staff and to the regional councils and advisory committees.

FISCAL NOTE

No: 7

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill Version: CSHB 406 (FIN)

(H) Publish Date: 4/17/98

Revision Date (Note if correction) _____	Dept. Affected <u>Fish and Game</u>
Title <u>Act authorizing Board of Fisheries and Board</u>	BRU <u>Commercial Fisheries</u>
of Game to identify fish and game taken for subsistence	Component <u>All</u>
Sponsor <u>House Resources Committee</u>	
Requester <u>House Finance Committee</u>	Component Serial No. <u>2167,68, 69, 70, 71</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	50.0	50.0	50.0	50.0	50.0	50.0
Travel	32.2	22.9	22.9	22.9	22.9	22.9
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	82.2	72.9	72.9	72.9	72.9	72.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	82.2	72.9	72.9	72.9	72.9	72.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	82.2	72.9	72.9	72.9	72.9	72.9

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	5	5	5	5	5	5
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Line 100 costs are for seasonal and overtime costs for preparation of materials for the board meetings.
Line 200 costs are for travel and per diem for support staff attendance at board meetings.

Prepared by <u>Bob Clasby</u>	Phone <u>465-4210</u>
Division <u>Director</u>	Date <u>4/15/98</u>
Approved by <u>Commissioner: Frank Rue</u>	Date <u>4/15/98</u>
Agency <u>Fish and Game</u>	

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**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill V on: CSHB 406 (FIN)

(H) Publish Date: 4/17/98

Revision Date (Note if correction)	_____	Dept. Affected	Fish and Game
Title	Subsistence Uses of Fish and Game	BRU	Sport Fish
		Component	Sport Fish
Sponsor	House Resources Committee		
Requester	House Finance Committee	Component Serial No.	464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	48.5	48.5	48.5	48.5	48.5	48.5
Travel	16.8	16.8	16.8	16.8	16.8	16.8
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	65.3	65.3	65.3	65.3	65.3	65.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	49.0	49.0	49.0	49.0	49.0	49.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	16.3	16.3	16.3	16.3	16.3	16.3
TOTAL	65.3	65.3	65.3	65.3	65.3	65.3

Estimate of any current year (FY98) 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 new positions are being requested. However, funding for 10 months of staff time utilizing existing permanent/seasonal PCNs is required as well as funding for additional travel costs.

Prepared by	Kevin Delaney <i>[Signature]</i>	Phone	465-4180
Division	Sport Fish	Date	4/15/98
Approved by	Commissioner <i>[Signature]</i>	Date	4/15/98
Agency			

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FISCAL NOTE

No: 10

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill rson: CSHB 406 (FIN)
(H) Publish Date: 4/17/98

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Subsistence Uses of Fish and Game BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor House Resources Committee
 Requester House Finance Committee Component Serial No. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	87.1	88.0	88.9	89.8	90.7	91.6
Travel	20.6	18.5	18.5	18.5	18.5	18.5
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	107.7	106.5	107.4	108.3	109.2	110.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	107.7	106.5	107.4	108.3	109.2	110.1
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	107.7	106.5	107.4	108.3	109.2	110.1

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The estimated costs of representing the division at and coordinating with regional councils and the expanded Game Board meeting schedule are in addition to funds currently expended working with federal subsistence regional advisory councils.

Assumptions: (1) Additional staff time (10 days/each regional council meeting) will be offset by extending seasonal PCNs; (2) A project coordinator (Range 18) will be hired to work with the board and division staff on subsistence issues; (3) Additional travel costs will be incurred for area staff to attend regional council meetings (6 staff for 6 days annually) and division staff to attend expanded Game Board meetings (3 staff for 19 days each in FY99 and for 14 days each in FY00).

Prepared by Wayne Regelin, Director *WRegelin* Phone 465-4190
 Division Wildlife Conservation Date 4/15/98
 Approved by Commissioner Clayton Bruce for Date 4/15/98
 Agency Alaska Department of Fish and Game

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FISCAL NOTE

No: 9

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill version: CSHB 406 (FIN)

(H) Publish Date: 4/17/98

Revision Date: _____	Dept. Affected: <u>Fish and Game</u>
Title: <u>Act Relating to Fish and Game</u>	BRU: <u>Subsistence</u>
Sponsor: <u>House Resources</u>	Component: <u>Subsistence</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. <u>483</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	1,033.2	2,197.2	2,197.2	2,197.2	2,197.2	2,197.2
TRAVEL	42.6	68.2	68.2	68.2	68.2	68.2
CONTRACTUAL	156.2	206.2	206.2	206.2	206.2	206.2
SUPPLIES	29.0	43.0	43.0	43.0	43.0	43.0
EQUIPMENT	56.0	15.0	31.0	15.0	31.0	15.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,317.0	2,529.6	2,545.6	2,529.6	2,545.6	2,529.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,317.0	2,529.6	2,545.6	2,529.6	2,545.6	2,529.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	1,317.0	2,529.6	2,545.6	2,529.6	2,545.6	2,529.6

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

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
FULL-TIME	19	37	37	37	337	37
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Overview: HB406 would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska, as well as an adjudication process for challenges and denials for qualification. Applicants are expected to be residents of areas and communities determined to be nonsubsistence under the provisions of this legislation. Individuals will have to apply for each species and fish and game population for which they wish to hunt and fish. This new qualification system is expected to draw about 122,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

Division: _____	Mary C. Pete <i>Mary C. Pete</i>	Phone: <u>465-4147</u>
	Subsistence	Date: <u>4/15/98</u>
Approved by Commissioner: _____	Frank Rue <i>Frank Rue</i>	Date: <u>4/15/98</u>
Agency: _____	Department of Fish and Game	

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FISCAL NOTE ANALYSIS: Division of Subsistence

Development of a Subsistence Permitting Program:

OVERVIEW: CSHB 406(FIN) would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska. Applicants are expected to be residents of areas and communities determined to be non-subsistence under the provisions of this legislation. Individuals will have to apply for each species and fish stock and game population for which they wish to hunt and fish. These individual applications systems are expected to draw about 120,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

PROCESS: The team charged with issuing permits for the Board of Fisheries and the Board of Game will consist of a core of 37 individuals: 1 section head, 2 program managers, 2 resource specialists III's, 10 hearing officers, 6 analyst programmers, 4 paralegals, 6 data entry clerks, 2 secretaries, and 4 administrative clerks. Duties of this team will cover two primary functions: (1) the issuance of permits and (2) the process of appeals of unsuccessful applicants. The process of issuing permits requires the design and printing of applications, a distribution system for applications to the public, evaluation of applications, and actual permit issuance to qualified applicants. Appeals and disagreements over the issuance of permits requires a systematic process in which applicants have adequate recourse to resolving disputes prior to seeking judicial relief.

The permit process will have a series of stipulations and safeguards to provide applicants with the greatest opportunity to receive benefits to which they are entitled. The design of the application will include reviews by each board and appropriate staff. The oversight process begins when applications are received and initially reviewed. Applications lacking vital information or incomplete responses will be returned with letters of explanation. Unsuccessful applicants will be notified of their rejection to give them the opportunity to provide additional support to their subsistence preference claim. If after re-evaluation of additional information applicants are still unsuccessful, they may seek an appearance before the hearing officer in order to determine the facts of the case. If the hearing officer still decides against the applicant, the applicant can appeal to the Boards of Fisheries or Game. In the event the board affirms the original denial, the decision would be final for the Department and the applicant could appeal to the Superior Court.

CORE STAFFING: Because each board will have its own permit process for applications each board's process will have its own set of hearing officers, analyst programmers and data entry clerks, resource specialists and administrative clerks. All of these positions will be located in Anchorage to facilitate their access to the entire state as well as applicants' ease of access to them.

SECTION HEAD. An assistant director (range 23) will oversee the entire subsistence eligibility section and coordinate with the rest of the division, the department, and other agencies.

BOARD SECTION LEADER. Two program managers (range 22), one for each board, will lead the application design, issuance and award process. They will each oversee a staff of 17.

SUBSISTENCE RESOURCE SPECIALIST III: The subsistence resource specialist III (SRS III) is a range 18 position and will have programmatic and administrative oversight of the analyst programmers and administrative clerks for each board's permit system. Working with Division's current director and research director, the SRS III will develop and analyze options for the subsistence hunting and fishing application and scoring system for presentation to the Boards of Fisheries and Game. They will oversee the awards and appeals of applications

PARALEGALS: The four (4) paralegals will coordinate the file for each appeals and adjudication. They will conduct the research necessary and make sure the file is complete before each hearing. They will assist the hearing officer.

ADMINISTRATIVE CLERK III: The four (4) administrative clerks (AC III) are a range 10 position and will be responsible for maintaining general administrative functions of the appeals staff of this unit. The AC III will respond to public inquires about the appeals process. They will also serve as recording clerks during hearings.

HEARING OFFICERS: The ten (10) hearing officers (HO) are range 22 positions with responsibilities for determining finding of facts. Each board and each region (Southeast, Southcentral, Southwest, Arctic, Interior) will have a hearing officer. The two hearing officers will design and implement the necessary procedures to see that the intent of the legislation is met and that applicants who are denied a subsistence hunting or fishing permit are assured of due process. Each of these positions receives clerical support from an administrative clerk II and investigative support from an analyst programmer III position.

ANALYST PROGRAMMER III: The analyst programmers (A/P III) are range 16 positions with responsibilities for the design of the fishing or hunting applications, creation of necessary data management procedures and programs, and collection of administrative information relevant to the applicant. Using hunting license and permit information within the Department of Fish and Game, the two A/P IIIs will provide the hearing officers with data relevant to the applications in dispute. The A/P IIIs will also undertake a random review of successful permit applicants to ensure that the system is meeting its objective of providing a subsistence preference to qualified applicants. The A/P IIIs will have the shared responsibility with the hearing officers for preparation of documentation of applicant cases. They will also directly supervise the administrative clerk II positions.

DATA ENTRY CLERK II: The data entry clerks (AC II) are range 9 positions. The primary responsibility of the two AC IIs will be the review for accuracy of all permit applications and entry of application information. Following data entry, the AC IIs will archive all materials in accordance with administrative procedures. As required, the AC IIs will provide support for the distribution of applications and permits.

SUBSISTENCE SUPPORT STAFF: The unit will draw upon some of the staff resources of the Division of Subsistence. With this unit's SRS III, the Division's current director and research director and AP IV will develop and analyze options for the subsistence applications and scoring systems for presentation to the Boards of Fisheries and Game. These and other support functions will be subsumed within the Division's current budget. Subsistence Resources Specialist IIs and IIIs and clerical staff will provide regional support in informing the public about the process and will respond to and forward inquires of local residents.

BUDGET—Division of Subsistence:

ELIGIBILITY SECTION:

FY 99

The initial budget for the eligibility section provides for nineteen (19) full-time employees: one section head, 2 program managers., 2 resource specialists, 2 secretaries, 6 analyst programmer IIIs, and 6 data entry clerk IIs. This group, split into two teams, one for each board, will design and distribute the application forms, respond to public inquires, score the applications received, and process appeals. Full-time funding for the unit projects personnel costs totaling \$1,033.2.

TRAVEL: A travel budget of \$42.6 provides for program outreach throughout the state, participation of the SRS III at Board of Fisheries and Board of Game meetings, and the appearance of the hearing officers for hearings as required.

CONTRACTUAL: Leasing office space; printing and distribution of applications; permits denials; notices of deadlines and other correspondence and communications are estimated to bring the total for contractual services to \$156.2.

SUPPLIES & EQUIPMENT: Office expendables are estimated at \$29.0. Necessary equipment for this new unit including furniture, computers and office equipment is estimated at \$56.0 for the first year.

The total budget for the first year of operation is \$ 1,317.0.

FY 00

ELIGIBILITY SECTION: Second year staffing will increase to a total of 37 employees with hiring of 10 hearing officers, 4 paralegals and 4 administrative recording clerks. This group will process the first set of appeals and challenges, estimated to be about 1,000 per year. Personnel costs total \$2,197.2.

Travel, Contractual, Supplies and Equipment will total \$332.4.

The total budget in the second year of operation is \$2,529.6.

FY 01

The total budget in the third year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing remains the same.

FY 02

The total budget in the third year will be \$2,529.6. Staffing and other budget categories remain the same.

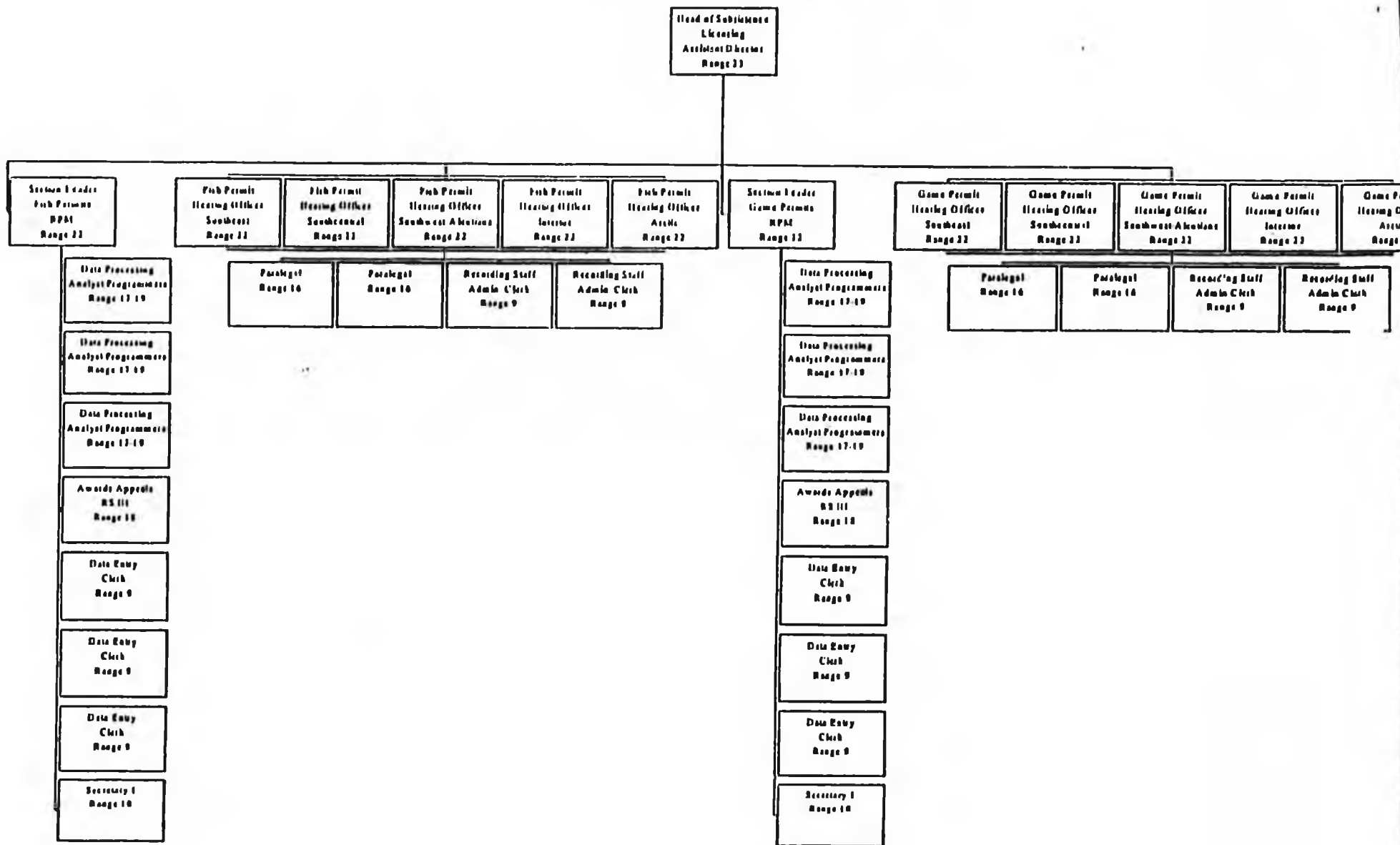
FY 03

The total budget in the fourth year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing and other budget categories remain the same.

FY 04

The total budget in the fifth year will be \$2,529.6. Staffing and other budget categories remain the same.

Submittance Licensing Division
(Potential Organization) 4/8/98



Personnel Costs for New Subsistence Eligibility Section

	Range	Monthly Salary/Benefits	Yearly Salary/Benefits	Number of Positions	Personnel Costs
Assistant Director	23	\$7,300	\$87,600	1	\$87,600
Regional Program Managers	22	\$6,500	\$78,000	2	\$156,000
Resource Specialist III	18	\$5,800	\$69,600	2	\$139,200
Analyst Programmers	16	\$5,000	\$60,000	6	\$360,000
Data Entry Clerks	9	\$3,000	\$36,000	6	\$216,000
Admin Clerks	9	\$3,000	\$36,000	4	\$144,000
Secretary I	10	\$3,100	\$37,200	2	\$74,400
Hearing Officer	22	\$6,500	\$78,000	10	\$780,000
Paralegal Staff	16	\$5,000	\$60,000	4	\$240,000
<hr/>					
Total				37	\$2,197,200

Applicants for Subsistence Permits

Fish	1995 Population	Households	Percent of Households Wanting to Fish	Number of Households Wanting to Fish	Mean Fishers per HH	Number of People Wanting to Fish	Number of Fish Stocks Applied for per Fisher	Total Number of Fishing Permit Applicants
Unalaska	4,083	1,021	11%	112	2	225	2	449
Bethel	5,195	1,299	70%	909	2	1,818	2	3,637
King Salmon-Naknek	1,305	326	48%	157	2	313	2	626
Dillingham	2,243	561	72%	404	2	807	2	1,615
Kodiak Area	13,498	3,375	26%	877	2	1,755	2	3,509
Nome	3,576	894	50%	447	2	894	2	1,788
Barrow	4,234	1,059	29%	307	2	614	2	1,228
Kotzebue	2,947	737	76%	560	2	1,120	2	2,240
Sitka	9,194	2,299	33%	759	2	1,517	2	3,034
Cordova	2,568	642	27%	173	2	347	2	693
Petersburg	3,374	844	21%	177	2	354	2	709
Wrangell	2,758	985	23%	227	2	454	2	908
Anchorage	257,780	64,445	10%	6,445	1.5	9,667	2	19,334
Fairbanks Area	88,729	22,182	10%	2,218	1.5	3,327	2	6,655
Juneau	29,228	7,307	10%	731	1.5	1,096	2	2,192
Kenai Area	45,984	11,496	10%	1,150	1.5	1,724	2	3,449
Ketchikan Area	15,082	3,771	30%	1,131	1.5	1,697	2	3,393
Mat-Su Area	50,261	12,565	20%	2,513	1.5	3,770	2	7,539
Valdez	4,469	1,117	20%	223	1.5	335	2	670
TOTAL				19,520		31,834		63,668

Game	1995 Population	Households	Percent of Households Wanting to Hunt	Number of Households Wanting to Hunt	Mean Hunters per HH	Number of People Wanting to Hunt	Number of Hunts Applied for per Hunt	Total Number of Hunting Permit Applicants
Unalaska	4,083	1,021	11%	112	1	112	2	225
Bethel	5,195	1,299	20%	260	1	260	2	520
King Salmon-Naknek	1,305	326	58%	189	1	189	2	378
Dillingham	2,243	561	42%	236	1	236	2	471
Kodiak Area	13,498	3,375	48%	1,620	1	1,620	2	3,240
Nome	3,576	894	20%	179	1	179	2	358
Barrow	4,234	1,059	43%	455	1	455	2	910
Kotzebue	2,947	737	73%	538	1	538	2	1,076
Sitka	9,194	2,299	44%	1,011	1	1,011	2	2,023
Cordova	2,568	642	57%	366	1	366	2	732
Petersburg	3,374	844	43%	363	1	363	2	725
Wrangell	2,758	985	34%	335	1	335	2	670
Anchorage	257,780	85,927	9%	7,733	1	7,733	2	15,467
Fairbanks Area	88,729	29,576	13%	3,845	1	3,845	2	7,690
Juneau	29,228	9,743	33%	3,215	1	3,215	2	6,430
Kenai Area	45,984	15,328	19%	2,912	1	2,912	2	5,825
Ketchikan Area	15,082	5,027	37%	1,860	1	1,860	2	3,720
Mat-Su Area	50,261	16,754	18%	3,016	1	3,016	2	6,031
Valdez	4,469	1,490	44%	655	1	655	2	1,311
				29,300		28,900		57,801

HCR

4

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 8
 Bill Version: CSHCR 4 (JUD)
 (H) Publish Date: 3/24/97

Revision Date: _____
 Title: Relating to records generated and maintained
 by the Department of Health and Social Services
 Sponsor: Representative Kelly
 Requestor: House (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Northern Region
 COMPONENT SERIAL NO. 255
 See also (SN#): 254.258.259.264.2134.

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)
1005 GF Program Receipts						
1037 GF Mental Health						
Other (please specify)						
TOTAL	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

POSITIONS:

FULL-TIME	-2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this resolution and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring but not the loss of federal funds.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 907-465-3191
 Date: 03/03/97
 Date: 3/5/97

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ANALYSIS (cont.):**Change in positions:**

Delete Regional Administrator PCN 06-3218 (\$99.9)

Delete Social Worker V in Bethel PCN 06-3201 (\$91.1)

Delete Social Worker V in Nome PCN 06-3089 (\$98.3)

New PCN Social Worker V in Fairbanks \$77.1Reduction in Personal Services: \$212.2

FISCAL NOTE

No. 7
 Bill Version: CSHCR 4(JUD)
 (H) Publish Date: 3/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to records generated and maintained
 by the Department of Health and Social Services
 Sponsor: Representative Kelly
 Requestor: House (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: McLaughlin Youth Center
 COMPONENT SERIAL NO. 264
 See also (SN#): 254.255.258.259.2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF-Program Receipts						
1037 GF-Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this resolution and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring but not the loss of federal funds.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/03/97
 Date: 3/5/97

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ANALYSIS (cont.):

Change in position:

Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4Total savings due to downgrade

(24.1)

FISCAL NOTE

No. 6
 Bill Version: CSHCR 4(JUD)
 (H) Publish Date: 3/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to records generated and maintained
 by the Department of Health and Social Services
 Sponsor: Representative Kelly
 Requestor: House (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 254,255,258,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES **	120.6	122.4	124.2	126.1	128.0	129.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	120.6	122.4	124.2	126.1	128.0	129.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	120.6	122.4	124.2	126.1	128.0	129.9
1005 GF Program Receipts						
1037 GF Mental Health						
Other (please specify)						
TOTAL	120.6	122.4	124.2	126.1	128.0	129.9

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this resolution and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring but not the loss of federal funds.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/03/97
 Date: 3/5/97

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ANALYSIS (cont.):

Change in positions:

New PCN Administrative Clerk II Range 8	\$37.3
New PCN CPS (FS) Admin Officer Range 23	\$83.3
Total Incremental Cost:	<u>\$120.6</u>

** Personal Services figures for FY 99 through FY 2003 include a 1.5% per year COLA.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No.
Bill Version: CSHCR 4(JUD)
(.) Publish Date: 3/24/97

Revision Date: _____
Title: Relating to records generated and maintained
by the Department of Health and Social Services
Sponsor: Representative Kelly
Requestor: House (FIN)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 254.255.259.264.2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

POSITIONS:

FULL-TIME	0					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this resolution and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring but not the loss of federal funds.

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5/14
Prepared by: L. Diane Worley, Director Phone: 465-3191
Division: Family & Youth Services Date: 03/03/97
Approved by Commissioner: Karen Perdue, Commissioner Date: 3/5/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in positions:

Delete Regional Administrator PCN 06-3482

(\$ 82.6)

New PCN Social Worker V

\$ 73.8

Reduction in Personal Services:

\$ (8.8)

ANALYSIS (cont.):

Change in positions:

Delete Regional Administrator PCN 06-3215

(\$ 92.2)

New PCN Social Worker V

\$ 73.8

Reduction in Personal Services:

\$(18.4)

FISCAL NOTE

No. 3
 Bill Version: CSHCR 4(JUD)
 (H) Publish Date: 3/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to records generated and maintained
 by the Department of Health and Social Services
 Sponsor: Representative Kelly
 Requestor: House (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Probation Services
 COMPONENT SERIAL NO. 2134
 See also (SN#): 254.255.258.259.264

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	482.6	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	489.8	497.2	504.6	512.2	519.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF Mental Health						
Other (please specify)						
TOTAL	482.6	489.8	497.2	504.6	512.2	519.9

POSITIONS:

FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this resolution and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring but not the loss of federal funds.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Pardue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/03/97
 Date: 3/5/97

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JAS_DRS

ANALYSIS (cont.):

Change in positions:

New PCN Youth Superintendent II	\$ 73.8
New Chief Probation Officer	\$ 83.9
New 3 Admin Clerk IIs	\$112.0
New 3 Admin Assistants	\$138.6
New Juvenile Probation Officer V	<u>\$ 74.3</u>
Total Increase in Personal Services:	<u>\$482.6</u> **

** FY 99 through FY 03 Personal Services includes a 1.5% per year COLA.

FISCAL NOTE

No. 1
 Bill Version: HCR 4
 (-) Publish Date: 1/31/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "Relating to records generated and maintained by the Department of Health and Social Services"
 Sponsor: Representative Kelly
 Requestor: (H) HES

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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
CHANGE IN REVENUES ()	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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The resolution requests the Governor to direct the Department of Health and Social Services to separate existing and future CINA and delinquency records. There is no fiscal impact on the Public Defender Agency.

Prepared by Barbara K. Brink, Acting Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1-23-97

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SENATE COMMITTEE REPORT

DATE: 4/21/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/28/97

Judiciary Committee considered HOUSE CONCURRENT RESOLUTION NO. 4

Relating to records generated and maintained by the Department of Health and Social Services.

and recommends:

- be replaced with _____ CS _____ (_____)
- 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 change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	✓	<i>J. J. Ellis</i>	X		
<i>Irma Pearce</i>	✓				
<i>Stan Parnell</i>	✓				
CHAIR: <i>Adrian Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
HSS/DFUS-N. Region	3/24		✓
HSS/DFUS-McLAUGHLIN	3/5		✓
HSS/DFUS-CENTRAL	3/5		✓
HSS/DFUS-SE Region	3/5		✓
HSS/DFUS-SO Region	3/5		✓
HSS/DFUS-PROBATION	3/5		✓

ADMIN / PUB. DEFENDER / 23 0 1
*include fiscal notes accompanying Governor's bill

APPROPRIATION -- no fiscal note

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

February, 24 1997

Memorandum

To: Senator Robin Taylor, Chairman
Senate Judiciary Committee

A handwritten signature in cursive script, appearing to read "Pete Kelly".

From: Representative Pete Kelly

Regarding: Hearing request for House Concurrent Resolution 4 and House Bill 6.

=====

Please schedule a hearing for HCR 4 and HB 6 at your earliest convenience. HCR 4 provides DFYS guidance to restructure the organization in a manner that will allow DFYS to release criminal records of minors without substantial loss of federal funds. HCR 4 carries a fiscal note of 339,700 dollars. HCR 4 enables HB 6.

House Bill 6 provides for DFYS to release the names of juvenile offenders who have committed serious felony crimes, or failed to comply with the sentencing requirements of prior offenses. HB 6 carries a fiscal note of 698,200 dollars to replace lost federal funds.

ALASKA STATE LEGISLATURE
HOUSE CONCURRENT RESOLUTION NO. 4

HISTORY IN THE HOUSE

1997
1/13 Read first time and referred to:
HES FIN

1/31 HES RPT CS() New Title
7 DP 0 DNP 0 NR 0 AM
FN 2 OFN Previous FN

2/3 Jud ref. added: Jud FIN

2/21 Jud RPT CS(Jud) New Title
5 DP 0 DNP 2 NR 0 AM
FN 0 OFN 2 Previous FN 0

3/24 FIN RPT CS(Jud) New Title
6 DP 0 DNP 3 NR 0 AM
6 FN 0 OFN 1 Previous FN 0

4/17 Read second time
CS(Jud) Adopted

Amended

4/17 Held to 4/18

4/18 Considered on final passage and

4/18 PASSED EFD Same ___ or
Yeas 33 Yeas
Nays 2 Nays
Excused 4 Excused
Absent 1 Absent

___ Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON. EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

___ Intent adopted

4/18 Reported correctly engrossed
Signed by Speaker, to the Senate

Sign. Howell
Chief Clerk of the House

HISTORY IN THE SENATE

1997
4/21 Read first time and referred to:
JUD, FIN

___ RPT() CS ___ DP ___ NR ___ DNP ___ AM
___ New Title ___ Same Title ___ Previous FN
___ FN ___ OFN To ___

___ RPT() CS ___ DP ___ NR ___ DNP ___ AM
___ New Title ___ Same Title ___ Previous FN
___ FN ___ OFN To ___

___ RPT() CS ___ DP ___ NR ___ DNP ___ AM
___ New Title ___ Same Title ___ Previous FN
___ FN ___ OFN To ___

___ Rules Calendar() CS ___ AM ___ Other
___ New Title ___ Same Title ___ Previous FN
___ FN ___ OFN

Read second time

___ CS Adopted () ___ New Title
___ Amended

Considered on final passage and

___ Letter of Intent adopted

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House

___ Secretary of the Senate

HCR

34

SENATE COMMITTEE REPORT

DATE: 4/28/98

FURTHER:

DATE TURNED
IN TO OFFICE: 5-2-98

Judiciary Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 34(L&C) am
Establishing a Joint Committee on Electric Utility Restructuring.

and recommends:

- be replaced with _____ CS _____ (_____)
- 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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>J. Seis</i>	<input checked="" type="checkbox"/>	<i>Stan Powell</i>			
CHAIR: <i>Chris K. Taylor</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
LEG. AFFAIRS AGENCY	4-4-98	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HCR 34
PUBLISH DATE: _____

Revision Date: _____
Title: Establishing a Joint Committee on Electric Utility Restructuring.
Sponsor: House Labor and Commerce Committee
Requestor: House Labor and Commerce Committee

Department Affected: Legislative Affairs Agency
BRIJ: Legislative Operating Budget
Component: Legislative Operating Budget

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

HCR 34 has zero fiscal impact. The Joint Committee on Electric Utility Restructuring will be staffed by existing legislative employees. Zero travel expenses are anticipated as all meetings will be held by teleconference.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
 Division: Administrative Services Date: 4/3/98
 Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
 Agency: Legislative Affairs Agency Date: 4/4/98

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

FISCAL NOTE

No: 1

Bill Version: CSHCR 34 (L&C)
 (H) Publish Date: 4/9/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: Establishing a Joint Committee on Electric Utility Restructuring.
 Sponsor: House Labor and Commerce Committee
 Requestor: House Labor and Commerce Committee

Department Affected: Legislative Affairs Agency
 BRU: Legislative Operating Budget
 Component: Legislative Operating Budget

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

HCR 34 has zero fiscal impact. The Joint Committee on Electric Utility Restructuring will be staffed by existing legislative employees. Zero travel expenses are anticipated as all meetings will be held by teleconference.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
 Division: Administrative Services Date: 4/3/98

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
 Agency: Legislative Affairs Agency Date: 4/14/98

HJR

2

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
JUDICIARY COMMITTEE, MEMBER
CORRECTIONS BUDGET SUBCOMMITTEE, MEMBER
ADMINISTRATION BUDGET SUBCOMMITTEE, MEMBER
HESS BUDGET SUBCOMMITTEE, MEMBER



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FAX: (907) 258-2916

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 2 - REPEAL OF REGULATIONS REPRESENTATIVE NORMAN ROKEBERG

House Joint Resolution 2 proposes an amendment to Alaska's Constitution which would allow the legislature to repeal a regulation adopted by a state department or agency. The question of whether or not to adopt this proposal would be placed before Alaskan voters at the next general election (1998).

In many cases, legislative directives are ignored or regulations are created that go far beyond the scope of what the legislature intended. Once regulations go into effect, they have all the force and effect of law. The bureaucracy may, and has, subverted the will of the legislature by creating regulations with different effects and consequences than that intended under the actual law adopted by Alaska's elected representatives.

Currently, the only recourse the legislature has to rogue regulations is to rewrite the entire law which is expensive and time consuming. Under the current system, if a constituent calls with a concern about a particular regulation, a legislator can only respond by rewriting the law instead of reviewing the regulation in question and repealing it if it does not accomplish what the legislature intended.

Over 9,500 pages of regulations are in the Alaska Administrative Code. No elected official voted on these regulations and the public has no one to hold responsible for the bad regulations. It is the legislature's responsibility to make laws -- not the bureaucracy. HJR 2 opens the process to public scrutiny.

This resolution would allow the public to express its view on this matter. The last consideration of this matter by voters was in 1986. While the voters have turned down repeal of regulations three times since 1980, the regulations adopted since that time have become so onerous that it is time to again ask the voters about this process. The repeal of onerous regulations is needed to ensure a healthy environment for resource and other economic development in Alaska.

I urge your support of this resolution.

Ed1:3/6/97

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
JUDICIARY COMMITTEE, MEMBER
CORRECTIONS BUDGET SUBCOMMITTEE, MEMBER
ADMINISTRATION BUDGET SUBCOMMITTEE, MEMBER
HESS BUDGET SUBCOMMITTEE, MEMBER



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SESSION:
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Representative Norman Rokeberg

SECTIONAL ANALYSIS HJR 2 - REPEAL OF REGULATIONS By Representative Norman Rokeberg

This resolution proposes an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

Section 1: Would amend the Constitution to provide that the Legislature could, by joint resolution, appeal a regulation adopted by a State department or agency. The repeal would be effective 30 days after the passage of the resolution unless otherwise stated in the resolution.

Section 2: Provides that the proposed constitutional amendment would be placed before the Alaskan voters at the next general election, November 1998.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HJR2

Revision Date (Note if correction) _____ Dept. Affected Office of the Governor
 Title Const. Amend: Repeal of Regulations BRU Elective Operations
 by Legislature _____ Component Elections
 Sponsor Representatives Rokeberg, James, Kohring
 Requester House Finance Committee Component Serial No. #21

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	3.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	3.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$56.0.

Prepared by Dana LaTour Phone 465-5347
 Division Division of Elections Date 1/16/98
 Approved by C Lt. Governor Fran Ulmer Date 1/16/98
 Agency Office of the Lieutenant Governor

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NFIB
National Federation of
Independent Business

National Federation of Independent Business

Statement of Support

of HJR 2

A resolution calling for a constitutional amendment to allow the legislature to annul regulations found to be inconsistent with the intent of the law.

February 17, 1996

The Alaska Chapter of the National Federation of Independent Business has 4,400 members, making it the largest small-business advocacy group in the state.

The legislative agenda of NFIB is determined by ballot. The ballot is our poll of members on a series of state legislative and regulatory issues.

The 1996 ballot results showed very strong support for giving the voters the chance to amend the constitution to allow repeal of regulations by the legislature. Following are the ballot results on this issue:

Should the State of Alaska place a proposed constitutional amendment before the voters to decide whether the legislature should be given the authority to repeal regulations found to be improper or inconsistent with the law?

73 % YES

15 % NO

12 % Undecided

NFIB/Alaska urges support for HJR 2.

Submitted by Thyes Shaub on behalf of NFIB/Alaska.

MAR 04 1997



SERVING GENERAL AVIATION 40 YEARS (1951-1991)

U of A Aviation Complex

1515 East 13th Avenue Anchorage, Alaska 99501-4814

(907) 272-1251 — 24 Hour Phone/Fax

FEBRUARY 10, 1997

REP NORMAN ROKEBERG
ALASKA STATE LEGISLATURE
STATE CAPITAL
JUNEAU ALASKA 99801-1182

REF: HJR 2- REPEAL OF REGULATIONS

REPRESENTATIVE ROKEBERG:

I enclose a resolution by the Alaska Airmen's Association supporting HJR 2.

The Alaska Airmen's Association Inc. in concert with the Alaska Air Carriers Association Inc. and the Fairbanks Airmen's Coalition have been fighting the bureaucracy of the Department of Transportation (aviation division) since 1994 on a proposed set of regulations (17 ACC 40 & 45) that are clearly detrimental to the aviation industry and circumvent the intent of the Legislature.

If these regulations become law the losses contemplated for the aviation industry will be crippling and the cost of litigation prohibitive.

The outcry over these regulations was completely ignored by the DOT until our constituency took its case to the Legislature. In 1996 the Alaska Legislature passed HB 543 with only one dissenting vote. HB 543 was an attempt to clarify the intent of the law.

It has been seven months since that legislation passed. The same onerous regulations have been resubmitted with the caveat that they now include new regulations specifically designed to circumvent (not implement) HB543. In the interim the DOT bureaucracy has written new leases based on their proposed regulations while refusing to extend or approve leases based on the existing regulations.

The only recourse of the people of the State of Alaska in the face of a determined bureaucracy like the Department of Transportation is the Legislature. HJR 2 is the only recourse available to the people to maintain for them the checks and balances intended by the State Constitution and prevent professional bureaucrats from subverting the law in their own self interest with self serving regulations.