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B

154

# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
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## Senate

### Committee on Resources

April 6, 1981  
2:25 p.m.

Beltz Room  
Room 211 - Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Bradley  
Senator Sturgulewski  
Senator Mulcahy  
Senator Eliason  
Senator Gilman

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#### HEARING:

- SB 298 An Act changing the time in which the Department of Natural Resources is required to make land available for disposal from the end of the current fiscal year to October 1, 1981.
- SJR 22 Relating to proposed regulations of the Department of Interior adopted under the Alaska National Interest Lands Conservation Act.
- HB 136 An Act making a supplemental appropriation to the Department of Natural Resources for the Iditarod Trail Race.
- SB 154 An Act providing for the taking of game for the use of incapacitated persons.

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SB 298 Senator Gilman moved for the adoption of the amendment on page 1, line 15, deleting the word "after". Senator Gilman put forth the motion to move SB 298 with individual recommendations.

Senator Sturgulewski put forth the motion to move SJR 22 with individual recommendations.

SENATE RESOURCES COMMITTEE  
APRIL 6, 1981  
Page: 2

Senator Gilman moved for the adoption of the amendment changing \$50,000 to \$53,000 in HB 136. Senator Mulcahy put forth the motion to move HB 136 with individual recommendations.

Kathryn McCormick, Nutritionist, Department of Health and Social Services, stated that the Department supports SB 154 with some amendments. The bill will provide cultural and ethnic food for the elderly and disabled.

Greg Bos, Division of Game, Department of Fish and Game, stated that the Department supports the bill with amendments. He expressed concern about the possibility of abuse of the system if additional clarifying language is not added.

In response to the question, would you be willing to participate in a meeting with the sponsor of the bill, Department of Revenue and the Department of Health and Social Services to work out clarifying amendments to the bill? Mr. Bos, said yes.

The Committee adjourned at 3:52 p.m.

4/6/81  
9:20 p.m.

SUBSTITUTE LANGUAGE SUGGESTED FOR SB 154 BY HESS

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

Sec. 16.05.407. TAKING GAME AND FISH BY PROXY FOR THE INCAPACITATED. (a) A resident holding a valid hunting or fishing license, may take fish, moose, deer, caribou or elk for the use of an incapacitated person under a fishing and hunting license issued to the incapacitated person under (b) of this section if the license of the incapacitated person is in the resident's actual possession. A resident who hunts or fishes under a license issued to an incapacitated person as well as a license issued to himself may exercise the sum of the privileges which are granted under each of the licenses and which by their nature are cumulative. (b) A resident hunting and fishing license indicating that the holder is incapacitated may be obtained from the Department of Revenue without payment of the fee prescribed in AS 16.05.340 upon presentation of one of the following documents: (1) an affidavit by a competent medical professional stating that the applicant is unable to endure the physical requirements of hunting due to a defect, injury, disease, old age, or other condition of body or mind (2) a notice or decision of award for social security disability (3) a notice of finding of eligibility for aid to the disabled under AS 47.25.790 - 47.25.960 (4) a notice of disability from a public or private retirement program (5) a vocational rehabilitation certification of eligibility and (6) a parking permit for disabled persons. An incapacitated person must obtain a license under this subsection regardless of whether the person is exempt from the requirement of obtaining a license under AS 16.05.400.

ALSO THE TITLE MUST BE CHANGED "FOR THE TAKING OF FISH AND GAME"

SENATE AMENDMENT

By \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL No. \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE:

LINE:

FISH AND GAME WANT TO CHANGE SECTION 2

\*Sec. 2. A state department or agency may [NOT] adopt regulations implementing or interpreting sec. 1 of this Act.

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

3/16

MAR 2 1981

JAY S. HAMMOND, GOVERNOR

*Resourced  
37-8*

POUCH 5  
JUNEAU, ALASKA 99811

March 2, 1981

The Honorable Bettye Fahrenkamp  
Chairperson  
Senate Resources Committee  
Room 113 - Capitol Building  
Juneau, Alaska

Dear Senator Fahrenkamp:

Re: Senate Bill No. 154

Senate Bill No. 154, an Act providing for the taking of game for the use of incapacitated persons, was introduced in the Senate of February 4, 1981 and was referred to the Senate Resources and Judiciary Committees.

For the consideration of the Senate Resources Committee, I am enclosing copies of Fiscal Notes prepared by Cecilia A. Wagoner, Fish and Game Licensing Section of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson  
Special Assistant

RDS/rdh

cc: The Honorable Patrick M. Rodey  
Chairman  
Senate Judiciary Committee

Joseph K. Dorohue  
Deputy Commissioner  
Department of Revenue

Cecilia A. Wagoner  
Fish and Game Licensing Section  
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB No 154  
 Title An Act providing for the taking of game for the use of incapacitated persons  
 Requested by Senate Resources and Judiciary Committees Date February 4, 1981

II. FISCAL DETAIL

Agency Affected Department of Revenue  
 Program Category Affected Game Fund  
 BRU, Program, or Subprogram(s) Affected Department of Fish and Game  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
GAME FUND	-0-	(12.)	(12.)	(12.)	(12.)	(12.)

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached fiscal note

IV. DATE February 26, 1981 PREPARED BY Cecilia A. Wagoner for Linda Gene Lockridge  
 AGENCY Department of Revenue  
 PHONE 465-2376  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

## SB 154 Bill Analysis

Due to the fact that there are no statistics available on incapacitated persons and that this statistic will be an ever fluctuating figure, it was assumed that at any given time, approximately 10% of the population of the State would be incapacitated at any given time. Of that 10%, we are assuming that 25% would be purchasing licenses.

We recommend that the effective date of this bill be January 1, 1982, since hunting licenses are sold on a calendar year basis, not a fiscal year. Licenses and applications also would have to be designed, bids sent out, and the licenses printed all on special order. If the effective date was January 1, 1982, there would be no loss of revenue or expense incurred in Fiscal Year 1981. The licenses could be purchased with the regular order of 1982 licenses and the applications and instructions would be mailed out to the vendor at the normal shipout time.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB No 154

Title An Act providing for the taking of game for the use of incapacitated persons

Requested by Senate Resources and Judiciary Committees Date February 4, 1981

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Game Fund

BRU, Program, or Subprogram(s) Affected Department of Fish and Game

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	1.	1.	1.	1.	1.
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	1.	1.	1.	1.	1.

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached fiscal note

IV. DATE February 26, 1981

PREPARED BY Cecilia A. Wagoner for Linda Gene Lockridge

AGENCY Department of Revenue

PHONE 465-2376

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

*Cecilia Wagoner*

POSITION PAPER  
ON  
SENATE BILL NO. 154

"An Act providing for the taking of game for the use of incapacitated persons; and providing for an effective date."

Fish and game are important sources of food for many persons in Alaska. It has been brought to the attention of the Department of Health and Social Services that securing a traditional source of food has become a problem for many elders in Alaska. The elderly in many cases are unable to endure the strenuous physical requirements of hunting. In communities contacted, it is reported that because of the limits imposed on the individuals by the existing statute, the elderly have very limited amounts of their traditional meat donated to them by the community. Food, therefore, appears to be a crucial need.

The Nutrition Program for the Elderly, which serves persons 60 years and older under the Division of Adult and Aging Services, has been established in 45 sites throughout Alaska. The purpose of the program is to help the elderly remain in their homes by providing one or more meals a day throughout the week in a congregate setting or through home-delivered meals. However, in this program it is the responsibility of the administrating agency to assure that the Nutrition Program serves cultural foods to meet the particular ethnic backgrounds of the people.

The Division of Adult and Aging Services, in the Department of Health and Social Services, has been pursuing methods of securing traditional native foods for the Nutrition Program for the Elderly. Procurement and inspection barriers have been investigated by the Division. Coordination efforts with the Divisions of Environmental Conservation and Public Health have resolved many inspection problems; and, with continued cooperation, the inspection of wild meat will be accomplished.

Procuring a traditional meat supply for the elderly has been a more difficult problem to resolve. One method, in certain areas that are accessible to roads, is to obtain from the Department of Public Safety wild animals that have been killed by motorists; but the elderly in other areas inaccessible to roads do not have this resource.

This bill would secure a traditional source of native food for the elderly and others who can no longer hunt. It could also provide a cultural food source to the Nutrition Program for the Elderly which provides hot meals daily to elderly citizens in need. To secure a traditional food supply for all is a strongly supported need documented statewide by elderly service providers and by the Alaskan State Nutrition Committee. The Department of Health and Social Services recognizes the valuable contributions that this bill would make in helping an elder secure a traditional source of food to enhance his physical, social, and mental well being.

The Department supports the concept of the bill. There are however several recommendations for amendments listed below:

Section 1. AS 16.05.407

Line 12

Delete: "whether or not the holder of a valid hunting license"

Substitute: "holding a valid hunting license"

Rationale: to stay consistent with AS 16.05.405 which states "a resident holding a valid hunting license may take moose, deer, caribou or elk under a hunting license of a blind resident in accordance with (b) of this section if the resident has the license of the blind person in his possession."

Section 1. AS 16.05.407

Line 6 and Line 13

Amend to include: "fish and game" rather than "game" alone.

Rationale: There are regulatory limits placed on the number of fish one person can take, therefore it would be appropriate to add the taking of fish by proxy for the incapacitated.

Section 1. AS 16.05.407

Line 13 and Line 20

Amend to include: "fishing and hunting" license rather than "hunting" license alone.

Rationale: The taking of fish and game by proxy for the incapacitated should be allowed as Alaskan fish is also a good source of food which the incapacitated have a right to acquire access to.

Section 1. AS 16.05.407(b)

Line 22

Add: "upon presentation of one of the following documents".

Line 23

Add: "1. an affidavit."

Line 23

Delete: "by the applicant or a physician."

Substitute: "by a competent medical professional."

POSITION PAPER/Department of Health & Social Services

Rationale: Undue hardship may be caused in requiring a physician in many areas where only other health professionals are available; and an affidavit by the applicant may be questionable.

Line 24

Delete: "to hunt"

Substitute: "to endure the physical requirements of hunting."

Rationale: describes eligibility criteria of those "unable to hunt" in a more extensive manner replacing the need to define "injury, disease or old age."

Line 25

Add: "2. a notice or decision of award for social security disability.

3. a notice of finding of eligibility for aid to the disabled under AS 47.25.790 - 47.25.960.

4. a notice of disability from a public or private retirement program.

5. a vocational rehabilitation certification of eligibility.

6. a parking permit for disabled persons."

Rationale: These additional sources of documentation verifying incapacitation may be substituted for the aforementioned affidavit and will not result in undue hardships.

Recommended by: Elizabeth Muktarian  
Elizabeth Muktarian  
Director  
Div. of Adult and Aging  
Services

Date: 3/1/81

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner  
Dept. of Health and  
Social Services

Date: 3/10/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 154  
 Title "An Act providing for the taking of game for the use of incapacitated persons; and  
 Requested by providing for an effective date." Date February 26, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Social and Economic Assistance for the Aged  
 BRU, Program, or Subprogram(s) Affected Division of Adult and Aging Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Zero Impact

IV. DATE 2/26/81 PREPARED BY Dorothy Hart  
 AGENCY Division of Adult and Aging Services  
 PHONE 465-3250  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) MSB Approval H. Schubert Date 2/26/81