

LEG. FINANCE - BILLS 1975 - 1976 520

SB 131 thru CSSB 136

520



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT

SENATE

4/14/75

Mr. President:

Date _____

The Committee on FINANCE has had SB 131
boards of fisheries and game
under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends: do not pass
 _____ recommends: do pass
 _____ recommends: do pass
 _____ recommends:
 _____ recommends:

 _____ Chairman

The Legislature of the State of Alaska
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill 131
 Title: An Act Relating to the Boards of Fisheries and Game
 Requested by: ADF & G Commissioner Date: April 9, 1975
 Return Date Requested: April 9, 1975
 Agency: Fish and Game Program: NRMEC

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administration & Support - ADF & G

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	W. 80
100 PERSONAL SERVICES	31.4	34.5	37.9	41.9	46.9	51.6
200 TRAVEL	7.6	8.4	9.2	10.1	11.1	12.2
300 CONTRACTUAL	2.5	2.8	3.1	3.4	3.8	4.2
400 COMMODITIES	--	--	--	--	--	--
500 EQUIPMENT	2.0	0	0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	43.5	45.7	50.2	55.4	61.8	68.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND	43.5	45.7	50.2	55.4	61.8	68.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	2/	2 /	2 /	2 /	2 /	2 /
MAN MONTHS (P./T.)	24/	24 /	24 /	24 /	24 /	24 /

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

This fiscal note is based on the following assumptions. 1) A permanent full time Secretary III as staff for each board. 2) Equipping a work station for each clerical position at a cost of \$1000. 3) Per capita travel costs and contractual service costs would remain unchanged. Additional funding required is the result of expanding to a collective total of 14 members of the boards. 4) Projections are based on 10% inflation rate in the years ahead.

IV. ATTACHMENTS

V. DATE: April 9, 1975 PREPARED BY: Vern Roberts

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Introduced: 2/5/75
Referred: Resources & Finance

BY BRADLEY, WILLIS,
ORSINI AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 131

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the boards of fisheries and game;
7 and providing for an effective date."

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

9 * Section 1. AS 16.05.070 is amended to read:

10 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations [RULES AND
11 REGULATIONS] of the boards of fisheries and game [BOARD] and of the
12 commissioner, including emergency openings and closures, are admissible
13 as evidence in the courts of the state in accordance with the Adminis-
14 trative Procedure Act (AS 44.62).

15 * Sec. 2. AS 16.05.080 is amended to read:

16 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
17 authorizes the department or the boards of fisheries and game [BOARD]
18 to change the amount of fees or licenses.

19 * Sec. 3. AS 16.05 is amended by adding new sections to read:

20 ARTICLE 2. BOARDS OF FISHERIES AND GAME.

21 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
22 of the conservation and development of the fishery resources of the
23 state, there is created the Board of Fisheries composed of seven members
24 appointed by the governor. The appointed members shall be residents
25 of the state and shall be appointed without regard to political affilia-
26 tion or geographical location of residence. The commissioner is not
27 a member of the Board of Fisheries, but shall be ex officio secretary.
28 He may cast tie-breaking votes.

29 (b) For purposes of the conservation and development of the game

1 resources of the state, there is created a Board of Game composed of
2 seven members appointed by the governor. The appointed members shall
3 be residents of the state, and shall be appointed without regard to
4 political affiliation or geographical location of residence. The
5 commissioner is not a member of the Board of Game, but shall be
6 ex officio secretary. He may cast tie-breaking votes.

7 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-
8 making powers as set out in this chapter, but do not have administrative
9 budgeting or fiscal powers.

10 Sec. 16.05.251. REGULATIONS OF THE BOARD OF FISHERIES. The
11 Board of Fisheries may make regulations it considers advisable in
12 accordance with the Administrative Procedure Act (AS 44.62) for

13 (1) setting apart fish reserve areas, refuges and sanctuaries
14 in the waters of the state over which it has jurisdiction, subject to
15 the approval of the legislature;

16 (2) establishment of open and closed seasons and areas for
17 the taking of fish;

18 (3) setting quotas and bag limits on the taking of fish;

19 (4) establishment of the means and methods employed in the
20 pursuit, capture and transport of fish;

21 (5) establishment of marking and identification requirements
22 for means used in the pursuit, capture and transport of fish;

23 (6) classifying fish as commercial fish, sport fish or
24 predators or other categories essential for regulatory purposes;

25 (7) engaging in biological research, watershed and habitat
26 improvement, fish management, protection, propagation and stocking;

27 (8) investigating and determining the extent and effect of
28 predation and competition among fish in the state, exercising control
29 measures considered necessary to the resources of the state;

1 (9) entering into cooperative agreements with educational
2 institutions and state, federal, or other agencies to promote fish
3 research, management, education and information and to train men for
4 fish management;

5 (10) prohibiting the live capture, possession, transport,
6 or release of native or exotic fish or their eggs;

7 (11) establishing seasons, areas, quotas and methods of
8 harvest for aquatic plants;

9 (12) establishment of the times and dates during which the
10 issuance of fishing licenses, permits and registrations and the transfer
11 of permits and registrations between registration areas is allowed;
12 however, this paragraph does not apply to permits issued or transferred
13 under ch. 43 of this title.

14 Sec. 16.05.255. REGULATIONS OF THE BOARD OF GAME. The Board of
15 Game may make regulations it considers advisable in accordance with
16 the Administrative Procedure Act (AS 44.62) for

17 (1) setting apart game reserve areas, refuges and sanctuaries
18 in the waters or on the lands of the state over which it has jurisdiction,
19 subject to the approval of the legislature;

20 (2) establishment of open and closed seasons and areas for
21 the taking of game;

22 (3) establishment of the means and methods employed in the
23 pursuit, capture and transport of game;

24 (4) setting quotas and bag limits on the taking of game;

25 (5) classifying game as game birds, song birds, big game
26 animals, fur bearing animals, predators or other categories;

27 (6) Investigating and determining the extent and effect of
28 predation and competition among game in the state, exercising control
29 measures considered necessary to the resources of the state and desig-

1 nating game management units or parts of game management units in
2 which bounties for predatory animals shall be paid;

3 (7) engaging in biological research, watershed and habitat
4 improvement, and game management, protection, propagation and stocking;

5 (8) entering into cooperative agreements with educational
6 institutions and state, federal, or other agencies to promote game
7 research, management, education, and information and to train men for
8 game management;

9 (9) prohibiting the live capture, possession, transport, or
10 release of native or exotic game or their eggs;

11 (10) establishing the times and dates during which the
12 issuance of game licenses, permits and registrations and the transfer
13 of permits and registrations between registration areas and game
14 management units or subunits is allowed.

15 * Sec. 4. AS 16.05.260 is repealed and re-enacted to read:

16 Sec. 16.05.260. ADVISORY COMMITTEES. The Board of Fisheries and
17 the Board of Game may make regulations they consider advisable in
18 accordance with the Administrative Procedure Act (AS 44.62) estab-
19 lishing, at places in the state designated by the individual boards,
20 advisory committees to be composed of persons well informed on the
21 fish, or game resources of the locality. The boards shall set the
22 number and terms of each of the members of the advisory committees,
23 shall delegate one member of each committee as chairman, and shall
24 give him authority to hold public hearings on fish or game matters.
25 Recommendations from the advisory committees shall be forwarded to the
26 appropriate board for their consideration but if the Board of Fisheries
27 or the Board of Game chooses not to follow the recommendations of the
28 local advisory committee the appropriate board shall inform the appropri-
29 ate advisory committee of this action and state the reasons for not

1 following the recommendations. The commissioner shall delegate author-
2 ity to advisory committees for emergency closures during established
3 seasons. The commissioner may countermand and make null and void any
4 authority delegated or order issued under this section but he shall
5 advise the appropriate committee of this action and state the reasons
6 for overturning the advisory committee's action. The appropriate
7 board shall establish the necessary rules governing such closures.

8 * Sec. 5. AS 16.05.270 is amended to read:

9 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For
10 the purpose of administering secs. 251 and 255 [250 AND 260] of this
11 chapter, each [THE] board may delegate authority to the commissioner
12 to act in its behalf. If there is a conflict between the board and
13 the commissioner on proposed [RULES AND] regulations, public hearings
14 shall be held concerning the issues in question. If, after the public
15 hearings, the board and the commissioner continue to disagree, the
16 issue shall be certified in writing by the board and the commissioner
17 to the governor who shall make a decision. The decision of the governor
18 is final.

19 * Sec. 6. AS 16.05.290 is amended to read:

20 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
21 a [THE] board is entitled to travel expenses and per diem allowed by
22 law for each day going to and from and for each day in actual atten-
23 dance at board meetings and other meetings or conferences authorized
24 by a [THE] board.

25 * Sec. 7. AS 16.05.300 is amended to read:

26 Sec. 16.05.300. BOARD MEETINGS. Each [THE] board shall hold at
27 least one meeting a year and as many other meetings as it considers
28 necessary. Each [THE] board shall select the time and place in the
29 state for the transaction of business. Each [THE] board shall maintain

1 its office at the principal office of the department.

2 * Sec. 8. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The Board of
4 Fisheries and the Board of Game are authorized to hire and set the
5 compensation for one clerical assistant for each board.

6 * Sec. 9. AS 16.05.310 is amended to read:

7 Sec. 16.05.310. SPECIAL BOARD MEETINGS. A [THE] board may meet
8 at any time upon the call of the commissioner or upon the request of
9 two board members.

10 * Sec. 10. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.315. JOINT BOARD MEETINGS. The boards of fisheries
12 and game may hold a joint meeting upon the call of the commissioner or
13 a board to resolve any conflicts in regulations of the boards and to
14 consider matters, as determined by the commissioner or a board, which
15 require the consideration of both boards.

16 * Sec. 11. AS 16.05.320 is amended to read:

17 Sec. 16.05.320. QUORUM. A majority of the members of a [THE]
18 board constitutes a quorum for the transaction of business, for the
19 performance of any duty, and for the exercise of any power. However,
20 a majority of the full board membership [OF 12 MEMBERS] is required
21 to carry all motions, regulations and resolutions. A majority of the
22 members of the boards of fisheries and game constitutes a quorum for
23 the transaction of business in a joint board meeting. A majority of
24 the membership of the boards is required to carry all joint motions,
25 regulations and resolutions of the boards.

26 * Sec. 12. AS 16.05.685(c)(2) is amended to read:

27 (2) "registration area" means a specific king crab regis-
28 tration area as designated by regulation of the Board of Fisheries
29 [BOARD OF FISH AND GAME] and includes the Bering Sea shellfish area

1 and the western Aleutian Islands king crab area.

2 * Sec. 13. AS 16.05.800 is amended to read:

3 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
4 device, contrivance, and material while in use, had and maintained for
5 the purpose of catching, taking, killing, attracting, or decoying fish
6 or game, contrary to law or rule or regulation of a [THE] board or the
7 commissioner, is a public nuisance and is subject to abatement.

8 * Sec. 14. AS 16.05.820 is amended to read:

9 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary
10 of the Interior or the Secretary of Agriculture of the United States
11 and their authorized agents may conduct fish cultural operations and
12 scientific investigations in the state in the manner and at the times
13 jointly considered necessary or proper by the Board of Fisheries
14 [BOARD] and the secretary and their authorized agents.

15 * Sec. 15. AS 16.05.825(a) and (d) are amended to read:

16 (a) In addition to any other program for the stocking or propa-
17 gation of game birds that the department has as of July 23, 1974, the
18 department shall establish a special program for the raising, mainte-
19 nance, and release of upland game birds in the state. Birds raised
20 under this program may be released in an appropriate area of the state,
21 at any time, but may be harvested only during regular hunting seasons,
22 as specified by the board under sec. 255(2) [250(2)] of this chapter.
23 The board shall promulgate regulations necessary to implement this
24 section.

25 (d) In this section, "upland game bird" means a game bird for
26 which a season is established under sec. 255(2) [250(2)] of this chapter
27 as of July 23, 1974, excluding waterfowl.

28 * Sec. 16. AS 16.05.930(b) is amended to read:

29 (b) This chapter does not prohibit a person from taking fish or

1 game during the closed season, in case of dire emergency, as defined
2 by regulation promulgated by the appropriate board.

3 * Sec. 17. AS 16.05.930(c) is amended to read:

4 (c) Section 920 of this chapter does not prohibit rearing and
5 sale of fish from private ponds, the raising of wild animals in captivity
6 for food or the raising of game birds for the purpose of recreational
7 hunting on game hunting preserves, under regulations promulgated by
8 the appropriate board.

9 * Sec. 18. AS 16.05.940(1) is amended to read:

10 (1) "a board" means either the Board of Fisheries or the
11 Board of [FISH AND] Game;

12 * Sec. 19. AS 16.05.940(16) is amended to read:

13 (16) "sport fishing" means the taking of or attempting to
14 take for personal use, and not for sale or barter, any fresh water,
15 marine, or anadromous fish by hook and line held in the hand, or by
16 hook and line with the line attached to a pole or rod which is held in
17 the hand or closely attended, or by other means defined by the Board
18 of Fisheries [BOARD];

19 * Sec. 20. AS 16.05.940(17) is amended to read:

20 (17) "subsistence fishing" means the taking, fishing for,
21 or possession of fish, shellfish, or other fishery resources for
22 personal use and not for sale or barter, with gill net, seine, fish
23 wheel, long line, or other means defined by the Board of Fisheries
24 [BOARD];

25 * Sec. 21. AS 16.10.190 is amended to read:

26 Sec. 16. 10.190. REGULATIONS. The Board of Fisheries [BOARD]
27 may promulgate [RULES AND] regulations to carry out the purposes of
28 secs. 180 - 230 of this chapter defining the adjacent high sea areas,
29 migratory fish and migratory shellfish and to make coastal fishery

1 [RULES AND] regulations governing the manner, means, conditions and
2 time for the taking of migratory fish and migratory shellfish applicable
3 in designated adjacent high sea areas.

4 * Sec. 22. AS 16.10.200 is amended to read:

5 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for
6 a person taking migratory fish and migratory shellfish in high sea
7 areas designated by the Board of Fisheries [BOARD] or in violation of
8 the [RULES AND] regulations promulgated by the Board of Fisheries
9 [BOARD] governing the taking of migratory fish and migratory shellfish
10 in the designated areas to possess, sell, offer to sell, barter, offer
11 to barter, give or transport in the state, including the waters of the
12 state, migratory fish or migratory shellfish.

13 * Sec. 23. AS 16.10.210. is amended to read:

14 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. It is unlawful
15 for a person to possess, purchase, offer to purchase, sell, or offer
16 to sell in the state migratory fish or migratory shellfish taken on
17 the high seas knowing that they were taken in violation of a [RULE OR]
18 regulation promulgated by the Board of Fisheries [BOARD] governing the
19 taking of migratory fish or migratory shellfish in certain areas
20 designated by the Board of Fisheries [BOARD] or the commissioner.

21 * Sec. 24. AS 16.10.440(b) is amended to read:

22 (b) The Board of Fisheries [BOARD] may promulgate regulations
23 necessary to implement secs. 400 - 470 of this chapter.

24 * Sec. 25. AS 16.20.080(1) is amended to read:

25 (1) "board" means the Board of [FISH AND] Game;

26 * Sec. 26. AS 16.20.120 is amended to read:

27 Sec. 16.20.120. AUTHORITY TO ADMINISTER. The boards [BOARD] may
28 adopt regulations governing entry, development, construction, hunting,
29 fishing, and all other uses or activities not in conflict with secs.

1 130 and 140 of this chapter for the purpose of preserving the natural
2 habitat and the fish and game of the Walrus Islands State Game Sanc-
3 tuary.

4 * Sec. 27. AS 16.20.240 is amended to read:

5 Sec. 16.20.240. REGULATIONS. The Board of Fisheries and the
6 Board of Game, where appropriate, [BOARD] shall promulgate regulations
7 they consider [IT CONSIDERS] advisable for conservation and protection
8 purposes governing the taking of fish and game in state fish and game
9 critical habitat areas.

10 * Sec. 28. AS 16.20.260 is amended to read:

11 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When a
12 [THE] board so determines, it shall instruct the commissioner, in the
13 letter of acknowledgment, to require the person or governmental agency
14 to submit full plans for the anticipated use, full plans and specifica-
15 tions of proposed construction work, complete plans and specifications
16 for the proper protection of fish and game, and the approximate date
17 when the construction or work is to commence, and shall require the
18 person or governmental agency to obtain the written approval of the
19 commissioner as to the sufficiency of the plans or specifications
20 before construction is commenced.

21 * Sec. 29. AS 16.35.200 is amended to read:

22 Sec. 16.35.200. USE OF POISON BY DEPARTMENTS AND OTHER STATE
23 AGENCIES. No department, other state agency or person may use poison
24 to kill predatory animals without first obtaining the written consent
25 of the appropriate board [BOARD OF FISH AND GAME].

26 * Sec. 30. AS 16.43.200(a) is amended to read:

27 (a) The commission shall establish administrative areas suitable
28 for regulating and controlling entry into the commercial fisheries.

29 The commission shall make the administrative areas reasonably compatible

Introduced: 2/5/75
Referred: Resources & Finance

BY BRADLEY, WILLIS,
ORSINI AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 131

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the boards of fisheries and game;
7 and providing for an effective date."

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21 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
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23 state, there is created the Board of Fisheries composed of seven members
24 appointed by the governor. The appointed members shall be residents
25 of the state and shall be appointed without regard to political affilia-
26 tion or geographical location of residence. The commissioner is not
27 a member of the Board of Fisheries, but shall be ex officio secretary.
28 He may cast tie-breaking votes.

29 (b) For purposes of the conservation and development of the game

1 resources of the state, there is created a Board of Game composed of
2 seven members appointed by the governor. The appointed members shall
3 be residents of the state, and shall be appointed without regard to
4 political affiliation or geographical location of residence. The
5 commissioner is not a member of the Board of Game, but shall be
6 ex officio secretary. He may cast tie-breaking votes.

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14 in the waters of the state over which it has jurisdiction, subject to
15 the approval of the legislature;

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17 the taking of fish;

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19 (4) establishment of the means and methods employed in the
20 pursuit, capture and transport of fish;

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22 for means used in the pursuit, capture and transport of fish;

23 (6) classifying fish as commercial fish, sport fish or
24 predators or other categories essential for regulatory purposes;

25 (7) engaging in biological research, watershed and habitat
26 improvement, fish management, protection, propagation and stocking;

27 (8) investigating and determining the extent and effect of
28 predation and competition among fish in the state, exercising control
29 measures considered necessary to the resources of the state;

1 (9) entering into cooperative agreements with educational
2 institutions and state, federal, or other agencies to promote fish
3 research, management, education and information and to train men for
4 fish management;

5 (10) prohibiting the live capture, possession, transport,
6 or release of native or exotic fish or their eggs;

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8 harvest for aquatic plants;

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15 Game may make regulations it considers advisable in accordance with
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1 its office at the principal office of the department.

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3 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The Board of
4 Fisheries and the Board of Game are authorized to hire and set the
5 compensation for one clerical assistant for each board.

6 * Sec. 9. AS 16.05.310 is amended to read:

7 Sec. 16.05.310. SPECIAL BOARD MEETINGS. A [THE] board may meet
8 at any time upon the call of the commissioner or upon the request of
9 two board members.

10 * Sec. 10. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.315. JOINT BOARD MEETINGS. The boards of fisheries
12 and game may hold a joint meeting upon the call of the commissioner or
13 a board to resolve any conflicts in regulations of the boards and to
14 consider matters, as determined by the commissioner or a board, which
15 require the consideration of both boards.

16 * Sec. 11. AS 16.05.320 is amended to read:

17 Sec. 16.05.320. QUORUM. A majority of the members of a [THE]
18 board constitutes a quorum for the transaction of business, for the
19 performance of any duty, and for the exercise of any power. However,
20 a majority of the full board membership [OF 12 MEMBERS] is required
21 to carry all motions, regulations and resolutions. A majority of the
22 members of the boards of fisheries and game constitutes a quorum for
23 the transaction of business in a joint board meeting. A majority of
24 the membership of the boards is required to carry all joint motions,
25 regulations and resolutions of the boards.

26 * Sec. 12. AS 16.05.685(c)(2) is amended to read:

27 (2) "registration area" means a specific king crab regis-
28 tration area as designated by regulation of the Board of Fisheries
29 [BOARD OF FISH AND GAME] and includes the Bering Sea shellfish area

1 and the western Aleutian Islands king crab area.

2 * Sec. 13. AS 16.05.800 is amended to read:

3 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
4 device, contrivance, and material while in use, had and maintained for
5 the purpose of catching, taking, killing, attracting, or decoying fish
6 or game, contrary to law or rule or regulation of a [THE] board or the
7 commissioner, is a public nuisance and is subject to abatement.

8 * Sec. 14. AS 16.05.820 is amended to read:

9 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary
10 of the Interior or the Secretary of Agriculture of the United States
11 and their authorized agents may conduct fish cultural operations and
12 scientific investigations in the state in the manner and at the times
13 jointly considered necessary or proper by the Board of Fisheries
14 [BOARD] and the secretary and their authorized agents.

15 * Sec. 15. AS 16.05.825(a) and (d) are amended to read:

16 (a) In addition to any other program for the stocking or propa-
17 gation of game birds that the department has as of July 23, 1974, the
18 department shall establish a special program for the raising, mainte-
19 nance, and release of upland game birds in the state. Birds raised
20 under this program may be released in an appropriate area of the state,
21 at any time, but may be harvested only during regular hunting seasons,
22 as specified by the board under sec. 255(2) [250(2)] of this chapter.
23 The board shall promulgate regulations necessary to implement this
24 section.

25 (d) In this section, "upland game bird" means a game bird for
26 which a season is established under sec. 255(2) [250(2)] of this chapter
27 as of July 23, 1974, excluding waterfowl.

28 * Sec. 16. AS 16.05.930(b) is amended to read:

29 (b) This chapter does not prohibit a person from taking fish or

1 game during the closed season, in case of dire emergency, as defined
2 by regulation promulgated by the appropriate board.

3 * Sec. 17. AS 16.05.930(c) is amended to read:

4 (c) Section 920 of this chapter does not prohibit rearing and
5 sale of fish from private ponds, the raising of wild animals in captivity
6 for food or the raising of game birds for the purpose of recreational
7 hunting on game hunting preserves, under regulations promulgated by
8 the appropriate board.

9 * Sec. 18. AS 16.05.940(1) is amended to read:

10 (1) "a board" means either the Board of Fisheries or the
11 Board of [FISH AND] Game;

12 * Sec. 19. AS 16.05.940(16) is amended to read:

13 (16) "sport fishing" means the taking of or attempting to
14 take for personal use, and not for sale or barter, any fresh water,
15 marine, or anadromous fish by hook and line held in the hand, or by
16 hook and line with the line attached to a pole or rod which is held in
17 the hand or closely attended, or by other means defined by the Board
18 of Fisheries [BOARD];

19 * Sec. 20. AS 16.05.940(17) is amended to read:

20 (17) "subsistence fishing" means the taking, fishing for,
21 or possession of fish, shellfish, or other fishery resources for
22 personal use and not for sale or barter, with gill net, seine, fish
23 wheel, long line, or other means defined by the Board of Fisheries
24 [BOARD];

25 * Sec. 21. AS 16.10.190 is amended to read:

26 Sec. 16. 10.190. REGULATIONS. The Board of Fisheries [BOARD]
27 may promulgate [RULES AND] regulations to carry out the purposes of
28 secs. 180 - 230 of this chapter defining the adjacent high sea areas,
29 migratory fish and migratory shellfish and to make coastal fishery

1 [RULES AND] regulations governing the manner, means, conditions and
2 time for the taking of migratory fish and migratory shellfish applicable
3 in designated adjacent high sea areas.

4 * Sec. 22. AS 16.10.200 is amended to read:

5 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for
6 a person taking migratory fish and migratory shellfish in high sea
7 areas designated by the Board of Fisheries [BOARD] or in violation of
8 the [RULES AND] regulations promulgated by the Board of Fisheries
9 [BOARD] governing the taking of migratory fish and migratory shellfish
10 in the designated areas to possess, sell, offer to sell, barter, offer
11 to barter, give or transport in the state, including the waters of the
12 state, migratory fish or migratory shellfish.

13 * Sec. 23. AS 16.10.210. is amended to read:

14 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. It is unlawful
15 for a person to possess, purchase, offer to purchase, sell, or offer
16 to sell in the state migratory fish or migratory shellfish taken on
17 the high seas knowing that they were taken in violation of a [RULE OR]
18 regulation promulgated by the Board of Fisheries [BOARD] governing the
19 taking of migratory fish or migratory shellfish in certain areas
20 designated by the Board of Fisheries [BOARD] or the commissioner.

21 * Sec. 24. AS 16.10.440(b) is amended to read:

22 (b) The Board of Fisheries [BOARD] may promulgate regulations
23 necessary to implement secs. 400 - 470 of this chapter.

24 * Sec. 25. AS 16.20.080(1) is amended to read:

25 (1) "board" means the Board of [FISH AND] Game;

26 * Sec. 26. AS 16.20.120 is amended to read:

27 Sec. 16.20.120. AUTHORITY TO ADMINISTER. The boards [BOARD] may
28 adopt regulations governing entry, development, construction, hunting,
29 fishing, and all other uses or activities not in conflict with secs.

1 130 and 140 of this chapter for the purpose of preserving the natural
2 habitat and the fish and game of the Walrus Islands State Game Sanc-
3 tuary.

4 * Sec. 27. AS 16.20.240 is amended to read:

5 Sec. 16.20.240. REGULATIONS. The Board of Fisheries and the
6 Board of Game, where appropriate, [BOARD] shall promulgate regulations
7 they consider [IT CONSIDERS] advisable for conservation and protection
8 purposes governing the taking of fish and game in state fish and game
9 critical habitat areas.

10 * Sec. 28. AS 16.20.260 is amended to read:

11 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When a
12 [THE] board so determines, it shall instruct the commissioner, in the
13 letter of acknowledgment, to require the person or governmental agency
14 to submit full plans for the anticipated use, full plans and specifica-
15 tions of proposed construction work, complete plans and specifications
16 for the proper protection of fish and game, and the approximate date
17 when the construction or work is to commence, and shall require the
18 person or governmental agency to obtain the written approval of the
19 commissioner as to the sufficiency of the plans or specifications
20 before construction is commenced.

21 * Sec. 29. AS 16.35.200 is amended to read:

22 Sec. 16.35.200. USE OF POISON BY DEPARTMENTS AND OTHER STATE
23 AGENCIES. No department, other state agency or person may use poison
24 to kill predatory animals without first obtaining the written consent
25 of the appropriate board [BOARD OF FISH AND GAME].

26 * Sec. 30. AS 16.43.200(a) is amended to read:

27 (a) The commission shall establish administrative areas suitable
28 for regulating and controlling entry into the commercial fisheries.
29 The commission shall make the administrative areas reasonably compatible

1 with the geographic areas for which specific commercial fishing regula-
2 tions are adopted by the Board of Fisheries [FISH AND GAME].

3 * Sec. 31. AS 16.43.350 is amended to read:

4 Sec. 16.43.350. APPLICATIONS OF REGULATIONS OF BOARD OF FISHERIES
5 [FISH AND GAME]. Nothing in this chapter limits the powers of the
6 Board of Fisheries [FISH AND GAME], including the power to determine
7 legal types of gear and the power to establish size limitations or
8 other uniform restrictions applying to a certain type of gear. Holders
9 of interim-use permits or entry permits issued under this chapter are
10 subject to all regulations adopted by the Board of Fisheries [FISH AND
11 GAME].

12 * Sec. 32. AS 16.43.380(8)(A) is amended to read:

13 (A) those classifications for which separate regulations
14 are adopted by the Board of Fisheries [FISH AND GAME] and for
15 which separate gear licenses are required by AS 16.05.550 -
16 16.05.630; and

17 * Sec. 33. AS 16.43.380(9) is amended to read:

18 (9) "unit of gear" means the maximum amount of a specific
19 type of gear which can be fished under a single gear license subject
20 to regulations established by the Board of Fisheries [FISH AND GAME]
21 defining the legal requirements for that type of gear.

22 * Sec. 34. AS 39.05.060(a)(5) is amended to read:

23 (5) Board of Fisheries [FISH AND GAME];

24 * Sec. 35. AS 39.05.060(a) is amended by adding a new paragraph to read:

25 (10) Board of Game.

26 * Sec. 36. AS 39.05.060(c) is amended by adding a new paragraph to read:

27 (6) in the case of seven-member boards, two members serve
28 for one year, two for two years, and three for three years.

29 * Sec. 37. AS 44.39.030 is amended to read:

Introduced: 2/5/75
Referred: Resources & Finance

BY BRADLEY, WILLIS,
ORSINI AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 131

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the boards of fisheries and game;
7 and providing for an effective date."

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

9 * Section 1. AS 16.05.070 is amended to read:

10 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations [RULES AND
11 REGULATIONS] of the boards of fisheries and game [BOARD] and of the
12 commissioner, including emergency openings and closures, are admissible
13 as evidence in the courts of the state in accordance with the Adminis-
14 trative Procedure Act (AS 44.62).

15 * Sec. 2. AS 16.05.080 is amended to read:

16 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
17 authorizes the department or the boards of fisheries and game [BOARD]
18 to change the amount of fees or licenses.

19 * Sec. 3. AS 16.05 is amended by adding new sections to read:

20 ARTICLE 2. BOARDS OF FISHERIES AND GAME.

21 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
22 of the conservation and development of the fishery resources of the
23 state, there is created the Board of Fisheries composed of seven members
24 appointed by the governor. The appointed members shall be residents
25 of the state and shall be appointed without regard to political affilia-
26 tion or geographical location of residence. The commissioner is not
27 a member of the Board of Fisheries, but shall be ex officio secretary.
28 He may cast tie-breaking votes.

29 (b) For purposes of the conservation and development of the game

1 resources of the state, there is created a Board of Game composed of
2 seven members appointed by the governor. The appointed members shall
3 be residents of the state, and shall be appointed without regard to
4 political affiliation or geographical location of residence. The
5 commissioner is not a member of the Board of Game, but shall be
6 ex officio secretary. He may cast tie-breaking votes.

7 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-
8 making powers as set out in this chapter, but do not have administrative
9 budgeting or fiscal powers.

10 Sec. 16.05.251. REGULATIONS OF THE BOARD OF FISHERIES. The
11 Board of Fisheries may make regulations it considers advisable in
12 accordance with the Administrative Procedure Act (AS 44.62) for

13 (1) setting apart fish reserve areas, refuges and sanctuaries
14 in the waters of the state over which it has jurisdiction, subject to
15 the approval of the legislature;

16 (2) establishment of open and closed seasons and areas for
17 the taking of fish;

18 (3) setting quotas and bag limits on the taking of fish;

19 (4) establishment of the means and methods employed in the
20 pursuit, capture and transport of fish;

21 (5) establishment of marking and identification requirements
22 for means used in the pursuit, capture and transport of fish;

23 (6) classifying fish as commercial fish, sport fish or
24 predators or other categories essential for regulatory purposes;

25 (7) engaging in biological research, watershed and habitat
26 improvement, fish management, protection, propagation and stocking;

27 (8) investigating and determining the extent and effect of
28 predation and competition among fish in the state, exercising control
29 measures considered necessary to the resources of the state;

1 (9) entering into cooperative agreements with educational
2 institutions and state, federal, or other agencies to promote fish
3 research, management, education and information and to train men for
4 fish management;

5 (10) prohibiting the live capture, possession, transport,
6 or release of native or exotic fish or their eggs;

7 (11) establishing seasons, areas, quotas and methods of
8 harvest for aquatic plants;

9 (12) establishment of the times and dates during which the
10 issuance of fishing licenses, permits and registrations and the transfer
11 of permits and registrations between registration areas is allowed;
12 however, this paragraph does not apply to permits issued or transferred
13 under ch. 43 of this title.

14 Sec. 16.05.255. REGULATIONS OF THE BOARD OF GAME. The Board of
15 Game may make regulations it considers advisable in accordance with
16 the Administrative Procedure Act (AS 44.62) for

17 (1) setting apart game reserve areas, refuges and sanctuaries
18 in the waters or on the lands of the state over which it has jurisdiction,
19 subject to the approval of the legislature;

20 (2) establishment of open and closed seasons and areas for
21 the taking of game;

22 (3) establishment of the means and methods employed in the
23 pursuit, capture and transport of game;

24 (4) setting quotas and bag limits on the taking of game;

25 (5) classifying game as game birds, song birds, big game
26 animals, fur bearing animals, predators or other categories;

27 (6) Investigating and determining the extent and effect of
28 predation and competition among game in the state, exercising control
29 measures considered necessary to the resources of the state and desig-

1 nating game management units or parts of game management units in
2 which bounties for predatory animals shall be paid;

3 (7) engaging in biological research, watershed and habitat
4 improvement, and game management, protection, propagation and stocking;

5 (8) entering into cooperative agreements with educational
6 institutions and state, federal, or other agencies to promote game
7 research, management, education, and information and to train men for
8 game management;

9 (9) prohibiting the live capture, possession, transport, or
10 release of native or exotic game or their eggs;

11 (10) establishing the times and dates during which the
12 issuance of game licenses, permits and registrations and the transfer
13 of permits and registrations between registration areas and game
14 management units or subunits is allowed.

15 * Sec. 4. AS 16.05.260 is repealed and re-enacted to read:

16 Sec. 16.05.260. ADVISORY COMMITTEES. The Board of Fisheries and
17 the Board of Game may make regulations they consider advisable in
18 accordance with the Administrative Procedure Act (AS 44.62) estab-
19 lishing, at places in the state designated by the individual boards,
20 advisory committees to be composed of persons well informed on the
21 fish, or game resources of the locality. The boards shall set the
22 number and terms of each of the members of the advisory committees,
23 shall delegate one member of each committee as chairman, and shall
24 give him authority to hold public hearings on fish or game matters.
25 Recommendations from the advisory committees shall be forwarded to the
26 appropriate board for their consideration but if the Board of Fisheries
27 or the Board of Game chooses not to follow the recommendations of the
28 local advisory committee the appropriate board shall inform the appropri-
29 ate advisory committee of this action and state the reasons for not

1 following the recommendations. The commissioner shall delegate author-
2 ity to advisory committees for emergency closures during established
3 seasons. The commissioner may countermand and make null and void any
4 authority delegated or order issued under this section but he shall
5 advise the appropriate committee of this action and state the reasons
6 for overturning the advisory committee's action. The appropriate
7 board shall establish the necessary rules governing such closures.

8 * Sec. 5. AS 16.05.270 is amended to read:

9 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For
10 the purpose of administering secs. 251 and 255 [250 AND 260] of this
11 chapter, each [THE] board may delegate authority to the commissioner
12 to act in its behalf. If there is a conflict between the board and
13 the commissioner on proposed [RULES AND] regulations, public hearings
14 shall be held concerning the issues in question. If, after the public
15 hearings, the board and the commissioner continue to disagree, the
16 issue shall be certified in writing by the board and the commissioner
17 to the governor who shall make a decision. The decision of the governor
18 is final.

19 * Sec. 6. AS 16.05.290 is amended to read:

20 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
21 a [THE] board is entitled to travel expenses and per diem allowed by
22 law for each day going to and from and for each day in actual atten-
23 dance at board meetings and other meetings or conferences authorized
24 by a [THE] board.

25 * Sec. 7. AS 16.05.300 is amended to read:

26 Sec. 16.05.300. BOARD MEETINGS. Each [THE] board shall hold at
27 least one meeting a year and as many other meetings as it considers
28 necessary. Each [THE] board shall select the time and place in the
29 state for the transaction of business. Each [THE] board shall maintain

1 its office at the principal office of the department.

2 * Sec. 8. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.505. CLERICAL ASSISTANCE FOR BOARDS. The Board of
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22 as specified by the board under sec. 255(2) [250(2)] of this chapter.
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12 * Sec. 32. AS 16.43.380(8)(A) is amended to read:

13 (A) those classifications for which separate regulations
14 are adopted by the Board of Fisheries [FISH AND GAME] and for
15 which separate gear licenses are required by AS 16.05.550 -
16 16.05.630; and

17 * Sec. 33. AS 16.43.380(9) is amended to read:

18 (9) "unit of gear" means the maximum amount of a specific
19 type of gear which can be fished under a single gear license subject
20 to regulations established by the Board of Fisheries [FISH AND GAME]
21 defining the legal requirements for that type of gear.

22 * Sec. 34. AS 39.05.060(a)(5) is amended to read:

23 (5) Board of Fisheries [FISH AND GAME];

24 * Sec. 35. AS 39.05.060(a) is amended by adding a new paragraph to read:

25 (10) Board of Game.

26 * Sec. 36. AS 39.05.060(c) is amended by adding a new paragraph to read:

27 (6) in the case of seven-member boards, two members serve
28 for one year, two for two years, and three for three years.

29 * Sec. 37. AS 44.39.030 is amended to read:

1 Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.

2 The governor shall appoint the commissioner of fish and game from a
3 list of qualified persons nominated by the Board of Fisheries and the
4 Board of Game meeting in joint session [FISH AND GAME], subject to the
5 right of the governor to request additional nominations. The appoint-
6 ment shall be confirmed by a majority of the members of the legislature
7 in joint session. The commissioner of fish and game serves for a term
8 of five years.

9 * Sec. 38. AS 44.39.050 is amended to read:

10 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Board of Fisheries
11 or the Board of Game [FISH AND GAME] may submit a resolution to the
12 governor requesting the removal of the commissioner. The resolution
13 shall set out the grounds for the request and the governor shall give
14 the commissioner and the appropriate board an opportunity to be heard.

15 * Sec. 39. AS 44.62.330 is amended by adding new paragraphs to read:

16 (40) Board of Fisheries

17 (41) Board of Game

18 * Sec. 40. The following laws are repealed: AS 16.05.030; 16.05.220 -
19 16.05.250; AS 44.62.330(31).

20 * Sec. 41. All regulations in effect on the effective date of this Act
21 and all regulations adopted by a board before the effective date of this
22 Act remain valid until amended or revoked by the appropriate board. A
23 board member serving on the board on the effective date of this Act may be
24 reappointed to either the Board of Fisheries or the Board of Game for the
25 remainder of his former term or be replaced by another appointee, at the
26 discretion of the governor.

27 * Sec. 42. This Act takes effect July 1, 1975.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/97
Date

COMMITTEE REPORT

5/7/75

SENATE

Mr. President:

Date _____

The Committee on FINANCE has had SB 136
creating a local government commission
under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

COMMITTEE REPORT

2/6/75

SENATE

Finance

Mr. President:

Date May 6, 1975

The Committee on Community and Regional Affairs has had ~~SB~~ SB 136 creating a local government commission under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR SB 136 AND THAT

The CS
~~CS FOR SB 136~~ DO PASS with amendment

"and" recommends it BE REFERRED TO THE _____
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

Doug C. Willis _____
Brad K. Shalley _____
Ferguson _____

Members NOT concurring in the Majority report:

_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:

Robert J. Jolley Chairman

A M E N D M E N T

OFFERED IN THE SENATE:

BY: C&RA

TO: CS SENATE BILL No. 136

HOUSE BILL No. _____

PAGE: 2

LINE: 11-15

Page 2, delete lines 11-15.

Page 2, line 20, delete "may" and insert "shall".

Original sponsor: Health, Education and
Social Services Committee
by request

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a local government commission; and
7 providing for an effective date."

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

9 * Section 1. CREATION, PURPOSE, AND DURATION OF THE COMMISSION. There is
10 established in the Department of Community and Regional Affairs a temporary
11 commission to study the division of the unorganized borough into smaller
12 governmental and administrative units.

13 * Sec. 2. COMPOSITION OF THE COMMISSION. The commission is composed of
14 the following persons:

- 15 (1) commissioner of community and regional affairs or his designee;
16 (2) commissioner of education or his designee;
17 (3) chairperson of the Local Boundary Commission or his designee;
18 (4) a member of the senate to be appointed by the senate;
19 (5) a member of the house to be appointed by the house;
20 (6) four citizens appointed by the governor after consulting with
21 persons and organizations broadly representative of persons living in the
22 unorganized borough; at least two of the citizen representatives shall be
23 registered to vote in the unorganized borough.

24 * Sec. 3. POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall

25 (1) study the unorganized borough of the state in order to make
26 recommendations to the legislature for its division into smaller governmental
27 and administrative units;

28 (2) study the statutory basis of existing municipal units and
29 processes in order to make recommendations to the legislature as to the

1 appropriateness of these units and processes in the unorganized borough;

2 (3) appoint review panels or persons from areas within the un-
3 organized borough in order to have community input for the determination of
4 boundaries for smaller governmental administrative units;

5 (4) hold public hearings in the unorganized borough;

6 (5) after one year of study submit an interim progress report to
7 the legislature;

8 (6) after two years of study submit a final report to the legisla-
9 ture with findings and recommendations for the division of the unorganized
10 borough into smaller governmental and administrative units;

11 (7) issue requests for proposals to organizations and groups repre-
12 sentative of persons in the organized borough and after receiving and review-
13 ing the proposals, contract with one or more of the groups or organizations to
14 secure public participation in the reports required by this Act; however 20
15 per cent of the total cost of the contract must be born by the contractor;

16 (8) design and distribute materials and extend technical assistance
17 in order to insure effective contract compliance;

18 (9) contract through the Department of Community and Regional
19 Affairs for staff necessary to carry out the provisions of this Act.

20 (b) The commission may

21 (1) recommend changes in existing borough boundaries;

22 (2) recommend changes in the statutory basis of existing municipal
23 units and processes.

24 * Sec. 4. DISSOLUTION OF COMMISSION. After presenting its final report
25 to the legislature the commission is dissolved.

26 * Sec. 5. The Local Boundary Commission may defer acceptance of borough
27 incorporation petitions under AS 29.18.090 until the final report of the
28 commission has been submitted to the legislature.

29 * Sec. 6. Neither the enactment of this Act nor the findings of the com-

1 mission may be construed as mandating the formation of local government
2 units within the unorganized borough.

3 * Sec. 7. The Department of Community and Regional Affairs through the
4 division of local government assistance shall act as staff agency for the
5 commission. The department shall contract for and have administrative super-
6 vision of the staff of the commission to the extent directed by the commission
7 and shall lend such other assistance to the commission as the department
8 considers feasible.

9 * Sec. 8. This Act takes effect July 1, 1975.
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Introduced: 2/6/75
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE BY REQUEST

2 SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a local government commission."

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12 the following persons:

- 13 (1) commissioner of community and regional affairs,
- 14 (2) commissioner of education;
- 15 (3) chairperson of the Local Boundary Commission;
- 16 (4) a member of the Senate;
- 17 (5) a member of the House;
- 18 (6) two citizens.

19 * Sec. 3. DUTIES OF THE COMMISSION. (a) The commission shall

20 (1) study the unorganized borough of the state in order to make
21 recommendations to the legislature for its division into smaller administra-
22 tive units;

23 (2) appoint advisory groups from areas within the unorganized
24 borough in order to have community input for the determination of boundaries
25 of the smaller administrative units;

26 (3) hold public hearings in the unorganized borough;

27 (4) after one year of study submit an interim progress report to
28 the legislature;

29 (5) after two years of study submit a final report to the legisla-

1 ture with findings and recommendations for the division of the unorganized
2 borough into smaller administrative units.

3 (b) The commission may

4 (1) design and distribute materials to persons in the unorganized
5 borough to inform them of the problems and advantages involved in organizing
6 into administrative units smaller than the current unorganized borough;

7 (2) recommend changes in existing borough boundaries.

8 * Sec. 4. DISSOLUTION OF COMMISSION. After presenting its final report
9 to the legislature the commission shall be dissolved.

10 * Sec. 5. The findings of the commission may not be construed as mandating
11 the formation of local government units.

ALASKA STATE LEGISLATURE

NINTH Legislature ..FIRST Session

SENATE BILL NO. 136

By THE HEALTH, EDUCATION, AND SOCIAL SERVICES COMMITTEE BY REQUEST OF THE INTERIM COMMITTEE ON THE UNORGANIZED BOROUGH

"An Act creating a local government commission."

creating a local government commission

Introduced in the Senate 2/6, 19... 75

HISTORY IN THE SENATE

19 75	Read first time and referred to Committee on												
2 6	Community & Regional Affairs And Finance												
57	Reported back with <i>C42A</i> recommendation that <i>replace w/ps, amend & do pass to Finance</i>												
	Read second time and												
	Read third time and												
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Sent to House												

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
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Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Returned to Senate												

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	Reported correctly enrolled
	Sent to Governor
 By Governor
	Filed with Lt. Governor
	Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. CSSB 136/SB 400
 Title: Creating a Local Government Commission & Companion Appropriation
 Requested by: Senate Finance Date: 12/8/75
 Return Date Requested: 1/1/76
 Agency: Community & Regional Affairs Program: Development

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Local Government Assistance

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL		42.7	21.0			
300 CONTRACTUAL		203.0	3.0			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		245.7	24.0			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		245.7	24.0			
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

See fiscal note prepared for SB 136, submitted 2/24/75. The estimate provided therein are increased by \$ 200.0 in contractual services per Sec. 3(a)(7) of CSSB 136 on the assumption that 10 contracts will be let at average cost of \$ 20,000 each (20% additional to be borne by the local contractor) in FY 77 to further secure "public participation." (NOTE: Senate Community & Regional Affairs Committee report, Senate Journal, p. 986, recommends deletion of subsection (a)(7)).

IV. ATTACHMENTS

V. DATE: 12-31-75 PREPARED BY: Palmer McCarter

Palmer McCarter, Director
Local Government Assistance Division

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

Second Special Session - Eighth Legislature

I. REQUEST

Bill Identification: SB 136
 Title: "An Act creating a Local Government Commission"
 Requested by: Senator Rodcy Date: February 14, 1975
 Return Date Requested: _____
 Agency: Community & Regional Affairs Program: Development

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Office of the Governor

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 74	FY 75	FY 76	FY 77	FY 78	FY 79
100 PERSONAL SERVICES						
200 TRAVEL	-0-	42.7	21.0	-0-	-0-	-0-
300 CONTRACTUAL		3.0	3.0			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL.	-0-	45.7	24.0	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	45.7	24.0	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

See Attached

IV. ATTACHMENTS

V. DATE: February 24, 1975

PREPARED BY: John B. Clelland

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Assumptions:

1. Commission will hold four meetings in Juneau.
2. Commission will hold three meetings in Anchorage.
3. The Local Boundary Commission chairman resides in Anchorage and the public members are from Nome, Kotzebue, Bethel and Petersburg/Wrangell.

Included in the travel and per diem element is provision for:

1. Seven quarterly meetings of three days each of the Commission during the period July 1, 1975 to December, 1976.
2. Two trips each to the major communities of the various census divisions of the unorganized borough--Kotzebue, Nome, St. Mary's, Bethel, Dillingham, Unalaska/King Cove, Fairbanks, Fort Yukon, Delta Junction/Tok, Galena, McGrath, Nenana, Glennallen, Valdez, Cordova, Yakutat, Hoonah, Petersburg/Wrangell, Craig/Klawock--in furtherance of section 3(a) (3) that public hearings be held in the unorganized borough.
3. One trip each to Ketchikan/Metlakatla, Sitka and Naknek that the members of the Commission may receive testimony in order to recommend changes in the boundaries of existing boroughs, section 3(b) (2).

Per diem claims for the quarterly meetings are based upon full attendance over a period of three days each inclusive of all travel. The per diem rates were computed at current rates for the Commissioners of Community and Regional Affairs and Education and \$50 per day for all other members.

Contractual expenses are for design and printing of materials distributed to persons in the unorganized borough covered under 3(b) (1) and printing of interim and final reports to the Legislature.

Our analysis does not include expenses for advisory groups appointed by the Commission or staff support costs.

I. REQUEST

Bill No. CSSB 136/SB 400
 Title: Creating a Local Government Commission and companion appropriate
 Requested by: _____ Date: May 12, 1975
 Return Date Requested: _____
 Agency: Community & Regional Affairs Program: Development

II. FISCAL DETAIL

Community & Regional Affairs:

Budget Request Unit(s) Affected: Office of the Commissioner

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL		42.7	21.0			
300 CONTRACTUAL		203.0	3.0			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		245.7	24.0			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		245.7	24.0			
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

See fiscal note prepared for SB 136, submitted 2/24/75. The estimates provided therein are increased by \$ 200.0 in contractual services per Sec. 3(a)(7) of CSSB 136 on the assumption that 10 contracts will be let at average cost of \$ 20,000 each (20% additional to be borne by the local contractor) in FY 76 to further secure "public participation" (NOTE: Senate Community & Regional Affairs Committee report, Senate Journal, p. 986, recommends deletion of subsection (a)(7)).

IV. ATTACHMENTS

Fiscal note on SB 136 and attachments thereto. (NOTE: Estimates therein for costs during FY 75 and FY 76 should read FY 76 and FY 77 respectively.)

V. DATE: 5/13/75

PREPARED BY

John B. Chinnick

Original: _____

Date: _____

Assumptions:

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3. The Local Boundary Commission chairman resides in Anchorage and the public members are from Nome, Kotzebue, Bethel and Petersburg/Wrangell.

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Per diem claims for the quarterly meetings are based upon full attendance over a period of three days each inclusive of all travel. The per diem rates were computed at current rates for the Commissioners of Community and Regional Affairs and Education and \$50 per day for all other members.

Contractual expenses are for design and printing of materials distributed to persons in the unorganized borough covered under 3(b) (1) and printing of interim and final reports to the Legislature.

Our analysis does not include expenses for advisory groups appointed by the Commission or staff support costs.

Original sponsor: Health, Education and
Social Services Committee
by request

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

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18 (4) a member of the senate to be appointed by the senate;
19 (5) a member of the house to be appointed by the house;
20 (6) four citizens appointed by the governor after consulting with
21 persons and organizations broadly representative of persons living in the
22 unorganized borough; at least two of the citizen representatives shall be
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29 processes in order to make recommendations to the legislature as to the

1 appropriateness of these units and processes in the unorganized borough;

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3 organized borough in order to have community input for the determination of
4 boundaries for smaller governmental administrative units;

5 (4) hold public hearings in the unorganized borough;

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9 ture with findings and recommendations for the division of the unorganized
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19 Affairs for staff necessary to carry out the provisions of this Act.

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24 * Sec. 4. DISSOLUTION OF COMMISSION. After presenting its final report
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26 * Sec. 5. The Local Boundary Commission may defer acceptance of borough
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3 * Sec. 7. The Department of Community and Regional Affairs through the
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5 commission. The department shall contract for and have administrative super-
6 vision of the staff of the commission to the extent directed by the commission
7 and shall lend such other assistance to the commission as the department
8 considers feasible.

9 * Sec. 8. This Act takes effect July 1, 1975.

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Original sponsor: Health, Education and
Social Services Committee
by request

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 136

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

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16

(2) commissioner of education or his designee;

17

(3) chairperson of the Local Boundary Commission or his designee;

18

(4) a member of the senate to be appointed by the senate;

19

(5) a member of the house to be appointed by the house;

20

(6) four citizens appointed by the governor after consulting with

21

persons and organizations broadly representative of persons living in the
22 unorganized borough; at least two of the citizen representatives shall be
23 registered to vote in the unorganized borough.

24

* Sec. 3. POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall

25

(1) study the unorganized borough of the state in order to make

26

recommendations to the legislature for its division into smaller governmental
27 and administrative units;

28

(2) study the statutory basis of existing municipal units and

29

processes in order to make recommendations to the legislature as to the

1 appropriateness of these units and processes in the unorganized borough;

2 (3) appoint review panels or persons from areas within the un-
3 organized borough in order to have community input for the determination of
4 boundaries for smaller governmental administrative units;

5 (4) hold public hearings in the unorganized borough;

6 (5) after one year of study submit an interim progress report to
7 the legislature;

8 (6) after two years of study submit a final report to the legisla-
9 ture with findings and recommendations for the division of the unorganized
10 borough into smaller governmental and administrative units;

11 (7) issue requests for proposals to organizations and groups repre-
12 sentative of persons in the organized borough and after receiving and review-
13 ing the proposals, contract with one or more of the groups or organizations to
14 secure public participation in the reports required by this Act; however 20
15 per cent of the total cost of the contract must be born by the contractor;

16 (8) design and distribute materials and extend technical assistance
17 in order to insure effective contract compliance;

18 (9) contract through the Department of Community and Regional
19 Affairs for staff necessary to carry out the provisions of this Act.

20 (b) The commission may

21 (1) recommend changes in existing borough boundaries;

22 (2) recommend changes in the statutory basis of existing municipal
23 units and processes.

24 * Sec. 4. DISSOLUTION OF COMMISSION. After presenting its final report
25 to the legislature the commission is dissolved.

26 * Sec. 5. The Local Boundary Commission may defer acceptance of borough
27 incorporation petitions under AS 29.18.090 until the final report of the
28 commission has been submitted to the legislature.

29 * Sec. 6. Neither the enactment of this Act nor the findings of the com-

1 mission may be construed as mandating the formation of local government
2 units within the unorganized borough.

3 * Sec. 7. The Department of Community and Regional Affairs through the
4 division of local government assistance shall act as staff agency for the
5 commission. The department shall contract for and have administrative super-
6 vision of the staff of the commission to the extent directed by the commission
7 and shall lend such other assistance to the commission as the department
8 considers feasible.

9 * Sec. 8. This Act takes effect July 1, 1975.
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Original sponsor: Health, Education and
Social Services Committee
by request

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a local government commission; and
7 providing for an effective date."

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

9 * Section 1. CREATION, PURPOSE, AND DURATION OF THE COMMISSION. There is
10 established in the Department of Community and Regional Affairs a temporary
11 commission to study the division of the unorganized borough into smaller
12 governmental and administrative units.

13 * Sec. 2. COMPOSITION OF THE COMMISSION. The commission is composed of
14 the following persons:

15 (1) commissioner of community and regional affairs or his designee;
16 (2) commissioner of education or his designee;
17 (3) chairperson of the Local Boundary Commission or his designee;
18 (4) a member of the senate to be appointed by the senate;
19 (5) a member of the house to be appointed by the house;
20 (6) four citizens appointed by the governor after consulting with
21 persons and organizations broadly representative of persons living in the
22 unorganized borough; at least two of the citizen representatives shall be
23 registered to vote in the unorganized borough.

24 * Sec. 3. POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall
25 (1) study the unorganized borough of the state in order to make
26 recommendations to the legislature for its division into smaller governmental
27 and administrative units;

28 (2) study the statutory basis of existing municipal units and
29 processes in order to make recommendations to the legislature as to the

1 appropriateness of these units and processes in the unorganized borough;

2 (3) appoint review panels or persons from areas within the un-
3 organized borough in order to have community input for the determination of
4 boundaries for smaller governmental administrative units;

5 (4) hold public hearings in the unorganized borough;

6 (5) after one year of study submit an interim progress report to
7 the legislature;

8 (6) after two years of study submit a final report to the legisla-
9 ture with findings and recommendations for the division of the unorganized
10 borough into smaller governmental and administrative units;

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12 sentative of persons in the organized borough and after receiving and review-
13 ing the proposals, contract with one or more of the groups or organizations to
14 secure public participation in the reports required by this Act; however 20
15 per cent of the total cost of the contract must be born by the contractor;

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17 in order to insure effective contract compliance;

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6 vision of the staff of the commission to the extent directed by the commission
7 and shall lend such other assistance to the commission as the department
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9 * Sec. 8. This Act takes effect July 1, 1975.
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Introduced: 2/6/75
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE BY REQUEST

2 SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a local government commission."

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19 * Sec. 3. DUTIES OF THE COMMISSION. (a) The commission shall

20 (1) study the unorganized borough of the state in order to make
21 recommendations to the legislature for its division into smaller administra-
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23 (2) appoint advisory groups from areas within the unorganized
24 borough in order to have community input for the determination of boundaries
25 of the smaller administrative units;

26 (3) hold public hearings in the unorganized borough;

27 (4) after one year of study submit an interim progress report to
28 the legislature;

29 (5) after two years of study submit a final report to the legisla-

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2 borough into smaller administrative units.

3 (b) The commission may

4 (1) design and distribute materials to persons in the unorganized
5 borough to inform them of the problems and advantages involved in organizing
6 into administrative units smaller than the current unorganized borough;

7 (2) recommend changes in existing borough boundaries.

8 * Sec. 4. DISSOLUTION OF COMMISSION. After presenting its final report
9 to the legislature the commission shall be dissolved.

10 * Sec. 5. The findings of the commission may not be construed as mandating
11 the formation of local government units.

Introduced: 2/6/75
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE BY REQUEST

2 SENATE BILL NO. 136

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Introduced: 2/6/75
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE
BY THE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE BY REQUEST

2 SENATE BILL NO. 136
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - FIRST SESSION

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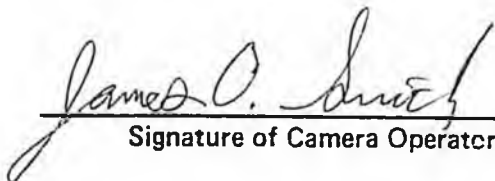
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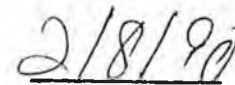
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RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

COMMITTEE REPORT

1/18/75

HOUSE

Mr. Speaker:

Date April 16 1975

The Committee on FINANCE has had CS 116

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____	recommends: _____
_____	recommends: _____
_____	recommends: _____
_____	recommends: _____
_____	recommends: _____

[Signature] Chairman

Offered: 3/27/75
Referred: Rules

1 IN THE SENATE

BY WILLIS, CROFT, CHANCE,
MILLER, RODEY AND SACKETT

2 CS FOR SENATE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to weekly rate and amounts payable
7 for workmen's compensation."

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

9 * Section 1. AS 23.30.155(1) is repealed.

10 * Sec. 2. AS 23.30.175 is amended to read:

11 Sec. 23.30.175. RATES OF COMPENSATION. (a) The weekly rate
12 of compensation for disability or death may not exceed the percentage
13 of the state average weekly wage as determined by the table contained
14 in this subsection [COMPENSATION FOR TEMPORARY DISABILITY, PERMANENT
15 PARTIAL DISABILITY OR PERMANENT TOTAL DISABILITY MAY NOT EXCEED \$175 A
16 WEEK] and may not be less than \$65 a week. If the employee's average
17 weekly wages, as computed under sec. 220 of this chapter, are less than
18 \$65 a week, he shall receive as compensation for his disability his
19 average weekly wages.

20	<u>After</u>		<u>The Rate Shall Be</u>
21	July 1, 1975	80	<u>per cent of the state's average weekly wage</u>
22	July 1, 1976	100	<u>per cent of the state's average weekly wage</u>
23	July 1, 1977	133.3	<u>per cent of the state's average weekly wage</u>
24	July 1, 1979	166.6	<u>per cent of the state's average weekly wage</u>
25	July 1, 1981	200	<u>per cent of the state's average weekly wage</u>

26 (b) As soon as practicable after June 30 of each year, and before
27 October 1 of each year, the commissioner shall determine the state
28 average weekly wage for the three consecutive calendar quarters ending
29 June 30. This determination is the applicable state average weekly

1 wage for the period beginning with October 1 of that year and ending
2 September 30 of the next year. The initial determination under this
3 subsection shall be made as soon as practicable after the effective
4 date of this subsection.

5 * Sec. 3. AS 23.30.180 is amended to read:

6 Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total
7 disability adjudged to be permanent 66-2/3 [65] per cent of the
8 injured employee's average weekly wages shall be paid to the employee
9 during the continuance of the total disability. Loss of both hands,
10 or both arms, or both feet, or both legs, or both eyes, or of any two
11 of them, in the absence of conclusive proof to the contrary, consti-
12 tutes permanent total disability. In all other cases permanent total
13 disability is determined in accordance with the facts.

14 * Sec. 4. AS 23.30.185 is amended to read:

15 Sec. 23.30.185. COMPENSATION FOR TEMPORARY TOTAL DISABILITY. In
16 case of disability total in character but temporary in quality, 66-2/3
17 [65] per cent of the injured employee's average weekly wages shall
18 be paid to the employee during the continuance of the disability.

19 * Sec. 5. AS 23.30.190 is amended to read:

20 Sec. 23.30.190. COMPENSATION FOR PERMANENT PARTIAL DISABILITY.
21 In case of disability partial in character but permanent in quality
22 the compensation is 66-2/3 [65] per cent of the injured employee's
23 average weekly wages in addition to compensation for temporary total
24 disability or temporary partial disability paid in accordance with
25 secs. 185 or 200 of this chapter, respectively, and shall be paid to
26 the employee as follows:

27 (1) arm lost, 280 weeks compensation, not to exceed \$43,680
28 [\$21,840];

29 (2) leg lost, 248 weeks compensation, not to exceed \$40,320

1 ankle is considered equivalent to the loss of a leg;

2 (15) compensation for loss of binocular vision or for 80 per
3 cent or more of the vision of an eye is the same as for loss of the eye;

4 (16) compensation for loss of two or more digits, or one
5 or more phalanges of two or more digits of a hand or foot may be pro-
6 portioned to the resulting loss of use of the injured hand or foot,
7 but may not exceed the compensation for loss of a hand or foot;

8 (17) compensation for permanent total loss of use of a member
9 is the same as for loss of the member;

10 (18) compensation for permanent partial loss or loss of use
11 of a member may be proportionate loss or loss of use of the member;

12 (19) in addition to other allowable compensation, the board
13 shall award proper and equitable compensation up to \$10,000 for

14 (A) serious disfigurement of face, head and, when
15 such disfigurement is likely to handicap the employee in securing
16 or holding employment, for serious disfigurement of neck or limbs
17 normally exposed, or

18 (B) partial or total loss of or loss of use of a part
19 or function of the body not otherwise provided for under this
20 section;

21 (20) in all other cases in this class of disability the
22 compensation is 66-2/3 [65] per cent of the difference between his
23 average weekly wages and his wage earning capacity after the injury in
24 the same employment or otherwise, payable during the continuance of
25 the partial disability, but subject to reconsideration of the degree
26 of the impairment by the board on its own motion or upon application
27 of a party in interest; whenever the board determines that it is in the
28 interest of justice, the liability of the employer for compensation, or
29 any part of it as determined by the board, may be discharged by the

1 [\$20,160];

2 (3) hand lost, 212 weeks compensation, not to exceed \$33,600
3 [\$16,800];

4 (4) foot lost, 173 weeks compensation, not to exceed \$28,700
5 [\$14,350];

6 (5) eye lost, 140 weeks compensation, not to exceed \$22,400
7 [\$11,200];

8 (6) thumb lost, 51 weeks compensation, not to exceed \$10,400
9 [\$5,200];

10 (7) first finger lost, 28 weeks compensation, not to exceed
11 \$6,440 [\$3,220];

12 (8) great toe lost, 26 weeks compensation, not to exceed
13 \$5,320 [\$2,660];

14 (9) second finger lost, 18 weeks compensation, not to exceed
15 \$4,200 [: \$2,100]; third finger lost, 18 weeks compensation, not to
16 exceed \$3,500 [: \$1,750];

17 (10) toe other than great toe lost, 8 weeks compensation, not
18 to exceed \$2,240 [\$1,050];

19 (11) fourth finger lost, 7 weeks compensation, not to exceed
20 \$2,100 [\$1,050];

21 (12) loss of hearing of one ear, 52 weeks compensation, not
22 exceeding \$7,280 [\$3,640]; loss of hearing of both ears, 200 weeks
23 compensation, not to exceed \$28,000 [\$14,000];

24 (13) compensation for loss of more than one phalange of a
25 digit shall be the same as for loss of the entire digit; compensation
26 for loss of the first phalange is one-half of the compensation for
27 loss of the entire digit;

28 (14) amputation between the elbow and the wrist is considered
29 equivalent to the loss of an arm, and amputation between the knee and

1 (3) if the widow or widower remarries, she or he is entitled
2 to two years compensation [\$15,000] in one sum; [HOWEVER, TOTAL COMPEN-
3 SATION MAY NOT EXCEED \$75,000;]

4 * Sec. 12. AS 23.30.215(b) is amended to read:

5 (b) In computing death benefits the average weekly wage of the
6 deceased shall be computed under sec. 220 of this chapter and shall be
7 paid in the same manner and subject to the same weekly maximum limita-
8 tion in the aggregate as temporary total disability compensation [UNDER
9 SEC. 175(a) OF THIS CHAPTER], but the total weekly compensation may
10 not be less than \$45 for a widow or widower nor less than \$15 weekly
11 to a child or \$30 for children.
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1 payment of a lump sum;

2 (21) in a case in which there is a loss of, or loss of use of
3 more than one member or parts of more than one member set out in (1) -
4 (18) of this section, not amounting to permanent total disability, the
5 award of compensation is for the loss of, or loss of use of, each
6 member or part of the member, which awards shall run consecutively,
7 except that where the injury affects only two or more digits of the
8 same hand or foot, (16) of this section applies.

9 * Sec. 6. AS 23.30.200 is amended to read:

10 Sec. 23.30.200. TEMPORARY PARTIAL DISABILITY. In case of
11 temporary partial disability resulting in decrease of earning capacity
12 the compensation shall be 66-2/3 [65] per cent of the difference between
13 the injured employee's average weekly wages before the injury and his
14 wage earning capacity after the injury in the same or another employ-
15 ment, to be paid during the continuance of the disability, but not
16 to be paid for more than five years.

17 * Sec. 7. AS 23.30.215(2)(A) is amended to read:

18 (A) 66-2/3 [60] per cent for the widow or widower
19 with no children;

20 * Sec. 8. AS 23.30.215(2)(E) is amended to read:

21 (E) 66-2/3 [30] per cent for an only child when there
22 is no widow or widower;

23 * Sec. 9. AS 23.30.215(2)(F) is amended to read:

24 (F) 33-1/3 [25] per cent for each child if there are
25 two children and no widow or widower;

26 * Sec. 10. AS 23.30.215(2)(G) is amended to read:

27 (G) 66-2/3 [66] per cent, divided equally, if there
28 are three or more children and no widow or widower;

29 * Sec. 11. AS 23.30.215(3) is amended to read:

"An Act relating to weekly rate and amounts payable for workmen's compensation."

COMMITTEE REPORT

4/8/75

HOUSE

FINANCE

Mr. Speaker:

Date 4/11/75

The Committee on LABOR & MANAGEMENT has had CSSB 146

under consideration. ~~A Majority of~~ the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____
COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>William L. Brennan</u>	_____	_____
<u>Samuel Kelley</u>	_____	_____
<u>Joe McKeown</u>	_____	_____

Members NOT concurring in the Majority report:

<u>Rollie</u>	recommends: <u>do not pass</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Joe McKeown Chairman

AMENDMENT

OFFERED IN THE HOUSE:

BY: Labor & Management

To: SB 146 HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: _____

LINE: _____

Page 1 Line 7 after "compensation" ^{delete " , " and} add "and providing for an effective date"

Page 6 Line ¹²~~13~~ add "Sec. 13. This Act takes effect immediately in accordance with AS o.10.070 (c)."

The Legislature of the State of Alaska
 FISCAL NOTE
 Second Session - Eighth Legislature

*Add
 to carry out
 this should be to Dept. of
 Admin. other is to be done*

I. REQUEST

Bill Identification: SP 146, Sponsor Substitute
 Title: An act relating to woolly rate & amounts payable for workers' comp
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Dept. of Administration Program: _____
 General Government - Prepared by Div. of General Services & Supply, Office # 20

II. FISCAL DETAIL

Budget Request Unit(s) Affected: All State Agencies
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 74	FY 75	FY 76	FY 77	FY 78
100 PERSONAL SERVICES	-0-	-0-	275.0		
200 TRAVEL					
300 CONTRACTUAL					
400 COMMODITIES					
500 EQUIPMENT					
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
TOTAL	-0-	-0-	275.0		

B. FUNDING: (Thousands of dollars)

GENERAL FUND	9		247.5		
FEDERAL FUNDS			27.5		
OTHER					

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/
MAN MONTHS (P.T.)	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section
 Increased cost of insurance benefits for FY 76. Future years impact is
 proportional to increases in the bill and increased State payroll. Work
 Compensation is not an optional program. Increased costs of this coverage
 must be paid by the State.

IV. ATTACHMENTS

V. DATE: 5/22/75 PREPARED BY: John George
 Risk Manager

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SB 1416 - 1975

REVISED - RECEIVED
 The Legislature of the State of Alaska
 FISCAL NOTE
 Second Session - Eighth Legislature

22 MAY 75

I. REQUEST

Bill Identification: SB 146, Sponsor Substitute
 Title: An act relating to weekly rate & amounts payable for Workmen's Compensation
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Dept. of Administration Program: _____
General Government - Prepared by Div. of General Services & Supply, Office of Risk Mgmt.

II. FISCAL DETAIL

Budget Request Unit(s) Affected: All State Agencies

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 74	FY 75	FY 76	FY 77	FY 78	FY 79
100 PERSONAL SERVICES	-0-	-0-	275.0			
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	275.0			

B. FUNDING: (Thousands of dollars)

GENERAL FUND	90		247.5			
FEDERAL FUNDS	10		27.5			
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

Increased cost of insurance benefits for Fy 76. Future years impact is proportional to increases in the bill and increased State payroll. Workmen's Compensation is not an optional program. Increased costs of this coverage must be paid by the State.

IV. ATTACHMENTS

V. DATE: 5/22/75

PREPARED BY: _____

John George
 Risk Manager

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE
1st Session - 9th Legislature

I. REQUEST

Bill Identification: SB 146
 Title: An Act Relating to Workmen's Compensation Benefits
 Requested by: Senate Finance Date: 4-3-75
 Return Date Requested:
 Agency: Labor Program: Workmen's Compensation

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administration of Workmen's Compensation
 07-67-9-03-00-00

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY '77	FY 78	FY 79
100 PERSONAL SERVICES				
200 TRAVEL				
300 CONTRACTURAL				
400 COMMODITIES				
500 EQUIPMENT				
600 LAND & STRUCTURES				
700 GRANTS, CLAIMS, ETC.	145.9	147.3	140.3	136.5
TOTAL	145.9	147.3	140.3	136.5

B. FUNDING: (Thousands of dollars)

GENERAL FUND	145.9	147.3	140.3	136.5
FEDERAL FUNDS				
OTHER				

C. PURPOSE:

PERMANENT/TEMPORARY	/	/	/0	/0	/0	/0
MAN MONTHS (P./T.)	/	/	/0	/0	/0	/0

III. ANALYSIS SB 146 would increase supplemental payments being made for permanent total disability compensation by the State of Alaska in accordance with provisions of AS 23.30.172. It would increase by 1-2/3% the percentage of the injured employee's wage in all cases presently being paid and would increase the maximum weekly rate depending on the employee's wage and the state average wage. The estimated state average wage used in our calculation was \$295.10 in 1975, \$305.80 in 1976, \$299.60 in 1977 and \$278.50 in 1978. Past experience indicates the number of new permanent total disability cases approximate 15% a year, and we have added this percentage to the estimated present costs of known permanent total cases.

In addition, S.B. 146 would increase supplemental State payments for temporary total disability for injuries occurring prior to ~~May 4, 1974~~ ^{May 4, 1974}, the effective date of AS 23.30.172. Costs for temporary disability compensation is extremely difficult to predict; however, liability of the State would decrease rapidly as the temporarily disabled recover and return to work. The average length of temporary disability for injuries causing more than three days loss of work is 211 days. In February, 1975 only seven cases of injury in 1972, seven in 1973 and fourteen injured prior to May 4, 1974 were being paid temporary compensation. Often additional temporary disability occurs from a worsening of the condition months or even years after the worker has returned to employment. The carriers and employers are liable for increase in benefits for injuries on and after May 4, 1974.