

SB

166

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, January 30, 2006 11:46 AM
To: Mary Jackson
Subject: FW: New Pom:SB 166 Wildlife Conservation Tag

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, January 30, 2006 11:37 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 166 Wildlife Conservation Tag

Donald Quarberg
Hc 60 Box 3070
5435 Bueno Road
Delta Junction 99737-9328, DonQuarberg
dmq@wildak.net
(907) 895-4650
(907) 895-4650

Support this bill! It is time the nonconsumptive users of wildlife contribute to their management. These noncontributors have been making demands on wildlife management for years! Thank you!

SENATE RESOURCES PACKET

JAN. 30, 2006

SB 166 Packet –Sponsor Materials

- Cover Sheet _____ 1 page
- Sponsor Statement _____ 1 page
- Fact Sheet for SB 166 _____ 1 page
- SB 166 _____ 7 pages

- **Total Pages** _____ **10 pages**

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS 166
() Publish Date: _____

Revision Date/Time: _____ Note if correction: _____ Dept. Affected: Fish and Game
Title: Wildlife conservation tag RDU: Administration and Support
Component: Commissioner's office
Sponsor: Senator Con Bunde
Requester: Senate Resources Committee Component No.: 2175

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	25.0	25.0	25.0	25.0	25.0	25.0
Travel						
Contractual	273.0	1,007.0	1,007.0	1,007.0	1,007.0	1,007.0
Supplies	25.0	15.0	15.0	15.0	15.0	15.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	323.0	1,047.0	1,047.0	1,047.0	1,047.0	1,047.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES (F&G Fund)	4,600.0	4,830.0	5,071.5	5,325.1	5,591.3	5,870.9
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game fund	323.0	1,047.0	1,047.0	1,047.0	1,047.0	1,047.0
TOTAL	323.0	1,047.0	1,047.0	1,047.0	1,047.0	1,047.0

Estimate of any current year (FY2006) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Annual revenue estimates are based on the following assumptions:

- 1) New Wildlife Conservation tag becomes effective January 1, 2007 and not January 1, 2006 as referenced in the legislation.
- 2) About 1.45 million non-residents will travel to Alaska as tourists in FY06. Of these about 347,000 will purchase a hunting, fishing or trapping license and therefore would not be required to purchase an annual Wildlife Conservation tag. Of the remaining 1.1 million nonresident (some of whom are under the age of 16), we project that approximately 921,000 would purchase the tag, generating about \$4.6 million in revenue.

Prepared by: Tom Lawson, Director Phone 465-5999
Division: Administrative Services Date/Time 1/30/05 11:00 a.m.
Approved by: Commissioner McKie Campbell Date 1/30/2005
Agency: Department of Fish and Game

SB 166 Packet –Supplemental Materials

- Cover Sheet _____ 1 page
- New Fiscal Note: ADF&G 1-30-06 _____ 2 pages
- Legal Opinion dated 2-01-06 _____ 2 pages
- Suggested Revisions from ADF&G _____ 2 pages
- Opposition email 2-02-06: Pearson, John _____ 2 pages

- **Total Pages** _____ **9 pages**

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. SB 166

ANALYSIS CONTINUATION

3) We project the number of pass purchasers will increase by an estimated 5% annually based on the current tourism trends.

4) We do not include any projections of Wildlife Conservation tag revenue related to Alaska residents as we assume residents that would participate in wildlife viewing would either possess a hunting, fishing or trapping license or be exempt from the tag (section 11 lists several exemptions such as under 16 years old or age 60 or older)

The operating costs shown are those for the entire department and it is not fully known at this time how the costs would be distributed between divisions. We do know that the number of vendors will increase since many of the tour guide operators and cruise ship companies do not currently sell license stock. The Division of Administrative Services accounts for all licenses and tags and will need an additional part-time employee to deal with the increase in mailings of stock to vendors, processing of revenue, and reconciliation of vendor accounts.

Contractual costs included postage, printing of Wildlife Conservation Tag, printing of vendor collection reports, additional vendor compensation and outreach. AS16.05.390 entitles vendors to retain 5% of the fee that is charged. Retained vendor fees are not shown in the fiscal note as they are calculated at the end of the year and is a net zero transaction (revenue equals expenditures).

The largest contractual cost is additional vendor compensation authorized by AS 16.05.390 which entitles vendors to receive \$1.00 for each Wildlife Tag sold. Additional compensation in the first year would be \$922,000. Assuming the Tag becomes effective January 1, 2007 will reduce the additional vendor compensation in FY2007. Approximately 15% of license sales occur between January and July and we adjusted the FY2007 additional vendor compensation amount to reflect this assumption (\$138,000)

The divisions of Wildlife Conservation and Sport Fish will be responsible for outreach (contractual and supplies) of the wildlife conservation pass estimated to be appx. \$100,000 in year 1 and \$40,000 in subsequent years. The outreach will be to 1) prospective purchasers of the pass to inform them of these new requirements and 2) those who will be selling the passes (e.g. cruise ship companies, tour operators, etc.). We expect to produce newspaper articles and radio and television public service announcements, develop fliers for vendors to post explaining the new program, a brochure describing how the funds will be used and other materials to explain the program to vendors and participants. During the first year of implementation, costs will be significantly higher than in following years when materials have been produced and the program is in place. However, some outreach will continue to be necessary.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 1, 2006

SUBJECT: Wildlife Conservation Tags (SB 166)

TO: Senator Tom Wagoner
Chair of Senate Resources Committee
Attn: Mary Jackson

FROM: Brian J. Kane BK
Legislative Counsel

You have posed several questions for me to research regarding SB 166 on Wildlife Conservation Tags. I will address each question separately.

(1) What is the exposure of liability to the transporter if they accommodate someone who does not have the tag?

It appears that this situation is covered in AS 16.05.430(a). This subsection states:

(a) Except as provided in AS 16.05.407(b) and (d), 16.05.408(b), and 16.05.420(b), a person who violates AS 16.05.330 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

From my reading, the transporter -- the bill uses the term "person...employed in the transportation industry" -- is discussed in AS 16.05.417, which falls within the range of statutes for the above penalty. If the transporter does not follow the rules for the tags, then he is in violation and subject to the penalty described in AS 16.05.430(a).

(2) Would the Juneau Tram or the Alyeska chair lift be considered transporters?

From my reading, it appears that each of these falls under the definitions listed in AS 16.05.417(a)(1) and (2). Therefore, they are both transporters.

(3) Juneau has been advised by cruise ship personnel that they cannot assess city sales tax on flight-seeing tours that take off and return to the same location because it is federal and not local jurisdiction. Would the same apply for these tags?

This question is difficult to answer without knowing more information about the federal or local jurisdiction part of the question. It would seem that a state statute regarding these tags would not involve a local or federal jurisdiction issue. However, without knowing more on the specifics here, I cannot offer a definitive answer.

Senator Tom Wagoner

February 1, 2006

Page 2

(4) How are campgrounds along a river, where there are ducks and other waterfowl, affected by this bill? What about a hotel on an ocean bluff that has an eagle-viewing opportunity from its windows or decks?

While both of these sites would offer "incidental" viewing opportunities as mentioned in AS 16.05.417(e), it appears that AS 16.05.417(e)(3), the definition of the word "field" which appears in the phrase "facilities in the field" does not include these sites as part of the definition. Permanent hotels and roadhouses are excluded from the tag requirement. Unless a campground is found in some remote location, the tag requirement will not be needed for the campground.

BJK:lmb

06-036.lmb

FROM ADFEG

[Signature]
2-2-06

Suggested Amendments to SB 166

Section 5, line 12-13: Delete "for the Alaska marine highway system and the Alaska Railroad Corporation or for".

Section 6: Delete proposed amendments to 16.05.390(a) and instead insert a new subsection that reads: "Except as provided in (e) of this section, an agent appointed by the commissioner under AS 16.05.380 to sell the wildlife conservation tag is entitled to compensation of \$1 for each wildlife conservation tag sold."

Section 11(b), line 27: Add "annual" after "a" and before "wildlife conservation tag."

Section 11(c)(1): Replace "~~person~~" with "~~resident~~."

Section 11(c)(4): Add "Alaska" after "valid, current year" and before "commercial fishing license" and add "issued by the department" after "interim-use permit."

Section 11(c)(6): Replace this subsection with language that exempts employees of commercial providers while they are on duty at work.

Section 11(c)(8), line 13: Delete "by railroad or by the Alaska marine highway system" and replace with "for purposes other than an opportunity to view public wildlife."

Section 11(d), line 14: Add "knowingly" after "may not" and before "provide service." In addition, add language that says "A commercial provider for an opportunity to view public wildlife must A) adequately inform customers that a wildlife viewing tag is required, B) ask each customer whether he or she has a wildlife conservation tag, and C) notify prospective customers in marketing and promotional materials that a wildlife conservation tag is required."

Section 11(e)(1): Replace "engaged in the commercial provider industry or transportation industry" with "business" in line 21. In line 23-24, delete "equipment, or facilities in the field primarily or incidentally". In line 24, replace "fish or" with "public" and delete "or transportation to or in the field". Replace lines 26-29 with the following: "A) provides a significant opportunity to view

public wildlife; or B) advertises the opportunity to view public wildlife in marketing and promotional materials.”

Add language that clarifies that the Alaska Railroad, Alaska Marine Highway, rented RVs and passenger vehicles, and nonstop flights between airports listed in the Alaska supplement to the Airmen’s Guide published by the FAA are not considered “commercial providers for an opportunity to view wildlife.

Retain the language in Section 11(e)(5)(B) that says “carriage of persons by a method of transportation determined by the commissioner by regulation not to have a significant opportunity for viewing of public wildlife.”

Section 11(e)(2) and (3): Delete entirely.

Section 11(e)(4): Add “not in captivity” after “fish and game.”

Section 11(e)(5): Delete entirely.

Section 12: Should this section or another section contain a penalty for operators that violate section 11(d)?

Section 13: Change the effective date to January 1, 2007.

ADD:

Page 5, Line 18: delete “in actual possession”

New Section regarding the authority of the Commissioner of Fish and Game to promulgate regulations pursuant to this new statute.

Mary Jackson

From: John Pearson [jpearson@ptialaska.net]
Sent: Thursday, February 02, 2006 2:04 AM
To: Sen. Tom Wagoner; Sen. Kim Elton; Sen. Ralph Seekins; Sen. Con Bunde; Sen. Bert Stedman; Sen. Ben Stevens; Sen. Albert Kookesh; Mary Jackson
Cc: Mayor Angela Brand-Danuser; GARY BENEDICT- HYDER BOARD OF TRADE
Subject: STATEMENT IN OPPOSITION TO SB 166 : REF: WILDLIFE CONSERVATION TAG

SB 166: WILDLIFE CONSERVATION TAG (STATEMENT OF OPPOSITION)

The following position is presented to represent the interest of the following organizations:

- Hyder Board of Trade Inc. (Chamber of Commerce), Hyder Alaska
- Stewart-Hyder International Chamber of Commerce, Stewart BC
- Portland Canal Development Council - Hyder & Stewart
- Fish Creek Tours Company, Hyder, AK

Contact: John Pearson, (907) 789-1402

The above organizations are united in their opposition to the proposed Bill: SB166 for the following reasons:

1. The proposed legislation will have a major and devastating negative impact on the local economy of Hyder Alaska and Stewart, British Columbia, two communities sharing the US/Canada International Border and local resources.
2. Unlike other communities in Alaska, all visitors arrive and depart the community of Hyder via one of the two US/Canada International border crossings into Hyder. Many of the organized tours are obliged to cross into Hyder Alaska and travel 12.5 miles on a state DOT substandard road in order to reach the second US/Canada border crossing in order to reach the Granduc Road. These tours take place as: (a.) Low budget local school bus tours traveling from Stewart BC to the Granduc Road (BC) in route to a viewing site for the Salmon Glacier within BC. (b.) Low budget local school bus transferring of visitors from central Hyder business area to the local USFS bear viewing site located approximately four miles from the community on the state DOT road between mid- July and the first of September when bears may be available for viewing.
3. In a cooperative effort the two border communities of Hyder AK and Stewart BC have spent very scarce and valuable resources to development of the BC Salmon Glacier experience and Alaska Fish Creek bear experience with the hope of attracting visitors. The proposed legislation if put in place will immediately result in long distance (programs of 100 miles or more) tour operators to seek other available options in Canada. No Canadian operator will ever pay \$ 235. (US) for a 47 passenger bus, to drive 12.5 miles on a State of Alaska road in order to reach and view a Canadian glacier.
4. In the case of the local Hyder tour operations, the proposed legislation will raise the current \$5.00 transfer and bear viewing experience fee from \$ 5.00 to \$ 10.00 per head. One must keep in mind that many users of the school bus transfer service will be first time visitors to Alaska, not planning to visit any other part of Alaska, and will react to the \$ 10.00 fee by rejection of the local transfer service and make the decision to drive their vehicles to the site, and save money, while at the same time seriously impacting the local bear population the community values as an attraction and meaningful visitor experience.
5. We believe the Alaska Department of Fish and Game, in the case of Hyder, has failed to understand the value of encouraging group unit travel to areas of heavy bear concentrations in order to avoid negative environmental impacts on the Fish Creek bear population that is brought about by the smell of gas, diesel oil, noise, food, dust and other un-needed disturbances to the wildlife.
6. The concept the Hyder Board of Trade supports is to maximize the opportunity for visitors to STOP, STAY and SPEND in Hyder and Stewart. To do this we encourage visitors to park downtown and within our

business areas, and take a low budget transfer to the bear viewing site in a manner of least impact on the local bear population. The proposal of the Alaska Legislature destroys a concept fostered by Hyder and Stewart while driving the long distance motorcoach operators to seek other options for bears and glaciers, rather than enjoy a short visit in Hyder Alaska and Stewart BC where visitor injections into the local economy are important and welcomed. .

In summary, our position and request ::

- The proposed legislation is poorly thought out in considering the impacts on small developing (distressed) communities such as Hyder, Hydaberg and Angoon.
- The legislative process should; call for an environment impact statement on the economic impact of SB166 on the community of Hyder and other developing communities with similar concerns.
- In view of the unique geographical features, road access issues and effect of SB166 on the international features related to Alaska and British Columbia in the Hyder-Stewart area, the Hyder Board of Trade Inc. is requesting a total exemption from the proposed legislation, in the order of a twenty miles distance from the International Boundary Marker Number 1, at Eagle Point, USA, and extending to any point further within the USA, including the Tongass National Forest from the Boundary Marker Number 1.

John Pearson, Economic Development Planner for Hyder is available in Juneau to address any specific aspects of the issue. Contact: (907) 789- 1402.



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement for SB 166

"An Act relating to an annual wildlife conservation tag; relating to bond requirements for vendors of fish and game licenses, permits, and tags; and providing for an effective date."

Senate Bill 166 will create a system to enable those who view Alaska's wildlife to contribute to fish and wildlife management and eco-tourism programs. SB 166 will require those who take a wildlife viewing tour of any kind (by boat, bus, train, etc.) to purchase a \$5 annual wildlife conservation tag. This modest tag fee will raise about \$2 million per year. Those who are under 16 or over 60 years of age, purchase hunting, fishing or trapping licenses, are disabled vets or blind are not required to purchase the tag.

Some of the revenue received from the sale of wildlife conservation tags will go into a special account in the Fish and Game Fund for "fish and wildlife management programs that directly benefit tag purchasers", alleviating pressure on the Department of Fish and Game to use hunter and angler dollars for "nonconsumptive" programs.

This revenue will be used to support on-the-ground fish and wildlife management programs as well as construct wildlife viewing infrastructure (e.g., boardwalks) in communities around the state; improve access; develop roadside interpretive signs and other educational programs; and foster viewing-related economic development. These projects enhance the safety and efficiency of interstate and foreign tourism and commerce in Alaska.

About 1.45 million visitors travel to Alaska each year, contributing more than \$1.8 billion to Alaska's economy. Most cite the opportunity to view wildlife as one of the primary reasons for their trip. Their satisfaction is tied to the opportunity to see wildlife in a natural setting. It's reasonable and fair that these visitors and the industry that most directly benefits from them help to sustain our fish and wildlife resources.

In response to the national "Teaming With Wildlife" campaign (which over 400 Alaska businesses and organizations endorsed), about \$3 million in new federal dollars are coming to Alaska for "non-traditional" wildlife programs, including conservation of non-hunted species, wildlife viewing, and wildlife-related education. These new federal dollars must be matched with state dollars. SB 166 will provide a way for those who use and enjoy Alaska's wildlife to help match these federal dollars and ensure that Alaska maintains healthy and productive wildlife populations.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: SB 166
Contact: Lauren Rice, 465-4843

Fact Sheet for: Senate Bill 166

Short Title: WILDLIFE CONSERVATION TAG

Summary:

- Requires people who use the services of a touring or recreational service that provides an opportunity to view public wildlife in Alaska to purchase a \$5 wildlife conservation tag.
- Makes certain exemptions, including people under the age of 16; residents 60 years of age or older; holders of fishing, hunting or trapping licenses; employees of commercial tourism providers or transportation industry; residents traveling to or from their residences on the Alaska railroad or marine highway system; the legally blind and disabled veterans.
- Establishes a wildlife conservation account in the fish and game fund into which proceeds from the tag shall be deposited and may be appropriated for fish and wildlife management programs that benefit purchasers of the wildlife conservation tag.
- States the intent of the legislature to use proceeds to pay part of the costs for providing services to travelers and tourists to enhance the opportunity to view wildlife, and to enhance the safety and efficiency of interstate and foreign commerce in the state.
- Establishes compensation for vendors who participate in collecting the fee and distributing the tag.

Benefits:

- Provides new revenue that may be used to support fish and wildlife management in Alaska.
- Shares the burden of supporting wildlife management with non-consumptive users.

Background:

- The State of Alaska spends significant resources to manage fish and wildlife. Existing law requires hunters, fishermen and other consumptive users of fish and wildlife to buy licenses, but does not assess a fee for non-consumptive uses of fish and wildlife such as wildlife viewing. This bill provides a mechanism to spread the cost of paying for wildlife management among people who pay for the opportunity to view fish and wildlife but do not possess a hunting or fishing license.

24-LS0816V
Kane
2/2/06

CS FOR SENATE BILL NO. 166()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR BUNDE

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to an annual wildlife conservation pin."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **FINDINGS AND INTENT.** (a) The legislature finds that

6 (1) the State of Alaska expends significant financial resources each year for
7 the purpose of fish and wildlife management;

8 (2) existing law requires hunters, fishermen, and other consumptive users of
9 fish and wildlife to obtain the appropriate licenses and to pay the associated fees;

10 (3) existing law does not provide a source of revenue from nonconsumptive
11 uses of fish and wildlife, such as fish or wildlife viewing;

12 (4) the opportunity to view fish and wildlife is a significant component of the
13 experience enjoyed by many Alaskans and visitors through the use of commercial guides,
14 outfitters, tour operators, and providers of transportation in settings where fish and wildlife
15 are present;

1 (5) sale of a wildlife conservation pin will provide new revenue that may be
2 used to support fish and wildlife management programs.

3 (b) It is the intent of the Alaska State Legislature that the revenue generated by the
4 wildlife conservation pin be used to pay part of the costs of the state in providing services to
5 resident and nonresident travelers and tourists to enhance the opportunity to view and
6 experience the abundance of fish and wildlife in the state and to pay the costs of enhancing
7 the safety and efficiency of interstate and foreign commerce in the state.

8 * **Sec. 2.** AS 16.05.110 is amended by adding a new subsection to read:

9 (c) There is established in the fish and game fund the wildlife conservation
10 account. The proceeds from the sale of the wildlife conservation pin shall be deposited
11 into the account. The money deposited into the account may be appropriated for the
12 purpose of fish and wildlife management programs that benefit purchasers of the
13 wildlife conservation pin.

14 * **Sec. 3.** AS 16.05.380 is amended by adding new subsections to read:

15 (b) At the discretion of the agent, an agent who is not a state employee
16 appointed by the commissioner under (a) of this section may also sell wildlife
17 conservation pins under AS 16.05.417.

18 (c) A state employee appointed by the commissioner under (a) of this section
19 shall also sell wildlife conservation pins under AS 16.05.417.

20 * **Sec. 4.** AS 16.05 is amended by adding a new section to read:

21 **Sec. 16.05.417. Wildlife conservation pin.** (a) The department shall annually
22 design, produce, and make available for sale to the public a wildlife conservation pin
23 that may be purchased to show support for the conservation of wildlife in the state.

24 (b) The fee for a wildlife conservation pin is \$5.

25 (c) Except when an agent decides under AS 16.05.380(b) not to sell wildlife
26 conservation pins at the agent's premises, the department shall make wildlife
27 conservation pins available at participating locations where hunting licenses or fishing
28 licenses can be purchased under AS 16.05.380.

29 (d) An agent selling wildlife conservation pins shall follow the same fee and
30 compensation guidelines as an appointed agent in AS 16.05.390.

Constance Hartle

From: Rydell, Rick [Rick@650keni.com]
Sent: Monday, February 06, 2006 2:58 PM
To: Jim r; Sen. Con Bunde
Cc: Rep. Mike Hawker
Subject: RE: Animal Viewing Tax?

Jim,

On Cons behalf, let me illustrate that "wildlife viewers" DO consume.

Fish and Game takes much of its revenue from licenses. It actually fully funds some programs in F&G. Wildlife viewing is a service F&G also has to expend resources to manage the practice to protect the resource.(ie too many people wandering around popular viewing areas destroys the very habitat the resource is coming to the area for)

Therefore "viewers" ARE consumers as their behavior is consuming the revenues of other users and they are not contributing. They literally ARE creating and expense without contributing to the agency tasked with the ramifications of their actions.

We had to deal with this issue often while I sat on the Fish and Game advisory committee and it is a little more detailed than it looks at first blush. Knowing that they create a drain on the budget which takes money from my fishing license and hunting licenses, I am ALL for them funding the spending they create.

Hope that helps,

Rick Rydell

From: Jim r [mailto:papa42dudes@yahoo.com]
Sent: Mon 2/6/2006 12:24 PM
To: Sen. Con Bunde
Cc: Rydell, Rick; representative.mike.hawker@legis.state.ak.us
Subject: RE: Animal Viewing Tax?

Sorry Con, I still disagree with you. Fee or Tax, - it has the same result, it is only a matter of semantics because it still takes more out of the citizen's wallet. I figure I pay a license fee for hunting/fishing because I'm taking/consuming some of resources that belong to all Alaskans. The "viewers" are taking/consuming nothing. To think that "viewing" is equivalent to taking/consuming is really falling into the liberal sentiment trap concerning "use" of the resource. The 3F resources do belong to all Alaskans do they not? And, surely the 3F Dept is not there to serve just the takers/consumers - I thought they were there to manage resources that belong to all Alaskans. And since those resources belong to all Alaskans, the financial resources of the State should fund the 3F Dept. To rely only on "viewers", hunters, and fishermen to fund the 3 F Dept is discriminating against those three classes of individuals. I'll gladly pay a fee for a license to take/consume the resources of all Alaskans, and if that helps to fund a portion of the 3F Dept -so be it. But the financial resources of all Alaskans should be paying for the operation of the 3F Dept since that dept is managing a resource that belongs to all Alaskans for the good of all Alaskans. Fund 3F Dept with general funds and hunting/fishing licenses bought by takers/consumers of the resource. Next thing you know I'll have to pay someone \$\$\$\$ because I "viewed" the moose that walked through my yard.....

2/6/2006

I say again, you could better spend your time concerning yourself with long term budget plan and preparing for the gas line contracts that you will be expected to address.

Jim Ricks

"Sen. Con Bunde" <Senator_Con_Bunde@legis.state.ak.us> wrote:

Sorry Jim,

I still disagree with you. The wildlife tag is a user fee - not a tax for tourists - and, much like the hunting and fishing license fees, the wildlife tag fee would go into the Fish and Game fund. By doing this, we don't put the entire funding of the Department of Fish and Game on the backs of the hunters and fishermen.

One day, when the license fees aren't enough to fund our game management, average citizens might have to help pay these costs. Now that would be a tax.

Con

From: Jim r [mailto:papa42dudes@y.jhoo.com]
Sent: Wednesday, February 01, 2006 9:36 AM
To: Sen. Con Bunde
Cc: Rep. Mike Hawker; Rick@keni650.com
Subject: Animal Viewing Tax?

Con, Reference your proposal for what I'll call the Animal Viewing Tax. I think you've gone over the edge with this one. I realize it is probably aimed at getting tourist dollars for the state Fin, Feathers, and Fur (3F) agency - but you know very well that you can not designate the dollars specifically for 3F and that there is no guarantee that your fellow legislators will year after year designate the added \$\$\$\$ to 3F and that those \$\$\$\$ could end up being spent on something else.

And by the way, here you are another Republican proposing another tax. Real Republicans, theoretically, are supposed to oppose taxes and expanding government. RINO Republicans propose taxes and new government programs.

If I were a blind tourist and I could not "view" the 3F resources, would I still have to pay the tax?

You must have taken the idea for this tax from the Liberals play book. It seems to me that you are falling into the Liberals trap with this proposal. It is the animal rights activist Liberals who are concerned about being able to "view" the 3F in Alaska, and they will do anything to get \$\$\$\$ to support their cause. It seems to me that this proposal acknowledges that this particular Liberal sentiment has actual value and that you are playing on that sentiment to charge people to "view" the 3F.

Con, you can better spend your time working on a long term fiscal policy for the state and preparing to deal with the gasline proposal you will receive from the Governor. Perhaps a 90 day session would give legislators less time to come up with frivolous tax proposals and cause them to concentrate on essential state business.

Jim Ricks, Eagle River

Do you Yahoo!?
With a free 1 GB, there's more in store with Yahoo! Mail.

Yahoo! Mail - Helps protect you from nasty viruses.

LEGISLATIVE RESEARCH REPORT

FEBRUARY 6, 2006



REPORT NUMBER 06.132

NONCONSUMPTIVE USER FEES FOR TOURISTS

PREPARED FOR SENATOR CON BUNDE

BY KATHLEEN L. WAKEFIELD, LEGISLATIVE ANALYST

You asked if any other states charged tourists for nonconsumptive recreational pursuits such as viewing wildlife. While states charge a variety of user fees, some of which are specifically directed at tourists (such as transient hotel and motel taxes or fees, and rental car surcharges), we were unable to find any state that charges a fee specifically for tourist-related nonconsumptive recreational purposes, except for park and campground fees (which usually apply to both residents and nonresidents).¹

The following examples illustrate the kinds of fees for nonconsumptive purposes that we found, which could include tourists:

- ◆ **Montana** charges nonresidents a state park user fee to use "primitive parks," but does not charge residents for use of the parks.²
- ◆ In **Texas**, local governments may charge a beach user fee, the proceeds of which are to be used for dune protection and beach access, but this fee is charged to residents as well as nonresidents.³
- ◆ **Wyoming** requires persons to pay a snowmobile user fee in addition to the registration fee—the nonresident fee is \$25, and the resident fee is \$20. The funds are used to maintain snowmobile trails.⁴

¹ We performed an Internet search, using both *Google* and *Lexis*. We contacted the Audubon Society, Defenders of Wildlife, the National Conference of State Legislatures, and Watchable Wildlife, Inc., and we searched the NCSL website. We also searched selected state websites such as California, Florida, Hawaii, Montana, and Wyoming.

² MCA 23-1-118.

³ 31 TAC 15.8.

⁴ WS 31-2-409.

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MEMORANDUM

February 6, 2006

SUBJECT: SB 166 Amendments (SB166 (Work Order No. 24-LS0816(Y.6)))

TO: Senator Con Bunde
Attn: Lauren

FROM: Brian J. Kane *BK*
Legislative Counsel

I have attached with this memo the amendment you have requested. However, I want to call one point to your attention for a change I did not make.

You requested for penalty language to be added to this bill. There is already a code section that deals with violators and provides for penalties for violations under the bill. AS 16.05.430(a) reads as follows:

(a) Except as provided in AS 16.05.407(b) and (d), 16.05.408(b), and 16.05.420(b), a person who violates AS 16.05.330 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

The code sections described in this bill fall between AS 16.05.330 - 16.05.420, and are thus covered by this penalty section.

The amendment to AS 16.05.390(a) requested by Lauren Rice eliminates the payments to appointed agents for licenses, permits, and other tags. The modification necessitated a change in the bill title to meet the descriptive title requirement.

If I may be of further assistance, please advise.

BJK:med
06-099.med

Enclosure

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR BUNDE

TO: SB 166

1 Page 1, lines 1 - 2:

2 Delete "; relating to bond requirements for vendors of fish and game"

3 Insert "and to compensation for agents selling"

4

5 Page 3, lines 12 - 13:

6 Delete "for the Alaska marine highway system and the Alaska Railroad

7 Corporation or for [OF]"

8 Insert "of"

9

10 Page 3, lines 19 - 26:

11 Delete all material and insert:

12 "** Sec. 6. AS 16.05.390(a) is amended to read:

13 (a) Except as provided in (e) of this section, an agent appointed by the
14 commissioner under AS 16.05.380 to sell the wildlife conservation tag [LICENSES,
15 PERMITS, AND TAGS] is entitled to

16 [(1) RETAIN FIVE PERCENT OF THE FEE THAT IS CHARGED
17 FOR A LICENSE, PERMIT, OR TAG OR 25 CENTS FOR EACH LICENSE,
18 PERMIT, OR TAG SOLD, WHICHEVER IS GREATER; AND

19 (2)] compensation of [\$50 PER YEAR OR] \$1 for each wildlife
20 conservation [LICENSE, PERMIT, OR] tag sold [DURING THE YEAR,
21 WHICHEVER IS GREATER]."

22

23 Page 3, line 31:

1 Delete "(a)(1)"

2 Insert "(a) [(a)(1)]"

3

4 Page 4, line 5:

5 Delete "(a)(2)"

6 Insert "(a) [(a)(2)]"

7

8 Page 4, following line 22:

9 Insert a new bill section to read:

10 "** Sec. 11. AS 16.05.390(g) is amended to read:

11 (g) The commissioner may assess a penalty against an agent who does not
 12 transmit proceeds within the time allowed under (f) of this section. The penalty is
 13 equal to one and one-half percent of the amount of proceeds due. The penalty may be
 14 assessed for each month or portion of a month that the proceeds are delinquent. A
 15 penalty under this subsection shall be withheld from the agent's compensation under
 16 (a) [(a)(2)] of this section."

17

18 Renumber the following bill sections accordingly.

19

20 Page 4, line 27:

21 Delete "a"

22 Insert "an annual"

23

24 Page 5, line 4, following "year":

25 Insert "Alaska"

26

27 Page 5, line 5, following the second occurrence of "permit":

28 Insert "issued by the department"

29

30 Page 5, line 9:

31 Delete "in the commercial provider or transportation industry and provides"

1 Insert "as a commercial provider for an opportunity to view public wildlife, while
2 providing"

3

4 Page 5, line 13:

5 Delete "by railroad or by the Alaska marine highway system"

6 Insert "for purposes other than an opportunity to view public wildlife"

7

8 Page 5, following line 13:

9 Insert a new subsection to read:

10 "(d) For the opportunity to view public wildlife, a commercial provider shall

11 (1) adequately inform customers that a wildlife conservation tag is
12 required;

13 (2) ask each customer if that customer has a wildlife conservation tag;

14 and

15 (3) notify prospective customers in marketing and promotional
16 materials that a wildlife conservation tag is required."

17

18 Reletter the following subsection accordingly.

19

20 Page 5, line 14, following "not":

21 Insert "knowingly"

22

23 Page 5, line 15:

24 Delete ", equipment, or facilities"

25

26 Page 5, line 18:

27 Delete "in actual possession"

28

29 Page 5, line 19, through page 6, line 10:

30 Delete all material and insert:

31 "(f) In this section,

1 (1) "commercial provider for an opportunity to view public wildlife"
 2 means a business that provides to an individual, for compensation or with the intent to
 3 receive compensation, touring or recreational service for the purpose of viewing
 4 public wildlife; the phrase "commercial provider for an opportunity to view public
 5 wildlife"

6 (A) includes a person who provides a significant opportunity to
 7 view public wildlife or advertises the opportunity to view public wildlife in
 8 marketing and promotional materials;

9 (B) does not include

10 (i) the Alaska Railroad, Alaska marine highway system,
 11 rented passenger or recreational vehicles, and nonstop flights between
 12 airports listed in the Alaska supplement to the Airmen's Guide
 13 published by the Federal Aviation Administration; or

14 (ii) a business engaged in the carriage of persons by a
 15 method of transportation determined by the commissioner by regulation
 16 not to have a significant opportunity for viewing of public wildlife;"
 17

18 Renumber the following paragraphs accordingly.

19
 20 Page 6, line 11, following "game":

21 Insert "not in captivity"
 22

23 Page 6, lines 12 - 23:

24 Delete all material.
 25

26 Page 7, line 14:

27 Delete "2006"

28 Insert "2007"

AMENDMENT

OFFERED IN THE SENATE

By: Senator Wagoner

TO: SB 166 Work Draft 24-LS0816\I (dated 2/2/06)

1 Page 2, line 24, delete:

2 "\$5"

3 insert:

4 "not to exceed \$20.00"

5

6 Page 2, line 30, insert new subsection (e):

7 "(e) Alaska businesses may purchase the wildlife conservation pins from the department,
8 at a wholesale price of fifty-percent of the sale price established by the department, for
9 resale to the public."



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Senate Resources

April 12, 2006

SB 166 – Chair Wagoner Packet

Cover Memo _____ 1 page

Work draft SB 166 version "I" (dated 2-02-06) _____ 2 pages

Total pages: _____ 3 pages

#1 NOTE: this has previously been before the committee on the following dates:

1/30/06 and 2/06/06

#2 NOTE: The sponsor does not support this CS.