

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672  
11099 SENATE COMMUNITY & REGIONAL AFFAIRS



Alaska Department of Labor and Workforce Development

Job Seeker

Worker

# Labor Standards and Safety Division

Mechanical Inspection Related Web Sites:

## Mechanical Inspection Section

[Proposed Regulations - Child Labor Regulations](#)

[National Association of Amusement Ride Safety Officials](#)

## Programs

[Officials](#)

The Mechanical Inspection Section oversees installations of a variety of mechanical work to ensure public safety. The programs administered include electrical and plumbing installations in new construction; boiler and pressure vessels, in both new construction and existing installations; elevators, new and existing; and amusement rides, ski lifts and tramways, new and existing. In addition, the Mechanical Inspection Section enforces the Contractor Licensing and the Mechanical and Electrical Administrator programs.

[National Board of Boiler and Pressure Vessel Inspectors](#)

[International Conference of Building Officials](#)

## Services

[Anchorage Society of Mechanical Engineers](#)

Inspectors perform electrical and plumbing inspections of new construction and repairs or alterations to existing structures. All new elevator, ski lift, tramway and amusement ride installations are inspected; and existing elevators, ski lifts, tramways and amusement rides are inspected annually. Boilers and pressure vessels are inspected according to a time schedule established in the national code, which varies from annually to every five years. The Mechanical Inspection Section issues licenses to qualified workers certifying their fitness to perform work in the electrical, plumbing, boiler operation fields. Construction contractor licensing and Electrical or Mechanical Administrator licensing are ongoing enforcement programs that are carried out in concert with other duties.

[International Association of Electrical Inspectors](#)

[National Fire Protection Association](#)

## Email:

[National Electrical Contractors Association \(NECA\)](#)

[Anchorage LSS-MI@labor.state.ak.us](mailto:LSS-MI@labor.state.ak.us)

[National Association of Elevator Safety Authorities](#)

- [Application for Certificate of Fitness](#)
- [Approved Training Providers for Continuing Education - Electrical](#)
- [Mechanical Inspection Enforcement Programs](#)
- [Reciprocal Electrician Journeyman License](#)

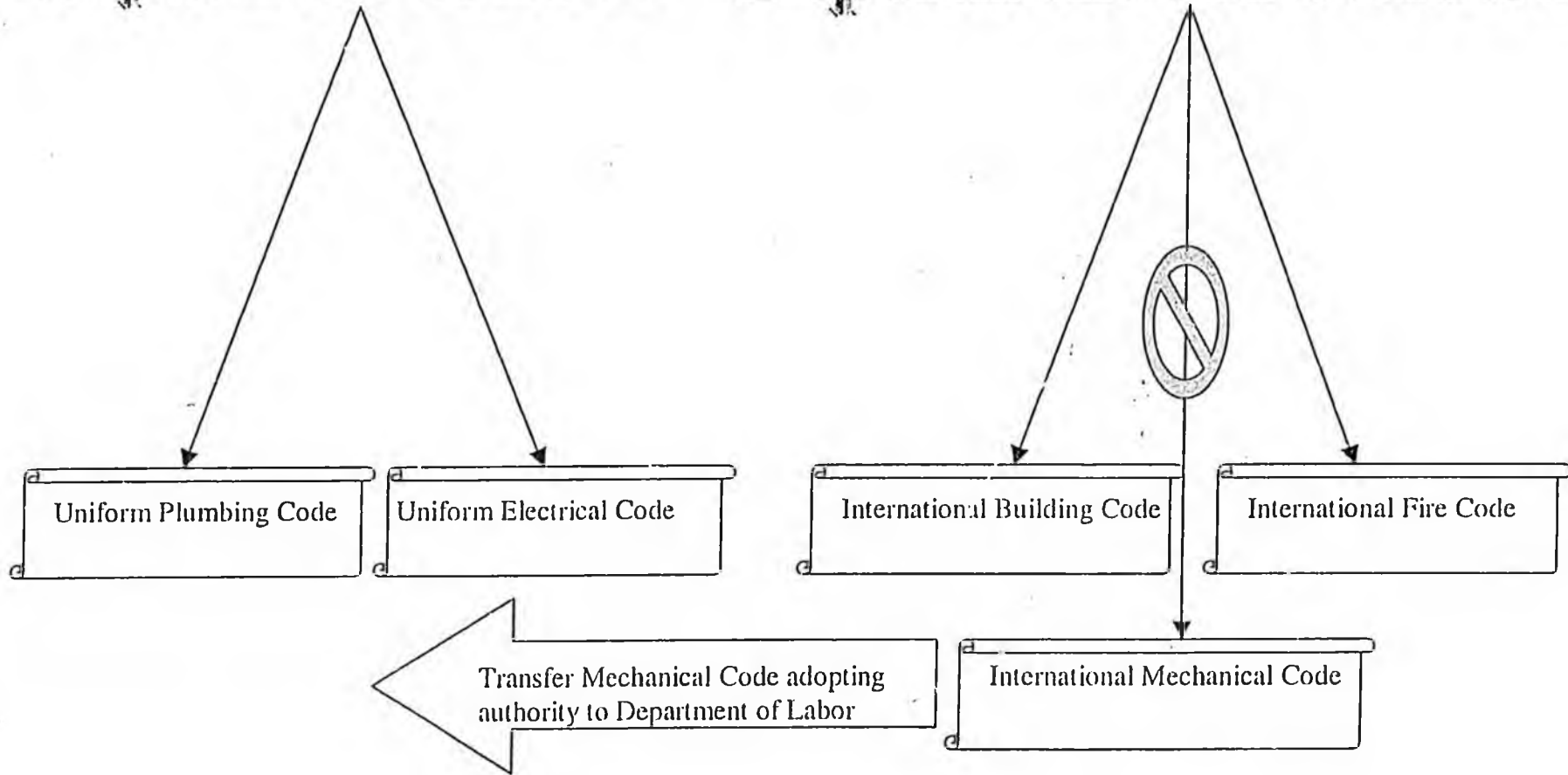
[International Association of Mechanical Officials](#)

Labor Standards and Safety || Labor and Workforce Development ||

State Code Adopting Authority

Department of Labor

Department of Public Safety



Uniform Plumbing Code

Uniform Electrical Code

International Building Code

International Fire Code

Transfer Mechanical Code adopting authority to Department of Labor

International Mechanical Code

# Construction Administrators

## Continuing Education Categories

*Public do? same from DOL  
what do they do when not*

### Mechanical Administrators

#### Mechanical Categories

- Heating, Cooling, and Process Piping (HCPP)
- Mechanical Systems Temperature Control (CNTL)
- Residential HVAC (RHVC)
- Unlimited HVAC/Sheet Metal (UHVCS)
- Unlimited Refrigeration (UR)

#### Plumbing Endorsement Categories

- Residential Plumbing and Hydronic Heating (RPHH)
- Unlimited Commercial and Industrial Plumbing (UCIP)

### Electrical Administrators

#### Electrical Categories

- Controls and Control Wiring (CNTL)
- Inside Communication (IC)
- Residential Wiring (RW)
- Outside Communications (OC)
- Unlimited Commercial Wiring (UCW)
- Unlimited Line Work (UL)

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Senate CRA Committee

March 3, 2003

March 3: No meeting scheduled.

March 5: 1:30 – 3:30pm: Fahrenkamp, Room #203

Bills Previously Heard:

+ SB 38 ADOPTION OF SAFETY CODES

+ HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY

March 7: No meeting scheduled.

**PLEASE REFER TO PREVIOUSLY DISTRIBUTED PACKETS  
FOR SB 38 AND HCR 2.**

- SB 38 –
  - Distributed this date is undated Position paper from Alaska Professional Design Council
  
- HCR 2
  - DISTRIBUTED THIS DATE IS NEW CS ON HCR 2 – work draft \Q

+ Teleconferenced  
\* First Hearing

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

DATE: February 27, 2003  
TO: Senate Secretary  
FROM: Senator Tom Wagoner, Chair  
Senate Community and Regional Affairs Committee  
RE: Meeting Schedule: March 3 – March 7, 2003

---

March 3: No meeting scheduled.

March 5: 1:30 – 3:30pm: Fahrenkamp, Room #203

Bills Previously Heard:

- + SB 38 ADOPTION OF SAFETY CODES
- + HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY

March 7: No meeting scheduled.

- + Teleconferenced
- \* First Hearing

Sponsor and/or Committee Name			Date
SCRA- Sen. Thomas Wagoner, Chair			3/05/03
Start/End Time	Chairing site	Juneau Room	Testimony
1:30 - 3:30	Juneau	CAP 203	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Mary Jackson	465-4989	yes	

Subject of meeting and/or Bills on agenda

SB 38 Adoption of Safety Codes  
HCR 2 Extend AK Railroad

Sites - LIOs		Sites - Offnets	Phone #
Anchorage	✓		
Barrow			
Bethel			
Cordova			
Delta Junction			
Dillingham			
Fairbanks	✓		
Glennallen			
Homer			
Juneau	✓		
Kenai	✓		
Ketchikan			
Kodiak			
Kotzebue			
Matsu			
Nome			
Petersburg			
Seward			
Sitka			
Tok			
Valdez			
Wrangell			

Notes

MAR 10 2003

Tel: 907-273-4449 Fax: 907-273-3990  
700 G Street, 5<sup>th</sup> Floor, Anchorage, AK 99501  
E-mail: greg.moore@nana-colt.com

March 7, 2003

The Honorable Senator Thomas Wagoner  
State Capitol, Room 427  
Juneau, AK 99801-1182  
907-465-2828  
800-964-5733  
Fax: (907) 465-4779

**RE: Senate Bill 38 Community Hearing March 5<sup>th</sup>, 2003**

Dear Senator Wagoner,

NANA/Colt Engineering, LLC and I wish to thank you for the opportunity to testify during the March 5<sup>th</sup> committee hearing on Senate Bill 38. The continued involvement of your committee is appreciated and in our opinion, warranted. As Senator Taylor commented at the close of the SB 38 discussions, he was not comfortable with the idea of assigning this important issue to a department for resolution. We support the Senator's assessment and agree that it would not be the best solution to the problem.

In response to Senator Elton's request, I am enclosing Appendix L of the Alaska Administrative Code (13 AAC 50.020). The impact to the Appendix with the movement of authority and the changing of the code between the International & the Uniform Mechanical Code will impact the Appendix not in an easily recognizable manner such as direct reference to a specific section in the codes. The Appendix was written utilizing a performance based perspective, but wrapped deeply into all the requirements of the Building, Mechanical & Fire Codes. If the change were to take place it would be a matter of reviewing and the code requirements and trying to apply the Appendix verbiage.

The larger review and rewrite would be of all 208 cross-references between the three codes and then the creation of new revisions that would be used to cross-reference to the code adopted by the Department of Labor. All of this would affect the 13 AAC 50.010 thru 50.030. This would be a very time consuming procedure such as it was two years ago when the state journeyed from the Uniform Codes to the International Codes.

NANA/Colt is an Alaska based engineering firm that provides engineering and consulting services to the oil and gas industry. We are strongly committed to ensuring that safe building practices are maintained and utilized in the State of Alaska.

I have also enclosed a copy of my testimony for your records and review. Please feel free to contact me concerning questions or requests for assistance that may be needed.

Respectfully submitted,  
NANA/Colt Engineering, LLC



Greg Moore  
Fire Protection Specialist

cc: John Minier, President, NANA/Colt Engineering, LLC

**Senate Bill 38**  
**COMMUNITY & REGIONAL AFFAIRS Meeting**  
**Wednesday, March 5<sup>th</sup>, 2003 - 1:30 PM**

First, I would like to thank the Senators for allowing me the chance to speak.

My name is Greg Moore and I represent NANA Colt Engineering of Anchorage, Alaska. We are a firm of approximately 180 engineering and design professionals that provide services to the Industrial and Commercial Markets in Alaska.

We wish to voice our opposition to Senate Bill 38.

As a design & engineering firm we have a considerably investment into providing safe building designs, which incorporate the use of the International Building, Mechanical and Fire Codes. NANA Colt Engineering views the proposal of this bill in a manner that does not constitute an overall safe building design.

As an Alaskan Company we are most concerned with the safety of the citizens of Alaska, the people who visit Alaska and the workforce of Alaska. Maintaining the present code authorities and the adopted International Mechanical Code has provided that safety net we value.

As a 22 year National Fire Protection Association member who sits on 3 different code-writing committees and as a member of the International Conference of Building Officials and the Southern Building Code Congress International I have been involved in the code adoption process many times. I am used by many entities and companies to help sort out and understand the codes and the processes in place for enforcement. I come first to lend my assistance to any of the Senators or Representatives who wishes to understand the backgrounds & intentions of the Model Building Codes used in the United States.

This bill seeks to remove the authority of the Mechanical Code from the Department of Public Safety to the Department of Labor and then allow the Dept of Labor to adopt a Mechanical Code. Since it is unclear in the language of the bill what Mechanical Code the Dept of Labor would adopt we can only assume that it would be the Uniform Mechanical Code. This assumption is made under the pretense that the current Alaska Statute defines a Mechanical Administrator as a person required to work under the Uniform Mechanical Code along with other Uniform Codes. With this assumption in mind we follow the path that the Uniform Mechanical Code with amendments and appendixes would be adopted and thus the integrity of safe building designs would probably be jeopardized. When a State or City has model building codes not of the same family and not written with the same intentions, those areas can suffer from code segregation. To define "code segregation" we must assume that the International Building and Fire Codes are under the authority of the State Fire Marshal and the Uniform Mechanical and Plumbing Codes and the National Electrical Code is under the authority of the Dept of Labor. As probably all of us understand the design, construction, maintenance and repair of a building, regardless of whether it is a residential, commercial or an industrial occupancy utilizes all of the mentioned codes during the design and construction phase. Since this state and the municipalities within this state require plan reviews, construction permits or officially accepted maintenance procedures to be submitted to the regulatory authorities, it is only understandably that a single code authority is better than two. The reason why is that consistency in the plan review phase and standards that are equal and fair to all parties are the key to a safe building design. When a regulatory authority such as the State Fire Marshal is limited to the review of only certain areas of the model codes, the total building safety is compromised. Presently, the Dept of Labor does not provide plan review for the Electrical and Plumbing Codes. State Inspectors are expected to inspect a facility after it is built if at all. A common fear throughout the engineering & design communities is that of spending a million

dollars of a client's budget to build a facility to only find out later that it does not meet the code interpretation of the Electrical Inspector. Presently, the Fire Marshal's Office provides plan review services and code consultation to its customers. I find those services a very valuable part of the Safe Building Designs that we provide our clients. As a company, and I as a code professional view the segregation of the model building codes as damaging to the body and intention of the code. The International Codes were designed to be used as one set of codes utilizing references such as NFPA Standards or ANSI Standards. To require the engineer to separate the design between two state departments will be costly and especially time consuming. The time spent asking for interpretations between the two different codes will be frustrating and those costs will impact projects here in Alaska.

This bill brings many questions to mind; first and foremost what is the real driving force behind this bill. The bills sponsor explains that it is a matter of providing the proper training for the Mechanical Administrators. We can see his point, the Alaska Statute calls for the Uniform Codes to be followed by the Mechanical Administrators and the Alaska Administrative Code plus the State Superior Court tells them that the International Mechanical Code is the law that they must build to. I can only sympathize with them because what the Senate Bill will ask from all the Engineering, Architectural, Construction, Municipalities and the State Fire Marshals Office will be to first rewrite everything from the 13 AAC 50 to company design policies and procedures plus any of the various municipalities recently adopted laws. I do not propose that we ignore the Mechanical Administrators complaint or issues; I propose we attack the problem in a different manner. NANA/Colt Engineering supports a single department that can provide consistency in the administration of safe building design, maintenance and inspection. The Department of Public Safety is presently supplying this service for the Building, Mechanical and Fire Codes. With the addition of the Plumbing and Electrical Codes plus adding the electrical inspectors would create a single department charged with providing Model Building Code Adoption, Plan Review with permitting, code interpretation and building inspection services.

We understand that something such as this is costly to the state, just as costly as this Senate Bill will be. We are surprised to see a zero note attached to this bill. How can the Dept of Labor accept the authority and responsibility of the Mechanical Code without a cost impact? Has the Dept of Labor submitted a plan to this committee outlining their intentions on how to manage, administer, staff and regulate the Mechanical Code Authority process? Has a plan been set-up to incorporate the use of industry professionals to help with the code adoption process? Quite a few items need to be addressed, but why when the State of Alaska has a process that is in place. Does the process need work? Of course, code regulation, review and adoption is "evergreen". We engineers and designers expect the process to run through some sort of review and change ever three years, the normal code cycle.

I must also comment on the Sponsors Statement for this bill. For an issue that effects Building Safety so deeply that legislation is required, I would of assumed that the bills sponsor would of contacted the State Fire Marshal to discuss a way to correct the issues that the Senator has outlined. As of yesterday at 3:00 PM, the Senator had not spoken with the State Fire Marshal or the Assistant State Fire Marshal. The Senators Statement also leads the reader to believe that personnel charged with using the Fire and Building Code are not required to attend continuing education. I would like to correct that statement by stating that my permit as issued by the State Fire Marshal requires me to accumulate points for every discipline I am certified in. Those points are earned mostly through Continuing Education Credits. On an average I must attend enough training to earn at least 16 CEU's per yr plus other professional activities where I earn points. I also usually take three 8-hour tests per year so as to maintain my certifications. The Plan Reviewers for the State Fire Marshal's Office must also maintain their certification and that is through formal training and testing. These requirements might not be spelled out in the

Alaska Statutes but the 13 AAC 50 does address the personnel permitting requirements for the State.

Presently the International Codes contain 208 cross-references between the International Building Code, Mechanical Code and Fire Code. To remove the Mechanical Code would require that each of those references be addressed in the 13 AAC 50 through either new language or to repeal. We would also like to mention that Appendix L of the 13 AAC 50, which addresses North Slope Hydrocarbon Processing Buildings, would need to be reviewed and rewritten if a new Mechanical Code with amendments is adopted. As far as using a cross reference book between the Uniform Mechanical and International Mechanical there is a book published by the International Code Conference (ICC). This book though only provides the reader with a chapter for chapter cross-reference. If the language or intention of the code was changed the cross reference book does not provide interpretation to the reader and thus the user is required to make a best guess or call the code authority for a Formal Interpretation. More time and money must be added to the project to make up for this and the State will need to budget and staff to support these questions.

This bill will also impact those municipalities that have adopted the International Family of Codes. Anchorage recently went through a very lengthy and I assume costly process to adopt the International Codes. If the State Fire Marshal's Office is not the code authority for the Mechanical Code and the Dept of Labor moves to adopt the Uniform Mechanical Code, will the municipalities be required to adopt the Uniform Mechanical Code? If the answer is yes, who is going to pay for the process to repeal the old and adopt another new code? What about the personnel in those engineering and construction firms that have attended formal training on the International Mechanical Code? We will need to retrain and test.

If this is truly a training issue as the bill sponsor states, lets address training with a solution that does not defeat safe practices, introduce costs to the people of Alaska and slow down the building process through increased departmental involvement. We do not need additional legislation of this kind to fix a training problem.

The Senate Bill also does not align itself well with the Governors statement of wanting to "Streamline the Business Permitting Process".

I thank you for your time and again I make myself available to this committee, the Department of Labor and the Department of Public Safety.

Very Respectfully,  
Greg Moore  
NANA Colt Engineering, LLC  
700 G Street, ATO 500  
Anchorage, Alaska 99501

Office – 907-273-4449  
Mobile – 907-230-2438  
Email – [greg.moore@nana-colt.com](mailto:greg.moore@nana-colt.com)

APPENDIX L NORTH SLOPE HYDROCARBON PROCESSING BUILDINGS

L101 General. These provisions have been established to provide engineering methods for the design and construction of Hydrocarbon Processing Buildings of Group H-1/H-2/H-3 occupancies on the North Slope of this state.

L102 Scope. These standards supersede the respective requirements of the 2000 *International Building Code (I.B.C.)*, *International Mechanical Code (I.M.C.)*, and *International Fire Code (I.F.C)* as the minimum requirements for Group H-1, H-2, and H-3 Occupancies when designing and constructing North Slope hydrocarbon buildings in this state.

L102.2. Small unoccupied structures, shelters and pigging enclosures. Small unoccupied structures, shelters, and pigging enclosures will be classified as a Group U occupancy as described in Section 312 of the *I.B.C.*. Any of these structures that exceed 250 square feet in area must have two exits.

L103 Basic allowable module size, height, and separation. The basic allowable module size, height, and separation for Hydrocarbon Processing Buildings must comply with Appendix L103.1 - L103.3 of this Code.

L103.1. Area and height. The maximum allowable floor area for Hydrocarbon Processing Buildings using a minimum of Type IIB construction is 10,000 square feet and the building may only be one story. The maximum allowable height shall be 65 feet; the reference datum shall be the top of the first floor framing system. Penthouse and roof structures are permitted to extend above the 65 foot height limit to meet special requirements, including aerial coolers, towers, and tower enclosures. Allowable area and building height increases permitted by Sections 504 and 506 of the *I.B.C.* do not apply.

L103.1.1. Service area platforms. An elevated platform or series of platforms of Hydrocarbon Processing Buildings may not be classified as a floor or mezzanine within a building, and are not be subject to the requirements of Section 505 of the *I.B.C.*.

Access and egress requirements for service area platforms must be served by at least two exits per level, with one being directly to an exterior stair.

Platforms must be constructed of grating-type material so that the main floor level below is visible through the platform. Upper service area platforms must be kept to the minimum size that is necessary to accomplish occasional service, operating duties, and safe egress. Virtual wall-to-wall grating on upper levels is considered a story and must be included in floor area calculations.

L103.2. Module separation. Hydrocarbon processing buildings must comply with the provisions of Subsections 501.2 as amended by this code and Subsections 704 and 720.6.2.3 of the *I.B.C.*, for all occupancies. Elevated pipeways extending from a building may not be considered "extensions" of the building.

L103.2.1. Building extensions and service area platforms. Building extensions of Hydrocarbon Processing Buildings into the yard, include landings, platforms, stairs, vessels, vessel enclosures, tanks, and exhaust or intake hoods. Clear and unobstructed access for fire fighting is to be no less than 40 feet. Bridging between buildings must be designed to allow access and operation for firefighting.

L103.3. Utilidors. Utilidors are considered pedestrian walkways and must comply with the provisions of Section 3104 of the *I.B.C.*. If such utilidors do not comply with Section 3104, they will be classified as a building and required to meet all applicable sections of the *I.B.C.*.

**L104 Stairs, Landings, Handrails, and Guardrails.** Stairs, landings, handrails, and guardrails must meet the minimum requirements of 8 AAC 61, as amended as of March 9, 2001 and as amended from time to time; these regulations supersede the respective requirements of the *I.B.C.*.

L104.1. Floor level at doors. Floors or landings may

be more than one inch lower than the threshold of doorways if an attempt is made to minimize the drop through the use of ramps at interior doorways as described in Subsection 1003.3.1.6 of the *I.B.C.*.

**L105 Construction specifics.** The construction of Hydrocarbon Processing Buildings must comply with Appendix L105.1 - L05.4 of this Code.

L105.1. Fire walls. When a fire wall is used to qualify under Section 705 of the *I.B.C.*, the wall must comply with that section. If the fire wall does not extend to the ground, the structural supports for the wall must rest upon, and be completely supported by, the pilings.

L105.2. Tank support fireproofing. Fire proofing requirements for steel tank supports, as described in Subsection 3404.2.9.1.3 of the *I.F.C.* (2000 Edition) as adopted by reference, may be waived by the building official when justified, based on the remoteness of the facility and lack of public access, or analytical or empirical results indicating that sufficient heat could be transmitted to the permafrost to cause foundation settlement.

L105.3. Foam plastic insulated building panels. For hydrocarbon processing buildings used in the actual processing of hydrocarbons and, not normally used in other mineral extraction or manufacturing activities, foam plastic insulated building panels used on these buildings may apply a foam plastic insulated building panel thermal barrier with an index of 15. Factory Mutual approval Standard 4880 or Underwriters Laboratory (UL) Subject 1040 are acceptable tests for the purposes of approval under Subsection 2603.7 of the *I.B.C.*.

L105.4. Electrical or communication equipment shelters and wellhead covers. Thermal barrier requirements as described in Subsection 2603.4 of the *I.B.C.*, are not required for fiberglass or metal covered foam panels used for construction of electrical or communication equipment shelters and wellhead covers if the following conditions are met:

1. Foam used must meet the requirements described in Subsection 2603.3 of the *I.B.C.*;

2. The area of an individual shelter or cover may not exceed 300 square feet;
3. Separation between individual shelters must be a minimum of six feet. Each wellhead must have an individual cover, but the minimum separation between individual covers does not apply;
4. The electrical or communication shelter or wellhead cover must normally be unoccupied. It is understood that operators need to spend approximately 10 minutes per day taking readings in well heads covers and that maintenance is infrequently required. The most extensive maintenance is well wireline work. This work may extend to a week per well and occur once every several years per well. Most of this work is accomplished from outside the well head cover. All maintenance is strictly controlled with a permit system;
5. The electrical or communication shelters designed with workstations in the facility do not qualify for this modification.

L106 Fire suppression. The provisions set out at Sections L106.1 - L106.3 establish the standards for fire suppression at North Slope Hydrocarbon Processing Buildings.

L106.1. Halon 1301 system automatic activation for gas detection. In areas of Hydrocarbon Processing Buildings where (1) both fire and explosion hazards exist, (2) both fire and gas detection systems are installed, (3) the fire and gas detection devices alarm at a continuously staffed control room and trained operators can quickly respond to the fire and gas alarms following specific fire and gas alarm response procedures, and (4) collateral fire damage is likely to be minimal, the following Halon 1301 operating activation mode is acceptable: Automatic activation of the Halon 1301 system upon gas detection coupled with manual activation of the same Halon 1301 system on fire detection.

L106.2. Manual activation of total flooding fire suppression systems. In areas where (1) the only hazard is fire, not explosion, (2) fire detection devices alarm at continuously staffed control rooms, (3) trained operators can quickly respond to the fire alarms following specific fire alarm response

procedures, and (4) collateral fire damage is likely to be minimal, manual activation of the total flooding fire suppression agent is acceptable. These areas also include continuously staffed control rooms.

L106.3. Platform width. In buildings protected with fire sprinkler systems, any platform that exceeds four feet in width or length is considered an obstruction for the purposes of the installation of sprinkler systems under Subsection 903.3.1.1 of the *I.B.C.*"



## CITY OF FAIRBANKS

Steve M. Thompson, Mayor

800 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

smthompson@ci.fairbanks.ak.us

MAR 10 2003

February 18, 2003

**VIA FACSIMILE: (907) 465-3884**

Senator Gene Therriault  
State Capitol Room 111  
Juneau, Alaska 99801-1182

**VIA FACSIMILE: (907) 465-2937**

Representative Jim Holm  
State Capitol Building  
Juneau, Alaska 99801

Re: Senate Bill 38

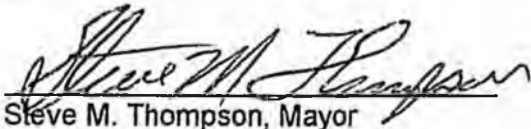
Gentlemen:

The City of Fairbanks wishes to inquire as to the origin and circumstances that prompted Senate Bill 38. As you may recall, the City of Fairbanks passed Resolution No. 3987 on March 25, 2002. The resolution was entitled, "A Resolution of Strong Objection to the Current Language of House Bills 399, 436 and 437 Regarding the State Adoption of the Uniform Mechanical Code and Other Related Codes." SB 38 although similar to the previously referenced house bills, is more regressive as it establishes: 1) a statutory monopoly for the adoption of construction codes; 2) postpones the effective date of any future construction code for three years; 3) retroactively invalidates all current construction codes duly adopted by this city or any other city; and 4) usurps home rule authority. Regarding an unrelated issue but nonetheless, emphasizing point number four, Senator Wilken was recently quoted in the Daily News Miner as stating, *"The best government is the government closest to the people,"* we concur. SB 38 does not meet this litmus test.

As to the specifics of the bill, we fundamentally believe that the governmental consensus process is appropriate for the adoption of construction codes, as the final vote rests with code officials employed by governmental agencies who have a vested interest in the outcome. However, the ANSI process as stipulated in SB 38, would allow special interest groups to have an equal and final vote. While we agree that all groups must be involved in the code adoption process, the final vote should not be vested with special interest groups which may benefit or profit by the outcome. Construction codes should not be used as an economic weapon. A code should be judged on its merits and not the economic impact on market share. We should have a choice to adopt the best code for the City of Fairbanks and the State of Alaska. As a direct comparison the legislative process incorporated by the State of Alaska Legislature is similar to the governmental consensus process. Hypothetically, if the ANSI process is implemented at the legislative level, the final vote, for any legislation would be determined by multi national industry and labor lobbyists. There would be no direct line of accountability as there currently exists between legislators, their constituents and the ballot box. While we recognize and appreciate that legislation is a give and take process, SB 38 only takes. We would like to discuss this matter with you more fully and develop a better understanding of the intent and motivation behind this bill.

Sincerely,

CITY OF FAIRBANKS

  
Steve M. Thompson, Mayor

CC: Interior Delegation  
Encl. Copy of Resolution No. 3987

Senate Community & Regional Affairs Committee ✓

CITY OF SOLDOTNA  
RESOLUTION 2003-17  
(Requested by Council Member McLane)

MAR 10 2003

A RESOLUTION SUPPORTING HOUSE BILL 57, AN ACT AMENDING THE MANNER OF  
DETERMINING THE ROYALTY RECEIVED BY THE STATE ON GAS PRODUCTION AS IT  
RELATES TO THE MANUFACTURE OF CERTAIN VALUE ADDED PRODUCTS

WHEREAS, the manufacturing of value added resources in the State of Alaska serves as a catalyst to economic development in Alaska; and

WHEREAS, one of the state's premier value added manufacturing industries is located on the Kenai Peninsula; and

WHEREAS, this industry, Agrium Kenai Nitrogen Operations, is exceptional for its combination of high pay levels, amount and concentration of expenditures in Alaska, and Agrium Kenai Nitrogen Operations is one of the few industries adding value to Alaska's natural resources using Cook Inlet natural gas to create anhydrous ammonia and two forms of urea; and

WHEREAS, Agrium Kenai Nitrogen Operations purchases natural gas from producers in Cook Inlet and markets its products around the world competing against major world competition which is primarily based upon the monetization of trapped gas resources; and

WHEREAS, Agrium Kenai Nitrogen Operations is the Kenai Peninsula's third largest private employer and accounts for an additional 700 jobs in Alaska and the Kenai Peninsula, and

WHEREAS, Agrium Kenai Nitrogen Operations' expenditures in Alaska are spread to over 250 businesses statewide with 118 companies located on the Kenai Peninsula; and

WHEREAS, House Bill 57 has been introduced which will provide for the State of Alaska to enter into agreements with non-affiliated natural gas producers to accept as the price for the State's royalty share the price established in an arm's length contract negotiated between the natural gas producer and a manufacturer of value added products,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Soldotna City Council urges the 23<sup>rd</sup> Alaska State Legislature to enact HB 57, "An Act Amending the Manner of Determining the Royalty Received by the State on Gas Production as it Relates to the Manufacture of Certain Value Added Products".

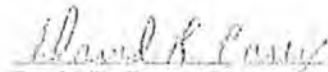
Section 2. Copies of this resolution shall be sent to all members of the 23<sup>rd</sup> Alaska State Legislature.

Section 3. This resolution shall take effect immediately upon adoption.

ADOPTED this 21<sup>st</sup> day of February, 2003.

ATTEST:

  
Patricia C. Burdick, CMC, City Clerk

  
David R. Carey, Mayor

SB 38  
Version "\S"  
March 17, 2003

Revisions are on page 3:

- Line 27            Amend "three" year to "two year"
- Lines 29 –30    New subsection clarifying two year delay application
- Line 31           Amend "three" year to "two year"

23-LS0340S  
Bannister  
3/17/03

CS FOR SENATE BILL NO. 38( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other  
2 safety codes adopted by state agencies and municipalities, to mechanical contractors and  
3 electrical administrators, to mechanical standards and inspections involved in certain  
4 housing loans, and to the adoption of the state's mechanical code; and providing for an  
5 effective date."

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

7 \* Section 1. AS 08.18.171(7) is amended to read:

8 (7) "mechanical contractor" means a contractor whose business  
9 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,  
10 ventilating, or sprinkler and dry chemical fire protection trades in order to install or  
11 modify mechanical piping and systems, devices, fixtures, and equipment or other  
12 mechanical materials subject to the mechanical code adopted under AS 18.60.870  
13 and the following codes as published by the International Association of Plumbing

1 and Mechanical Officials or the International Conference of Building Officials:

2 (A) Uniform Plumbing Code;

3 (B) Uniform Swimming Pool, Spa, and Hot Tub Code; and

4 (C) Uniform Solar Energy Code; [AND

5 (D) UNIFORM MECHANICAL CODE];

6 \* Sec. 2. AS 08.40.270(a) is amended to read:

7 (a) Each applicant shall be examined to determine the applicant's

8 (1) ability to understand plans, design specifications, and engineering  
9 terms commonly used in the mechanical field;

10 (2) knowledge of mechanical installations and piping;

11 (3) familiarity with the requirements of the mechanical code adopted

12 under AS 18.60.870, and the Uniform Plumbing Code, Uniform Swimming Pool,

13 Spa, and Hot Tub Code, and Uniform Solar Energy Code [, AND THE UNIFORM

14 MECHANICAL CODE] currently in effect in the state;

15 (4) [REPEALED

16 (5)] personal skill and ability.

17 \* Sec. 3. AS 08.40.490(3) is amended to read:

18 (3) "mechanical administrator" means a person who is responsible for

19 (A) installing or modifying mechanical piping and systems,

20 devices, fixtures, equipment, or other mechanical materials subject to the

21 mechanical code adopted under AS 18.60.870, and the Uniform Plumbing

22 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, and Uniform Solar

23 Energy Code [, AND THE UNIFORM MECHANICAL CODE] as published

24 by the International Association of Plumbing and Mechanical Officials and the

25 International Conference of Building Officials; or

26 (B) certifying that an installation or modification described in

27 (A) of this paragraph complies with the applicable codes;

28 \* Sec. 4. AS 18.56.300(e)(3) is amended to read:

29 (3) "state building code" means

30 (A) for building standards, the standards set out in the version

31 of the Uniform Building Code adopted by the Department of Public Safety

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

(B) for mechanical standards, the standards set out in the mechanical code [VERSION OF THE UNIFORM MECHANICAL CODE] adopted by the Department of Labor and Workforce Development under AS 18.60.870 [DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.70.080], including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units [, NOTWITHSTANDING THE EXCLUSION OF THOSE BUILDINGS FROM THE DEPARTMENT OF PUBLIC SAFETY'S JURISDICTION MADE BY AS 18.70.080(a)(2)];

(C) for plumbing standards, the minimum plumbing code adopted for the state under AS 18.60.705; and

(D) for electrical standards, the minimum electrical standards prescribed by AS 18.60.580.

\* Sec. 5. AS 18.60 is amended by adding a new section to read:

**Article 12A. Mechanical Code.**

**Sec. 18.60.870. Mechanical code.** The Department of Labor and Workforce Development shall adopt by regulation a mechanical code to be the minimum mechanical code for the state.

\* Sec. 6. AS 18.60 is amended by adding a new section to read:

**Article 14. Miscellaneous Provisions.**

**Sec. 18.60.900. Delayed effective date of safety codes.** (a) Unless otherwise required by federal law and notwithstanding any other law to the contrary, a safety code adopted by a state agency or municipality does not take effect until two years after the code is adopted, unless the code specifies a later date.

*NEW* → (b) The two-year delay in (a) of this section does not apply to the adoption of revisions for a safety code that has been adopted by a state agency or municipality.

(c) Notwithstanding (a) of this section, the two-year delay in (a) of this section



1 does not apply to the initial adoption of a mechanical code under AS 18.60.870.

2 (d) In this section,

3 (1) "safety code" means rules related to the construction standards,  
4 plumbing standards, mechanical standards, electrical standards, fire safety standards,  
5 or any other procedures or requirements that relate to the safety of structures;

6 (2) "state agency" includes the Alaska Housing Finance Corporation.

7 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 **TRANSITION: ADOPTION OF MECHANICAL CODE.** (a) The Department of  
10 Labor and Workforce Development shall immediately proceed to adopt by regulation a  
11 mechanical code to be the minimum mechanical code for the state and shall file the  
12 regulations with the lieutenant governor under AS 44.62.060 within six months after the  
13 effective date of this section of this Act.

14 (b) The effective date of the mechanical code adopted under (a) of this section is not  
15 delayed by AS 18.60.900(a), enacted by sec. 6 of this Act.

16 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant  
19 governor shall certify to the revisor of statutes the effective date of the regulations adopted by  
20 the Department of Labor and Workforce Development under sec. 7 of this Act.

21 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **TRANSITION FOR CURRENT CONSTRUCTION PROJECTS.** The mechanical  
24 code adopted under sec. 7 of this Act and certified under sec. 8 of this Act does not apply to a  
25 construction project that has received a construction permit from a municipality before the  
26 effective date of this section of this Act or that is in the process of being designed or  
27 constructed on the effective date of this section of this Act.

28 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 **CONTINGENT EFFECT.** Sections 1 - 4 of this Act do not take effect unless the  
31 lieutenant governor certifies to the revisor of statutes under sec. 8 of this Act the effective date

1 of regulations adopted by the Department of Labor and Workforce Development under sec. 7  
2 of this Act.

3 \* **Sec. 11.** Sections 5 - 8 and 10 of this Act take effect immediately under AS 01.10.070(c).

4 \* **Sec. 12.** Sections 1 - 4 and 9 of this Act take effect the day after the revisor of statutes  
5 receives notice from the lieutenant governor under sec. 8 of this Act.

23-LS0340\Q  
Bannister  
3/14/03

**CS FOR SENATE BILL NO. 38( )**

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

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR THERRIAULT**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other**  
2 **safety codes adopted by state agencies and municipalities, to mechanical contractors and**  
3 **electrical administrators, to mechanical standards and inspections involved in certain**  
4 **housing loans, and to the adoption of the state's mechanical code; and providing for an**  
5 **effective date."**

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

7 **\* Section 1.** AS 08.18.171(7) is amended to read:

8 (7) "mechanical contractor" means a contractor whose business  
9 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,  
10 ventilating, or sprinkler and dry chemical fire protection trades in order to install or  
11 modify mechanical piping and systems, devices, fixtures, and equipment or other  
12 mechanical materials subject to the mechanical code adopted under AS 18.60.370  
13 and the following codes as published by the International Association of Plumbing

1 and Mechanical Officials or the International Conference of Building Officials:

2 (A) Uniform Plumbing Code;

3 (B) Uniform Swimming Pool, Spa, and Hot Tub Code; and

4 (C) Uniform Solar Energy Code; [AND

5 (D) UNIFORM MECHANICAL CODE];

6 \* Sec. 2. AS 08.40.270(a) is amended to read:

7 (a) Each applicant shall be examined to determine the applicant's

8 (1) ability to understand plans, design specifications, and engineering  
9 terms commonly used in the mechanical field;

10 (2) knowledge of mechanical installations and piping;

11 (3) familiarity with the requirements of the mechanical code adopted  
12 under AS 18.60.870, and the Uniform Plumbing Code, Uniform Swimming Pool,  
13 Spa, and Hot Tub Code, and Uniform Solar Energy Code [, AND THE UNIFORM  
14 MECHANICAL CODE] currently in effect in the state;

15 (4) [REPEALED

16 (5)] personal skill and ability.

17 \* Sec. 3. AS 08.40.490(3) is amended to read:

18 (3) "mechanical administrator" means a person who is responsible for

19 (A) installing or modifying mechanical piping and systems,  
20 devices, fixtures, equipment, or other mechanical materials subject to the  
21 mechanical code adopted under AS 18.60.870, and the Uniform Plumbing  
22 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, and Uniform Solar  
23 Energy Code [, AND THE UNIFORM MECHANICAL CODE] as published  
24 by the International Association of Plumbing and Mechanical Officials and the  
25 International Conference of Building Officials; or

26 (B) certifying that an installation or modification described in

27 (A) of this paragraph complies with the applicable codes;

28 \* Sec. 4. AS 18.56.300(e)(3) is amended to read:

29 (3) "state building code" means

30 (A) for building standards, the standards set out in the version  
31 of the Uniform Building Code adopted by the Department of Public Safety

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

(B) for mechanical standards, the standards set out in the mechanical code [VERSION OF THE UNIFORM MECHANICAL CODE] adopted by the Department of Labor and Workforce Development under AS 18.60.870 [DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.70.080], including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units [, NOTWITHSTANDING THE EXCLUSION OF THOSE BUILDINGS FROM THE DEPARTMENT OF PUBLIC SAFETY'S JURISDICTION MADE BY AS 18.70.080(a)(2)];

(C) for plumbing standards, the minimum plumbing code adopted for the state under AS 18.60.705; and

(D) for electrical standards, the minimum electrical standards prescribed by AS 18.60.580.

\* Sec. 5. AS 18.60 is amended by adding a new section to read:

**Article 12A. Mechanical Code.**

**Sec. 18.60.870. Mechanical code.** The Department of Labor and Workforce Development shall adopt by regulation a mechanical code to be the minimum mechanical code for the state.

\* Sec. 6. AS 18.60 is amended by adding a new section to read:

**Article 14. Miscellaneous Provisions.**

**Sec. 18.60.900. Delayed effective date of safety codes.** (a) Unless otherwise required by federal law and notwithstanding any other law to the contrary, a safety code adopted by a state agency or municipality does not take effect until two years after the code is adopted, unless the code specifies a later date.

(b) Notwithstanding (a) of this section, the two-year delay in (a) of this section does not apply to the initial adoption of a mechanical code under AS 18.60.870 but does apply to revisions of that code.

1 (c) In this section,

2 (1) "adopt" includes revision of a safety code;

3 (2) "safety code" means rules related to the construction standards,  
4 plumbing standards, mechanical standards, electrical standards, fire safety standards,  
5 or any other procedures or requirements that relate to the safety of structures;

6 (3) "state agency" includes the Alaska Housing Finance Corporation.

7 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 **TRANSITION: ADOPTION OF MECHANICAL CODE.** (a) The Department of  
10 Labor and Workforce Development shall immediately proceed to adopt by regulation a  
11 mechanical code to be the minimum mechanical code for the state and shall file the  
12 regulations with the lieutenant governor under AS 44.62.060 within six months after the  
13 effective date of this section of this Act.

14 (b) The effective date of the mechanical code adopted under (a) of this section is not  
15 delayed by AS 18.60.900(a), enacted by sec. 6 of this Act.

16 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant  
19 governor shall certify to the revisor of statutes the effective date of the regulations adopted by  
20 the Department of Labor and Workforce Development under sec. 7 of this Act.

21 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **TRANSITION FOR CURRENT CONSTRUCTION PROJECTS.** The mechanical  
24 code adopted under sec. 7 of this Act and certified under sec. 8 of this Act does not apply to a  
25 construction project that has received a construction permit from a municipality before the  
26 effective date of this section of this Act or that is in the process of being designed or  
27 constructed on the effective date of this section of this Act.

28 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 **CONTINGENT EFFECT.** Sections 1 - 4 of this Act do not take effect unless the  
31 lieutenant governor certifies to the revisor of statutes under sec. 8 of this Act the effective date

1 of regulations adopted by the Department of Labor and Workforce Development under sec. 7  
2 of this Act.

3 \* **Sec. 11.** Sections 5 - 8 and 10 of this Act take effect immediately under AS 01.10.070(c).

4 \* **Sec. 12.** Sections 1 - 4 and 9 of this Act take effect the day after the revisor of statutes  
5 receives notice from the lieutenant governor under sec. 8 of this Act.



Alaska Professional Design Council • PO Box 100515 • Anchorage AK 99501-0515

**MEMBER SOCIETIES**

Alaska Society of Professional Engineers

Alaska Society of Professional Land Surveyors

American Congress on Surveying & Mapping Alaska Section

American Council of Engineering Companies/ Alaska

American Institute of Architects Alaska Chapter

American Society of Civil Engineers Alaska Section

American Society of Landscape Architects Alaska Chapter

Architecture/Engineering Marketing Association of Alaska

Professional Engineers in Private Practice Alaska Chapter

American Society of Interior Designers

The Alaska Professional Design Council (APDC) is opposed to the Committee Substitute for SB38 presented to the Senate Community and Regional Affairs Committee on February 26, 2003. We do not believe this bill solves the problems identified in the sponsor statement nor does it solve all the problems with current statutes regarding codes. The following is a provision-by-provision review of the bill and our perceived problems:

**Section 1**

1. This section does not correct the language referring to the "International Conference of Building Officials" (ICBO), which no longer exists, since they merged with the Building Officials and Code Administrators and Southern Building Code Congress International to form the International Code Council. This is not the only place in statute that refers to the International Conference of Building Officials and all of these locations need to be changed to refer to the International Code Council, the current name of the organization.
2. In addition, the other three code references (Plumbing Code; Swimming Pool, Spa and Hot Tub Code, and; Solar Energy Code) should be changed to generic codes, rather than "Uniform" codes, since the International Code Council (nee ICBO) is not publishing under the title of "Uniform" any longer. There are many other locations where these references appear in the statutes and they should also be fixed. This bill does not do that.

**Section 2**

1. See Section 1, item 2.

**Section 3**

1. See Section 1, Items 1 & 2.

**Section 4**

1. The "Uniform Building Code" no longer exists and the language should be changed to "building code." This may occur in other statutory provisions and should also be corrected in those locations.
2. We disagree with moving the Mechanical Code from the Department of Public Safety to Labor for many reasons that we have outlined in a previous cover letter and analysis. The primary reason is that it is essential that the Building, Fire, and Mechanical codes be coordinated. It is highly unlikely for that to occur if these codes are adopted by two different agencies, most likely using two different code families of codes, which have two different approaches to fire safety. If we want to arrive at a situation with the codes in one agency and from one family, it would be much easier to accomplish by moving the Plumbing Code and Electrical Code to the Department of Public Safety, rather than by moving the Mechanical code away from the Building Code and Fire Code.

3. Is there a reason that the definition in Paragraph B isn't identical in form to Paragraph C or D? We don't understand why the residential exclusion (the last phrase of Paragraph B) is being removed from the mechanical code nor why their isn't similar language with the plumbing and electrical code. Neither the Department of Labor nor the Department of Public Safety has the authority to enforce the codes for residential construction.

#### Section 5

1. See Section 4, Item 2.

#### Section 6

1. The three-year delay in Paragraph (a) is too long and totally unnecessary. Even if it only applied to the situation where new code was from a different family, it takes the State and the Municipalities 18 months to two years to adopt the codes after publication. This is plenty of time for everybody involved to get the necessary continuing education on the new code. In addition, the way most people become educated with the code is through working with it every day, not through a single eight-hour course. That experience in most cases occurs on projects that use the new code even before it is adopted by the governing jurisdiction, since it is the latest state of the art. An additional three year delay would make most people use "alternative means and methods" for three years with the new code and then an additional two years with the next version of the code. What happens if a different family is chosen every three years? The state's adoption process would always be two codes behind.
2. Why does paragraph (b) exempt the mechanical code from the three-year delay? Senator Therriault has testified that the Department is free to adopt any code. Assuming that the Department of Labor adopts the International Mechanical Code (admittedly, a highly unlikely prospect), wouldn't the three-year delay be warranted?
3. In addition, it appears that paragraph (b) excludes revisions of the mechanical code from these provisions in perpetuity. It does not state that the delay does not apply the first time that code is adopted; it states that the mechanical code is exempt whenever it is adopted or revised. Section 7 exempts the mechanical code the first time, so why is paragraph (b) necessary? There does not seem to be any reason to give the mechanical code such special treatment.
4. We do not believe that the definition in paragraph (c) agrees with the sponsor's statement that the delay did not apply to code revisions and only applies to changes between codes of different families. Definition (1) states that "*adopt*" includes revision of a safety code. Maybe the definition should be changed to "*adopt*" does not include revision of a safety code.

#### Sections 7 & 8

1. See Section 4, Item 2.

#### Section 9

1. We believe that the transition period should be until the Department of Labor adopts the new code by regulation, not the effective date of the act, since we will not know what code will be adopted until the Department has completed the adoption process. This would also make it more compatible with Sections 11 and 12.

#### Section 10

1. It seems to be redundant to Section 12, which includes Section 9 and seems more reasonable.

#### Sections 11 & 12

1. These seem to be reasonable.

## Fiscal Note

1. We do not understand how this bill has a zero fiscal note. It will require the Department of Public Safety to modify their regulations to account for the several hundred cross references from the Building Code and Fire Code to the Mechanical Code, unless the Department of Labor adopts the International Mechanical Code which is highly unlikely. This whole bill was introduced to allow the overturning of that adoption, so what is the likelihood that they will change their minds now?
2. It will also require the Department of Labor and the Lieutenant Governor's Office to do work on new regulations to adopt the new code. This is going to be done at no cost?

In conclusion, we do not believe this bill resolves the problems with the whole system of code adoption and enforcement in the State and in many ways it makes it worse. We recommend that a public/private work group should be formed to address the situation during the interim. It should have representation from the 9 different State departments or agencies that are involved in regulating codes and other elements of the construction process plus representatives of building owners, architects, engineers, contractors, subcontractors, and municipal agencies. The work group should recommend both statutory and regulatory changes to make code adoption and enforcement more uniform and less onerous on the construction community. They should review the 2003 editions of the two families of codes and determine which one, or amalgamation of both, would be best for the State. This could be accomplished by next January.

If you have any questions regarding APDC's position or this document please call or email Colin Maynard, PE (907-274-2236, [cmaynard@bbfrn.com](mailto:cmaynard@bbfrn.com)) or Amy Daugherty (907-463-2568, [amydaugherty@gci.net](mailto:amydaugherty@gci.net)).



**PROTECTING THE PUBLIC'S SAFETY WITH  
CODES, SERVICES, AND SUPPORT**



**Comprehensive  
Consensus  
Codes™**

# COMPREHENSIVE



*The future of public safety is in the Comprehensive Consensus Codes™ (C3) set. The first of its kind, C3 is the result of model code and standard developers bringing their*

*expertise together to form one fully integrated, consensus-based code set. As a result of these coordinated efforts, C3 offers the only complete set of American National Standards Institute (ANSI)-accredited model codes, integrated for public safety.*

## AN INTEGRATED CODE SYSTEM

The C3 set includes codes and standards from a wide range of well-respected code development organizations including:



NFPA, a worldwide leader in protecting public safety through its multifaceted approach that includes scientifically-based safety codes and standards, certification and training, research, and public education programs.



International Association of Plumbing and Mechanical Officials (IAPMO), an international leader in enhancing public health, comfort, and safety through its work in the plumbing and mechanical communities.



Western Fire Chiefs Association (WFCAs), promulgator of one of the most widely adopted fire codes in the United States.



American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), which advances the science of heating, ventilation, air-conditioning, and refrigeration for the public's benefit through research, standards writing, continuing education, and publications.

Together, these model code and standard developers share a collective 400 years of code development experience. Now, these independent organizations — each with its own specialties and areas of expertise — have combined their efforts and coordinated their key safety documents to create the C3 code set.

### Unmatched Support and Service for Communities

The C3 set provides numerous benefits for adopting jurisdictions and other users of codes. The set offers a seamless system of code support and service from the best providers in the field — the C3 partners. This combination enhances ease of use and ensures consistencies in content, making C3 codes easy to reference, read, and apply.

Also, adoption of the C3 set can help jurisdictions reduce code-related costs for taxpayers. When a state adopts a C3 code, the code developers make available free training and associated codebooks for code enforcers in that state. No other code development organization can match our commitment to reducing the cost of enforcement and to providing services to jurisdictions.

**"The quality of service being provided on technical interpretations by a C3 partner during our code adoption process has been unlike anything I have seen as a building official."**

**Rick Doell, P.E.**

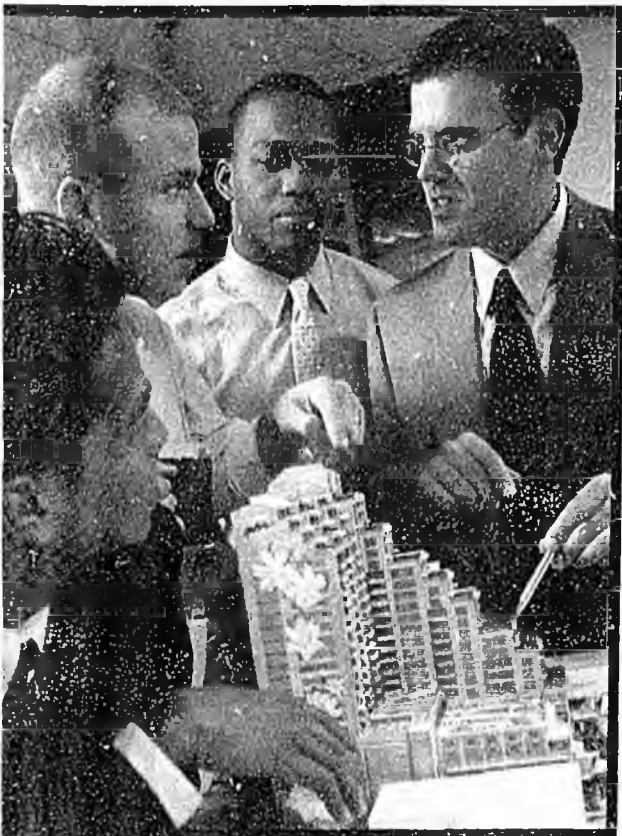
*Deputy Director, Building Official,  
City of Phoenix*

**"As we work to protect the public, C3 ensures that we building officials can choose a full set of codes that reflects the latest technology and expertise."**

**Rick Breezee, C.B.O.**

*Building Official,  
Metropolitan Airports Commission,  
Minneapolis-St. Paul  
International Airport*

# CONSENSUS



*“Having a set of codes developed through a balanced and accredited consensus-based process is a tremendous advancement for the code world*

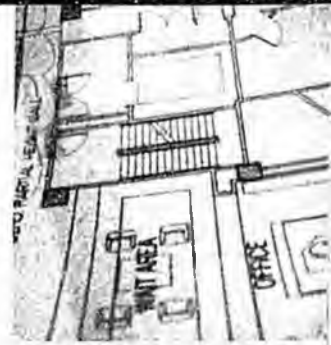
*and public safety. A comprehensive set of consensus codes represents an unparalleled, new resource for the public safety community.”*

*Robert Stricker*

*Chief Plumbing Inspector,*

*City of San Antonio*

## CORNERSTONE OF C3



Serving as the cornerstone of the C3 code-making process is consensus — the belief that everyone must have the right to participate, with an equal voice and a vote, throughout the development of codes and standards. In the development of C3 codes, no single interest group can dominate, and voting is not restricted to certain classes of membership. Each code development committee includes a balance of all affected interests, as committee members hear proposals, act on public comments, and prepare a report for the general membership. Before a C3 code is published, the public provides input, and voting is open to all members of the C3 organization which promulgates that document.

In addition to being open to all, the development of C3 codes is a thorough, detailed process. Thanks to the integrity of that process and the commitment of the volunteers who serve in it, the end result is the most up-to-date and high-quality set of codes. A prominent example of this process is NFPA 70, *National Electrical Code*<sup>®</sup>, the world's most widely used and adopted code for electrical installations.

Once the codes have been developed, elements of the C3 set are updated regularly to ensure that they reflect the latest safety advancements and research. Any revisions to a code or standard are made following the same open, consensus-based process used to develop the document.

**"The C3 set is the only group of construction codes that includes the *National Electrical Code*<sup>®</sup> — the nation's wiring rules — and the only integrated set of codes developed through an ANSI-accredited, consensus process."**

### **H. Brooke Stauffer**

*Executive Director,  
Standards and Safety,  
National Electrical Contractors  
Association (NECA)*

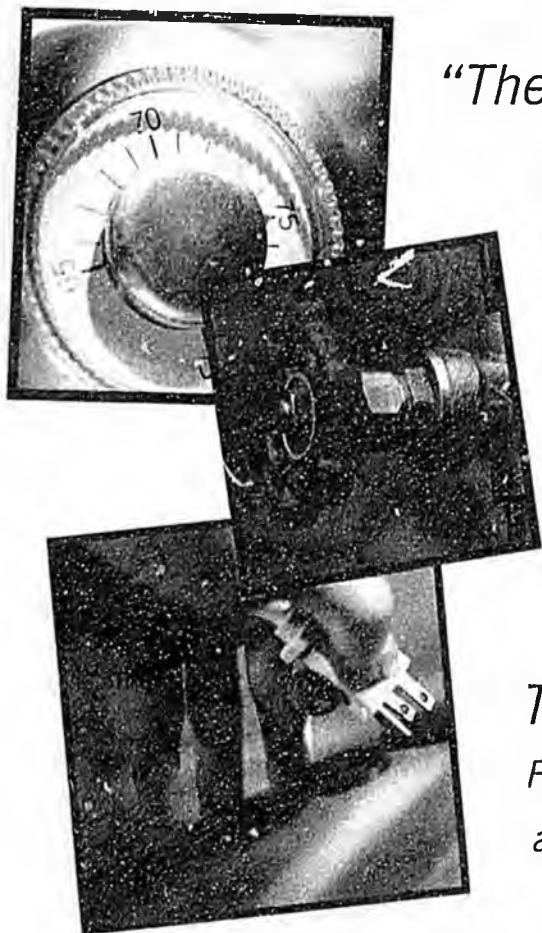
#### **C3 Code Set Fact**

The type of process used to develop C3 codes is encouraged by the federal government. Federal Public Law 104-113 requires federal agencies to use technical standards developed by voluntary consensus standards bodies. The subsequent Office of Management and Budget Circular A-119 states that its purpose is to direct agencies "to use voluntary consensus standards in lieu of government-unique standards."



Accreditation from the American National Standards Institute (ANSI) demonstrates a code development organization's commitment to balanced input from all interested parties. ANSI accredits code developers that adhere to the guiding principles of consensus, due process, and openness.

# CODES



*"The C3 partners are also the leading developers of widely used safety standards, and this set will fully integrate those standards with the codes, enhancing ease of use."*

*Tim Fuller*

*Fire Chief, St. Paul Department of Fire and Safety Services*

# PROTECTING THE PUBLIC'S SAFETY WITH C3 CODES



## **NFPA 5000™, Building Construction and Safety Code™**

The first and only building code developed through an ANSI-accredited consensus process. NFPA 5000™ contains provisions for every aspect of design and construction of buildings and structures, as well as the creation of building systems for health, safety, comfort, and convenience. It also is the only building code featuring an occupancy-based format, along with integrated provisions for both performance-based design options and the rehabilitative use of existing buildings.

## **NFPA 70, National Electrical Code® (NEC®)**

The most widely adopted model code, the NEC focuses on the proper installation of electrical systems and equipment in order to protect people and property from the dangers of electricity.

## **NFPA 101, Life Safety Code®**

Sets minimum building design, construction, operation, and

maintenance requirements necessary to protect building occupants from dangers caused by fire, smoke, and toxic fumes. Also provides "prompt escape" requirements for new and existing buildings.

## **NFPA 1, Uniform Fire Code™**

Integrating NFPA 1, *Fire Prevention Code™* and the *Uniform Fire Code™* (UFC™) — the two most widely adopted fire codes in the United States — results in a merged code that addresses fundamental fire prevention requirements to protect people and property.

## **Uniform Plumbing Code™**

Provides manufacturers, contractors, installers, and inspectors with safe and sanitary plumbing systems in a proven format using the latest technologies and innovations.

## **NFPA 58, Liquefied Petroleum Gas Code**

Applies to the design, construction, installation, and operation of all LP-Gas systems and to the highway transportation of LP-Gas.

## **NFPA 54, National Fuel Gas Code**

Provides requirements for the installation and operation of gas piping, equipment installations, and venting.

## **Uniform Mechanical Code™**

Provides complete requirements for the installation and maintenance of heating, ventilating, cooling, and refrigeration systems.

## **NFPA 30, Flammable and Combustible Liquids Code**

### **NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages**

Apply requirements and safeguards for storage, handling, dispensing and use of flammable and combustible liquids.

## **NFPA 900, Building Energy Code**

Incorporating ASHRAE standards 90.1 and 90.2, this code will provide design requirements for energy-efficient new commercial and residential buildings.

## Key C3 Facts:

### **NEC**

Its requirements affect 40 percent of the world's electricity.

### **UPC™/UMC™**

The most widely adopted plumbing and mechanical codes in the United States.

### **NFPA 101**

Enhancing public safety in all 50 states, it can be utilized in conjunction with a building code or alone in jurisdictions without an adopted building code.

### **NFPA 5000**

Provides ease of use by occupancy and access to quality code support and service, training, and certification.

### **NFPA 1**

Integrates the two most widely adopted fire codes in the country.



*C3 is the only set of ANSI-accredited codes that completely covers the built environment. The codes making up the C3 set already affect virtually every building, process, service, design, and installation in society today.*



**www.c3codeset.org**  
**(617) 984-7263**



S B

5 1

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Alan Austerman  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Robin Taylor

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

DATE: February 6, 2003  
TO: Senate Secretary  
FROM: Senator Tom Wagoner, Chair  
Senate Community and Regional Affairs Committee  
RE: Meeting Schedule: February 10 – February 14, 2003

---

February 10: No meeting scheduled.

+ February 12: 8am – 8:45am; Room #532 (Note date, time & place change)

Joint Meeting of House & Senate C&RA Committee  
Presentation of Local Boundary Commission Annual Report

+ February 12: 1:30pm; Fahrenkamp, Room #203

**SB 51:** An Act relating to revenue bonds issued by the Alaska Municipal Bond Bank Authority and the total amount of bonds and notes outstanding of that authority; and providing for an effective date.

February 14: No meeting scheduled.

+ Teleconferenced

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 51  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
Title Bonds of Bond Bank Authority BRU Investments (122)  
Component Investments  
Sponsor Governor  
Requester Senate Community & Regional Affairs Component No. 383

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill does not impact the fiscal operations of this department.

Prepared by: Greg Winegar, Director Phone 907-465-2510  
Division Investments Date/Time 2/7/03 10:18 AM  
Approved by: Edgar Blatchford, Commissioner Date 2/7/2003  
Agency Department of Community & Economic Development

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110400  
JUNEAU, ALASKA 99811-0400  
TELEPHONE: (907) 465-2300  
FACSIMILE: (907) 465-2389

February 4, 2003

FEB 04 2003

The Honorable Tom Wagoner  
Chair, Senate Community and Regional Affairs Committee  
State Capitol, Room 427  
Alaska State Legislature  
Juneau, AK 99801

Dear Senator Wagoner,

I am writing to request a hearing at the earliest possible date for Senate Bill 51, an act increasing the annual revenue bond issuance limit and the overall debt limit for the Alaska Municipal Bond Bank Authority. Unless we act quickly on this legislation, the Bond Bank will reach its statutory debt issuance limit early this spring and municipalities could lose the opportunity to proceed on schedule with projects this year.

The Alaska Municipal Bond Bank Authority was created in 1975 to assist Alaska municipalities issue bonds for local projects. The Bond Bank Authority is able to realize savings for municipalities by pooling bonds in large numbers and obtaining lower interest rates that result in reduced costs, and often better terms overall, than municipalities could obtain on their own. The purpose of this legislation is to raise the limit on the amount of revenue bonds the Authority may issue in any one fiscal year and to raise the limit on the total outstanding bond debt the Authority may carry on its books. The Legislature has not raised these limits since 1983 and 1984, respectively.

An increase in the amount of the Authority's indebtedness limit will not have a fiscal impact on the state's General Fund. Bond Bank debt is not a direct liability of the state, and the municipalities that use the Authority pay all of the debt service on the bonds.

As of January 23, 2003, the Bond Bank had issued \$27,145,000 in revenue bonds in Fiscal 2003, and there were \$235,655,878 in bonds outstanding. The existing limits in statute are \$50 million in any one year in revenue bonds and \$300 million in total bonds outstanding. Additional projects scheduled for funding in the next three months are the City and Borough of Juneau's hospital expansion at \$25 million, the City and Borough of Juneau's port improvement at \$5.6 million, the City of Valdez' hospital replacement at \$19 million, the Lake and Peninsula Borough's Chignik dock project at \$1 million, and the Kodiak Island Borough \$3.3 million refinancing of existing debt. Following these bond issues, the Authority would be at

February 4, 2003

\$289,555,878 in total bonds outstanding, just \$11 million shy of its statutory limit, and have exceeded the \$50 million limit on revenue bonds by over \$6 million.

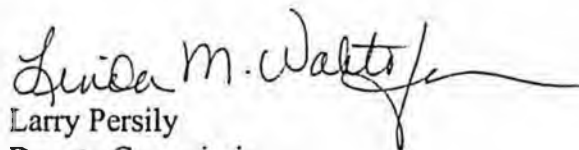
Additional expected financing activity includes the City of Homer seawall at \$1 million and dock improvements at \$1 million, Aleutians East Borough school and dock improvements, Kenai Peninsula Borough solid waste project, City of Fairbanks fire protection facility, Northwest Arctic Borough school projects, and the City of Petersburg \$1 million refinancing of existing debt. The combination of these would exceed the Authority's debt limit.

An increase in the annual bonding cap under AS 44.85.100(b) from \$50 million to \$75 million would enable the Authority to act on the applications it has received from municipalities this fiscal year. And, the increase in the cap on the total outstanding debt from \$300 million to \$500 million under AS 44.85.180(c) would enable the Authority to issue the bonds and notes already applied for as well as those that are anticipated this fiscal year. The Bond Bank has sufficient reserve capacity to continue financing capital projects up to the requested \$500 million cap.

Because of the timing on several of these municipal projects, the Bond Bank Authority requests expedited action on this legislation. We would need final approval by both chambers and signature into law by March 1 to avoid any delays — or additional costs — to the municipalities.

Thank you for your consideration, and please let me know if you have any questions. Or you also may contact Deven Mitchell, State Debt Manager, at 465-3750.

Sincerely,

  
Larry Persily  
Deputy Commissioner

c: Mike Tibbles, Legislative Liaison, Office of the Governor

SB

62

# ALASKA STATE LEGISLATURE

## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair



Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Sponsor Statement

#### SB 62 - AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

This bill extends the termination date of the Alaska Regional Economic Assistance Program. The program is the funding source for the Alaska Regional Development Organizations (ARDOR) program.

The ARDOR Program is the State's contribution to regional initiatives for developing Alaska's economy. In 1988, the Legislature established the ARDOR Program to create a network of organizations to plan and support economic development at the regional level.

There are currently 13 ARDOR's. The ARDORs, like their counterparts nationwide:

- Enable local officials and businesses to pool their limited resources and work together on economic development issues,
- Develop partnerships among public, private and other organizations, and
- Provide needed technical assistance via direct links with local citizens.

The ARDOR Program is providing a return for the State's investment. The State provides \$620,000 in grant funds for the ARDOR Program. In turn, the ARDORs have used the \$620,000 in State grant funds to leverage over \$3.6 million in other funds.

Board member participation reflects a local commitment to the ARDOR Program. The 13 ARDOR boards, each with 10-20 members, constitutes 150 plus local, civic-minded individuals who volunteer their time to achieve a stronger economic base in their region.

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Sectional Analysis

#### SB 62 - AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

**Section 1.** Amends current statute to extend the termination date of the Alaska regional economic assistance program by five years, until July 1, 2008.

**Section 2.** Provides for an immediate effective date for the legislation.

# ALASKA STATE LEGISLATURE

## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair



Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Supplemental Information

## SB 62 - AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

### Alaska Regional Development Organizations -- ARDORs

There are currently 13 ARDORs that cover all parts of Alaska with the exception of a portion of the interior and the Lower Yukon.

1. Anchorage Economic Development Corporation;
2. Arctic Development Council;
3. Bering Straits ARDOR Program;
4. Copper Valley Economic Development Council;
5. Fairbanks North Star Borough Economic Development Commission;
6. Interior Rivers Resource Conservation & Development;
7. Kenai Peninsula Borough Economic Development District;
8. Lower Kuskokwim Economic Development Council;
9. Mat-Su Resource Conservation & Development, Inc.;
10. Northwest Arctic Borough Economic Development Commission;
11. Prince William Sound Economic Development Commission;
12. Southeast Conference;
13. Southwest Alaska Municipal Conference.

The lower Yukon ARDOR was decertified in 2002.

Source: Department of Community & Economic Development <http://www.dced.state.ak.us/cbd/ardor/ardor.htm>

SB 62 S(CRA) 2-03: mj

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### ARDOR Questions & Answers SB 62 - AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

#### What is an ARDOR?

An ARDOR is a non-profit organization of local volunteers, representing numerous public and private interests, working together to achieve economic development in their region. An ARDOR is organized in accordance with Alaska Statute 44.33.895 and the Alaska Administrative Code (3 AAC 54).

#### Why have a regional organization do economic development?

The Legislature established the ARDOR program in 1988, and again in 1997 and 2000, in support of the widely held belief that a locally driven initiative, in partnership with the State and other entities, can most effectively stimulate economic development and produce healthy, sustainable local economies.

#### What are the ARDOR Program goals?

Encourage a healthier economic climate to increase the number of jobs; strengthen existing businesses; attract new businesses; and encourage economic diversification.

How does an ARDOR get established?

DCBD approves an ARDOR designation. To be approved, the ARDOR must

- 1) be large enough and contain adequate resources to support a regional economic development program, and
- 2) be an economically viable unit with shared interests, resources, traditions, and goals.

*What does an ARDOR actually do?*

Each ARDOR is different with regard to existing economic development; infrastructure; a marketable natural resource; an educated work force; and a cohesive leadership organization-factors in achieving economic development. Thus, what each ARDOR does, is unique to that ARDOR. Generally, however, ARDOR's:

- conduct economic development related research and planning, including develop and implement a regional economic development strategy;
- respond to information requests;
- coordinate ARDOR's activities with other development activities in the region;
- provide services designed to encourage economic development in the region;
- collect and distribute economic information;
- develop and maintain community and village economic profiles;
- coordinate State economic or business development efforts in the region; and
- serve as a liaison between State government and the region.

*How is an ARDOR funded?*

DCBD awards annually, a State grant to each ARDOR that satisfies the statutory and regulatory requirements of the ARDOR Program, including the requirement that each ARDOR provide a local, non-State match. The State grant and required match are usually not the ARDOR's only source of funding. ARDOR's can and do receive funding from a variety of sources.

*How does an ARDOR work?*

Each ARDOR is guided by a Board comprised of the economic development interests in the region. Board members are usually appointed by organizations in the region; however, some are elected. The Board hires an Executive Director to work with the Board to ensure an annual work plan is implemented. The Board oversees and directs the activities of the ARDOR.

Source: Department of Community & Economic Development  
<http://www.dced.state.ak.us/cbd/ardor/ardorfaq.htm>

SB

63

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

DATE: February 20, 2003

TO: Senate Secretary

FROM: Senator Tom Wagoner, Chair  
Senate Community and Regional Affairs Committee

RE: Meeting Schedule: February 24 – February 28, 2003

---

February 24: No meeting scheduled.

+ February 26: 1:30 – 3:30pm: Fahrenkamp, Room #203

- \* SB 38 ADOPTION OF SAFETY CODES
- \* SB 62 AK REGIONAL ECONOMIC ASSISTANCE PROGRAM
- \* SB 63 MUNICIPAL ANNEXATIONS AND DETACHMENTS

HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY  
HB 58 REINSTATEMENT OF NATIVE CORPS  
HB 68 OFFICE OF VICTIMS' RIGHTS: INCLUDE MUNIS

February 28: No meeting scheduled.

- + Teleconferenced
- \* First Hearing

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Sponsor Statement

#### SB 63 - MUNICIPAL ANNEXATIONS AND DETACHMENTS

This bill proposes new statutory language to clarify when a municipality may tax an area that was annexed. It also clarifies the question of property taxes in a detached area.

Currently, there is uncertainty with regard to the authority of municipal governments to levy property taxes in newly annexed territory. The Local Boundary Commission has recommended clarification of this for several years.

The issue was raised as an item of concern during the legislative hearings on the City of Homer's Annexation, discussed in 2002 during the 22<sup>nd</sup> Legislative Session. The annexation was effective in March, but the question of when a tax levy would be applied was uncertain.

If adopted, the bill provides that a tax may not be assessed or levied before January 1 of the year immediately following the annexation. An exception would be if the annexation were effective on January 1.

For detached areas, the bill clarifies that taxes levied on property prior to the date of the detachment remain valid.

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

---

### Sectional Analysis

#### SB 63 - MUNICIPAL ANNEXATIONS AND DETACHMENTS

Section 1: This is a new section to Title 29, specifying that annexed property may not be assessed or property taxes collected before January 1 of the year immediately following the year in which the annexation takes effect.

The exception is in the event that the annexation takes effect on January 1.

Section 2: Provides for an immediate effective date for the legislation.

SB

118

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
COMMISSIONER BALLARD - SB 118 TESTIMONY  
SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Honorable Chairmembers of the committee, thank you for the opportunity to testify today on behalf of the Governor's legislation to allow first and second class boroughs to enforce food safety standards, SB 118.

The State of Alaska has been ensuring food is handled correctly since Statehood. State law provides the framework and department regulation provides the standards that protect public health. We are fortunate that there is a growing knowledge about safe food handling practices and modern food preparation technology. In the last 20 years many food safety programs have implemented a new regulatory approach to take advantage of new information.

Nationally, a mix of local, state and federal governments perform the needed tasks to insure the public food supply is protected. In Alaska, state government has been the primary entity working with food service establishments to protect public health. The state has had statutory and regulatory ability to delegate this program to local governments since 1999. Anchorage takes advantage of this opportunity and conducts food inspections as a home-rule municipality.

We believe it is important to encourage as much local control as possible in the important area of local food safety. State law allows home rule cities and boroughs, and first and second class cities to implement a food safety program that is consistent with their charter and approved by their assembly. This bill provides the same opportunity to first and second class boroughs. Specifically, it allows those boroughs to conduct a food safety program using protective state standards.

The State of Alaska will continue to set protective standards and implement them in areas that have not asked for delegation to provide the service themselves.

This legislation does not require any local government to take on this responsibility. It gives them the opportunity to exercise local control should they choose.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 118  
 (S) Publish Date: 3/6/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
 Title Power of boroughs to conduct inspections BRU Environmental Health  
 Component Food Safety and Sanitation  
 Sponsor Rules Committee  
 Requester Governor Component No. 2343

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

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

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

This bill provides first and second class boroughs the authority to inspect and enforce standards for food and aquatic farm products. There is no fiscal impact to the department.

Prepared by: Kristin Ryan, Acting Director  
 Division: Environmental Health  
 Approved by: Kurt Fredriksson -Deputy Commissioner  
 Agency: Department of Environmental Conservation

Phone 907-269-7614  
 Date/Time 3/3/03 12:40 PM  
 Date 3/3/2003

SB

132



## Senator Georgianna Lincoln

---

Alaska State Legislature, District C

State Capitol • Juneau, Alaska 99801-1182 • (907) 465-3737 • Fax (907) 465-2652

E-mail: Senator\_Georgianna\_Lincoln@legis.state.ak.us

### Sponsor Statement for Senate Bill 132

**“An Act removing the Old Minto town site from the Minto Flats State Game Refuge and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto.”**

In 1971, the residents of Old Minto were forced to move from their village due to flooding and bank erosion. The residents moved to a Native Allotment at the current site of the Village of Minto. The Old Minto site reverted to DNR, and became part of the Minto Flats State Game Refuge in 1988.

Senate Bill 132 will allow for the transfer of approximately 32 acres of land located at the Old Minto Village Site from the Minto Flats State Game Refuge to the Native Village of Minto (NVM). The Native Village of Minto is the governing body of Minto and as such is the appropriate entity to receive the land. Currently, the Interior Athabaskan Cultural Heritage Education Institute (ACHEI) holds a “Public and Charitable Lease” for a youth encampment on the site until 2052.

Old Minto village is located on the banks of the Tanana River, approximately 50 miles northwest of Fairbanks. Old Minto village was the home of the Minto band of Athabaskan Indians from the time of its settlement in 1912 to 1971, when the people relocated to the present village site of Minto due to flooding and bank erosion. Despite relocation, the people of Minto maintain a strong physical commitment to Old Minto. Elders and their descendents go there year-round to camp. The cabins, church, community hall, store, and graveites still exist today.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

April 7, 2004

## SUBREGIONS

### KUSKOKWIM

McGroth  
Medfra  
Nikotai  
Takotna  
Telaa

Senator Georgianna Lincoln  
Senator Ralph Seekins  
Senator Gary Wilken  
Senator Therrialt

Representative Al Kookesh  
Representative Carl Morgan  
Representative Hugh "Bud" Fate  
Representative David Guttenberg  
Representative James A. Holm  
Representative Jim Whitaker  
Representative John B. Coghil, Jr.

### LOWER YUKON

Anvik  
Grayling  
Holy Cross  
Shageluk

### UPPER TANANA

Dot Lake  
Eagle  
Healy Lake  
Northway  
Tanacross  
Tatlen  
Tok

Honorable Senators and Representatives:

I am writing today to express support for SB 132 on behalf of Tanana Chiefs Conference (TCC) and the Old Minto Family Recovery Camp. TCC operates the Old Minto Family Recovery Camp, an alcohol and drug rehabilitation facility, on the land that would be transferred by SB 132. As an affected entity, TCC supports and recommends passage of SB 132, which would transfer of approximately 32 acres of land at the Old Minto Village site from the Minto Flats Wildlife Refuge to the Minto Village Council.

The Old Minto Family Recovery Camp has held many substance abuse treatment sessions at the Old Minto site building resiliency for patients in recovery by sharing Athabascan culture, wisdom, and traditional Native ways of knowing. In this way the Old Minto Family Recovery Camp has helped hundreds of people since its opening 1989. It is a place where stories are told, and where they can be heard in a setting most conducive for patients to become sober.

The people of (New) Minto continue to visit this special place, by boat, dog sled, and snow machine throughout the year, checking on staff and patients to support them on their journey to sobriety. The people of Minto also support our yearly Sobriety Potlatch with hundreds of people in attendance. The sober Elders of Minto share their stories of sobriety with the patients during a 4-day period as they show the patients how to prepare traditional foods. These lessons are invaluable to the patients, helping them to recover who they are as sober Alaska Native people.

The land at Old Minto has always belonged to the Minto people. And it is our belief that it should remain with them. Cultural Heritage Education Institute's letter of support on SB 132 details the history of Old Minto as follows:

"Founded in the year 1915, by Chief Charlie, Old Minto is a Historic and Traditional site where Athabascan Elders feel their connection to the earth the strongest, indeed it is the spiritual center of their people. For the Minto peoples, it is here that one goes to for

### YUKON FLATS

Arctic Village  
Beaver  
Birch Creek  
Canyon Village  
Chalkyitsik  
Circle  
Fort Yukon  
Venetie

### YUKON KOYUKUK

Gaiens  
Huslia  
Kaitag  
Koyukuk  
Nulato  
Ruby

### YUKON TANANA

Aiaina  
Allakakei  
Evansville  
Fairbanks  
Hughes  
Lake  
Minchumina  
Montley Hot Springs  
Minto  
Nenana  
Rampart  
Stevens Village  
Tanana

healing, for spiritual connection, and to visit the old resting places of their ancestors. The village was moved in 1969 due to bank erosion and flooding, but the people continue to have strong ties to their homeland. Knowing where one comes from is important to the cultural identity of Minto Athabascans... Whether it is hunting, fishing, basket making or storytelling, the message for the youth is the same; *this is our place, where we belong and where our ancestors speak to the spirit of our peoples.*"

It cannot be said any better than this so. Please include Tanana Chiefs Conference and the Old Minto Family Recovery Camp as supporters of the land being returned to the Minto people.

Thank you for your attention to this important matter. Feel free to contact me with any questions.

Sincerely,

TANANA CHIEFS CONFERENCE



Harold "Buddy" Brown, Esq.  
President and Chairman

cc: Old Minto Recovery Camp

## ***Old Minto Village Site***

### **Minto Tribal Council Resolution # 03 - 06**

**Whereas,** The land is like our parent, providing us with nourishment and the foundation of our culture, and

**Whereas,** The Minto people have lived on the land of the Minto Flats continuously for centuries, relocating from the Old Village Site to the present location due to flooding conditions at the Old Site, and

**Whereas,** Even though the people had to relocate to a new village site, the people of Minto continuously travel to and stay at the Old Village Site to renew the spiritual connection to the site, and participate in cultural activities, and

**Whereas,** The Old Village Site is still the home of the people who were born there, the connection has never left them, and if the land were granted to the people of Minto this connection would be secure for future generations, and

**Whereas,** The Minto Village Council is the governing body of the Native Village of Minto, representing all the Minto people, and as such is the most appropriate entity to receive the land and to care for it for generations to come, and

**Whereas,** The Minto Village Council is a responsible land manager and has the ability to protect the land and its resources, including the important services provided by the Old Minto Recovery Camp that is so valuable for alcohol treatment, as well as the Cultural Heritage and Education Institute.

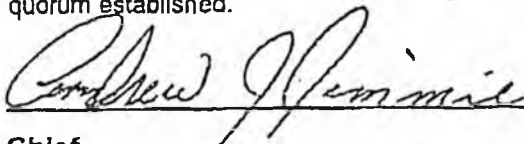
**Whereas,** It is in the best interest of the State of Alaska to protect the rich cultural heritage of Alaska's indigenous people by transferring the Old Minto

Village Site land, and the responsibility of caring for its cultural significance, to the Native Village of Minto.

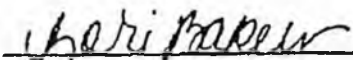
Now Therefore Be It Resolved that the Minto people support the transfer of approximately 32 acres of land at the Old Minto Village Site from the Minto Flats Wildlife Refuge to the Native Village of Minto through the most expedient way available to the State to make such transfer.

#### Certification

This resolution was adopted by the Minto Village Council by a vote of 15 in favor, 0 opposed, and \_\_\_ abstaining, at a meeting of the Tribal Council where notice was posted and a quorum established.

  
\_\_\_\_\_

Chief

  
\_\_\_\_\_

Secretary/Treasurer



*Dedicated to preserving the Athabascan way of life.*

**CULTURAL HERITAGE & EDUCATION INSTITUTE**  
 P.O. Box 73030 • Fairbanks, Alaska 99707 • (907) 451-0923 • FAX (907)451-0910  
 website-<http://www.ankn.uaf.edu/chei> Email-Chei@mosquiltonet.com

4-1-04

Senator Georgianna Lincoln  
 Senator Ralph Seekins  
 Senator Gary Wilken  
 Senator Therrialt

Representative Al Kookesh  
 Representative Carl Morgan  
 Representative Hugh "Bud" Fate  
 Representative David Guttenberg  
 Representative James A. Holm  
 Representative Jim Whitaker  
 Representative John B. Coghill, Jr.

With Respect to Senators and Representatives,

The Cultural Heritage and Education Institute would like to strongly support and recommend your affirmative vote of bill E32. This bill allows for the transfer of approximately 32 surveyed acres of land, the Old Minto Village site, section 28, township 1 north, range 8 west and Fairbanks Meridian, from the Minto Flats Wildlife Refuge to The Native Village of Minto.

Founded in the year 1915 by Chief Charlie, Old Minto is a Historic and Traditional site where Athabascan Elders feel their connection to the earth the strongest, indeed it is the spiritual center of their people. For the Minto peoples, it is here that one goes to for healing, for spiritual connection, and to visit the old resting places of their ancestors. The village was moved in 1969 due to bank erosion and flooding, but the people continue to have strong ties to their homeland. Knowing where one comes from is important to the cultural identity of Minto Athabascans.

The Cultural Heritage and Education Institute has held many important culture, heritage, language and recovery camps for the people of Minto as well as for others in the spirit of sharing Athabascan culture, wisdom, and traditional native ways of knowing. The Minto Family Recovery Camp has helped hundreds of people since 1989. It is the place where the stories are told, and where they can be heard in the setting most conducive for youth to learn. The people of Minto continually visit this special place, by boat, dog sled or snow machine. Whether it

*"In the old days . . . everybody belonged to a clan. In Minto, there are four: Caribou (Bedzeyh Ti Xwt'ana), Fishtail (Ch'echalyu), Paint (Tsiyhyu), and Middle (Tonidra Gheltsilna)." - Chief Peter John*



*Dedicated to preserving the Athabascan way of life.*

**CULTURAL HERITAGE & EDUCATION INSTITUTE**  
 P.O. Box 73030 • Fairbanks, Alaska 99707 • (907) 451-0923 • FAX (907)451-0910  
 website-<http://www.ankn.uaf.edu/chel> Email-[Chel@mosquiltonet.com](mailto:Chel@mosquiltonet.com)

*is hunting, fishing, basket making or storytelling, the message for the youth is the same; this is our place, where we belong and where our ancestors speak to the spirit of our peoples.*

This land has always belonged to these peoples. It is our belief that it should remain with them. Thank you for your attention to this important matter. Feel free to contact us with any questions.

*Robert Charlie*  
 Robert Charlie  
 Executive Director  
 Cultural Heritage and Education Institute



*"In the old days . . . everybody belonged to a clan. In Minto, there are four: Caribou (Bedzeyh Ti Xwt'ana), Fishfall (Ch'echalyu), Paint (Tsiyhyu), and Middle (Tonidra Ghelstlna)." - Chief Peter John*

# Alaska Community Database Community Information Summaries (CIS)

[State of Alaska](#) > [DCED](#) > [Community Advocacy](#) > [Community Database Online](#) > [CIS](#) > [Results](#)



## Minto

(MIN-toe)

For Photos of Minto click [here](#)

<b>Current Population:</b>	234 (2003 State Demographer est.)
<b>Incorporation Type:</b>	Unincorporated
<b>Borough Located In:</b>	Unorganized
<b>Taxes:</b>	No taxing authority

### Location and Climate

Minto is located on the west bank of the Tolovana River, 130 miles northwest of Fairbanks. It lies on an 11-mile spur road off of the Elliott Highway. It lies at approximately 65.153330° North Latitude and -149.33694° West Longitude. (Sec. 23, T004N, R009W, Fairbanks Meridian.) Minto is located in the Manley Hot Springs Recording District. The area encompasses 135.1 sq. miles of land and 3.6 sq. miles of water. The climate is cold and continental with extreme temperature differences. The average daily maximum during July is in the low 70s; the average daily minimum during January is well below zero. Extended periods of -40 degrees, and very strong wind chill factors, are common during the winter. Average annual precipitation is 12 inches, with 50 inches of snowfall.

[Topographic map of Minto area](#)

[TopoZone.com](#)

### History, Culture and Demographics

Minto is in the western-most portion of traditional Tanana Athabascan territory. During the late 1800s, some members of the Minto band traveled to Tanana, Rampart and Fort Yukon to trade furs for manufactured goods, tea and flour. With the discovery of gold north of Fairbanks in 1902, steamboats began to navigate the Tanana River, bringing goods and new residents into the area. Old Minto became a permanent settlement when some members of the Minto band built log cabins there, on the bank of the Tanana River. Other families lived in tents on a seasonal basis. A BIA school was established in 1937, but most families still did not live in Minto year-round until the 1950s. The Minto band was eventually joined by families from Nenana, Toklat, Crossjacket and Chena. The village was relocated to its present location, 40 miles north of the old site, in 1969 due to repeated flooding and erosion. The present site had been used as a fall and winter camp since the early 1900s. New housing and a new school were completed by 1971.

A federally recognized tribe is located in the community -- the Native Village of Minto. 92.2% of the population are Alaska Native or part Native. Minto residents are mainly Tanana Athabascans. Several families have seasonal fishing/hunting camps and trapping areas on the Tanana River and Goldstream Creek. The sale or importation of alcohol is banned in the village. During the 2000 U.S. Census, there were 99 total housing units, and 25 were vacant. 5 of these vacant housing units are used only seasonally. 42 residents were employed. The unemployment rate at that time was 40.35%, although 76.54% of all adults were not in the work force. The median household income was \$21,250, per capita income was \$9,640, and 26.42% of residents were living below the poverty level.

### **Facilities, Utilities, Schools and Health Care**

Water is derived from two wells, is treated, and distributed in a heated circulating water line. Wastes are piped to a sewage lagoon. 52 homes are connected to the piped water and sewer system, and have complete plumbing. The system was completed in 1986, after two systems constructed in the 1970s had failed. The water main froze during the winter of 1999/2000, and the lack of water and heat subsequently caused the sewage system to freeze. Major improvements and repairs are needed. 38 households haul their own water and honeybuckets. There is no washeteria available in the village. Water system improvements have been funded, and a landfill relocation study is underway. Funds are needed to develop facilities at the Old Minto Family Recovery Camp, a 35-day inpatient facility for substance abuse, located at the old village site. Electricity is provided by AVEC. There is one school located in the community, attended by 60 students. Local hospitals or health clinics include Minto Health Clinic (798-7412); Fairbanks hospitals. Minto is classified as an isolated village, it is found in EMS Region 1C in the Interior Region. Emergency Services have highway and air access. Emergency service is provided by volunteers and a health aide.. Auxiliary health care is provided by Fairbanks hospitals.

### **Economy and Transportation**

Most of the year-round employment is with the school, lodge, clinic or village council. Many residents work during summers fire fighting for the BLM. Some residents trap or work in the arts and crafts center, making birch-bark baskets and beaded skin and fur items. Subsistence is an important part of the local economy. Most families travel to fish camp each summer. Minto Flats is one of the most popular duck hunting spots in Alaska. Salmon, whitefish, moose, bear, small game, waterfowl and berries are utilized.

Minto is accessible by the Elliott Highway, a 118-mile drive to Fairbanks. The Tolovana River allows boat access to the Tanana and Nenana Rivers, but no barge service is available because it is too shallow. A new State-owned 2,000' long by 65' wide gravel airstrip is available. It is a local priority to extend the runway length in order to accommodate loaded Twin Otters. Trucks, cars, snowmachines, ATVs and riverboats are used for transportation, recreation and subsistence purposes.

### **Organizations with Local Offices**

**Village Corporation - Seth-De-Ya-Ah Corporation**  
P.O. Box 56  
Minto, AK 99758  
Phone 907-798-7181  
Fax 907-798-7556

**Village Council - Minto IRA Council**  
P.O. Box 58026  
Minto, AK 99758  
Phone 907-798-7112  
Fax 907-798-7627

### **Regional Organizations**

**School District - Yukon/Koyuk Schools**  
4672 Old Airport Way  
Fairbanks, AK 99709-4456  
Phone 907-474-9400

Fax 907-474-0657  
E-mail [csimon@yksd.com](mailto:csimon@yksd.com)  
Web <http://www.yksd.com>

**Regional Native Corporation - Doyon, Limited**  
1 Doyon Place, Suite 300  
Fairbanks, AK 99701-2941  
Phone 907-459-2000  
Fax 907-459-2060  
E-mail [info@doyon.com](mailto:info@doyon.com)  
Web <http://www.doyon.com/>

**Regional Native Health Corporation - Tanana Chiefs Conference**  
122 First Avenue #600  
Fairbanks, AK 99701  
Phone 907-452-8251  
Fax 907-459-3850  
E-mail [hbrown@tananachiefs.org](mailto:hbrown@tananachiefs.org)  
Web <http://www.tananachiefs.org/>

**MEMORANDUM**

**TO:** Senator Bert Stedman, Chair  
Senate Community and Regional Affairs Committee

**FROM:** Senator Georgianna Lincoln

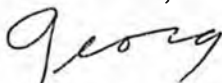
**RE:** Committee Hearing for SB 132

**DATE:** March 18, 2004

---

At your earliest convenience, please schedule SB 132 for a committee hearing in the Senate Community and Regional Affairs Committee. Attached please find the bill and sponsor statement. If you have any questions please contact my staff, Mark Stopha.

Thank You,



Senator Georgianna Lincoln

ALASKA STATE LEGISLATURE  
*Senator Georgianna Lincoln*

State Capitol  
Juneau, Alaska 99801-1182

(907) 465-3732  
Toll Free: 1-888-461-3732  
Fax (907) 465-2652

E-mail: [Senator\\_Georgianna\\_Lincoln@legis.state.ak.us](mailto:Senator_Georgianna_Lincoln@legis.state.ak.us)

Standing Committees:  
Resources  
Transportation  
Community & Regional Affairs

Joint Committee:  
Legislative Council

Budget Subcommittees:  
Administration  
Transportation

DISTRICT C

Alatna  
Allakaket  
Aniak  
Angoon  
Anvik  
Arctic Village  
Beaver  
Beluga  
Bettles  
Big Delta  
Birch Creek  
Boundary  
Cape Pole  
Central  
Chalkyitsik  
Chandalar Lake  
Chenega Bay  
Chicken  
Chisana  
Chistochina  
Chitina  
Chuathbaluk  
Circle  
Coffman Cove  
Cordova  
Cube Cove  
Coldfoot  
Copper Center  
Craig  
Crooked Creek  
Delta Junction  
Deltana  
Dot Lake  
Dry Creek  
Eagle  
Eagle Village  
Edna Bay  
Ellamar  
Ernestine  
Excursion Inlet  
Eureka  
Evansville  
Eyak  
Flat  
Fort Greely  
Fort Yukon  
Fortuna Ledge  
Fueter Bay  
Galena  
Galena  
Grayling  
Gulkana  
Gustavus  
Haines  
Healy Lake  
Hogatza  
Hobart Bay  
Holy Cross  
Hoonah  
Hughes  
Huslia  
Hydaburg

**Sponsor Statement for Senate Bill 132**

**“An Act removing the Old Minto townsite from the Minto Flats State Game Refuge and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Minto Village Council.**

Senate Bill 132 will allow for the transfer of approximately 32 acres of land located at the Old Minto Village Site from the Minto Flats State Game Refuge to the Native Village of Minto. The Minto Village Council (MVC) is the governing body of the Native Village of Minto and as such is the most appropriate entity to receive the land and care for it for generations to come. Currently, the Interior Athabascan Cultural Heritage Education Institute (ACHEI), operated by the Minto Village Council, holds a “Public and Charitable Lease” for a Youth Encampment on the site until 2052. The MVC would become the landlord and administrator of the ACHEI lease.

Old Minto Village is located on the banks of the Tanana River, about 50 miles southwest of Fairbanks. Old Minto Village was the home of the Minto Band of Athabascan Indians from the time of it's settlement in 1912 to 1971, when the people relocated to the present village site of New Minto due to flooding, bank erosion and health concerns associated with these conditions. Despite relocation, the people of Minto continue to maintain a strong spiritual attachment to Old Minto. Elders and their descendants go there to camp and visit graves of their ancestors. The cabins, church, community hall and store building still exist today.

Hyder  
Kake  
Kaktag  
Kasaan  
Katalla  
Kennicott  
Kenny Lake  
Klawock  
Klukwan  
Koyukuk  
Lahouche Bay  
Lake Minchumina  
Lime Village  
Livengood  
Long Island  
Mankomen Lake  
Manley Hot Springs  
Marshall  
McCarthy  
McGrath  
Medfra  
Melakata  
Mentasta  
Minto  
Nabesna  
Naukati Bay  
Senana  
Nikolai  
Northway  
Nulato  
Ophir  
Point Baker  
Polk Inlet  
Port Alice  
Port Protection  
Rampart  
Red Devil  
Ruby  
Russian Mission  
Shageluk  
Skagway  
Slana  
Sleetmute  
Stevens Village  
Stony River  
Strelina  
Taketna  
Tanacross  
Tanana  
Tatitlek  
Tazlina  
Telida  
Tenakee Springs  
Tetlin Junction  
Tok  
Tonsina  
Tyonek  
Utopia Creek  
Venetie  
View Cove  
Waterfall  
Whale Pass  
Wiseman  
Yakutat



# ALASKA STATE LEGISLATURE

## SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Gary Stevens

State Capitol, Room 30  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-3922

April 14, 2004  
1:30 – 3:30 PM  
Fahrenkamp 203

### AGENDA

#### I. Call To Order

#### II. New Business

##### SB 132 Minto Flats Game Refuge

##### Sponsor Testimony:

*Senator Georgianna Lincoln (D-Rampart), District C*  
*Mark Stopha, Staff Senator Lincoln*

##### Invited Testimony:

*Andrew Jimmy, Minto, Alaska*  
*Available for Questions (Via Phone)*  
*Wyn Menefee, Chief of Ops, Div Mining, Land & Water, DNR*  
*Joe Joyner, Div Mining, Land & Water, DNR*

##### Public Testimony

##### SB 382 Eminent Domain/Replat of Boundary Changes

##### Sponsor Testimony:

*Senator John Cowdery (R-Anch), District O*  
*Richard Schmitz, Staff Senator Cowdery*

##### Invited Testimony:

*Peter Putzier, Asst Atty Gen, Transportation, Dept Of Law*  
*Jeff Ottesen, Director, Div of Program Development, DOT*

##### Public Testimony

#### III. Adjourn

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 3/10/03

FURTHER: Resources

Date of 5-Day Notice: 4/1/04  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/14/04

Community and Regional Affairs Committee considered SENATE BILL NO. 132

**SB 132 MINTO FLATS GAME REFUGE & TOWNSITE**

"An Act removing the Old Minto townsite from the Minto Fiats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Minto Village Council."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 132 ( CRA )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DNR	4/14		✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Jamie...</i>	✓			
<i>Tom Wagner</i>	✓			
<i>R. S. B...</i>	✓			
CHAIR: <i>Bert...</i>	✓			

23-LS0578V  
Bullock  
4/6/04

**CS FOR SENATE BILL NO. 132( )**

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

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR LINCOLN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act removing the Old Minto townsite from the Minto Flats State Game Refuge;**  
2 **and authorizing the Department of Natural Resources to convey certain land at the**  
3 **historic Old Minto site to the Native Village of Minto."**

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

5 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 **LEGISLATIVE FINDINGS.** The legislature finds that

8 (1) the Old Minto Site has been historically used by the community of Minto  
9 for spiritual, cultural, and community purposes; and

10 (2) the conveyance of the site to the Native Village of Minto serves a public  
11 purpose and is in the public interest.

12 **\* Sec. 2.** AS 16.20.037(3) is amended to read:

13 (3) Township 1 North, Range 8 West, Fairbanks Meridian

14 Sections 1 - 16

1 Sections 21 - 28, excl. ASLS 95-37

2 Section 35: E1/2

3 Section 36;

4 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 CONVEYANCE OF LAND AT THE HISTORIC OLD MINTO SITE. (a) Subject to  
7 valid existing rights, including land leases or sales contracts, easements, reservations, rights-  
8 of-way, and any vested and accrued water rights, and excepted and reserved from the  
9 conveyance a right-of-way for ditches and canals constructed by the authority of the United  
10 States under 43 U.S.C. 945 (Act of August 30, 1890, 26 Stat. 391), the commissioner of  
11 natural resources shall convey to the Native Village of Minto, without cost, the following  
12 land: Alaska State Land Survey No. 95-37, within unsurveyed Section 28, Township 1 North,  
13 Range 8 West, Fairbanks Meridian, containing approximately 31.42 acres, more or less,  
14 according to the survey plat filed in the Nenana Recording District on May 7, 1997, as plat  
15 no. 97-4.

16 (b) The conveyance shall be made subject to the following reservations: "The party  
17 of the first part, Alaska, hereby expressly saves, excepts and reserves out of the grant hereby  
18 made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores,  
19 minerals, fissionable materials, geothermal resources, and fossils of every name, kind or  
20 description, and which may be in or upon said land above described, or any part thereof, and  
21 the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials,  
22 geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the  
23 grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by  
24 itself, its or their agents, attorneys, and servants upon said land, or any part or parts thereof, at  
25 any and all times for the purpose of opening, developing, drilling, and working mines or wells  
26 on these or other land and taking out and removing therefrom all such oils, gases, coal, ores,  
27 minerals, fissionable materials, geothermal resources, and fossils, and to that end it further  
28 expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and  
29 assigns forever, the right by its or their agents, servants and attorneys at any and all times to  
30 erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, power  
31 lines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said

1 land or any part thereof for the foregoing purposes and to occupy as much of said land as may  
2 be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees,  
3 successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land,  
4 whether herein expressed or not, reasonably necessary or convenient to render beneficial and  
5 efficient the complete enjoyment of the property and rights hereby expressly reserved."

6 (c) Unless the commissioner finds that it is not in the public interest, the management  
7 of all existing land leases or sale contracts on the land described in (a) of this section shall  
8 pass with the conveyance to the Native Village of Minto.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 132CS(CRA)workdraf  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title Minto State Game Refuge and Townsi RDU Resource Development  
Component Land Sales and Municipal Entitlement  
Sponsor Sen. Lincoln  
Requester Sen CRA Component No. 2460

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

<b>CHANGE IN REVENUES (GF 1004)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation directs DNR to sell a parcel of state land to the Minto Village Council. This proposed Legislation will have no fiscal impact on the department.

Prepared by: Bob Loeffler, Director Phone 269-8600  
Mining, Land and Water Date/Time 4/14/04  
Approved by: Thomas Irwin, Commissioner Date \_\_\_\_\_  
Agency Natural Resources

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB132-DNR-LSME-04-5-  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title Minto State Game Refuge and Townsi RDU Resource Development  
Component Land Sales and Municipal Entitlement  
Sponsor Sen. Lincoln  
Requester Sen CRA Component No. 2460

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	5.1	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual	0.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>5.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

<b>CHANGE IN REVENUES (GF 1004)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.6	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>5.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation directs DNR to sell a parcel of state land to the Minto Village Council. This proposed Legislation will require DNR to prepare a title report, provide public notice, and issue deeds for this conveyance. It is not clear as to whether or not DNR would also need to do a Best Interest Finding as required by AS 38.05.035, so the fiscal note also assumes staff time to prepare a draft and final finding. Total staff time is 1 month Natural Resource Specialist 2 (\$5.1). Contractual cost is the public notice (\$.5)

Prepared by: Bob Loeffler, Director Phone 269-8600  
Mining, Land and Water Date/Time 4/5/04  
Approved by: Thomas Irwin, Commissioner Date 4/5/04  
Agency Natural Resources