

SENATE FINANCE COMMITTEE

April 13, 2016

9:10 a.m.

[9:10:57 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:10 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair
Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Click Bishop
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

None

ALSO PRESENT

Eddie Grasser, Safari Club International, Alaska Chapter, Juneau; Rod Arno, Alaska Outdoor Council, Juneau; Ron Somerville, Territorial Sportsmen, Juneau; Thor Stacey, Alaska Professional Hunters, Juneau; Matt Robus, Self, Juneau; Representative Dave Talerico, Sponsor; Joshua Banks, Staff, Representative Dave Talerico; Kevin Brooks, Deputy Commissioner, Department of Fish and Game; Juli Lucky, Staff, Representative Mike Hawker; David Teal, Director, Legislative Finance Division.

PRESENT VIA TELECONFERENCE

Al Barrette, Self, Fairbanks; Charles Derrick, The Chitina Dipnetters Association, Fairbanks; Doug Vincent-Lang, Self, Anchorage; Bruce Dale, Director, Wildlife Conservation, Department of Fish and Game; Tom Brookover, Director, Division of Sport Fish, Department of Fish and Game; Bernard Chastain, Major, Alaska Wildlife Troopers, Anchorage.

SUMMARY

CSHB 137(FIN)am

HUNT/FISH/TRAP: FEES;LICENSES;EXEMPTIONS

CSHB 137(FIN)am was HEARD and HELD in committee for further consideration.

CSHB 222(FIN)

INCREASE OF APPROPRIATION ITEM

CSHB 222(FIN) was HEARD and HELD in committee for further consideration.

#hb137

CS FOR HOUSE BILL NO. 137(FIN) am

"An Act raising certain fees related to sport fishing, hunting, and trapping; relating to the fish and game fund; providing for the repeal of the sport fishing surcharge and sport fishing facility revenue bonds; replacing the permanent sport fishing, hunting, or trapping identification card for certain residents with an identification card valid for three years; relating to hunting and fishing by proxy; relating to fish and game conservation decals; raising the age of eligibility for a sport fishing, hunting, or trapping license exemption for state residents; raising the age at which a state resident is required to obtain a license for sport fishing, hunting, or trapping; and providing for an effective date."

9:12:48 AM

AL BARRETTE, SELF, FAIRBANKS (via teleconference), testified in opposition to the bill, until the issue of the low income licensed was addressed. He felt that those that were low income could handle an increase in their license fees. He spoke out in opposition to the Chitina dip netting fee, and felt he did not need to pay the fee because he paid taxes that were used for road maintenance. He felt that subsistence fishermen should be required to have a fishing license. He thought that the language, "immediately upon capture", on Page 5, line 17, should be changed to, "before leaving the kill site".

9:16:35 AM

EDDIE GRASSER, SAFARI CLUB INTERNATIONAL, ALASKA CHAPTER, JUNEAU, shared that many groups had recently come together to support the increase in licensing fees, among them Territorial Sportsman, Alaska Professional Hunters Association, Alaska Outdoor Council, and Safari Club International Chapter. He spoke in support of the licensing fees, and felt that the money should be spent to benefit those that were paying the fees. He shared that sportsmen, hunters, and anglers paid for the majority of the conservation efforts in the state. He hoped that the legislation would provide the department the resources to manage the wildlife in the state, and counteract federal overreach.

[9:19:03 AM](#)

Senator Dunleavy asked whether the group had problems with aspects of the bill other than what Mr. Grasser had mentioned.

Mr. Grasser replied that Safari Club International Alaska Chapter supported the legislation as it was written, but recognized that there were questions about some language added in Senate Resources Committee; particularly the Sockeye salmon stamp, which he understood had not been supported by the sport fishing community.

[9:19:56 AM](#)

Senator Olson requested that Mr. Grasser speak to the previous testifiers suggested language change on Page 5, line 17.

Mr. Grasser responded that his organization agreed with the suggested language change. He noted that "punching a tag" immediately upon capture was not practical in some situations.

Co-Chair MacKinnon welcomed Senator Bishop to the table.

[9:21:26 AM](#)

ROD ARNO, EXECUTIVE DIRECTOR, ALASKA OUTDOOR COUNCIL, JUNEAU, testified that the most pressing issue concerning the bill was related to game. He noted that due to the massive sale of firearms in the country there was plenty of money available to the state for wildlife restoration

through the Pittman-Robertson Federal Aid in Wildlife Restoration Act. He lamented that federal land managers were moving to mandate a restriction of predator/prey management, which created conflict on state lands to provide a harvestable surplus.

[9:23:06 AM](#)

Senator Dunleavy asked whether the organization had any concerns with the legislation.

Mr. Arno replied in the affirmative, and related the concerns voiced by the previous testifier about the changes made to the bill in Senate Resources Committee; specifically, the Sockeye salmon stamp. He argued that the public should not be burdened to provide the funds to restore and already abundant population.

[9:24:11 AM](#)

RON SOMERVILLE, TERRITORIAL SPORTSMEN, JUNEAU, referred to two documents, "Hunting/Sport Fishing License Increase Compromise Proposal, Updated 4/12/16" and "Wildlife Restoration - PR Funds for Alaska FY02-FY15 (Projected for FY 16-FY 17)" (copies on file). He related that there was approximately \$10 million of available federal dollars that the state was not able to obligate because it did not have the matching funds. He said that the state had the potential of reverting \$2 million federal dollars in FY17, and \$6 million in FY18, if DF&G funds did not increase. He relayed that wildlife populations in the state were not intensely managed, but were selectively managed in areas where those involved felt would be most successful. He said that those management efforts had resulted in more moose and caribou available for the hunt. He reiterated the idea of increasing fees for low income Alaskans. He emphasized the importance of DF&G money to the continuation of the sport fish and wildlife programs. He opined that federal aid money could not be used in intensive management programs, which required the use of General Fund dollars or DF&G funds. He stressed that if the DF&Gs contribution did not increase the state would be forced to cut back on the intensive management program.

[9:27:55 AM](#)

Co-Chair MacKinnon directed committee attention to the document, "Hunting/Sport Fishing License Increase Compromise Proposal", and asked whether the testifier agreed with column D.

Mr. Somerville replied in the affirmative. He said that the column contained the compromise position that had been crafted by the four groups mentioned by Mr. Grasser.

[9:28:29 AM](#)

Co-Chair MacKinnon shared that the documents could be located on BASIS.

[9:29:30 AM](#)

THOR STACEY, ALASKA PROFESSIONAL HUNTERS, JUNEAU, testified in strong support of the legislation. He said that hunting guides recognized that the resource was owned by the general public, and that it was a privilege for their businesses to have access and to profit commercially from the population. He stated that the bill listed substantial increases for non-resident hunter's licenses and tags, which would come out of the bottom line of members businesses and were appropriate and within a fair market value for the resource. He expressed the concern for the potential reverting of federal funds. He envisioned that the money could be spent by the department to support the public process, which he believed was an important and well-intended commitment by the department. He said that the intensive management surcharge benefitted the state because it assured that intensive management was a priority to the department, regardless of politics. He believed that the fees contributed to a strong and robust department that would be able to resist federal overreach and encroachment, and would result in data driven decisions in court. He shared that his organization was constantly fighting against federal permitting on federal lands, which was one of the core missions of his group in order to maintain access to Alaska's National Wildlife Refuge and park preserves. He believed that the bill would help to provide state sovereignty.

[9:33:09 AM](#)

CHARLES DERRICK, THE CHITINA DIPNETTERS ASSOCIATION, FAIRBANKS (via teleconference), testified that the

association had wanted money from the \$15 fee earmarked for garbage and toilet services, as well as Department of Transportation road maintenance from Chitina to Haley Creek. He said that while the annual cost for toilet and garbage contract should have remained steady, the amount needed annually for the road maintenance between O'Brien Creek and Haley Creek could vary depending on new landslides or terrain. He stated that for these reason CDA wanted the Chitina permit fee money placed into a special account with in DF&G, where money left over from one year to fulfill the three services could accumulate and be used in subsequent years. He expressed appreciation that the language in the bill had been tightened up, but requested that the special account be set up in the department for the Chitina dip net fee money.

[9:34:35 AM](#)

Co-Chair MacKinnon shared that the garbage problem was being discussed.

Mr. Derrick stated that the Chitina dip net fee was its own dip net permit and was separate from the Southcentral dip net permit.

[9:35:37 AM](#)

Vice-Chair Micciche wondered whether the Chitina dip net permit was indicated by a stamp on the license.

Mr. Derrick replied that the permit would be physically handed to the person who paid the \$15 fee.

[9:37:00 AM](#)

MATT ROBUS, SELF, JUNEAU, emphasized the importance of raising fees in order to bring in money to allow the department to retrieve all of the sportsman money that was held and passed through the federal government. He stated that the Pittman-Robertson funds were used to perform "bread and butter" wildlife management, every day of the year, and that the fees had not been increased in over 20 years. He noted that the intensive management that was required by state law, coupled with diminishing General Funds, highlighted the departments need for the federal funds. He pointed out to the committee that under the current version of the bill the combination hunting and

fishing license would cost more than buying the two licenses separately. He did not suggest a decrease in the price of the combination license, but advocated for coalition level pricing.

[9:39:37 AM](#)

Senator Olson remarked that there had not been an increase in fees for 23 years, and wondered why the department had not pushed for a fee increase earlier.

Mr. Robus replied that he could not speak for the department because he did not work at the department, but he indicated that the department supported the fee increases.

[9:40:11 AM](#)

Senator Olson noted that Mr. Robus had worked for the department for 13 years.

Mr. Robus responded that he was with the department for 27 years.

Senator Olson asked why Mr. Robus had not advocated for an increase before he retired.

Mr. Robus replied that the reversion of federal funds had sparked the interest in the fee increase, which had not been an issue when he was employed with the department.

[9:41:10 AM](#)

Senator Dunleavy felt that the Pittman-Robertson funding had increased under the Obama Administration and had contributed to the need for the fee increase.

[9:41:53 AM](#)

DOUG VINCENT-LANG, SELF, ANCHORAGE (via teleconference), spoke in support of the legislation. He felt that the increased fees were necessary in order to match the Pittman-Robertson. He suggested that the language that had been added in the previous committee, related to the intensive management surcharge as a dedicated fund, should be retained. He felt that the commitment to phase out the hatchery surcharge should be honored.

Co-Chair MacKinnon CLOSED public testimony.

[9:44:11 AM](#)

REPRESENTATIVE DAVE TALERICO, SPONSOR, introduced the legislation. He relayed that the inspiration for the bill had been to raise certain fees related to sport fishing, hunting, and trapping licenses, a large portion of which was non-resident big game tax. He noted that the state was facing a financial crisis and that the bill could maintain the opportunity for people to fish and hunt in the state. He said that as funding disappeared, the department would be required to manage more conservatively, which would cut into hunting and fishing seasons for Alaskans. He spoke to the low income license, which had been set using the poverty guideline of \$8,200 per year. He believed that the number needed to be adjusted for inflation. He noted that the poverty guideline contained a loophole which allowed those receiving any type of public assistance to purchase a license at the low income rate, and offered an anecdote related to misuse of the rate. He noted that he had paid \$49 for his current license, which would cost \$121, were it adjusted for inflation. He said that Alaska had rates higher than tag fees in other states.

[9:49:02 AM](#)

Senator Olson wondered whether the sponsor supported the amendments made to the bill by the previous committee.

Representative Talerico expressed concern regarding the affordability of the fees. He said that the addition of the intense management fee should be halved for residents, or that a savings should be built into the resident's license fee.

[9:49:48 AM](#)

Senator Olson noted the fee schedule on Page 5 of the bill. He queried why the fee for wolf hunting had not been adjusted to reflect the intense management fee.

Representative Talerico said that he supported intensive management. He asserted that he had wanted the fees to remain reasonable.

[9:50:45 AM](#)

Senator Olson noted that the fee for wolverines was \$350, while the fee for wolves was only \$30.

Representative Talerico responded that hunting wolves was less of a challenge than pursuing a wolverine.

[9:51:28 AM](#)

Senator Olson shared that he was a pilot for resident and non-resident hunters. He turned to Page 4, which spoke to tagging the animal immediately upon capture. He found that the requirement was cumbersome, particularly when it became time to haul the meat, which was easier if the carcass was dismembered. He wondered why the requirement had been added to the bill.

Representative Talerico said that he was unaware of the suggestion to tag upon capture. He believed that the language suggested by Mr. Barrette would be more appropriate.

[9:52:28 AM](#)

JOSHUA BANKS, STAFF, REPRESENTATIVE DAVE TALERICO, discussed the Sectional Analysis (copy on file):

Sec. 1 - AS 16.05.130

Creates a new subsection that creates the sustainable wildlife account as a subaccount in the fish and game fund to deposit money obtained through the intensive management surcharge. Requires this fund to be used for intensive management programs under AS 16.05.255(e).

Sec. 2 - AS 16.05.251(a)

Amends this section to conform to Section 25 (raising resident license requirement age to 18 and the exemption age to 65) of this bill.

Sec. 3 - AS 16.05.340(a)(1)

Amends this section to raise the resident sport fishing license fee from \$15 to \$20 and raises the fee for residents who are blind from \$0.25 to \$0.50.

Sec. 4 - AS 16.05.340(a)(2)

Amends this section to raise the resident hunting license fee from \$25 to \$35.

Sec. 5 - AS 16.05.340(a)(3)

Amends this section to raise the fee for a resident hunting and trapping combination license from \$39 to \$60.

Sec. 6 - AS 16.05.340(a)(4)

Amends this section to raise the resident trapping license fee from \$15 to \$25.

Sec. 7 - AS 16.05.340(a)(5)

Amends this section to raise the fee for a resident hunting and sport fishing combination license from \$39 to \$60.

Sec. 8 - AS 16.05.340(a)(6)

Makes multiple amendments to this section including raising the fee for a resident hunting, trapping, and sport fishing combination license from \$53 to \$80. Changes low-income license eligibility so that a person receiving federal or state welfare assistance is not eligible unless they meet the income requirement. Also sets the maximum annual family gross income to match the federal poverty level for the individual's household size in Alaska.

Sec. 9 - AS 16.05.340(a)(7)

Amends this section to raise the four nonresident sport fishing license fees.

14-day license from \$50 to \$75

Seven-day license from \$30 to \$45

Three-day license is raised from \$20 to \$30

One-day license from \$10 to \$15

Sec. 10 - AS 16.05.340(a)(8)

Amends this section to raise the annual nonresident sport fishing license fee from \$100 to \$150.

Sec. 11 - AS 16.05.340(a)(9)

Amends this section to raise the nonresident hunting license fee from \$85 to \$130.

Sec. 12 - AS 16.05.340(a)(11)

Amends this section to raise the nonresident hunting and trapping combination license fee from \$250 to \$375.

Sec. 13 - AS 16.05.340(a)(15)

Amends this section to raise the following nonresident big game tag fees.

Black bear from \$225 to \$450
Brown or grizzly bear from \$500 to \$1,000
Bison from \$450 to \$900
Caribou from \$325 to \$650
Deer from \$150 to \$300
Elk and goat from \$300 to \$600
Moose from \$400 to \$800
Sheep from \$425 to \$850
Wolverine from \$175 to \$350
Musk oxen from \$1,100 to \$2,200

This section also amends a citation to AS 16.05.255 to more specifically point to subsection (e) of this section.

Sec. 14 - AS 16.05.340(a)(17)

Makes multiple amendments to this section by raising the exemption age for a resident engaging in waterfowl hunting without a waterfowl tag from 16 to 18 and from 60 to 65. This section also raises the waterfowl conservation tag from \$5 to \$10.

Sec. 15 - AS 16.05.340(a)(19)

Amends this section to increase the small game hunting license fee from \$20 to \$30.

Sec. 16 - AS 16.05.340(a)(20)

Amends this section to increase the nonresident alien hunting license fee from \$300 to \$600.

Sec. 17 - AS 16.05.340(a)(21)

Amends this section to raise the following nonresident alien big game tag fees.

Black bear from \$300 to \$600
Brown or grizzly bear and bison from \$650 to \$1,300
Caribou from \$425 to \$850
Deer from \$200 to \$400
Elk and goat from \$400 to \$800
Moose from \$500 to \$1,000
Musk oxen from \$1,500 to \$3,000

Sheep from \$550 to \$1,100
Wolverine from \$250 to \$500

This section also amends a citation to AS 16.05.255 to more specifically point to subsection (e) of this section.

Sec. 18 - AS 16.05.340(a)(22)

Amends this section to reinstate a \$15 Chitina dip net fishing permit fee.

Sec. 19 - AS 16.05.340(a)(23)

Amends this section to raise the resident anadromous king salmon tag from \$10 to \$15. This section is also amended to conform to Sections 3 (raising resident blind fee) and 25 (raising resident license requirement age to 18 and the exemption age to 65) of this bill.

Sec. 20 - AS 16.05.340(a)(24)

Amends this section to raise all six nonresident anadromous king salmon tag fees.

One-day tag from \$10 to \$15
Three-day tag from \$20 to \$30
Seven-day tag from \$30 to \$45
14-day tag from \$50 to \$75
Annual tag from \$100 to \$150
Annual nonresident military tag from \$20 to \$30

Sec. 21 - AS 16.05.340(a)

Creates new sections to establish fees for an anadromous sockeye salmon tag for the Kenai and Kasilof rivers' watersheds. Section (a)(27) creates a resident tag fee of \$15 and exempts a person who is blind, under the age of 18, a resident 65 years or older, a disabled veteran, or qualifies for the low-income license from being required to have a tag. Section (a)(28) creates nonresident anadromous sockeye salmon tags and exempts a person under the age of 16 from being required to have a tag.

One-day tag is \$15
Three-day tag is \$30
Seven-day tag is \$45
14-day tag is \$75
Annual tag is \$150

Annual nonresident military tag is \$30

Sec. 22 - AS 16.05.340(i)

Amends this section to delete a reference relating to the hatchery surcharge that will go into effect under Section 35 when the hatchery bonds are paid in full.

Sec. 23 - AS 16.05.340

Creates a new section to establish the intensive management surcharge that must be paid in addition to each fee for a hunting license. The fee for a resident is \$10 and the fee for a nonresident is \$30. This section also creates an exemption for a person eligible for a low-income license from being required to pay the surcharge.

Sec. 24 - AS 16.05.352

Adds a new section that creates an annual voluntary fish and game conservation decal that the Alaska Department of Fish & Game (ADF&G) will produce and make available to the public. This section also directs the Department to provide for the selection of design for the conservation decals and that the commissioner may produce the quantity of decals considered appropriate. The fee for this decal is \$20 per person and the Legislature may appropriate these funds to fish and wildlife conservation programs.

Sec. 25 - AS 16.05.400

Amends this section to raise the age required for a resident to have a sport fishing, hunting, or trapping license from 16 to 18. Provisions in this section regarding nonresidents are not amended. Also amends this section to raise the age from 60 to 65 for a resident to obtain an exemption from paying a fee for a sport fishing, hunting, or trapping license. Creates a requirement that residents that obtain this exemption must renew it every three years.

Sec. 26-30 - AS 16.05.403-16.05.415

Makes amendments to AS 16.05.403, 16.05.405, and 16.05.415 to conform with the change made in Section 25 regarding the license exemption for residents over the age of 65.

Sections 27 and 28 amend the fishing and hunting by proxy statute by allowing a resident to hunt

or sport fish on behalf of a person with a developmental disability.

Sec. 31 - AS 16.10.570

Amends this section by amending the title and add new requirements under this section. ADF&G with the Department of Transportation and the Department Natural Resources will need to maintain and improve state-owned land used to access the Chitina dip net fishery and maintain and operate sanitary facilities for people using the dip net fishery.

Sec. 32 - Repealed Statute

Repeals the two sections regarding the intensive management surcharge in AS 16.05.130(g) (Section 1) and 16.05.340(k) (Section 23) after the sunset date set in Section 37.

Sec. 33 - Repealed Statute

Repeals sections in statute relating to the fish hatchery bonds under AS 16.05.100(2), 16.05.130(e), 16.05.130(f), 16.05.340(j), and AS 37.15.765 - 37.15.799.

Sec. 34 - Uncodified Law

Adds a new section to the uncodified law of Alaska to ensure that residents that are eligible for a sport fishing, hunting, or trapping license exemption under AS 16.05.400(b) before the effective date of this bill will continue to be eligible for the exemption. This section also requires residents currently eligible for this identification card to renew the card by January 1, 2020, and that ADF&G must notify a current holder of the card that they must renew the card.

Sec. 35 - Uncodified Law and Conditional Effect

Adds a new section requiring the commissioner of fish and game to notify the revisor of statutes when all costs associated with the fish hatchery bonds issued under AS 37.15.765 - 37.15.799 are paid and all obligations are fully met and discharged. This section also establishes that Sections 22 and 33 will only go into effect if the notice is given to the revisor of statutes.

Sec. 36 - Effective Date

Adds a new section stating that the effective date for Sections 22 and 33 will be January 1 of the calendar year following the year of notice under Sec. 35 of this bill.

Sec. 37 - Sunset Date

Creates a sunset date of December 31, 2022 for the intensive management surcharge language in Sections 1 and 23.

Sec. 38 - Effective Date

Creates an effective date for the bill, except as provided in Sections 36 and 37, to be January 1, 2017.

[10:00:31 AM](#)

Co-Chair MacKinnon expressed concern with certain areas of the bill. She relayed that amendments would be due by noon the following day. She said that the combination fishing license fee needed to be resolved, as well as the Sockeye salmon stamp. She added that the committee would also discuss the kill site tagging issue and the Chitina dip netting matter.

[10:01:16 AM](#)

Senator Hoffman wondered why seniors were required to renew their licenses every 3 years.

Representative Talerico responded that people were moving out of state after they retired, while keeping ahold of their permanent licenses. He said that people who were no longer residents were using these licenses on a regular basis, the renewal would put a stop to that misuse.

[10:01:57 AM](#)

Senator Olson asked what the current law allowed.

Representative Talerico replied that the current law allowed for a permanent license to be issued after the age of 60.

[10:02:09 AM](#)

Senator Hoffman said that, under current law, if the senior could not prove residency the license would be void.

Representative Talerico responded that once the license had been established as a permanent license, whether or not the person lives in the state, as long as they had the physical license it would be identified as a permanent license.

[10:03:03 AM](#)

Co-Chair MacKinnon asked whether grandfather language existed in the bill to protect the licenses that had already been issued. She queried how the seniors would be informed of the 3 year update requirement and whether their license needed and update.

Representative Talerico assumed that already established licenses would be grandfathered in, but he believed that a new license would need to be created that would require a renewal; he believed that the permanent licenses that had been issued did not have an expiration date. He lamented that he was not exactly sure how the issue would be handled.

[10:03:48 AM](#)

Co-Chair MacKinnon asserted that the committee would craft language that resolved the issue.

[10:04:22 AM](#)

Senator Hoffman wondered how the transition from the 60 year age limit, to the 65 year age limit, would be handled.

Representative Talerico said that everyone that had already received the license would be grandfathered in, and on the effective date the 65 year age limit would be employed.

[10:05:29 AM](#)

Vice-Chair Micciche queried the terminology of the word "capture" in the language of the bill.

Senator Olson believed that "capture" was a federal term for killing an animal while hunting.

[10:06:08 AM](#)

Co-Chair Kelly asked whether schedules could be provided that detailed the variety and costs of commercial fishing permits.

Representative Talerico replied that he had not looked into commercial fishing permits.

[10:06:32 AM](#)

Co-Chair Kelly requested the information before noon that day.

[10:06:41 AM](#)

Co-Chair MacKinnon restated that the committee would objectively examine the issue and would remain neutral on the "fish wars".

[10:07:03 AM](#)

Co-Chair Kelly interjected that when sport fishing rates were substantially raised, and commercial fishing rates were not, neutrality on the issue was questionable.

Co-Chair MacKinnon appreciated the conversation. She understood that the issue was a sensitive one, and that the committee would work toward parity moving forward.

[10:07:47 AM](#)

Co-Chair Kelly suggested that the bill should strictly pertain to game hunting, in order to avoid the fish wars.

[10:08:07 AM](#)

Senator Bishop requested a meeting with the sponsor to discuss the wolf tag fee for non-residents.

[10:08:45 AM](#)

Co-Chair MacKinnon wanted to understand the considerations that resulted in the amendments from the prior committee.

[10:09:07 AM](#)

Vice-Chair Micciche explained that there had been excitement surrounding the groups that had come together in

agreement over the fees. He believed that more work needed to be done on the fish related issues. He relayed that the working groups had largely worked on the game issues. He hoped that work could be done with a fisheries working group to arrive at a similar level of agreement.

[10:09:50 AM](#)

Co-Chair MacKinnon noted that the spreadsheet outlined a reduction in sports residency increases, a reduction in musk oxen take, and an increase in the intensive management surcharge.

Representative Talerico replied that he had not been a large supporter on intensive management. He understood why it had been added to the bill, but thought that the figure was high for his residents. He stated that he would prefer that the figure be cut in half for residents, or that the resident hunting license fee be lowered.

[10:11:03 AM](#)

Co-Chair MacKinnon spoke of raising the age from 16, to 18, from current statute. She understood that non-resident hunters were being treated differently on the age requirement than residents. She wondered whether this could present an equal rights issue.

Representative Talerico responded that he could not speak to the issue.

[10:11:36 AM](#)

Co-Chair MacKinnon looked at Page 2, lines 19 and 20:

(B) residents under 18 years of age and nonresidents [PERSONS] under 16 years of age to participate in sport fishing;

Vice-Chair Micciche explained that there had been a lot of changes made, and referred to the summary of changes in member files (copy on file).

Co-Chair MacKinnon explained that she wanted members to have as much information as possible, concerning why the

prior committee made the changes, when crafting amendments to the legislation.

Vice-Chair Micciche noted the legal services memorandum on the Carlson case (copy on file). He did not believe that the memo dealt with the differences between resident and non-resident fees.

Co-Chair MacKinnon solicited further concerns from the committee. She added that her staff would work with the sponsor to craft a workable bill for all sides involved in the use of the resource.

[10:14:55 AM](#)

Senator Olson wondered whether there could be a consideration made for someone for an elder by proxy.

[10:16:08 AM](#)

BRUCE DALE, DIRECTOR, WILDLIFE CONSERVATION, DEPARTMENT OF FISH AND GAME (via teleconference), explained that current statute provided for proxy hunting for anyone 65 years of age or older.

[10:16:38 AM](#)

TOM BROOKOVER, DIRECTOR, DIVISION OF SPORT FISH, DEPARTMENT OF FISH AND GAME (via teleconference), was available for questions.

[10:16:54 AM](#)

BERNARD CHASTAIN, MAJOR, ALASKA WILDLIFE TROOPERS, ANCHORAGE (via teleconference), was available to answer enforcement related questions.

[10:17:13 AM](#)

Co-Chair MacKinnon noted that there was not a representative from the Department of Law present.

Mr. Brooks offered to expound upon several issues raised by the committee. He spoke to the prior committee's addition of the Chitina dip net permit language. He said that there would be a charge for the documents, which were currently free, and that they would be accounted for autonomously in

the Fish and Game fund. He suggested a future conversation related to how much money was generated by the fees, how the expenditures occurred; all of the funding that went into the Fish and Game fund was subject to appropriation by the legislature, and he believed that there was a process in place to track for Chitina dip net permits, Sockeye salmon stamps, or anything that the legislature moved forward. He said that the fund was dedicated and that the dip netting fee would be separately accounted for in a sub-account of the fund.

[10:18:27 AM](#)

Co-Chair MacKinnon corrected that the fund was "designated", and not "dedicated".

Mr. Brooks rebutted that the Fish and Game fund had been established at the beginning of statehood, was required for the federal match, and was appropriately termed "dedicated".

[10:19:01 AM](#)

Vice-Chair Micciche asked whether the department had accounted for families consolidating payments for dip netting fees.

Mr. Brooks replied that the criteria for "a household" would apply to families. He estimated that there was approximately 12,000 people that fell under the criteria. He said that the numbers had not been refined in anticipation of how people might attempt to consolidate their fees.

CSHB 137(FIN)am was HEARD and HELD in committee for further consideration.

#hb222

CS FOR HOUSE BILL NO. 222(FIN)

"An Act relating to increases of appropriation items."

[10:20:37 AM](#)

JULI LUCKY, STAFF, REPRESENTATIVE MIKE HAWKER, explained that the legislation aimed to protect the legislatures constitutional power of appropriation by allowing the

legislature to now only decide what additional money was accepted during the interim, but more importantly, to specify what would not be accepted. She relayed that all appropriations had to be authorized by lay, meaning that they must be included in a budget that was voted on by the full body during legislative session. She said that for some appropriation items, the full amount was unknown during the budgetary process, which meant that additional funds could become available during the legislative interim. She related that in order for the Executive Branch to accept the additional funds, the legislature had codified the Revised Program Legislative (RPL) process, a two-step process that appropriated money contingent upon the governor following AS 37.37080. She elaborated on the RPL process. She explained that the spirit of the RPL process was to allow the Executive Branch to efficiently accept funds in a timely fashion when the legislature was not there to approve them, and if the process did not exist, all funds would be delayed until the next legislative session. She noted the RPL would not be considered new funds, but new programs could be added using an RPL if allowed by appropriation language approved in the budget. She related that the bill would allow language to be written into the budget that would expressly prohibit the use of the RPL process for a specific appropriation item. She furthered that items would need to come before the full legislature, either during a special session or the next budget cycle. She relayed that the bill would increase the waiting period from 45 to 90 days. She highlighted that the legislation would not change the legislative budget process. She asserted that the bill did not present a Constitutional problem because it would stop an appropriation before it occurred, rather than controlling the expenditure after the legislature had appropriated the money to the executive branch.

[10:25:40 AM](#)

Senator Dunleavy asked whether the bill assumed that mandates would be attached to any accepted funds.

Ms. Lucky understood that the legislation would not alter how RPLs were vetted.

[10:27:05 AM](#)

Co-Chair MacKinnon invited David Teal, Director, Legislative Finance Division, to the table for further clarification. She offered her understanding of the RPL process.

[10:27:21 AM](#)

DAVID TEAL, DIRECTOR, LEGISLATIVE FINANCE DIVISION, clarified that the RPL process differed between the Capital and Operating Budgets. He said that because the legislature could not delegate its power of appropriation to a committee, any new capital project would be viewed as an independent appropriation; only existing capital projects that were already on the books could go before the Legislative Budget and Audit Committee for the RPL process. He explained that the appropriation for the Operating Budget were more broad, and were granted to an agency in order to meet its mission; as long as an RPL fell between the mission or responsibility of the agency, it could be for a brand new purpose.

[10:28:40 AM](#)

Senator Dunleavy asked whether the bill would curb the encouragement, written into certain legislation, for departments to seek federal funds.

Mr. Teal replied that he was not sure. He said that the primary language was, "unless expressly prohibited by the language of the appropriation", which he interpreted to mean that a department could prohibit certain programs or allocations from participating in the RPL process. He said that there could even be language in the annual appropriation bill that said that specific departments could not use the RPL process.

[10:30:33 AM](#)

Senator Dunleavy spoke to the Department of Education and Early Development. He relayed that the Elementary and Secondary Education Act (ESEA) had been developed in 1965 because the federal government wanted to bypass legislatures, whom they believed were not implementing the Civil Rights Act.

Mr. Teal responded that Alaska was one of several states that appropriated federal money. He said that there were

states where federal money went directly to education, and was not appropriated by the legislature, the legislature appropriated only General Funds. He contended that it did not work that way in Alaska; and agency could not accept federal dollars, and spend it, without legislative authority. He stressed that even if the federal government was trying to give the Alaska Department of Education and Early Development money to do something, the legislature retained control over whether the department could accept the funds.

[10:33:11 AM](#)

Senator Dunleavy warned that it was "important to read the fine print" when the federal government offered Alaska money.

Mr. Teal agreed that the Legislative Budget and Audit Committee would be responsible for paying attention to potential mandates attached to federal dollars.

[10:33:58 AM](#)

Co-Chair MacKinnon noted that the bill addressed the RPL process of the whole legislature. She noted that there were other sections in statute that addressed how other funds were accepted.

Ms. Lucky commented that the bill would allow the legislature to put a statement in the budget that restricted the use of the RPL process for particular programs. She noted that the legislature already possessed the power to restrict the RPL process by fund type; HB 222 would hone that restriction by specific appropriation level.

[10:35:50 AM](#)

Senator Olson asked whether there were other states that had implemented similar restrictions.

Ms. Lucky replied that information was still being gathered on what other states had implemented.

[10:37:13 AM](#)

Senator Bishop hoped that the bill would not limit the governor's ability to accept federal funds in the event of an emergency.

[10:38:01 AM](#)

Co-Chair MacKinnon explained that the bill would not change how often LB&A could convene. She believed that in the event of an emergency the committee could convene quickly and respond to an emergency.

[10:38:11 AM](#)

Ms. Lucky remarked that the issue had been researched. She deferred further response to Mr. Teal.

[10:39:15 AM](#)

Mr. Teal said that once the governor declared a disaster, LB&A would not be involved at all.

[10:39:33 AM](#)

Senator Hoffman wondered whether the sponsor had discussed the legislation with members of the Executive Branch, specifically, the issue of the 90 day provisions.

Ms. Lucky replied that the sponsor had not had a discussion with the Executive Branch.

Co-Chair MacKinnon OPENED public testimony.

Co-Chair MacKinnon CLOSED public testimony.

Co-Chair MacKinnon announced that amendments were due at noon the following day.

CSHB 222(FIN) was HEARD and HELD in committee for further consideration.

#

ADJOURNMENT

[10:41:50 AM](#)

The meeting was adjourned at 10:41 a.m.