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SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: CSHB 118 (Fin)

BILL NAME: Relating to a brown & grizzly bear tag fee for a resident

SPONSOR(S): Shultz & Liska

RELATED BILLS PENDING:

DATE INTRODUCED: in Senate 2-28-83

REFERRALS: Resources
? Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED: .

+ Dept. Public Safety
Statement
+ 2 advisory board
letters

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

notified: ADT-AG - Paddy McGuire
House Resources
Rep Shultz
Rep Liska
Jay Nelson, Environ. Lobby



P. O. Box 28
Glennallen, AK 99588
December 30, 1982

The Honorable Richard Shultz
District 17 Representative
Pouch V
Juneau, AK 99801

Dear Representative Shultz:

At the December 7, 1982 Copper Basin Fish and Game Advisory Committee meeting held in Glennallen, an in-depth discussion was held by the committee and a number of local citizens.

At that time, the focal subject of much of this discussion was of brown bear and grizzly bear predation problems and their effects on local game, people and property.

As Unit 11 and 13, in the Copper Basin, are by far the most hunted for caribou and moose, our game numbers are constantly under pressure from hunters. In addition, recent studies have shown that these two units harbor the heaviest concentration of brown bear in the state and per capita possibly the world.

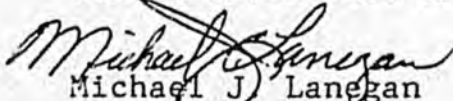
As you may know, we have many adverse confrontations between people and bears each year in our area. Within a half mile of the community of Glennallen, as many as twelve bears wander freely to and from the local garbage dump at all times of the day and night. Some residents have found it necessary to maintain an all-night watch to keep their houses from entry by bears.

In view of the many problems involved with these bears, and their tremendous predation on game animals, this committee and these citizens would like to solicit your aid in the temporary removal of the required \$25 brown bear tag fees. As most residents here cannot justify the \$25 expenditure, we feel that the removal of these fees would allow the taking of many local bears, which are not removed because of the cost of these tags.

On behalf of the people of this community, please consider our request an urgent one and worthy of your efforts to help us in the removal of this required expenditure, which many cannot afford. Thank you for your help in this matter.

Sincerely,

COPPER BASIN FISH AND GAME ADVISORY BOARD


Michael J. Langan
Secretary

ML/11

Issuance of permits based on verbal instructions to agents held improper. — The issuance of permits for the killing of caribou in certain specified areas of the state based on verbal instructions to the permit agents as to the need of individual applicants does not conform to requirements of the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board

of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Reasonable basis for Board of Game's quota of caribou to be killed. — See State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Sec. 16.05.260. Advisory committees.

NOTES TO DECISIONS

Establishment of use priorities. — While the Board of Fisheries did have the authority to establish priorities of use between recreational and commercial fisheries of the salmon stocks in the Upper Cook Inlet, the policy and option establishing these priorities were regulations which should have been adopted pursuant

to the provisions of the Administrative Procedure Act, AS 44.62.010 — 44.62.650. Kenai Peninsula Fisherman's Coop. Ass'n v. State, Sup. Ct. Op. No. 2358 (File No. 5072), 626 P.2d 897 (1981).

Cited in State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Sec. 16.05.290. Compensation of board members. Each member of a board is entitled to travel expenses and \$150 per diem for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive \$100 per day. (§ 8 art I ch 94 SLA 1959; am § 6 ch 206 SLA 1975; am § 1 ch 81 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "\$150" for "\$100" near the beginning of the first sentence, substituted "For" for "and" at the end of

the present first sentence to create the present second sentence, and added "a member shall receive \$100 per day" at the end of the present second sentence.

Article 3. Licensing of Sport Fishing and Hunting.

- Section
- 340. License and tag fees
- 341. Free license for disabled veterans
- 345. [Repealed]
- 346. Permit applications
- 390. Fees and compensation for issuance of licenses and tags

- Section
- 400. Persons exempt from license requirement
- 407. Nonresident hunting game animals must be accompanied by guides
- 408. Nonresident alien hunter to be accompanied by guide

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license \$10

However, the fee is 25 cents for a resident who is blind.

- (2) Resident hunting license 12
- (3) (A) Resident hunting and trapping license 15
- (B) Resident trapping license 3
- (4) Resident hunting and sport fishing license 22
- (5) Resident hunting, trapping, and sport fishing license . . . 25

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant

(A) is obtaining or has obtained assistance during the preceding six months under any state or federal welfare program to aid the indigent, or

(B) has an annual family gross income of less than \$5,600 for the year preceding application.

(6) [Effective until January 1, 1983] Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 10-day license \$15
- (B) For one-day license \$ 5

[Effective January 1, 1983] Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 14-day license \$20
- (B) For three-day license 10

(7) [Effective until January 1, 1983] Nonresident sport fishing license 30

[Effective January 1, 1983] Nonresident sport fishing license 36

- (8) Nonresident hunting license 60

(9) [Effective until January 1, 1983] Nonresident hunting and sport fishing license 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

[Effective January 1, 1983] Nonresident hunting and sport fishing license 96

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to the nonresident as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

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(10) Nonresident hunting and trapping license	\$200
(11) Repealed by § 2 ch 32 SLA 1968.	
(12) Repealed by § 2 ch 32 SLA 1968.	
(13) Fur dealers:	
(A) Resident fur dealer license	50
(B) Nonresident fur dealer license	200
(14) Taxidermists:	
(A) Resident taxidermy license	75
(B) Nonresident taxidermy license	200
(15) Fish, fur or game farming license	100
(16) [Effective until January 1, 1983] Nonresident big game tags:	
(A) Bear, black, each	100
(B) [deleted]	
(C) Bear, brown or grizzly, each	250
(D) Bear, polar, each	250
(E) Bison, each	250
(F) Caribou, each	200
(G) Deer, each	35
(H) Elk, each	125
(I) Goat, each	125
(J) Moose, each	200
(K) Sheep, each	250
(L) Walrus, each	250
(M) Wolf, each	50
(N) Wolverine, each	50
(O) Musk oxen, each	1,000
[Effective January 1, 1983] Nonresident big game tags:	
(A) Bear, black, each	200
(B) [deleted]	
(C) Bear, brown or grizzly, each	350
(D) Bear, polar, each	500
(E) Bison, each	350
(F) Caribou, each	300
(G) Deer, each	135
(H) Elk, each	250
(I) Goat, each	250
(J) Moose, each	300
(K) Sheep, each	400
(L) Walrus, each	500
(M) Wolf, each	150
(N) Wolverine, each	150
(O) Musk oxen, each	1,100
(17) Repealed by § 2 ch 32 SLA 1968.	
(18) Resident big game tags:	
(A) Bear, brown or grizzly, each	25

(B) Musk oxen, each \$500
However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(19) Repealed by § 4 ch 57 SLA 1980.

(20) [Repealed effective January 1, 1983] King salmon (oncorhynchus tshawytscha) and steelhead trout (Salmo gairdneri) sport fishing permit 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge.

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100.

(c) The commissioner of revenue may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license or tag and the duplicate shall not be issued unless the commissioner of revenue or his delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(5) of this section.

(d) [Effective until January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at the nonresident rate, under (a)(16) of this section.

[Effective January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(16) of this section.

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guide:

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brown or gr
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(B) for ea
polar, brow
brown or gr

(C) for ea
polar, brow

(2) moose:

(A) for eac
season — \$2

(B) for ea
— \$100;

(C) for ea

(3) sheep:

(A) for eac
season — \$2

(B) for ea
— \$100;

(C) for ea

(4) caribov

(A) for ea
— \$20;

(B) for ea
— \$100;

(C) for ea

94 SLA 1959

am § 1 ch 1

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32 SLA 1968

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SLA 1976; ar

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SLA 1982)

Effect of ar
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(e) Each master guide licensed under AS 08.54.100 and each registered guide licensed under AS 08.54.110 shall pay a fee in the following amount for each caribou, sheep, moose, brown or grizzly bear and polar bear taken on a hunt guided by or under the active supervision of the guide:

(1) polar, brown or grizzly bear:

(A) for each polar, brown or grizzly bear taken over a total of 5 polar, brown or grizzly bear per season and up to a total of 10 polar, brown or grizzly bear — \$20;

(B) for each polar, brown or grizzly bear taken over a total of 10 polar, brown or grizzly bear per season and up to a total of 25 polar, brown or grizzly bear — \$100;

(C) for each polar, brown or grizzly bear taken over a total of 25 polar, brown or grizzly bear per season — \$500;

(2) moose:

(A) for each moose taken over a total of 5 and up to a total of 10 per season — \$20;

(B) for each moose taken over 10 and up to a total of 25 per season — \$100;

(C) for each moose taken over 25 per season — \$500;

(3) sheep:

(A) for each sheep taken over a total of 5 and up to a total of 10 per season — \$20;

(B) for each sheep taken over 10 and up to a total of 25 per season — \$100;

(C) for each sheep taken over 25 per season — \$500;

(4) caribou:

(A) for each caribou taken over 5 and up to a total of 10 per season — \$20;

(B) for each caribou taken over 10 and up to a total of 25 per season — \$100;

(C) for each caribou taken over 25 per season — \$500. (§ 2 art II ch 94 SLA 1959; am § 1 ch 96 SLA 1959; am §§ 7 — 13 ch 131 SLA 1960; am § 1 ch 16 SLA 1963; am § 1 ch 29 SLA 1963; am § 2 ch 31 SLA 1963; am §§ 2, 3 ch 75 SLA 1964; am § 1 ch 83 SLA 1966; am § 2 ch 32 SLA 1968; am § 1 ch 4 SLA 1972; am §§ 1, 2 ch 180 SLA 1972; am §§ 2, 3 ch 82 SLA 1974; am § 1 ch 198 SLA 1976; am §§ 1, 2 ch 268 SLA 1976; am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980; am §§ 1—6 ch 40 SLA 1982)

Effect of amendments. — The 1979 amendment, in subsection (a), substituted "\$5,600" for "\$3,600" in subparagraph (B) of paragraph (5) and added paragraph (20).

The first 1980 amendment deleted "(permit required north of Yakutat only)" following "sport fishing permit" near the

beginning of paragraph (20) in subsection (a).

The second 1980 amendment added subparagraph (O) of paragraph (a)(16), inserted "big game" at the beginning of paragraph (a)(18), substituted a colon for "for bear, brown or grizzly, each ... 25"

near the beginning of paragraph (a)(18), and added subparagraphs (A) and (B) and the last sentence in paragraph (a)(18), and repealed paragraph (a)(19).

The third 1980 amendment transferred the former last sentence of subsection (b) to the end of paragraph (9) of subsection (a).

The 1982 amendment, effective January 1, 1983, in subsection (a)(6) substituted "14-day" for "10-day" in paragraph (A) and substituted "three-day" for "one-day" in paragraph (B). The amendment also increased the fees in paragraphs (6), (7), (9) and (16) of subsection (a) and repealed subsection (a)(20), which read: "(20) King salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Salmo gairdneri*) sport fishing permit 5 A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout

sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge." Further, the amendment, in subsection (d), inserted "one-half of" preceding "the nonresident rate."

Editor's notes. — As enacted, § 1, ch. 21, SLA 1982, added a second sentence to paragraph (a)(4) of this section. This new material, however, was transferred and renumbered as AS 16.05.341 by the revisor of statutes pursuant to AS 01.05.031.

This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 16.05.341. Free license for disabled veterans. [Effective January 1, 1983] A person may receive a resident hunting and sport fishing license (AS 16.05.340(a)(4)) without charge if the person

- (1) has been discharged from military service under honorable conditions;
- (2) is eligible for a loan under AS 18.56.101; and
- (3) is certified by the United States Veterans' Administration as having incurred a 50 percent or greater disability during military service. (§ 1 ch 21 SLA 1982; AS 16.05.340(a)(4))

Revisor's notes. — This section was enacted as the second sentence of AS 16.05.340(a)(4) but was renumbered by the revisor of statutes under AS 01.05.031.

Effective dates. — Section 2, ch. 21, SLA 1982, makes this section effective January 1, 1983.

Sec. 16.05.345. Musk oxen.

Repealed by § 4 ch 57 SLA 1980.

Revisor's notes. — Section 3, ch. 57, SLA 1980, repealed and reenacted this section; however, the repeal was moved to § 4 of ch. 57 by the revisor of statutes and the

language enacted by § 3 of ch. 57 was renumbered as AS 16.05.346.

Editor's notes. — The repealed section derived from § 1 ch. 20 SLA 1969.

Sec. 16.05.346. Permit applications. (a) If the Board of Game declares an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(18), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game declares an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in

which appl eligible for may not ch open season resident tag cation fee f (b) Excep fee for all s ch 57 SLA

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(1) retail or 25 cents (2) comp during the (b) Each shall, as d ceeds from to be retail for deposit under AS manner.

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Difference between Resources CS and Finance CS

On line 11, following the word "regulation," the Finance CS adds the words "effective for not more than one year." The purpose of this amendment, which was proposed by the Representative from Kodiak, is to ensure that the Board reviews its decisions to reduce or eliminate tag fees on at least an annual basis.

In conversation with Bob Hinman, Director of the Division of Game, it was clear that the wording of the amendment would not present any impediment to the purpose of the bill.

Alaska's game management is currently one of the most public-participation-oriented in the nation. This proposal would use that system of local advisory committees to best advantage, by giving the Game Board one more very important tool to manage predation by bear, on a unit by unit basis, as advised by the committees and department personnel.

Difference Between Original HB 118 and Resources CS:

The language in the original bill restricts the Board of Game to "conservation and development of bear resources" in any decision to lift the \$25 fee, when, in fact, the problem is conservation and development of moose resources.

The predation on moose calves by brown and grizzly bears has become an enormous problem in some game management units.

It only makes sense that if we expect the Board to be made up of thinking individuals, experts in their fields, that they can be given the discretion to decide when, where and why to lift the tag fee.

In addition to being less semantically restrictive on the Board, the Resources Committee substitute is more consistent with the language currently in statute immediately following, which deals with the tag fee for musk oxen.

AS 16.05.340 (a)(18)(B)

§ 16.05.340

ALASKA STATUTES SUPPLEMENT

§ 16.05.340



(B) Musk oxen, each \$500
However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(19) Repealed by § 4 ch 57 SLA 1980.

(20) [Repealed effective January 1, 1983] King salmon (oncorhynchus tshawytscha) and steelhead trout (Salmo gairdneri) sport fishing permit 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge.

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100.

(c) The commissioner of revenue may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license or tag and the duplicate shall not be issued unless the commissioner of revenue or his delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(5) of this section.

(d) [Effective until January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at the nonresident rate, under (a)(16) of this section.

[Effective January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(16) of this section.

*Open - means State wide
unit by unit basis*

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

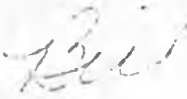
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to be able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,


Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. P. Box 360
Gakona, Alaska 99586
907/822-3426

Reasoning behind the proposed CS for HB 118

The committee substitute is very simply better language, that gives the Board of Game the option of lifting the \$25 tag fee, should they decide it is in the best interest of resource management to do so.

The language is also more consistent with that used for the same purpose regarding musk oxen tags, in AS 16.05.340(a)(18)(B).

*passed
ind rec.*

First of all this legislation is a management tool only.

It provides for the local advisory board to have input into and more to say about this particular problem.

The board will not simply waive the fee upon request but will determine if the problem is in fact substantiated and base their decision accordingly.

This legislation will have little or no impact on the sports hunter, but addresses rather the opportunity for local residents to control bears that are becoming a menace in certain areas.

With the overpopulation of bears in several hunting units - the risk to human life and unprovoked attacks become more eminent.

The moose population is on a drastic decline in these areas and it is directly attributed to the overpopulation of bears. As you know this has a detrimental affect on the primary food source in the rural villages.

As the food supply becomes more and more scarce for the bears they begin to move closer to communities and feed from the garbage dumps. As a result of this, community members and local residents become concerned about their families and of the many children that walk to and from school.

I'll give you an example of what happens every year in rural Alaska. A bear begins hanging around someone's house and they shoot the bear. Well first of all, they are immediately in violation unless the bear was charging. So the person either gets into town and buys a permit, returns home, tags the bear, then takes it back into Fish and Game and has it tagged by them or he can simply go in and have the bear tagged and lie about how it happened. Violator or liar is the consequence.

We are not talking about ^{devastation} ~~devastation~~, destruction, or annihilation, but sound, logical control of the bear population by the local residents of a particular area.

If you lived in Anchorage and a bear wandered onto a school ground or into a residential area you would immediately hear a tremendous outcry from the citizens in that area. Because of the sensationalism of such a happening (which does in fact happen quite frequently in rural Alaska) the people would be out in mass to corner the critter and probably ^{shoot} ~~shoot~~ him with a tranquilizer. So the problem is solved for them. After doing that they would study the bear to determine why he was so foolish.

The next thing that would probably happen is that the bear would be transported into my area that is already overpopulated with bears.

Of course this should be of no consequence as the masses have been protected at the expense of a few ruralites.

The rural resident if the fee is waived still has to abide by all the rules and regulations of the State including having a license -- and tagging the bear.

In rural Alaska it is not just a matter of running down town and buying a bear tag. If you see a bear that is becoming a nuisance and possibly dangerous, by the time you go to wherever you have to go to buy the permit, sometimes a hundred miles or more, you have defeated the purpose.

While you were gone the bear broke into your home causing several hundred or thousands dollars worth of damage. You are legal but the bear didn't wait for you to get back.

To the eloquent Representative from Juneau I would suggest that he manage the bears in Juneau and leave the management of bears in rural Alaska to the people attuned to the situation.

I personally have confidence in the ability of the citizens of a particular area or of the State to determine what is best for them.

Alaska State Legislature

BETTYE FAHRENKAMP
CHAIRMAN
ROBERT H. ZIEGLER, SR.
VICE-CHAIRMAN
DICK ELIASON - PAUL FISCHER
VIC FISCHER - BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Resources

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: March 16, 1983 Committee Hearing
DATE: March 14, 1983

On Wednesday, March 16 at 3:00 p.m. in the Beltz Room the Resources Committee will hear the following four bills:

SB 101 RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

Sec. 1 would give peace officers the authority to issue citations for fish and game misdemeanors under a procedure similar to the issuance of traffic citations. The supreme court is to identify the minor misdemeanors that are appropriate for disposition without court appearance and establish a schedule of bail amounts.

Sec. 2 generally exempts persons who have been convicted of two or more fish and game misdemeanors from the mandatory license forfeiture required by current statute. However, it allows a peace officer to petition the district court to seek an offender's license revocation.

The intent of SB 101 is to expedite the enforcement procedure by reducing court loads. Among the attachments is a list of recommended changes to SB 101 given to us by the Alaska Court System. These recommendations will be discussed at the hearing.

SB 138 CONTINUING THE GUIDE LICENSING AND CONTROL BOARD, AND AUTHORIZING THE BOARD TO LICENSE MARINE MAMMAL GUIDES.

Sec. 1 would extend the life of the Guide Licensing and Control Board through FY 86. The Guide Board is currently scheduled to sunset June 30, 1983. An extension was recommended by the Budget

and Audit Committee in their December 1981 review of the Board.

Sec. 2 authorizes the Board to establish qualifications, set license fees, and issue licenses for marine mammal guides. While most agree that the Board probably already has the authority to regulate marine mammal guides, there have been some questions raised, and the amendment is designed to clarify this authority. The amendment might also assist the State in the return of management to the State from the federal government of some marine mammal species by clarifying and emphasizing its management authorities for marine mammals.

A similar bill passed the Resources Committee and both the Senate and the House last session, but was vetoed by the Governor because of a section relating to Board regulations (see attachments). This section is not in the current bill:

SB 139 REPEALING THE LICENSING OF BIG GAME TRANSPORTERS

This bill would repeal the licensing of big game transporters. The Budget and Audit Committee recommended the repeal after finding that the transporter laws are not needed to protect the safety of the public or manage the game resources.

CSHB 118 RELATING TO A BROWN AND GRIZZLY BEAR TAG FOR A RESIDENT.

This bill would allow the Board of Game to reduce or eliminate the \$25 fee for a resident brown or grizzly bear big game tag for a game management unit for a period of up to one year. This would provide the Board with a management tool for controlling the bear population in certain areas by encouraging the taking of bear incidental to hunting of other animals.

It is hoped that, after hearing testimony, action could be taken by the Committee on one or more of these bills.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 118
Title Brown and Grizzly bear tag fee for residents
Requested by House Resources Date 2/04/83

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
Program Category Affected Game Resource Conservation IRMEC
BRU, Program, Or Subprogram(s) Affected Division of 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		0	0	0	0	0
200 TRAVEL		0	0	0	0	0
300 CONTRACTUAL		0	0	0	0	0
400 COMMODITIES		0	0	0	0	0
500 EQUIPMENT		0	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This proposal would result in a reduction of fish and game tag receipt revenues ranging from zero to \$4,000. No other fiscal impact.

At Resources Committee meeting of 2/04/83, ADF&G indicated the impact would be zero.

IV. DATE February 4, 1983 PREPARED BY John Rinestad, Chairman

AGENCY _____

Original: Legislative Finance

PHONE _____

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REC 3-29-83

I. REQUEST

Bill/Resolution No.: SCSCSHB 118 (Res)
 Title: "Act relating to a brown & grizzly..."
 Sponsor: Senate Resources
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: FWP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 36	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
 Division: Fish & Wildlife Protection Date: _____

Approved by Commissioner: [Signature] Date: 3/25/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD GOVERNOR
ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

January 31, 1983

*Rec'd
Feb 4 '83*

Representative John Ringstad
Chairman, House Resources Committee
State Capitol
Pouch V
Juneau, AK 99811

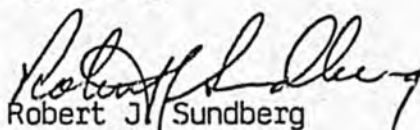
Dear Representative Ringstad:

I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to House Bill 118 under proposal:

HB 118 - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

pass 17-1
6-10-83

HB 118 RELATING TO A BROWN AND GRIZZLY BEAR TAG FEE FOR A
RESIDENT.

THERE IS A SENATE RESOURCES COMMITTEE SUBSTITUTE (CHANGES
HIGHLIGHTED ON ATTACHED COPY OF BILL).

GENERALLY:

Would allow the Board of Game to eliminate the resident brown
or grizzly bear tag and \$25 fee for a game management
unit or a portion of a game management unit. This would
be done by regulation effective for not more than 1 year.

INTENT:

To provide the Board with a management tool for controlling the
bear population in certain areas by encouraging the taking
of bear incidental to hunting of other animals.

The bill has the support of the Department of Fish and Game.

Offered: 2/15/83
Referred: Rules

Original sponsors: Shultz and Liska

1 IN THE HOUSE Resources
2 BY THE ~~FINANCE~~ COMMITTEE
3 SCS FOR HOUSE BILL NO. 118 Resources
4 IN THE LEGISLATURE OF THE STATE OF ALASKA (Finance)
5 THIRTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee
8 for a resident; and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 16.05.340(a)(18)(A) is amended to read:
11 (A) Bear, brown or grizzly, each.....25
12 The Board of Game may, by regulation effective for not more than
13 one year, [reduce or eliminate the fee for a resident brown or
14 grizzly bear big game tag for a game management unit]
15 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

REPLACE PHRASE IN BRACKETS WITH:

"eliminate the resident brown or grizzly bear tag and fee
for a game management unit or portion thereof."



Senate
Resources Committee

Special Business
Senator Bettye Fahrenkamp
Chairman

Pouch V
State Capitol
Juneau, Alaska 99811

March 16, 1983
4:05 p.m.

Beltz Room 211

MEMBERS PRESENT

Senator Fahrenkamp
Senator Ziegler
Senator Eliason

Senator Paul Fischer
Senator Mulcahy
Senator Sturgulewski

- SB 138 - An Act continuing the Guide Licensing and Control Board, and authorizing the board to license marine mammal guides; and providing for an effective date.
- SB 139 - An Act repealing the licensing of big game transporters.
- SB 101 - An Act relating to the issuance of citations for fish and game violations
- CSHB 118 - An Act relating to a brown and grizzly bear tag fee for a resident; and providing for an effective date.

The Committee heard testimony on the above bills.

SB 101 - Stephanie Cole, Deputy Director of the Alaska Court System testified in support of SB 101 with some technical and minor changes. These changes have been incorporated into the Committee Substitute.

Bob Stickles, Department of Public Safety, testified in support of SB 101.

Dennis Kelso, Acting Deputy Commissioner of Fish and Game testified in support of SB 101.

Gale Horetski, State of Alaska Department of Law, spoke in support of the Committee substitute with the letter of intent.

Senator Mulcahy expressed concern that only true "minor" violations be covered. The Chairman directed staff to meet with Administration officials to develop a list of violations in the letter of intent as examples to guide the work of the courts in implementing the bill.

Senator Sturgulewski moved the adoption of the letter of intent and asked unanimous consent.

Senator Sturgulewski moved the acceptance of the Committee Substitute. She then moved SB 101 with individual recommendations.

CCHB 118 - Representative Dick Shultz, Representative from District 17 testified in support of CCHB 118.

Bob Hinman, Department of Fish and Game testified in support of CSHB 118. Committee discussion resulted in changing the wording on line 11 to read "The

Board of Game may by regulation effective for not more than one year eliminate the resident tag and fee for brown or grizzly bear for a big game management unit or portion thereof."

Senator Eliason moved and asked unanimous consent for adoption of the committee substitute. He then moved the committee substitute and asked unanimous consent. There were no objections.

SB 138 and SB 139, Mark Jensen, Guide Board Representative, gave background information and spoke in support of the two bills.

The following people also spoke in support of SB 138 and SB 139: Harry Traeger, Department of Commerce; Colonel Stickle, Department of Public Safety; Bob Hinman and Dennis Kelso, Department of Fish and Game; Kelly Vrem; Hank Hankered; Rod Coburn; Butch Hautanen; F. W. Ingledve; Ray McNutt; Jim Kufuie; Clark Engle; Ron Somerville; Phil Driver; and Keith Johnson.

Senator Mulcahy moved and asked unanimous consent that SB 138 and SB 139 be moved from committee with individual recommendations. There were no objections.

Meeting adjourned at 5:40 p.m.