

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 7, 2014

1:08 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Dan Saddler, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Mike Hawker
Representative Craig Johnson
Representative Kurt Olson
Representative Paul Seaton
Representative Scott Kawasaki
Representative Geran Tarr

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska Board of Game

David Brown - Wrangell
Stanley Hoffman, Jr - Bethel
Ted Spraker - Soldotna

CONFIRMATION(S) ADVANCED

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 77(RES)

"An Act relating to big game hunting with children."

- MOVED HCS CSSB 77(RES) OUT OF COMMITTEE

SENATE BILL NO. 137

"An Act extending the termination date of the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

- MOVED 137 OUT OF COMMITTEE

HOUSE BILL NO. 371

"An Act providing for the Department of Transportation and Public Facilities to hold the surface estate of certain state

land; relating to the transfer of certain state land and materials from the Department of Natural Resources to the Department of Transportation and Public Facilities for the construction or maintenance of the state highway system, state airports, and state public buildings and facilities; relating to the lease or sale of certain marine or harbor facilities; relating to the lease or disposal by the Department of Transportation and Public Facilities of rights-of-way, property interests, or improvements that are no longer required; relating to the grant of certain easements over submerged state land to the federal government; relating to the transfer of certain maintenance stations on the James Dalton Highway to the Department of Transportation and Public Facilities; relating to the conveyance of land for right-of-way purposes from the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 138(FIN) AM

"An Act relating to the purposes, powers, and duties of the Alaska Gasline Development Corporation; relating to an in-state natural gas pipeline, an Alaska liquefied natural gas project, and associated funds; requiring state agencies and other entities to expedite reviews and actions related to natural gas pipelines and projects; relating to the authorities and duties of the commissioner of natural resources relating to a North Slope natural gas project, oil and gas and gas only leases, and royalty gas and other gas received by the state including gas received as payment for the production tax on gas; relating to the tax on oil and gas production, on oil production, and on gas production; relating to the duties of the commissioner of revenue relating to a North Slope natural gas project and gas received as payment for tax; relating to confidential information and public record status of information provided to or in the custody of the Department of Natural Resources and the Department of Revenue; relating to apportionment factors of the Alaska Net Income Tax Act; amending the definition of gross value at the 'point of production' for gas for purposes of the oil and gas production tax; clarifying that the exploration incentive credit, the oil or gas producer education credit, and the film production tax credit may not be taken against the gas production tax paid in gas; relating to the oil or gas producer education credit; requesting the governor to establish an interim advisory board to advise the governor on municipal involvement in a North Slope natural gas project; relating to the development of a plan by the Alaska Energy Authority for

developing infrastructure to deliver affordable energy to areas of the state that will not have direct access to a North Slope natural gas pipeline and a recommendation of a funding source for energy infrastructure development; establishing the Alaska affordable energy fund; requiring the commissioner of revenue to develop a plan and suggest legislation for municipalities, regional corporations, and residents of the state to acquire ownership interests in a North Slope natural gas pipeline project; making conforming amendments; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 77

SHORT TITLE: BIG GAME HUNTING WITH CHILDREN

SPONSOR(S): SENATOR(S) MICCICHE

| | | |
|----------|-----|---|
| 03/13/13 | (S) | READ THE FIRST TIME - REFERRALS |
| 03/13/13 | (S) | RES, FIN |
| 02/24/14 | (S) | PRIME SPONSOR CHANGED: MICCICHE REPLACED KELLY |
| 02/24/14 | (S) | BILL REPRINTED 2/24/14 |
| 03/05/14 | (S) | RES AT 3:30 PM BUTROVICH 205 |
| 03/05/14 | (S) | Moved CSSB 77(RES) Out of Committee |
| 03/05/14 | (S) | MINUTE(RES) |
| 03/07/14 | (S) | RES RPT CS 6DP SAME TITLE |
| 03/07/14 | (S) | DP: GIESSEL, FRENCH, MICCICHE, BISHOP, FAIRCLOUGH, DYSON |
| 03/12/14 | (S) | FIN RPT CS(RES) 6DP 1NR |
| 03/12/14 | (S) | DP: KELLY, MEYER, DUNLEAVY, HOFFMAN, FAIRCLOUGH, BISHOP |
| 03/12/14 | (S) | NR: OLSON |
| 03/12/14 | (S) | FIN AT 9:00 AM SENATE FINANCE 532 |
| 03/12/14 | (S) | Moved CSSB 77(RES) Out of Committee |
| 03/12/14 | (S) | MINUTE(FIN) |
| 03/24/14 | (S) | TRANSMITTED TO (H) |
| 03/24/14 | (S) | VERSION: CSSB 77(RES) |
| 03/25/14 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/25/14 | (H) | RES |
| 04/07/14 | (H) | RES AT 1:00 PM BARNES 124 |

BILL: SB 137

SHORT TITLE: EXTEND SEISMIC HAZARDS SAFETY COMMISSION

SPONSOR(S): SENATOR(S) BISHOP

01/24/14 (S) READ THE FIRST TIME - REFERRALS
 01/24/14 (S) RES
 02/24/14 (S) RES AT 3:30 PM BUTROVICH 205
 02/24/14 (S) Scheduled But Not Heard
 02/26/14 (S) RES AT 3:30 PM BUTROVICH 205
 02/26/14 (S) Moved SB 137 Out of Committee
 02/26/14 (S) MINUTE(RES)
 02/28/14 (S) RES RPT 4DP
 02/28/14 (S) DP: GIESSEL, FRENCH, MICCICHE, DYSON
 02/28/14 (S) FIN REFERRAL ADDED
 03/10/14 (S) FIN RPT 4DP 2NR
 03/10/14 (S) DP: KELLY, MEYER, FAIRCLOUGH, HOFFMAN
 03/10/14 (S) NR: DUNLEAVY, OLSON
 03/10/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/10/14 (S) Moved SB 137 Out of Committee
 03/10/14 (S) MINUTE(FIN)
 03/24/14 (S) TRANSMITTED TO (H)
 03/24/14 (S) VERSION: SB 137
 03/25/14 (H) READ THE FIRST TIME - REFERRALS
 03/25/14 (H) RES, FIN
 04/07/14 (H) RES AT 1:00 PM BARNES 124

BILL: HB 371

SHORT TITLE: STATE LAND AND MATERIALS
SPONSOR(s): TRANSPORTATION BY REQUEST

03/10/14 (H) READ THE FIRST TIME - REFERRALS
 03/10/14 (H) TRA, RES
 03/11/14 (H) TRA AT 1:00 PM BARNES 124
 03/11/14 (H) Heard & Held
 03/11/14 (H) MINUTE(TRA)
 03/18/14 (H) TRA AT 1:00 PM BARNES 124
 03/18/14 (H) Heard & Held
 03/18/14 (H) MINUTE(TRA)
 03/20/14 (H) TRA AT 1:00 PM BARNES 124
 03/20/14 (H) Moved CSHB 371(TRA) Out of Committee
 03/20/14 (H) MINUTE(TRA)
 03/21/14 (H) TRA RPT CS(TRA) NT 4DP 1NR 1AM
 03/21/14 (H) DP: GATTIS, ISAACSON, FEIGE, P.WILSON
 03/21/14 (H) NR: LYNN
 03/21/14 (H) AM: KREISS-TOMKINS
 04/07/14 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

DAVID BROWN, Appointee

Wrangell, Alaska

POSITION STATEMENT: Spoke as appointee to the Alaska Board of Game.

STANLEY "STOSH" HOFFMAN, JR., Appointee

Bethel, Alaska

POSITION STATEMENT: Spoke as appointee to the Alaska Board of Game.

TED SPRAKER, Appointee

Soldotna, Alaska

POSITION STATEMENT: Spoke as appointee to the Alaska Board of Game.

SAM ROHRER, President

Alaska Professional Hunters Association (APHA)

Kodiak, Alaska

POSITION STATEMENT: Spoke in support of the three appointees to the Alaska Board of Game.

AL BARRETTE

Fairbanks, Alaska

POSITION STATEMENT: Testified during the discussion for appointments to the Alaska Board of Game and testified in support of CSSB 77(RES).

TOBY WHEELER

Homer, Alaska

POSITION STATEMENT: Testified during confirmation hearings for the Board of Game appointees.

ROBERT MUMFORD, Member

Alaska Board of Game

Anchorage, Alaska

POSITION STATEMENT: Testified during confirmation hearings for the Board of Game appointees.

LARRY SEMMENS, Staff

Senator Peter Micciche

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented CSSB 77 on behalf of the bill sponsor, Senator Micciche.

DOUG VINCENT-LANG, Acting Director

Division of Wildlife Conservation

Alaska Department of Fish & Game (ADF&G)

Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of CSSB 77.

AL BARRETTE

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of CSSB 77(RES).

BRITTANY HUTCHISON, Staff

Senator Click Bishop

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented SB 137 on behalf of the bill sponsor, Senator Bishop.

ROBERT SCHER, Chair

Alaska Seismic Hazards Safety Commission

Fairbanks, Alaska

POSITION STATEMENT: Testified and answered questions during discussion of SB 137.

BECKY ROONEY, Staff

Representative Peggy Wilson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As aide to the committee, introduced HB 371 on behalf of the House Transportation Standing Committee.

KIM RICE, Deputy Commissioner

Office of the Commissioner

Department of Transportation & Public Facilities

Juneau, Alaska

POSITION STATEMENT: Testified during discussion of HB 371.

JOHN BENNETT, Right-of-Way Chief

Northern Region

Department of Transportation & Public Facilities

Fairbanks, Alaska

POSITION STATEMENT: Testified during discussion of HB 371.

SEAN LYNCH, Assistant Attorney General

Transportation Section

Civil Division (Juneau)

Department of Law

Juneau, Alaska

POSITION STATEMENT: Testified during discussion of HB 371.

WYN MENEFFEE, Chief of Operations

Division of Mining, Land and Water
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 371.

ACTION NARRATIVE

[1:08:55 PM](#)

CO-CHAIR DAN SADDLER called the House Resources Standing Committee meeting to order at 1:08 p.m. Representatives Saddler, Feige, Johnson, Hawker, Kawasaki, Tarr, P. Wilson, Seaton, and Olson were present at the call to order.

CONFIRMATION HEARING(S):
Alaska Board of Game

[1:09:38 PM](#)

CO-CHAIR SADDLER announced that the first order of business would be the confirmation hearings for appointment to the Alaska Board of Game.

[1:10:08 PM](#)

DAVID BROWN, Appointee, reported that he had been in Alaska for 32 years, and he was a retired teacher. He stated that he was an avid hunter and trapper, and a commercial crab fisherman. He said that he was a member of the National Rifle Association (NRA) and had been a hunter education instructor for archery. He shared that his interest for service on the board was to ensure the use of Alaska wildlife in a sustainable manner, with the maximum opportunity for everyone to hunt. He noted that he was an advocate of fair chase hunting and sportsmanship. In response to Chair Saddler, he said that, as he was retired, he had the time to devote to board and committee meetings.

[1:11:47 PM](#)

REPRESENTATIVE P. WILSON requested Mr. Brown to share some of his experiences when teaching archery.

MR. BROWN replied that he promoted fair chase and not hunting from a three-wheeler or from the road, as the hunt was more than just the killing of an animal.

1:13:37 PM

REPRESENTATIVE KAWASAKI asked Mr. Brown how he became aware of the opening on this board.

MR. BROWN explained that some friends had informed him of the vacancy and asked if he would be interested. As he now had the time, he said he could do "a good job of it."

REPRESENTATIVE KAWASAKI inquired about Mr. Brown's thoughts regarding the currently proposed Big Bull Moose Derby legislation, similar to fish derbies with the winner for the largest fish.

MR. BROWN replied that he was not in support of big game derbies as they can "sometimes make people do unruly or unlawful things to try to win a prize." He opined that fishing was a little different than hunting. He suggested that it could also promote poor sportsmanship when the goal was to win a prize.

REPRESENTATIVE P. WILSON lauded the integrity and fairness by Mr. Brown in all situations, opining that he would be a good addition to the Board of Game.

1:16:40 PM

STANLEY "STOSH" HOFFMAN, JR., Appointee, shared that he was a life-long Alaskan, born in Bethel, raised in McGrath, and currently residing in Bethel. He reported that he was a commercial and subsistence fisherman, a certified assistant guide, and the owner and operator of several small businesses in Bethel. He said that he was first appointed to the Board of Game in 2008 by then-Governor Palin, and he had been re-appointed by Governor Parnell three years previously. He shared that he had originally submitted his name for nomination as a way "to get back to Alaska's resource and do more for the people of Alaska and give some representation to this side of the state here, I thought there was a need for that."

1:18:44 PM

CO-CHAIR SADDLER asked whether Mr. Hoffman's view of any game management issues had evolved during his tenure on the board.

MR. HOFFMAN, JR. replied that he had become more aware of statewide issues that did not pertain to his home area. He said

that he was "a lot more informed now and I get a good chance to listen to a lot of different people."

1:20:28 PM

TED SPRAKER, Appointee, said that he was a graduate of the University of Wyoming, with a bachelor's degree in wildlife management and a master's degree in range science and management. He shared that he had a long time goal to work in wildlife management in Alaska, and that he was fortunate to have that opportunity in 1973. He had worked for the US Fish and Wildlife Service and then the Alaska Department of Fish & Game as a wildlife biologist until he retired in 2002. He shared that he was appointed to the Board of Game by then-Governor Murkowski, re-appointed by then-Governor Palin, and again three more times by Governor Parnell. He reported that this would be his fifth term on the board, that he had been the Vice Chair for two terms, and that he was currently the Chair. He declared that it had been an honor to be on the board, and that it was a humbling experience to work in the wildlife field. He reported that this was his way to do his best for conservation and to give back to the public, and he declared how much he enjoyed the public testimony during the Board of Game meetings. He shared that listening with the same level of respect to all individuals for all sides of an issue was the key to a successful public process. He related that it was a mandatory duty, as Chair, to first consider the conservation concerns and sustainability, and to also listen to the users. He said that he was a strong advocate for active wildlife management for healthy and sustainable populations as it benefited all the users. He expressed his hope to continue to be a part of the process.

1:26:20 PM

REPRESENTATIVE TARR expressed her appreciation for Mr. Spraker's statement of listening to all the sides of an issue. She referenced an email in opposition to his re-appointment, and asked that he respond to the 2011 aerial wolf control in Game Management Unit (GMU) 15A that he had supported, even though ADF&G biologists testified that habitat was the primary factor for limiting the growth of the moose population. She asked about Mr. Spraker's role for working in conjunction with, or on a different path from, the ADF&G biologists.

MR. SPRAKER replied that there had been a lot of public interest when the proposal came up, as the moose population on the Kenai Peninsula had declined about 75 percent, with a corresponding

decrease in hunters. He reported that he had been the area biologist for almost 24 years, and he had a lot of experience with the moose population in GMU 15A, where the program had been implemented. He declared that he was a strong advocate for this program. He opined that, although the habitat had led to a decline of the moose population over time and many believe that habitat alone was the key to restoring the moose population in this area, this was not the answer. He referenced the 4,000 moose, 50-60 wolves, fewer brown bears, and similar numbers of black bears in this habitat area during the mid-1980's, and pointed out that the moose population could sustain a high level of predation. However, with a similar predator population, a current moose population of 1200-1500 could not sustain the same level of predation. He offered his assessment of the habitat given ADF&G rates, which was indicative of a moose population able to grow, although it was still declining. He offered his belief that the board members and ADF&G upper level staff agreed that it was necessary to first arrest the impacts of predation and increase the survival of moose calves before addressing habitat enhancement in order to grow the moose population. He pointed to similar state-wide programs to temporarily reduce the impacts of predation before any habitat enhancement.

[1:31:33 PM](#)

REPRESENTATIVE KAWASAKI referenced a submitted e-mail which stated that ADF&G biologists had testified, at that time, that habitat was the primary factor. He asked for an explanation to the circumstances in which Mr. Spraker would ignore the local ADF&G biologists.

MR. SPRAKER replied that his experience of 30 years working with ADF&G and 10 years on the Alaska Board of Game had allowed him to review many of these situations, talk with many trained scientists, and be involved in many projects. He declared that his job as a board member did not guarantee his agreement with ADF&G, but instead allowed him to look at things objectively, listen to the public, and make a decision. He stated that he was very aware of what was going on in GMU 15A, and that he disagreed with ADF&G that habitat enhancement would increase the moose population in that area. He declared that the moose population was decreasing each year, and although calf production was high, there was also high calf mortality. He stated that his obligation was to his experience for the resource and to the public, and he did his best to be an independent, scientifically-based thinker.

REPRESENTATIVE P. WILSON, reading from Mr. Spraker's resume, expressed her appreciation for his hands-on experience.

[1:35:54 PM](#)

CO-CHAIR FEIGE referenced the debate of predation versus habitat and asked if there was a particular metric that was generally accepted in terms of predation, and if it varied between the game management units.

MR. SPRAKER replied that biologists did use some metrics, which included that survival of 20-25 calves per 100 through November was barely enough to sustain the population; survival of 35-40 calves would realize growth, and a higher calf survival would ensure the population would grow. He reported that a birth rate average was about 120-130 calves per 100 cows. He declared that it was necessary to have a sustained calf to cow ratio of about 25 annually, and that some areas of the Kenai Peninsula were much lower. He offered his belief that it would require long-term, large-scale habitat enhancement to build the Kenai moose population back to the 1950s level, but that it would first require addressing predation.

[1:39:01 PM](#)

CO-CHAIR FEIGE asked if there was a general estimate for the number of moose killed annually by brown bear on the Kenai, and if the adjusted brown bear population accounted for an adjustment to the moose population.

MR. SPRAKER replied that he did not know the answer, although he had been involved with studies to assess brown and black bear predation rates, which had revealed that black bears killed 45 percent of the moose calves, brown bears killed 11 percent, and wolves killed 11 percent. He reported that he was only aware of predation rates for wolf packs, which made a kill every 4.5 days, and about 75 percent of these were moose. He said there were about 21 packs of wolves on the Kenai Peninsula. He noted that his studies had revealed that "some bears were absolute moose killers... while other bears never fooled with moose."

[1:41:53 PM](#)

CO-CHAIR SADDLER opened public testimony.

[1:42:09 PM](#)

SAM ROHRER, President, Alaska Professional Hunters Association (APHA), stated that APHA supported the appointment of Mr. Brown, noting that Mr. Brown was a former teacher and children were the future of hunting, and referencing Mr. Brown's testimony to the importance of fair chase and children. Regarding Mr. Hoffman, Jr., APHA supported his nomination, pointing to his service on the board and the viewpoints he had brought to the board process. He directed attention to the nomination of Ted Spraker and reported that APHA supported his re-appointment. He declared that Mr. Spraker was an exceptional board member who could successfully navigate the complex and contentious issues presented to the board process. He said that Mr. Spraker approached the process with an open mind that weighed all sides of a proposal, while carefully considering its biological and allocative implications. He opined that Mr. Spraker had also been an excellent chairman of the board.

[1:44:50 PM](#)

AL BARRETTE said that he had regularly attended as many Board of Game meetings as possible during the previous decade. He said that he did not have any comments for Mr. Brown, although he opined that fair chase was sometimes adverse to the subsistence take. He expressed support for Mr. Hoffman, as he was approachable and available, well-prepared, and knowledgeable of the concerns. He stated his support for Mr. Spraker, as he was also well-prepared, expressed a desire to hear testimony from all the attendees at the board meeting, and was interactive during public testimony. He declared his support for Mr. Spraker's actions in GMU 15A, sharing that he had proposed to stop predator control in that region. He reported that predator control protected current moose populations now, whereas habitat enhancement took many years to grow. He expressed his support for the statesman-like demeanor by Mr. Spraker during a recently contentious board meeting.

[1:48:38 PM](#)

REPRESENTATIVE TARR asked if Mr. Barrette had any issue with board member longevity.

MR. BARRETTE replied that there were advantages for some members having longevity, as the historical background was often important.

[1:50:01 PM](#)

TOBY WHEELER directed his comments to the nomination of Mr. Spraker, and offered his opinion that the board needed to be better rounded with a non-consumptive user supporting wildlife viewing and tourism. He allowed that biology could be an inexact science, with debate regarding predator control versus habitat enhancement, and he suggested a board member who was less supportive for predator control with a wider view than just hunting and trapping.

[1:52:10 PM](#)

ROBERT MUMFORD, Board Member, Alaska Board of Game, spoke in support of all three board member appointees. He said he liked what Dave Brown had to say, and opined that he would be "a good, strong board member." He related that he had worked with Stosh Hoffman, and that he was highly respected, very articulate, well-reasoned in his thought process, and a pleasure to work with. He declared his support for Ted Spraker and his wealth of experience that would be difficult to obtain otherwise. He opined that Mr. Straker, as chair, was one of the finest, and that he treated testifiers with respect.

[1:54:37 PM](#)

CO-CHAIR SADDLER closed public testimony.

[1:54:53 PM](#)

REPRESENTATIVE SEATON shared that he had received four detailed comments from his constituents. He said that the issue with Mr. Spraker was for a philosophical difference with active management or predator control.

REPRESENTATIVE OLSON related that he had known Ted Spraker since the early 1980s and had found that Mr. Spraker was knowledgeable and his positions were well-thought out, even though they did not always agree.

CO-CHAIR SADDLER mused that navigation of the cross currents of public policy over a range of time and administrations required nimble feet and a strong foundation in game management.

REPRESENTATIVE KAWASAKI reflected on the ideal for having a board that doesn't always agree. He lauded diversity on a rule making body.

[1:56:58 PM](#)

CO-CHAIR FEIGE moved to advance the confirmations for appointees referred to the House Resources Standing Committee for consideration to the joint session of the House and Senate for consideration. He noted that each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmations were advanced.

The committee took an at-ease from 1:57 p.m. to 2:00 p.m.

SB 77-BIG GAME HUNTING WITH CHILDREN

[2:00:57 PM](#)

CO-CHAIR SADDLER announced that the next order of business would be CS FOR SENATE BILL NO. 77(RES) "An Act relating to big game hunting with children."

[2:01:10 PM](#)

LARRY SEMMENS, Staff, Senator Peter Micciche, Alaska State Legislature, said that the proposed bill had been recommended and requested by Senator Kelly and the chair of the Board of Game, Ted Spraker. He paraphrased from the sponsor statement, which read:

Since long before statehood, Alaska has enjoyed a long history rich with the subsistence, social and cultural benefits, as well as the generational outdoor traditions derived from Alaska's hunting culture. Such traditions and the outdoor legacy in the best interest of all Alaskans, is most effectively passed on to the next generation by encouraging young people to hunt responsibly.

The Board of Game currently possesses the ability to establish special hunts to ensure the responsible instruction and indoctrination of young hunters. This bill will give the board more flexibility to establish youth hunts. The bill will also make an exception to the rule that both the youth hunter and the adult hunter's tags must be punched whenever an animal is harvested in a youth hunt.

In the specific case where the hunt is for black-tailed deer in areas where the annual limit is one

deer, only one tag would have to be punched. This exception would allow a family to harvest a deer for each tag rather than one deer for two tags. Without this provision, it is likely that there could be low or non-existent participation in youth deer hunts in these areas.

Encouraging youth to responsibly participate and carry on Alaska's great hunting tradition and outdoor heritage is very important for youth development and quality multi-generational outdoor experiences. I hope you will consider supporting this important bill.

MR. SEMMENS reported that the proposed bill had been unanimously passed by the Senate and had a zero fiscal note. It allowed the Board of Game more flexibility to establish youth hunting seasons by removing a requirement to set the season before school and the regular hunting season. It allows a deviation from the normal requirement of punching both the adult and the youth tags, specifically for Sitka black-tailed deer, thereby allowing a family to take one deer per tag.

[2:03:57 PM](#)

REPRESENTATIVE KAWASAKI directed attention to the definition of "adult" on page 2, line 1, and asked if this was the typical definition for an adult.

MR. SEMMENS replied that he was unsure if that was a typical definition throughout statute. He deferred to ADF&G.

DOUG VINCENT-LANG, Acting Director, Division of Wildlife Conservation, Alaska Department of Fish & Game, offered to research and get back to the committee with an answer.

REPRESENTATIVE KAWASAKI reflected that hunting and sport fishing licenses typically considered 18 as the adult age.

CO-CHAIR FEIGE referred to page 1, line 15, "In this subsection," which preceded the definitions for adult. He offered his belief that the intent was for the person accompanying the child to be over the age of 21.

[2:07:06 PM](#)

CO-CHAIR SADDLER opened public testimony.

[2:07:52 PM](#)

REPRESENTATIVE SEATON asked about the elimination of the extra season and questioned whether any time there was an adult hunting with someone under 17 years of age it would be necessary for both to punch their harvest tickets, which had greater ramifications than an extra season.

MR. SEMMENS offered his understanding that the provisions of the proposed bill were only applicable to special youth hunts established by the Board of Game and would not impact the regular season and those regulations.

MR. VINCENT-LANG explained that the Board of Game, under the statute, created youth hunting opportunities that were different than the regularly scheduled season. He reported that, as in recent years schools had started earlier, it was now more difficult to provide those hunting seasons. This legislation was trying to eliminate the requirement for before the school year hunting dates, so that youth hunts could be offered at times other than the narrow window of time before school began.

REPRESENTATIVE SEATON understood that this proposed bill only applied to certain designated hunts, with no consequence for control over non-special hunting seasons.

MR. VINCENT-LANG agreed.

[2:11:31 PM](#)

REPRESENTATIVE TARR requested clarification of the age designation, reporting that it was necessary to be 16 years of age to obtain a hunting license, and yet the proposed bill referenced 17 years of age. She questioned whether it would be better for the bill to have 16 years of age as the cut-off, so that older individuals would have the opportunities for regular bag limits.

MR. VINCENT-LANG replied that the ages were not changing as a result of the proposed bill. He questioned why the ages had been selected in the proposed bill. He opined that the ages reflected maturity, and that this offered the opportunity for youth still living at home to go on the special youth hunts. He said that age was not a constraint for the current special established hunts.

[2:13:33 PM](#)

AL BARRETTE testified in support of the proposed bill, as the removal of the side boundaries complicated the allocation issues at the Board of Game. He stated that the Board of Game promoted youth hunting and had the authority to allocate to different user groups. He said that the proposed bill would work and its added language would help to codify.

CO-CHAIR SADDLER closed public testimony.

[2:14:49 PM](#)

REPRESENTATIVE JOHNSON referred to page 1, lines 7-8, of the proposed bill, and read: "Only a resident child accompanied by a resident adult" He asked why there was a need for the following language for resident parent, step-parent, or legal guardian as this should cover all the possibilities.

MR. SEMMENS deferred to Mr. Vincent-Lang.

MR. VINCENT-LANG said this should be read as two different parts. The first language would allow a resident adult to take a resident child who was not his family on a hunt. The remainder language for a resident parent, step-parent, or legal guardian allowed for a nonresident child to be taken along.

CO-CHAIR FEIGE opined that statute did not currently address a nonresident child and a resident grandparent, and asked whether this addition should be considered.

REPRESENTATIVE HAWKER pointed out that the existing statute had already been debated in the legislature. He offered his belief that a resident child accompanied by a resident adult should encompass a child and the child's grandparent. He also questioned the need for the additional language, opining that current statute seemed to be working and it was the sponsor's intent to remove the seasonal restrictions and to acknowledge the unique circumstances for Sitka black-tailed deer.

REPRESENTATIVE SEATON expressed his support for the issue raised by Co-Chair Feige, and that this was an opportune time to expand this opportunity.

CO-CHAIR SADDLER suggested that a resident legal guardian may also fulfill this requirement.

REPRESENTATIVE HAWKER acknowledged the merits of the ongoing conversation, and asked to what degree the discussion should include a blood family member, and should the issue of step-children be addressed.

REPRESENTATIVE SEATON pointed out that step-children were already covered, and that only resident grandparents were not covered.

[2:20:48 PM](#)

CO-CHAIR FEIGE moved to adopt Conceptual Amendment 1 as follows:

Page 1, line 9, following "resident parent,"
Insert "resident grandparent,"

MR. SEMMENS said that there was no objection from the sponsor, Senator Micciche.

There being no objection, Conceptual Amendment 1 was adopted.

[2:22:11 PM](#)

REPRESENTATIVE TARR suggested that it may be necessary to amend page 1, lines 14-15, to also include "grandparent."

CO-CHAIR SADDLER suggested that Conceptual Amendment 1 would allow some latitude.

[2:22:47 PM](#)

CO-CHAIR FEIGE moved to adopt Conceptual Amendment 2 as follows:

Page 1, line 14, following "parent,"
Insert "grandparent,"

MR. SEMMENS pointed out that this phrase also occurred on page 1, lines 10 - 11.

CO-CHAIR FEIGE moved [Conceptual Amendment 1] to Conceptual Amendment 2 to include the addition of "grandparents" wherever applicable.

CO-CHAIR SADDLER said Conceptual Amendment 1 to Conceptual Amendment 2 would add "grandparent" as necessary throughout the bill to reflect the intent. There being no objection, Conceptual Amendment 1 to Conceptual Amendment 2 was adopted.

There being no objection, Conceptual Amendment 2, as amended, was adopted.

[2:24:25 PM](#)

CO-CHAIR FEIGE moved to report CSSB 77(RES), Version 28-LS0630\N, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE KAWASAKI objected and pointed out that AS 16.05.407 used language different than the proposed bill for who must accompany a non-resident during the hunting of big game. He then withdrew his objection.

There being no further objection, HCS CSSB 77(RES) was reported from the House Resources Standing Committee.

The committee took an at-ease from 2:25 p.m. to 2:29 p.m.

SB 137-EXTEND SEISMIC HAZARDS SAFETY COMMISSION

[2:29:28 PM](#)

CO-CHAIR SADDLER announced that the next order of business would be SENATE BILL NO. 137, "An Act extending the termination date of the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

[2:29:43 PM](#)

BRITTANY HUTCHISON, Staff, Senator Click Bishop, Alaska State Legislature, presented SB 137 on behalf of Senator Bishop. She paraphrased from the sponsor statement, which read:

Alaska has more earthquakes than any other region in the U.S. and is one of the most seismically active areas in the world. In fact, we are approaching the 50th anniversary of the 1964 Good Friday Earthquake, the most powerful in recorded North American history.

Given the historical record and inevitable potential of future earthquake activity, Alaska needs the Alaska Seismic Hazards Safety Commission. The ASHSC is statutorily designated as an advisory body for seismic hazard safety mitigation. The ASHSC's overarching purpose is to analyze and disseminate information, review predictions and proposed warnings,

and to provide recommendations for seismic safety mitigation.

I would like to see the termination date of the Alaska Seismic Hazards Safety Commission (ASHSC) extended from June 30, 2014 to June 30, 2020. According to the Division of Legislative Audit, the commission has a demonstrated public need and therefore the termination date should be extended.

The public need is proven and the public interest is served in the following ways:

- 1) The commission assists with seismic hazard safety training efforts. For example, in 2011 and 2012, the ASHSC coordinated with the Department of Military and Veterans Affairs to facilitate training workshops for volunteer first responders who would respond after a severe earthquake.
- 2) They hope to significantly improve school safety by collaborating with the Department of Education and Early Development on seismic issues concerning school construction and renovations. Seismic hazard mitigation efforts for schools are an important commission priority, as schools are critical infrastructure.
- 3) The ASHSC served the public's interest by making seismic hazards mitigation recommendations to the governor, legislature and private entities through annual reports.
- 4) The commission helps facilitate collaboration amongst agencies with related missions and private sector entities on seismic hazard mitigation.

[2:31:53 PM](#)

CO-CHAIR SADDLER opened public testimony.

[2:32:07 PM](#)

ROBERT SCHER, Chair, Alaska Seismic Hazards Safety Commission, explained that the commission was, effectively, an advisory body charged with recommending goals and priorities to mitigate seismic hazards. He stated that the commission would recommend policies for research, mapping, and monitoring, while reviewing practices of recovery and reconstruction after a major earthquake, and to recommend improvements to mitigate loss in

similar future events. He noted that the commission also gathered, analyzed, and disseminated information of general interest, on behalf of the Legislature, the governor, local governments, and the public and private sector. He declared that this was an eclectic body of volunteers, comprised of geologists, the State of Alaska seismologist, civil and structural engineers, emergency responders, and the insurance industry. He shared that he was a civil, geo-technical engineer. He directed attention to the recent Division of Legislative Audit report that the commission functioned in the best interest of the state and the public. He expressed his desire for the commission to be extended for an additional six years, and he assured the committee that some projects were already underway, and others were considered, for this future period. He directed attention to the commission's Annual Report to the Governor and State Legislature for 2013 [Included in members' packets] which included the most recent strategic plan, as well as two letters of support for proposed SB 137. He assured the committee that the commission was always available for consultation and assistance with matters related to earthquakes and tsunamis.

[2:34:58 PM](#)

CO-CHAIR SADDLER pointed out the fiscal note of \$10,000.

[2:35:10 PM](#)

REPRESENTATIVE KAWASAKI directed attention to the fourth bullet point in the Executive Summary from Mr. Scher, which accompanied the aforementioned annual report, and read: "Amend State regulations to assure seismic knowledge of registered civil and structural engineers." He asked how frequently these building codes for seismic hazards were updated.

MR. SCHER explained that the current regulations were adopted from the International Building Code (IBC), which was issued every three years. In 2012, the state had adopted the current regulations, which were the 2009 IBC. He reported that one policy recommendation and a position paper were currently being prepared for future legislation. He pointed out that the 2012 IBC was released within months of the state adopting the 2009 code, and the commission was pursuing legislation to make adoption of the building codes timelier, as it currently lagged the state of practice in engineering and building construction by 6-8 years. He pointed to changes from the 2009 IBC to the 2012 code, which were "particularly applicable in Alaska." He

reported that he was preparing a suggestion to use the 2012 code within the context of the 2009 code for all new public buildings and public schools.

[2:38:54 PM](#)

REPRESENTATIVE TARR asked if the commission had participated in any of the recent 1964 earthquake anniversary events, and if there should be more coordinated, communitywide training events in the future.

MR. SCHER responded with agreement that the training events would be a good strategy, and this would be addressed at the coming face-to-face commission meeting. He shared that many of commission members were involved in the recent anniversary events, and would be reporting on these to the commission.

CO-CHAIR SADDLER closed public testimony.

[2:41:03 PM](#)

CO-CHAIR FEIGE moved to report SB 137, labeled 28-LS1318\A, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, SB 137 was reported from the House Resources Standing Committee.

The committee took a brief at-ease.

HB 371-STATE LAND AND MATERIALS

[2:42:25 PM](#)

CO-CHAIR SADDLER announced that the final order of business would be HOUSE BILL NO. 371, "An Act providing for the Department of Transportation and Public Facilities to hold the surface estate of certain state land; relating to the transfer of certain state land and materials from the Department of Natural Resources to the Department of Transportation and Public Facilities for the construction or maintenance of the state highway system, state airports, and state public buildings and facilities; relating to the lease or sale of certain marine or harbor facilities; relating to the lease or disposal by the Department of Transportation and Public Facilities of rights-of-way, property interests, or improvements that are no longer required; relating to the grant of certain easements over submerged state land to the federal government; relating to the transfer of certain maintenance stations on the James Dalton

Highway to the Department of Transportation and Public Facilities; relating to the conveyance of land for right-of-way purposes from the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; and providing for an effective date."

[2:43:39 PM](#)

CO-CHAIR FEIGE moved to adopt the proposed committee substitute (CS) for HB 371, labeled 28-LS1545\O, Bullock, 4/4/14, as the working draft. There being no objection, Version O was before the committee.

[2:44:02 PM](#)

BECKY ROONEY, Staff, Representative Peggy Wilson, Alaska State Legislature, explained the changes to the proposed Version O. She said that Section 15 had been removed. She reported that HB 371 had been introduced at the request of Department of Transportation & Public Facilities (DOT&PF) and Department of Natural Resources (DNR) and was collaboration between these departments to reduce ambiguity and streamline rights-of-way processes. She declared that this was a no-cost solution that would save time and resources for transportation projects, as well as eliminate contractor requirements between the two departments when accessing road materials for transportation projects. She stated that there would be a reciprocal removal of the 55-year lease limit on US Forest Service transportation easements and DNR log transfer easements.

[2:45:40 PM](#)

KIM RICE, Deputy Commissioner, Office of the Commissioner, Department of Transportation & Public Facilities, explained that the purpose of the bill was to create a relationship between DOT&PF and DNR for the overlap of land process procedures. She said that the bill would streamline project delivery by removing duplicate process, would improve the process for disposal of excess right of way to adjoining property owners, and would reduce bureaucracy for the management of state material sites. She pointed out that the agency did request the removal of Section 15 of the proposed bill. She stated that the agency had been diligent in its attempt to respond to all the public comments and make clarifications and changes per those requests. She paraphrased from the Sectional Analysis [included in members' packets], which read:

Sec. 3, 5 & 8. These sections are identical in form and establish a process for the transfer of state-owned public domain land to DOT&PF for the construction or maintenance of state-owned airports (AS 02), highways (AS 19) and public facilities (AS 35). Within four months of DOT&PF's written determination that public domain land is reasonably necessary for a DOT&PF facility, DNR must transfer title to the surface estate of the identified property. The public receives notice of the intended transfer of state land by posting of DOT&PF's written determination and property plans. These sections clarify that a transfer of land from DNR to DOT&PF is not a "disposal" of state land and that the transfer of state property for the construction or maintenance of the state's infrastructure is presumed to be in the public interest.

MS. RICE directed attention to the [Typical DOT&PF] Project Development Process flow chart [included in members' packets] which described the dealings with agencies and the public through the National Environmental Policy Act (NEPA) of 1969. She explained that, although there was a misperception that this process did not happen on all state projects, it was required if there were wetlands or archaeological sites involved. This dictated the public involvement process, which included a checklist. She assured the committee that the public process was not being thrown away, but was being offered earlier in the project development process.

[2:49:56 PM](#)

JOHN BENNETT, Right-of-Way Chief, Northern Region, Department of Transportation & Public Facilities, relayed that, as some of the existing language in the disposal statutes was confusing and difficult, the proposed bill attempted to provide language that was uniform for aviation, highways, and public facilities, in order to solve some of the problems. He paraphrased from the Sectional Analysis, [included in members' packets], which read:

Sec. 2, 4 & 10. These sections are identical in form and provide uniform language across all of DOT&PF's statutory authorities for the disposal of excess land and property interests for airports (AS 02), highways (AS 19) and public facilities (AS 35). Upon a DOT&PF determination that lands or property interests are excess to its needs, DOT&PF shall notify DNR to allow

the transfer of excess lands to be used for other public purposes. DOT&PF retains its current authority to dispose excess property and improvements according to the terms and conditions established by the DOT&PF commissioner.

MR. BENNETT explained that this essentially offered DNR the first right of refusal for the return of excess land, which also allowed the opportunity to assist adjoining property owners. He offered an anecdote for sewage lagoons within the right of way and the unresolvable disposal issues, which would now be resolvable with the proposed bill. He relayed another anecdote for the return of excess land, under AS 35, which stated that it had to be returned to the vested owner. This resulted in a situation whereby, when the original owner could not be found, the land could not be sold.

[2:53:25 PM](#)

SEAN LYNCH, Assistant Attorney General, Transportation Section, Civil Division (Juneau), Department of Law, paraphrased from Sections 1, 6, and 9, which read:

Sec. 1, 6 & 9. These sections are identical in form and resolve an ambiguity in state law that vests DOT&PF with authority to hold and manage airports (AS 02), highways (AS 19), public facilities (AS 35), and vests DNR with authority to hold and manage state lands (AS 38). These sections clarify that DOT&PF has primary authority to manage the surface estate of its facilities; DNR retains its authority to administer its statutory authorities on highway, airport, and public facility land, upon DOT&PF terms and conditions to protect the state's infrastructure.

MR. LYNCH explained that this placed DOT&PF in the primary regulatory position regarding highway rights-of-way, instead of the current overlapping authority with DNR for state land. He said a similar issue for material sales was addressed in Section 13, an amendment to the DNR Alaska Lands Act, which broadened the existing DOT&PF exemptions in AS 38.05.030 to exempt DOT&PF from the DNR material sales contract requirements, while DNR retained its full authority to issue material sales contracts.

[2:56:24 PM](#)

CO-CHAIR SADDLER asked whether DOT&PF would have to declare that the material was surplus to its needs before DNR could sell it to the public.

MR. LYNCH explained that third party sales were under an Alaska Lands Act standard. The DNR sales were determined by best interest to the state, and DOT&PF would coordinate with DNR for third party sales.

CO-CHAIR SADDLER asked if there were examples of legislative appropriation supplanting best interest findings.

MR. LYNCH directed attention to the lands acquisition in Sections 3, 5, and 8, and explained that the transfer of public domain from DNR to DOT&PF was not a disposal of state land, it was a transfer presumed to be in the public interest. He said there was not a need for a best interest finding under the Alaska Lands Act when state land was appropriated for a state infrastructure project.

CO-CHAIR SADDLER asked for similar examples in state law of this language where the action is presumed to be in the state's interest without a best interest finding.

MR. LYNCH reported that examples of other state agencies exempt from the Alaska Lands Act included the University of Alaska, the Alaska Railroad, and the Alaska Mental Health Trust Authority, and therefore did not need best interest findings.

[3:00:55 PM](#)

REPRESENTATIVE TARR requested further clarification on Section 13.

WYN MENEFE, Chief of Operations, Division of Mining, Land and Water, Department of Natural Resources, clarified that Section 13 was different than the previous Sections 1, 6, and 9, which recognized the DOT&PF primary authority on lands needed for rights of way, and Sections 3, 5, and 8, which transferred needed lands. Section 13 offered DOT&PF the liberty to go into and obtain materials from many other material sites which were not managed by DOT&PF, without a material contract or any charge. He clarified that it was up to DOT&PF to determine how to manage what was necessary, as DNR would manage for a different purpose.

REPRESENTATIVE TARR inquired as to where this was located in the budget, as DNR would no longer receive the revenue for materials used by DOT&PF.

MR. MENEFEЕ explained that there would be no charge or transfer of monies for materials used by DOT&PF. DOT&PF currently paid DNR an administrative processing fee for a material sales contract, but under proposed HB 371, there would be no transfer of funds between the departments.

MS. RICE explained that the administrative fees covered the contract cost, but under the proposed bill, there would not be any contract written. She added that DNR would consult with DOT&PF and would limit its material sales based on those requests. She pointed out that an existing third party contract would not be affected.

[3:04:20 PM](#)

MR. BENNETT directed attention to concerns for Section 3, 5, and 8, and the process for acquiring new property from DNR for projects. Eliminating DNR from the decision-making process and the public notice would reduce transparency to the public, but as legislation specified that DOT&PF would determine that the lands were reasonably necessary, another point of public notice was added to the process with no net loss in public involvement or notice. He stated that public involvement and process was extensive and varied depending on the complexity of the project.

CO-CHAIR SADDLER held over HB 371.

[3:05:54 PM](#)

ADJOURNMENT

The committee recessed to a call of the chair at 3:05 p.m. [The meeting reconvened at 9:03 a.m. on April 8.]