

SB 485

6/20/92

CSSB 485 (SCW) WAS REPOTED OUT OF THE SENATE COMMITTEE OF THE WHOLE ON 6/18/92.

CSSB 485 (SCW) WAS REPOTED OUT OF THE SENATE FINANCE COMMITTEE ON 6/19/92 WITH THE FOLLOWING FISCAL NOTES:

DEPT. OF FISH & GAME

COMMERCIAL FISHERIES	\$33.2	6/15/92	(NEW NOTE)
SUBSISTENCE	\$285.4	6/15/92	(NEW NOTE)
BOARD SERVICES	\$495.0	6/19/92	(NEW NOTE)
WILDLIFE CONSERVATION	\$32.0	6/15/92	(NEW NOTE)
SPORT FISHERIES	\$18.0	6/15/92	(NEW NOTE)

DEPT. OF PUBLIC SAFETY

ENFORCEMENT & ISU	\$2.1	6/10/92	(PREVIOUS NOTE)
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DEPARTMENT OF LAW

OPERATIONS	\$116.5	6/12/92	(PREVIOUS NOTE)
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COURT SYSTEM

TRIAL COURTS	\$15.0	6/16/92	(PREVIOUS NOTE)
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***THE FOLLOWING FISCAL NOTE SUBMITTED BY THE DEPT. OF FISH & GAME/BOARDS WAS REPLACED WITH REVISED NOTE ON 6/19/92.

DEPT. OF FISH & GAME

BOARD SERVICES	\$518.0	6/15/92	
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SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 6/15/92

FURTHER:

Fin added

DATE TURNED INTO OFFICE:

Senate Committee of the Whole considered SB 485

Relating to the taking of fish and game for subsistence; efd.

and recommends:

replace with _____ CS SB 485 (C)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

Charles Stungulowski No Rec
Tracy Deace No Rec

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:

zero fiscal notes _____

fiscal notes _____

DO PASS:

Al Adams
[Signature]
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

Shirley Craft No Rec
[Signature] No Rec
[Signature] No Rec
[Signature] NO REC
[Signature] NO REC
[Signature] NO REC
[Signature] NO REC
[Signature] NO REC

J. Kestel

Chair: Signature and Recommendation

SENATE FINANCE COMMITTEE REPORT

DATE: 6/18/92

FURTHER:

DATE TURNED INTO OFFICE: 6/18/92

The Finance Committee considered SENATE BILL NO. 485

"An Act relating to the taking of fish and game for subsistence; and providing for an effective date."

and recommends:

replace with _____ CS _____ (FINANCE)
or adopt previous CS SB 485 (SCW)
 attaches amendment(s) except it be after

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes (1) FIM = 491.0 =
(2) FIM sub 285.4
(3) FIM CF 33.2

appropriation - no fiscal note

DO PASS: (4) FIM NL 32.0
(5) FIM SF 11.0

[Signature]
[Signature]
[Signature]

1. [Signature] no rec
Co-Chair: Signature/Recommendation

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes #6 DPS = 2.1
#7 LAW 116.5
#8 Court 15.0

fiscal notes _____

OTHER RECOMMENDATIONS:
[Signature] (NO RE)
[Signature] No Rec.

2. [Signature] no rec
Co-Chair: Signature/Recommendation

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
FISCAL NOTE 6/19/92
SFC

(HB 592)*
BILL NO. AFN B11

Revision Date: _____

*Introduced during 1992 regular session

Department Affected: Fish and Game

Title: Subsistence taking of fish and game

BRU: Commercial Fisheries

Component: Commercial Fisheries

Sponsor: House Resources

Requestor: House Resources

COMPONENT SERIAL NO.

4	5	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	31.2	32.4	33.7	35.1	36.5	38.0
CONTRACTUAL	1.0	1.0	1.1	1.1	1.2	1.2
SUPPLIES	1.0	1.0	1.1	1.1	1.2	1.2
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	33.2	34.4	35.9	37.3	38.9	40.4

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	33.2	34.4	35.9	37.3	38.9	40.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	33.2	34.4	35.9	37.3	38.9	40.4

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Creation of a Subsistence Board will result in about 20 more board meetings days per year in which in which the division will have to participate. Figures reflect 4% increase for inflation.

Prepared By: Bob Clasby

Phone: 465-4210

Division: Commercial Fisheries

Date: 6/14/92

Approved by Commissioner: Clayton L. Harrison

Agency: Department of Fish and Game

Date: 6/15/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE
SFC 6/19/92 REPORTED OUT OF

(HB 592)*
BILL NO. AFN

*Introduced during 1992 regular session

Revision Date: _____ Department Affected: Fish and Game

Title: An Act Relating to the taking BRU: Subsistence

of fish and game for Subsistence Component: Subsistence

Sponsor: House Resources

Requestor: House Resources COMPONENT SERIAL NO.

	4	8	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	229.9	222.4	218.4	193.8	200.3	206.8
TRAVEL	8.5	7.5	6.5	5.5	5.5	5.5
CONTRACTUAL	27.5	25.5	23.5	22.0	22.0	22.0
SUPPLIES	2.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	17.0	3.0	3.0	2.5	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	285.4	260.9	253.9	226.3	232.8	239.3

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	285.4	260.9	253.9	226.3	232.8	239.3
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	285.4	260.9	253.9	226.3	232.8	239.3

POSITIONS:

FULL-TIME	3.0	3.0	3.0	3.0	3.0	3.0
PART-TIME	3.0	3.0	2.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year impact: No impact in FY92.

ANALYSIS: Creates an individual application system for urban residents, with costs similar to the Consensus Bill.

Prepared By: Robert Bosworth *RB* Phone: 465-4147

Division: Division of Subsistence Date: 6/15/92

Approved by Commissioner: Carl Z. Rosier

Agency: Department of Fish and Game Date: 6/15/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

FISCAL NOTE ANALYSIS: Division of Subsistence

Development of a Subsistence Permitting Program:

OVERVIEW:

The AFN/Bush Caucus subsistence bill creates a new system by which subsistence qualification criteria are applied to individual applicants in the urbanized areas of Alaska. We assume that the implementation of this qualification process will be a procedure identical to that of the Subsistence Council bill. This individual application system is expected to draw in excess of 10,000 applicants in the first year or two, and a lesser number of applicants thereafter. Implementation of the proposed subsistence permitting program is anticipated to have a cost of \$285,378 for the first year, FY 93. By FY 98, the cost is expected to have dropped to \$239,342 as the permitting system assumes a normal regulatory presence and acceptance. A subsistence application program staff, with initial support from other Division of Subsistence staff, will have responsibility for the preparation, distribution, scoring, and issuing of subsistence permits. In addition, the staff will review applications for completeness and accuracy, evaluate responses, and hold findings of fact in disagreements involving issuance of permits.

PROCESS:

The unit charged with issuing subsistence permits will consist of a core of four individuals: a hearing officer, an analyst/programmer, a data processing clerk, and a clerk typist. Duties of the staff relate to two primary functions, (1) the mechanics of issuing permits and (2) the rectification of disagreements. The issuance of permits requires the design and printing of applications, a distribution system to provide the public with ready access to the applications, a means to rapidly evaluate applications, and issue permits to qualified applicants. The rectification of disagreements over the issuance of permits requires a systematic process in which applicants have adequate recourse to resolving disputes prior to seeking judicial relief.

To provide the applicant with the greatest opportunity of receiving the benefits to which they are entitled, the permitting system provides a series of safe guards. The oversight process begins with receipt of the application and its initial review. Applications lacking vital information or incomplete responses will be returned with letters of explanation. Applicants who do not receive a permit as confirmation of meeting the subsistence criteria will receive notification of their rejection and the opportunity to provide additional support to their claim of subsistence priority. If the unsuccessful applicant provides additional support, the application will be re-evaluated and the applicant informed of the results. Should the applicant still be rejected, they may seek an appearance before the hearing officer in order to determine the facts of the case. If the hearing officer still decides against the applicant, the applicant can appeal to the Commissioner of Fish and Game. In the event the Commissioner affirms the original denial, the decision would be final for the Department and the applicant could appeal to the state Superior Court.

CORE STAFFING:

Hearing Officer: The hearing officer (HO) is a range 21 employee with responsibilities for determining findings of facts. This position will design and implement the necessary procedures to see that the intent of the legislation is met and that applicants who are denied a subsistence permit are assured of due process. The position receives clerical support from the clerk typist position and investigative support from the analyst programmer position.

Analyst Programmer III: The analyst programmer (A/P III) is a range 17 with responsibilities for the design of the application, creation of the necessary data management procedures and programs, and the collection of administrative information relevant to the applicant. Using hunting license and permit information within the Department of Fish and Game, the programmer will provide the hearing officer with data relevant to applications in dispute. The position will also undertake a random review of successful awardee to ensure that the system is meeting its objective of providing a subsistence priority to qualified applicants. The analyst/programmer will have co-responsibility with the hearing officer for preparation of documentation on applicant cases. The position will provide immediate supervision of the data processing clerk and those functions of clerk exclusive of the hearing process.

Data Processing Clerk II: The data processing clerk II (DPC II) is a range 9 with responsibilities for the accurate review and entry of information provided by the applicant. Following data entry, the position will archive all materials in accordance with administrative procedures. As required, the data processing clerk will provide support for the distribution of applications and permits.

Clerk III: The clerk III is a range 9 with responsibilities for maintaining administrative functions of the unit, responding to public inquiries, and facilitating the activities of the hearing officer through the recording and preparation of transcripts of all hearings.

SUPPORT STAFF:

During the initial years of the program, the unit will draw upon some staff resources of the Division of Subsistence. The Division's current research director and AP IV will develop and analyze options for the subsistence application and scoring system for presentation to the Boards of Fisheries and Game, who are authorized in the bill to finalize the application and scoring system. These and other support functions will be subsumed within the Division's current budget. Subsistence Resource Specialist (SRS) IIs and clerical staff will provide regional support in facilitating the public's awareness of the process and responding to inquiries of local residents. In the first year, eight months of SRS support is provided. This drops to four months in the second year, and a single month in the third year. After the third year, the permitting process will involve only the core, four-member staff.

BUDGET--Division of Subsistence:

FY 93

The initial budget provides for three full time employees: the analyst/programmer III, the data processing clerk II, and the clerk III. This group will prepare and distribute the application forms, respond to public inquiries, and score the applications received. The hearing officer will be brought onto staff immediately prior to the receipt of applications. With the subsistence permitting unit based in Anchorage, additional regional support to respond to public inquiries will be provided by subsistence resource specialists (SRS) and clerical staff (C III) in other regions of the state. Funding in the amount of four months each is provided for each of the two employee classes. Total personnel costs are projected at \$229,878.

A travel budget of \$8,500 provides opportunities for program outreach in affected portions of the state, and the appearance of the hearing officer for hearings as required.

Contractual services for the printing and distribution of applications, permits, and other correspondence, and communications totals \$27,500. Total contractual expenses are \$27,500.

Providing for office expendibles will entail \$2,500 per year. The creation of a new organization requires the acquisition of the necessary equipment and furniture to allow the staff to perform their required functions. Seventeen thousand dollars (\$17,000) is designated to meet this one-time need for equipment.

The total budget for the first year of operation is \$300,378.

FY 94:

Staff expenses during the second year decline to \$222,416 as the additional SRS and clerical support is reduced. An additional \$3,000 reduction occurs for lines 200 and 300 (travel and services) as the number of applicants declines. Equipment expenses decline to \$3,000. The total cost of implementing the program in the second year is \$260,916, a reduction of over 8% from the previous year.

FY 95:

Further personnel savings accrue during the third year as outside support is reduced to a single month of SRS time. Travel and services decline by an additional \$3,000. Supplies and equipment expenses are unchanged from the previous year. The total cost of program implementation in the third year is \$253,921, a reduction of 2.5% from the previous year.

FY 96:

The third year is projected to show a decline of nearly \$25,000 in personnel costs from the previous year as outside assistance is eliminated and the hearing officer position reduced to half-time as the need for additional rectification declines. Supplies and services decline by another \$2,500. The total program cost for the year is \$226,315, a 10% reduction from the prior year.

FY 97 and FY 98:

No additional personnel savings are projected as the program is managed by three and a half full time employees. All other expenditures remain stable. In FY 97, the budget is \$232,828, and in FY 98 it is \$239,342. The modest increment is due to personnel longevity charges.

STATE OF ALASKA
1992 LEGISLATIVE SESSION SFC

FISCAL NOTE
REPORTED OUT OF

6/19/92

No. 1

Bill Version: CSSB 485 (SCU)

(S) Publish Date: 6-19-92

Revision Date: 6/18/92

Department Affected: Fish and Game

Title: An Act relating to the taking
of fish and game for subsistence;

BRU: Boards

Component: Board Services

Sponsor: Sen. Adams, Hoffman

Requestor: Finance

COMPONENT SERIAL NO.

4	8	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	130.0	135.0	140.0	145.0	145.0	145.0
TRAVEL	240.0	249.0	230.0	200.0	200.0	200.0
CONTRACTUAL	120.0	137.0	132.0	120.0	120.0	120.0
SUPPLIES	5.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	495.0	523.0	504.0	467.0	467.0	467.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	495.0	523.0	504.0	467.0	467.0	467.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	495.0	523.0	504.0	467.0	467.0	467.0

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

Estimate of current year impact: no FY92 fiscal impact

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared By: Beverly Reaume *Beverly Reaume* Phone: 465-4110

Division: Boards of Fisheries and Game Date: 6/19/92

Approved by Commissioner: *Tom Bourville for*

Agency: Department of Fish and Game Date: 6/19/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

DIVISION OF BOARDS

ANALYSIS

The Board of Fisheries and the Board of Game meeting individually and together as the Joint Board would require approximately seventy days of meetings over a three year period to implement CSSB485. In future years, the new bill would add approximately ten days to the overall board schedule. This estimate is based on board consideration of rural designations and customary and traditional use during the 1980s. It is important to note that since 1989 both boards have deferred most proposals dealing with subsistence in anticipation of legislation that would allow for a defensible approach to proposals. Over this same time period there have been reductions in the Division of Boards budget that have reduced the capability of the boards to meet. With the advent of new subsistence legislation, the boards will have to deal with subsistence issues as well as maintaining a full workload in other regulatory areas.

The items in the proposed legislation requiring the greatest effort on the part of the boards, in descending order, are:

- I. "The boards shall identify by regulation
(a)(1) communities and areas of the state that qualify as rural areas under this paragraph as follows:
(A) through (F)..."

15 DAYS

- II (b) The boards shall identify, by regulation, for each rural and urban area of the state,
(1) through (4)..."

40 DAYS

- III (a)(2) "the criteria for identifying those residents who qualify as urban subsistence users because they
(A) and (B)..."

10 DAYS

Other items affecting cost estimates:

(a) The proposed legislation would require action by the Regional Councils which are currently unfunded in the Division of Boards budget. This analysis allows for approximately five meeting days each year.

(b) There will be a substantial increase in Advisory Committee activity during implementation of the plan.

(c) If the bill were to bring the state into compliance with ANILCA, we could anticipate that a portion and perhaps all of the funding required could come from the federal government. ..

(d) Estimated costs include the re-establishment of two regional coordinators eliminated in the FY93 budget. With the loss of federal funding, Boards Division has eliminated two regional coordinators in the FY93 budget. The cost estimates include reactivation of these two coordinators. The regional coordinators are essential to provide for increased advisory committee meetings and reactivation of regional councils. Implementation will add at least one more meeting for each advisory committee and one to two meetings for each regional council. This increase, plus increased board meeting days, are beyond staff's capability to provide adequate support.

COSTS - FY93

<u>Personal Services:</u>	130.0
overtime for existing staff	
two regional coordinators	
<u>Travel:</u>	240.0
travel and per diem for board members, Boards staff, and advisory committee meetings	
<u>Contractual:</u>	120.0
meeting space, printing and postage for proposal books, telephone and legal notice of meetings	
<u>Supplies:</u>	5.0
office supplies	
TOTAL	<u>495.0</u>

COSTS - FY94:

Personal Services	135.0
Travel	249.0
Contractual	137.0
Supplies	2.0
TOTAL	<u>523.0</u>

COSTS - FY95:

Personal Services	140.0
Travel	230.0
Contractual	132.0
Supplies	2.0
TOTAL	<u>504.0</u>

COSTS - FUTURE YEARS

Personal Services	145.0
Travel	200.0
Contractual	120.0
Supplies	2.0
TOTAL	<u>467.0</u>

REPORTED OUT OF

SFC 6/19/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 592*

Revision Date: _____

*Introduced during 1992 regular session

Department Affected: Fish and Game

Title: An Act relating to the taking of fish and game for subsistence

BRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: (H) Resources

Requestor: (H) Resources

COMPONENT SERIAL NO.

4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0			
TRAVEL	32.0	33.2	34.6			
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	32.0	33.2	34.6			

CAPITAL	0	0	0			
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REVENUE FUND SOURCE: 1024	0	0	0			
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FUNDING: (Thousands of Dollars)

GENERAL FUND	32.0	33.2	34.6			
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	32.0	33.2	34.6			

POSITIONS:

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

Estimate of current year impact: No FY92 impact.

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared By: Wayne L. Regelin *Wayne Regelin* Phone: 465-4190

Division: Division of Wildlife Conservation Date: 6/10/92

Approved by Commissioner: Carl A. Rosier

Agency: Department of Fish and Game Date: 6/15/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

DIVISION OF WILDLIFE CONSERVATION
Fiscal Analysis for Subsistence Management

AFN Bill (HB592)

<u>Personal Services:</u>	<u>FY93</u>	<u>FY94</u>	<u>FY95</u>
diversion of staff time to other tasks (e.g., increased attendance by area biologists at additional advisory committee meetings, board meetings, and in compilation of survey and inventory reports) will result in decreased efforts for game management	0	0	0
 <u>Travel:</u>			
travel and per diem for the director, deputy director, appropriate regional supervisors, management coordinators and area biologists for approximately 65 additional days of Subsistence Board, Board of Game, and Joint Board meetings	27.0	28.1	29.2
 travel and per diem for area biologists to attend additional advisory committee meetings held in response to creation of federal subsistence board	5.0	5.2	5.4
 TOTAL*	32.0	33.2	34.6

*In addition to these costs, the department would lose \$160.0 in federal money currently used for salary, travel, and data processing expenses of the division's Federal Subsistence Board Coordinator.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF

BILL NO. 592*

SIC 6/19/92 *Introduced during 1992 regular session

Revision Date: _____

Department Affected: Fish and Game

Title: An Act Relating to Taking of Fish and Game

BRU: Sport Fish

Component: Sport Fisheries

Sponsor: House Resources

Requestor: House Resources

COMPONENT SERIAL NO.

4	6	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	13.5	14.0	14.6	15.2	15.8	16.4
TRAVEL	4.5	4.7	4.9	5.0	5.3	5.5
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	18.0	18.7	19.5	20.2	21.1	21.9

CAPITAL	18.0	18.7	19.5	20.2	21.1	21.9
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	18.0	18.7	19.5	20.2	21.1	21.9
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER FUND SOURCE:						
TOTAL	18.0	18.7	19.5	20.2	21.1	21.9

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year Impact: _____

ANALYSIS: (Attach a separate page if necessary.)

It is assumed that this bill will have an effect similar to that of the consensus bill: i.e. state and federal management roles will be clarified and a person's eligibility to participate in subsistence fisheries will be defined. However, a separate board to deal with subsistence issues will add additional staff time and board meeting days at the subsistence board as well as the regular board of fisheries which will be required to modify sport and personal use fish regulations and management policies in response to regulatory actions of the subsistence board. **STAFF ATTENDANCE AND PREPARATION FOR BOARD MEETINGS: 12 extra days for 3-4 staff members = \$18.0**

Prepared By: Rocky Holmes

Phone: 465-4180

Division: Division of Sport Fish

Date: 6/15/92

Approved by Commissioner: Paul J. Kosiv

Agency: Department of Fish and Game

Date: 6/15/92

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 592 *

1992 LEGISLATIVE SESSION

REPORTED OUT OF SFC 6/19/92 *Introduced during 1992 regular session

Revision Date: _____ Department Affected: Public Safety

Title: "An Act relating to the taking of BRU: Fish & Wildlife Protection

fish and game for subsistence. " Component: Enforcement & ISU

Sponsor: House Resources Committee

Requestor: Senator Adams COMPONENT SERIAL NO.

4	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	2.1	2.1	2.1	2.1	2.1	2.1
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.1	2.1	2.1	2.1	2.1	2.1

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.1	2.1	2.1	2.1	2.1	2.1
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	2.1	2.1	2.1	2.1	2.1	2.1

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
See attached analysis.

Prepared By: Captain Conrad G. Seibel Phone: 269-5509

Division: Fish & Wildlife Protection Date: 6/5/92

Approved by Commissioner: *Angela A. Hootch* for Richard L. Burton

Agency: Department of Public Safety Date: 6/10/92

Department of Public Safety
Fiscal Note Analysis - HB 592
Page 2 of 2

Passage of this bill would establish a Subsistence Board to promulgate regulations pertaining to the subsistence take of fish and game in the state. This fiscal note shows the cost of sending a representative of the Division of Fish and Wildlife Protection to attend the Subsistence Board meetings. Costs were projected for:

2 trips at \$350 each	\$ 700
14 days per diem at \$100	<u>1,400</u>
Total	\$2,100

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 592

REPORTED OUT OF
SFC 6/19/92

Revision Date: _____
Title: "An Act relating to the taking of fish
and game for subsistence..."
Sponsor: House Resources
Requestor: Senator Adams

Department Affected: Department of Law
BRU: Legal Services
Component: Operations

COMPONENT SERIAL

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	85.0	85.0	85.0	85.0	85.0	
TRAVEL	5.0	5.0	5.0	5.0	5.0	
CONTRACTUAL	17.6	17.6	17.6	17.6	17.6	
SUPPLIES	2.4	2.4	2.4	2.4	2.4	
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	116.5	110.0	110.0	110.0	110.0	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	116.5	110.0	110.0	110.0	110.0	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peoues, Director
Division: Administrative Services
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Phone: 465-3672
Date: June 12, 1992
Date: June 12, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 592

This bill amends AS 16.05 and AS 16.20 to give subsistence use of fish and game a preference over other consumptive use of the state's fish and game resources. In this respect, the bill is similar to Governor Hickel's subsistence proposal. For instance, both bills use community characteristics in part to determine eligibility, and the bills both recognize an urban as well as a rural need for a subsistence preference, under certain circumstances. HB 592, however, establishes a "Subsistence Board" that would implement and regulate the subsistence uses of fish and game, rather than using the existing frameworks of the Boards of Fish and Game for these purposes.

In any event, either of these approaches will have a fiscal impact for the Department of Law because of the controversies that have historically surrounded and continue to surround subsistence preference laws. It should therefore be expected that this bill will be vigorously challenged in court if it is enacted. Although HB 592 may eliminate many uncertainties that currently involve subsistence, the bill will have a significant, ongoing fiscal impact on our department over the first four of five years of implementation. That is because the department must defend the bill against court challenges, assist the Board of Subsistence in drafting, and then reviewing, a substantial body of evolving regulations, and also advise and defend the Department of Fish and Game in disputes resulting from adverse preference qualification determinations. Moreover, the bill's establishment of a Subsistence Board as a co-equal to the existing Boards of Fish and Game, will probably result in bureaucratic turf wars as the three boards compete for authority. Consequently, the Department of Law will require the additional services of one attorney at a minimum.

It is important to note that the department has handled 47 litigation matters involving subsistence preference, since the state passed its first subsistence law in 1980. During the past two years, the department has devoted approximately 1,500+ attorney hours each year to handle these matters, several of which are still ongoing. Budget reductions in the coming fiscal year will cause the loss of three of the twelve general fund attorney positions that handle natural resources matters, including subsistence. Thus, it is imperative that a new attorney position be approved to handle the legal work that will be necessary to defend and help carry out the subsistence plan provided in this bill.

Position Title Attorney IV		No. of Positions 1	Range / Step 24A	Darg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7 through 15
TYPE OF EXPENDITURE		AMOUNT		
Salary		64,056		
Benefits		20,969		
Premium Pay				
Other				
Total Personal Services		85,025		
Travel		5,000		
Contractual		17,600		
Commodities		2,400		
Equipment		6,500		
Other				
Total Cost		116,525		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	116,525		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification Implementation of the subsistence preference law contained in HB 592 will require the full-time services of an attorney to handle: (1) court challenges of the law; (2) drafting and reviewing of a substantial body of regulations; and (3) representation of ADF&G and the Subsistence Board in disputes resulting from adverse preference qualification determinations. All of this work will require journey-level services of an Attorney IV.				

Request For New Position

AGENCY DEPARTMENT OF LAW
 BRU Legal Services
 COMPONENT Operations

FY 93

Page 1 of 1
 Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 6/12/92

Bill No. SB 485

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to subsistence... BRU: Trial Courts
 Components: _____
 Sponsor: Adams
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	15.0	10.0	5.0	2.5	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	15.0	10.0	5.0	2.5	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	15.0	10.0	5.0	2.5	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	10.0	5.0	2.5	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 06/16/92
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 06/18/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court SystemSB 485Analysis

ANALYSIS

This legislation provides a statutory priority for subsistence use of fish and game, relative to other consumptive uses of the state's fish and game resources.

Because of the continuing controversies surrounding this issue, it can be anticipated that the bill will face a vigorous legal challenge if it is enacted. It can also be anticipated that regulations adopted to implement this legislation will face legal challenge.

The fiscal note reflects pro tem judge costs that will be incurred in handling these matters expeditiously.

CS FOR SENATE BILL NO. 485 (SCW)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SPECIAL SESSION

BY THE SENATE COMMITTEE OF THE WHOLE

Offered: 6/18/92
Referred: Finance

Sponsor(s): SENATORS ADAMS, Hoffman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish and game for subsistence; and providing
2 for an effective date."

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

4 * Section 1. FINDINGS. The legislature finds that

5 (1) the overwhelming majority of residents of rural areas of the state, both
6 Alaska Natives and non-Natives, rely upon the subsistence use of fish and game for
7 nutritional, economic, social, and cultural purposes;

8 (2) residents of rural areas of the state have few nutritional and economic
9 alternatives for maintaining their livelihood other than subsistence uses of fish and wildlife;

10 (3) the state's fish and game are not unlimited and cannot provide for every
11 desired use, now or in the future; competition for and the level of effort on these resources
12 have required the legislature to establish a preference for subsistence among the various
13 beneficial uses of fish and game in the state; and

14 (4) residents of urban areas of the state have nutritional and economic

1 alternatives for maintaining their livelihood other than subsistence uses of fish and wildlife,
2 though many residents of urban areas do rely upon the taking of fish and wildlife for
3 nutritional and cultural purposes.

4 * Sec. 2. AS 16.05.094 is amended to read:

5 Sec. 16.05.094. DUTIES OF SECTION OF SUBSISTENCE HUNTING AND
6 FISHING. The section of subsistence hunting and fishing shall

7 (1) compile existing data and conduct studies to gather information,
8 including data from subsistence users and urban subsistence users, on all aspects of
9 the role of subsistence hunting and fishing in the lives of the rural and urban
10 residents of the state;

11 (2) quantify the amount, nutritional value, and extent of dependence
12 on food acquired through subsistence hunting and fishing by rural and urban
13 residents of the state;

14 (3) make information gathered available to the public, appropriate
15 agencies, and other organized bodies;

16 (4) assist the department [, THE BOARD OF FISHERIES,] and the
17 boards [BOARD OF GAME] in determining what uses of fish and game, as well as
18 which users and what methods, should be termed subsistence uses, users, and
19 methods;

20 (5) evaluate the impact of state and federal laws and regulations on
21 subsistence hunting and fishing and, when corrective action is indicated, make
22 recommendations to the department;

23 (6) make recommendations to the boards [BOARD OF GAME AND
24 THE BOARD OF FISHERIES] regarding adoption, amendment, and repeal of
25 regulations affecting subsistence hunting and fishing and urban subsistence hunting
26 and fishing;

27 (7) participate with other divisions in the preparation of statewide and
28 regional management plans so that those plans recognize and incorporate the needs
29 of rural and urban subsistence users of fish and game.

30 * Sec. 3. AS 16.05.258 is repealed and reenacted to read:

31 Sec. 16.05.258. SUBSISTENCE AND ALLOCATION OF FISH AND

1 GAME. (a) The boards shall jointly identify by regulation

2 (1) communities and areas of the state that qualify as rural areas under
3 this paragraph as follows:

4 (A) a community or area with a population of 2,500 persons
5 or less is a rural area unless the board determines that the community or area
6 possesses significant characteristics of an urban nature or is a part of an
7 urbanized area;

8 (B) a community or area with a population of more than 2,500
9 persons but not more than 7,000 persons shall be classified as a rural area or
10 urban area according to the characteristics identified under (E) of this
11 paragraph; the board shall classify communities and areas of more than 2,500
12 persons but not more than 7,000 persons before classifying other communities
13 and areas;

14 (C) a community or area with a population of more than 7,000
15 persons is presumed to be an urban area, unless the board determines that the
16 community or area should be classified as a rural area because the community
17 or area possesses significant characteristics of a rural area;

18 (D) the population of a community or area is determined
19 according to the most recent census conducted by the United States Bureau of
20 the Census as updated by the Department of Labor;

21 (E) community or area characteristics shall be considered in
22 determining whether the community or area is a rural area or urban area; the
23 characteristics that may be considered include fish and game use, development
24 and diversity of the economy, transportation, communication links, community
25 infrastructure, and educational, cultural, and governmental institutions;

26 (F) communities or areas that are economically, socially, and
27 communally integrated shall be considered in the aggregate;

28 (2) the criteria for identifying those residents who qualify as urban
29 subsistence users because they

30 (A) are residents of a community or area that has a nutritional
31 or cultural dependence upon wild renewable resources for urban subsistence

1 uses; or

2 (B) can individually demonstrate that they have a nutritional
3 or cultural dependence upon wild renewable resources for urban subsistence
4 uses.

5 (b) The boards shall identify, by regulation, for each rural and urban area of
6 the state,

7 (1) the fish stocks and game populations that are taken for subsistence
8 uses or urban subsistence uses;

9 (2) the customary and traditional patterns of taking and use of fish
10 stocks and game populations taken for subsistence uses or urban subsistence uses;

11 (3) what portion, if any, of the fish stocks and game populations
12 identified in (1) of this subsection can be harvested consistent with sustained yield;

13 (4) how much of the harvestable portion of a fish stock or game
14 population identified in (3) of this subsection is needed to satisfy subsistence uses and
15 urban subsistence uses of the fish stock or game population.

16 (c) The boards shall adopt subsistence fishing and hunting regulations for each
17 fish stock and game population for which a harvestable portion is determined to exist
18 under (b) of this section. Regulations adopted by a board under this subsection must
19 provide, to the extent consistent with sustained yield, for the customary and traditional
20 uses and practices of residents who engage in subsistence uses in a manner that will
21 result in the least adverse effect upon those uses. If the harvestable portion of a fish
22 stock or game population is not sufficient to accommodate all consumptive uses of
23 the fish stock or game population, but is sufficient to accommodate subsistence uses
24 of the fish stock or game population, then nonwasteful subsistence uses shall be
25 accorded a preference over other consumptive uses, including urban subsistence uses,
26 of the fish stock or game population. If it is necessary to restrict subsistence fishing
27 or subsistence hunting in order to assure sustained yield or to continue subsistence
28 uses of the fish stock or game population, then the preference for subsistence uses
29 shall be limited, and the appropriate board shall distinguish among subsistence users,
30 by applying the following criteria:

31 (1) customary and direct dependence on the fish stock or game

1 population as the mainstay of livelihood;

2 (2) local residency; and

3 (3) availability of alternative resources.

4 (d) If the harvestable portion of a fish stock or game population, as identified
5 under (b) of this section is sufficient to accommodate consumptive uses in addition
6 to subsistence uses, the appropriate board shall adopt regulations consistent with this
7 section that authorize the taking of the fish stock or game population for urban
8 subsistence uses and may, as appropriate, adopt regulations consistent with this section
9 that authorize the taking of the fish stock or game population for other consumptive
10 uses.

11 (e) Regulations adopted by a board under (d) of this section may not authorize
12 a level of nonsubsistence hunting or fishing that would deny subsistence users the
13 opportunity to satisfy subsistence uses or urban subsistence uses due to overcrowding
14 in harvest areas or disruption of fish stocks or game populations.

15 (f) Regulations adopted under (d) of this section must provide for the taking
16 of all, or a portion, of the remainder of the harvestable portion of a fish stock or game
17 population for urban subsistence uses and must provide that the taking of a fish stock
18 or game population for urban subsistence uses has a preference over the taking of the
19 fish stock or game population for nonsubsistence consumptive uses. If the harvestable
20 portion of a fish stock or game population available for urban subsistence uses is not
21 sufficient to accommodate all urban subsistence users, the appropriate board shall
22 determine which urban subsistence users may participate in the taking of the fish
23 stock or game population for urban subsistence uses on the basis of

24 (1) customary and direct dependence on the fish stock or game
25 population as the mainstay of livelihood;

26 (2) local residency; and

27 (3) availability of alternative resources.

28 (g) Subject to (c) of this section, the taking of fish or game authorized under
29 this section is subject to reasonable regulation of seasons, catch or bag limits, and
30 methods and means by the appropriate board. The taking and use of fish and game
31 authorized under this section is subject to AS 16.05.831 and AS 16.30.

1 (h) If the harvestable portion of a fish stock or game population is insufficient
2 to provide for subsistence uses, urban subsistence uses, and nonsubsistence
3 consumptive uses, the department and advisory committee members representing
4 affected subsistence users, urban subsistence users, and nonsubsistence users shall
5 develop a cooperative management plan to facilitate the recovery of the fish stock or
6 game population to allow for increased consumptive use of the fish stock or game
7 population. The cooperative management plan must contain recommendations to the
8 appropriate board for necessary changes in regulations. If the subsistence uses or
9 urban subsistence uses of a fish stock or game population have been eliminated to
10 achieve sustained yield, the appropriate board shall adopt regulations to allow
11 subsistence harvest of the fish stock or game population as soon as the board has
12 determined there is a harvestable portion consistent with sustained yield.

13 (i) In this section, "community" means a group of people who can
14 demonstrate a sustained interaction or significant relationship that differentiate
15 members of the group from nonmembers; "community" shall be construed in the
16 context of the history, geography, and cultural organization of the group.

17 * Sec. 4. AS 16.05.260 is amended by adding new subsections to read:

18 (b) The boards, acting jointly, shall divide the state into at least six
19 subsistence regions. The number and boundaries of the regions must be sufficient to
20 assure that regional differences in subsistence uses and urban subsistence uses of fish
21 and game are adequately accommodated. The commissioner shall establish a regional
22 council in each subsistence region. The membership of each regional council consists
23 of the chair, or the chair's designee, of each advisory committee within the region.

24 (c) Each regional council, in consultation with the section of subsistence
25 hunting and fishing, shall provide recommendations to the boards on the
26 identifications and regulations required under AS 16.05.258. The board shall adopt
27 a recommendation of a regional council unless the recommendation is not supported
28 by substantial evidence presented during the course of its proceedings, violates
29 recognized principles of fish and wildlife conservation, or would be detrimental to the
30 satisfaction of subsistence needs. If the board does not follow the recommendation
31 of a regional council, the board shall return the recommendation with an explanation

1 of its reason for not adopting the recommendation to the regional council for further
2 consideration.

3 * Sec. 5. AS 16.05.330(c) is amended to read:

4 (c) The boards [BOARD OF FISHERIES AND THE BOARD OF GAME]
5 may adopt regulations providing for the issuance and expiration of subsistence permits
6 for areas, villages, communities, groups, or individuals as needed for authorizing,
7 regulating, and monitoring the subsistence harvest of fish and game by subsistence
8 users or urban subsistence users. The boards shall adopt these regulations when the
9 subsistence preference requires a reduction in the harvest of a fish stock or game
10 population by subsistence users, urban subsistence users, or nonsubsistence users.

11 * Sec. 6. AS 16.05.940(26) is repealed and reenacted to read:

12 (26) "rural area" means a community or area of the state classified as
13 rural by the Board of Fisheries and Board of Game;

14 * Sec. 7. AS 16.05.940(29) is repealed and reenacted to read:

15 (29) "subsistence fishing" means the taking of, fishing for, or
16 possession of fish, shellfish, or other fisheries resources by a resident domiciled in a
17 rural area of the state for subsistence uses with gill net, seine, fish wheel, long line,
18 or other means defined by the Board of Fisheries;

19 * Sec. 8. AS 16.05.940(30) is repealed and reenacted to read:

20 (30) "subsistence hunting" means the taking of, hunting for, or
21 possession of game by a resident domiciled in a rural area of the state for subsistence
22 uses by means defined by the Board of Game;

23 * Sec. 9. AS 16.05.940(31) is repealed and reenacted to read:

24 (31) "subsistence uses" means the noncommercial, customary, and
25 traditional uses of wild, renewable resources by a resident domiciled in a rural area
26 of the state for direct personal or family consumption as food, shelter, fuel, clothing,
27 tools, or transportation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and game resources taken for personal or family
29 consumption, and for the customary trade, barter, or sharing for personal or family
30 consumption; in this paragraph, "family" means persons related by blood, marriage,
31 or adoption, and includes a person living in the household on a permanent basis;

1 * Sec. 10. AS 16.05.940 is amended by adding new paragraphs to read:

2 (36) "urban subsistence fishing" means the taking of, fishing for, or
3 possession of fish, shellfish, or other fisheries resources by a resident who is
4 domiciled in an urban area of the state for urban subsistence uses with gill net, seine,
5 fish wheel, long line, or other means defined by the Board of Fisheries;

6 (37) "urban subsistence hunting" means the taking of, hunting for, or
7 possession of game by a resident who is domiciled in an urban area of the state for
8 urban subsistence uses by means defined by the Board of Game;

9 (38) "urban subsistence uses" means the noncommercial, customary,
10 and traditional uses of wild, renewable resources by a resident of the state domiciled
11 in an urban area of the state for direct personal or family consumption as food,
12 shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft
13 articles out of nonedible by-products of fish and game resources taken for personal
14 or family consumption, and for the customary trade, barter, or sharing for personal or
15 family consumption; in this paragraph, "family" means persons related by blood,
16 marriage, or adoption, and includes a person living in the household on a permanent
17 basis;

18 (39) "urban area" means a community or area that has not been
19 classified as a rural area by the Board of Fisheries and Board of Game.

20 * Sec. 11. This Act takes effect on the effective date of a constitutional amendment
21 authorizing rural and urban subsistence uses of fish and game that is approved by the voters
22 at the 1992 general election.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

June 19, 1992

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

The Honorable Pat Pourchot
Co-Chairman
Senate Finance Committee
Alaska State Legislature
Juneau, AK 99801-1182

Dear Senator Pourchot:

At this morning's hearing on SB 484 and SB 485, the Senate Finance Committee inquired about the penalty if a person falsified his or her application for a "Tier II" subsistence permit.

Our criminal division advises that the overwhelming majority of violations of this nature are covered by AS 16.05.420. The penalty for such violations is included in Court Administration Rule 43.2, which is the fish and game bail forfeiture schedule. The schedule provides for a maximum bail forfeiture of \$200. Then cases are handled as citations and, in accordance with Rule 43.2, they are not handled as criminal cases.

State prosecutors rarely use AS 11.56.210, the unsworn falsification statute, for these kinds of cases and then only for the most egregious violations. Unsworn falsification is a class A misdemeanor and has a maximum penalty of one year imprisonment and a \$5,000 fine.

I have attached the relevant statutes and the Court Administration Rule for your information.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: *Richard I. Pegues*
Richard I. Pegues, Director
Administrative Services

CEC:RIP:djd

Attachments/3