

LEG. FINANCE - BILLS 1977 - 1978 916

SB 140 cont., thru SB 147 916

# MEMORANDUM

# State of Alaska

TO: R. D. Stevenson  
Assistant to the Commissioner  
Department of Revenue

DATE: February 18, 1976

FILE NO:

TELEPHONE NO:

FROM: Gary L. Jenkins  
Director  
Audit Division

SUBJECT: Senate Bill 664

This bill provides that the Department of Revenue shall pay 5% per month, or any fraction thereof, anytime we issue a refund to a taxpayer. Literally interpreted the penalty would begin running immediately upon receipt of a return claiming a refund and would run until the refund was issued. Using this literal interpretation, the Department could pay as much as \$1,980,000 in total penalty per year.

The bill does provide for an exemption if the failure to issue the refund is due to "reasonable cause", which is to be defined by the Department. In my opinion, we could so define "reasonable cause" to cover approximately 99.9% of the refunds that we issue each year. However, since regulations can be challenged in the courts or by the Legislature, it is rather difficult to predict what the exact provisions might be.

It is difficult to understand why the Legislature is considering such a penalty provision in the first place. Penalties are included in the Internal Revenue Code and the Alaska Statutes as a means of penalizing recalcitrant taxpayers who deliberately fail to meet their tax obligations. The implication of this bill is that the Department is failing to meet its obligations to the taxpaying public by not refunding the taxpayer's monies as expeditiously as possible. Further, we in recent years incorporated into the Alaska Statutes the provisions of the Internal Revenue Code for paying interest on any refunds which take an excess of 45 days to process. This provision is specifically designed to reimburse taxpayers for their potential loss of earnings from monies due from the State when we are unable to process the returns within the 45 day period. Since the adoption of this provision was designed to cover the situation addressed in Senate Bill 664, it seems to be rather unnecessary for a further provision to be made, especially in the form of a penalty. Up until February 1, 1976 we were paying 9% interest on refunds. This is now dropped in accordance with federal law to 7%. As can be readily seen, this equals or is better than what the average individual could earn on their money should they have invested in a local savings account.

Should the Legislature decide to proceed with this legislation, I would suggest that the language be modified to include a basic processing period of at least 60 days before the penalty provisions would apply. Second, the

Senate Bill 664  
February 18, 1976  
Page Two

bill does not contain an effective date. I would suggest an effective date of January 1, 1977 so that all of the refund computer programs, which have been developed for the current filing year, would not have to be re-written.

In summary, I feel strongly that this legislation is unnecessary since we put forth maximum effort to issue refunds to taxpayers as soon as possible and there seems to be little justification to add another provision to the taxing statutes which would have little effective impact on the administration of the law.

GLJ/bjm

Attachment

Certified Public  
Accountants

A PROFESSIONAL CORPORATION

727 N Street - Suite 3

Anchorage, Alaska 99501

(907) 276-2444

Joseph E. Whitlock  
Victor A. Vasak, Jr.  
Richard M. Carlson

February 7, 1977

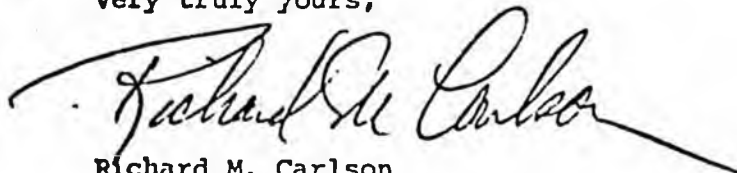
The Honorable Steve Cowper  
Alaska State House of Representatives  
Pouch V State Capitol Building  
Juneau, AK 99811

Dear Legislator:

There is a current uproar in the accounting profession and public over the press release by the Department of Revenue regarding the child care deduction or credit. According to the article, the 1976 amendments to the law adopt the federal provisions with the exception of exemptions and credits which are adopted the second January 1 following the effective date of the federal law. The department is interpreting this to mean that the portion of the Federal Reform Act of 1976 which repeals the child care deduction is adopted but the allowance of the child care credit is not adopted until January 1, 1978. Alaska probably has the highest percentage of working spouses in the nation. This means that all these returns will have a federal and state tax difference which has not been anticipated or condoned by the legislature. I'm sure that this difference will be corrected by the current legislature but time is of the essence. Every return claiming a deduction or credit filed before the passage of the legislation will have to be recomputed by Department of Revenue personnel. Then after passage, a claim for refund will have to be filed to correct the initial return. A claim will also have to be filed on each return not claiming a deduction or credit. Although this will not double the paperwork of the department, it will cause a significant increase. This can only result in requests for additional personnel and the pyramiding of our state payroll for no reason.

Please take positive or negative action as soon as possible to limit the taxpayers' and the States' over reaction to an unintended problem.

Very truly yours,



Richard M. Carlson  
Certified Public Accountant

kdm

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 140  
 Title An Act relating to tax credits under the Alaska Net Income Tax Act  
 Requested by Senate Finance Committee Date 2-9-77

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ Fiscal Services \_\_\_\_\_  
 Budget Request Unit(s) Affected \_\_\_\_\_ Audit \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

If this bill is passed within the next month, there will be minimal effect on the Department. There will be an increasing impact with the passage of time after the one month period.

This bill will result in approximately \$1,000,000 loss of revenue to the General Fund.

IV. DATE 2-9-77 PREPARED BY *Gay Perkins*  
 AGENCY Revenue - Audit Division  
 PHONE 475-2320  
 Original: Legislative Finance  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

AMENDMENT # /

SENATE  
OFFERED IN THE HOUSE:

BY: ROBEY

TO: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 140

PAGE: 1

LINE: 20

Line 20: After "AS 43.20.021." insert "AS 43.20 is amended by adding a new section to read: Sec. 43.20.215. REPARATION FOR LATE PAYMENT OF REFUNDS. Five per cent shall be added to the tax refund for each 30-day period or fraction of the period during which the department fails to issue a refund to which a taxpayer is entitled under this title, unless it is shown the failure is due to a reasonable cause and not wilful neglect. The additional amount paid to a taxpayer under this section may not exceed 25 per cent of the refund due. (~~The department shall prescribe by regulation circumstances which constitute reasonable cause for purposes of this section.~~)

*Remember Section accordingly -*

*(Reparament. delete last sentence)*

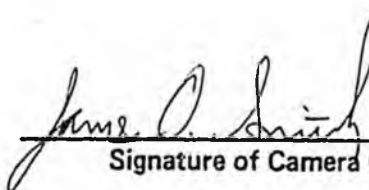
*Adopted*

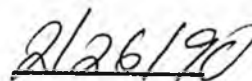


# RECORDS CERTIFICATION



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

4/5/77 back-up for SB 141  
is coming over

Resources

SB 141

John -

as you know the D<sub>2</sub> and  
screws up Do you have selections  
& others,  
I would like to work with you

on carrying the ~~ff~~ fight for  
N2C claims 1st. - stat 2nd.

& fed. reserves 3rd. etc. -

Capt - Lamb Wood  
In Kentucky

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Ermy J. [unclear]

**COMMITTEE REPORT**  
**SENATE**

2/10/77

Date

Mr. President:

The Committee on FINANCE has had SB 142  
SPEC. APPROPRIATION TO LEGISLATIVE COUNCIL FOR JOINT LEGISLATIVE COMMISSION ON  
under consideration. A majority of the members of the Committee SELECTION  
OF STATE LAND

- 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
- AND attaches a report of its intent
- (other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends: \_\_\_\_\_  
\_\_\_\_\_ recommends: \_\_\_\_\_  
\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_  
Chairman

142  
Introduced: 2/10/77  
Referred: Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 142

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Legisla-  
7 tive Council for the use of the Joint Legislative  
8 Commission on the Selection of State Land; and pro-  
9 viding for an effective date."

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

11 \* Section 1. The sum of \$500,000 is appropriated from the general fund  
12 to the Legislative Affairs Agency for the use of the Joint Legislative Com-  
13 mission on the Selection of State Land.

14 \* Sec. 2. This Act takes effect upon the effective date of an Act en-  
15 titled "An Act establishing a Joint Legislative Commission on the Selection  
16 of State Land; and providing for an effective date."

ALASKA STATE LEGISLATURE

...TENTH Legislature ... FIRST Session

SENATE BILL ..... NO. 142..

By KERTTULA .....

"An Act making a special appropriation to the Legislative Council for the use of the Joint Legislative Commission on the Selection of State Land; and providing for an effective date."

spec. approp./Leg. Council

Introduced in the Senate ..... 2/10/1977

HISTORY IN THE SENATE

19 77

Read first time and referred to Committee on

2 10

Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
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

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
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. ....

# DÉTENTE ALASKA, INC.

P.O. BOX 73141 • FAIRBANKS, AK. 99707 • PHONE 907-456-4464



April 5, 1977

Senator John Sackett  
Chairman  
Senate Finance Committee  
Pouch V  
Juneau, Alaska 99811

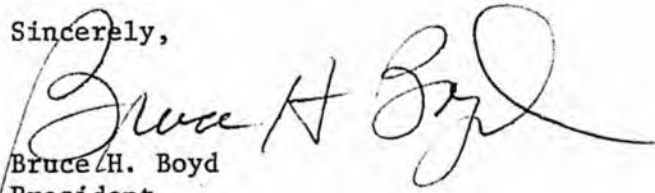
Dear Senator Sackett,

Alaska needs to unite its efforts and speak with one voice on the issues surrounding her land selections. Too many of us refuse to even consider a common stand on the D-2 issues until we as a people are allowed to select those lands promised to us in the Statehood Act.

In this regard, the employees of Détente Alaska, Inc. have authorized this letter to be written in support of CSSB 141 sponsored by Senator Kerttula. We feel the action prescribed in this bill would remove once and for all public doubt on Alaska's land entitlement and the D-2 issue. We urge your committee's prompt approval of CSSB 141.

Please take the necessary action required to bind Alaskans together in common purpose.

Sincerely,

  
Bruce H. Boyd  
President

BHB:p1d

cc: Senator Jalmar Kerttula  
Senator George Hohman  
Senator Joseph Orsini

Introduced: 2/10/77  
Referred: Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 142

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Legisla-  
7 tive Council for the use of the Joint Legislative  
8 Commission on the Selection of State Land; and pro-  
9 viding for an effective date."

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

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15 titled "An Act establishing a Joint Legislative Commission on the Selection  
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THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 142  
 Title Spec. Approp. to Legis. Council for use by Jt. Leg. Comm. on Sel. of  
 Requested by Legislative Finance Division Date 2/15/77 State Land

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency  
 Program Category Affected General Government  
 Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	500.0					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>500.0</b>					

FUNDING (Thousands of Dollars)

GENERAL FUND	500.0					
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

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

This is merely an estimate at this time. Most of the money would be earmarked for the law suit and depending on length and degree of court action, it is uncertain at this time to predict actual costs.

Would suggest this appropriation bill be amended to allow for non-lapsing of funds until suit has been completed rather than end of a particular fiscal year (under present version unobligated funds would lapse June 30, 1977).

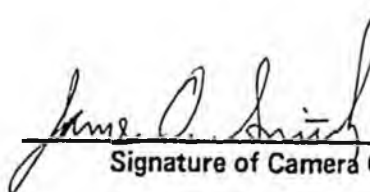
IV. DATE 2/15/77 PREPARED BY M. R. Charney  
 AGENCY Legislative Affairs Agency  
 PHONE 465-3850  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

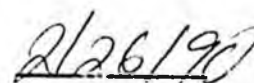


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\_\_\_\_\_  
Signature of Camera Operator

  
\_\_\_\_\_  
Date

"An Act relating to the adoption of regulations increasing the cost of doing business with the state."

# COMMITTEE REPORT

## HOUSE

5/8/77

5-178 \_\_\_\_\_ Date

Mr. Speaker:

The Committee on FINANCE has had SR 344

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
- AND attaches a report of its intent
- (other) \_\_\_\_\_

### MEMBERS SIGNING THE MAJORITY REPORT:

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

### MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ Chairman

*Bradley*

Original sponsors: Sumner and Bradley

IN THE SENATE

BY THE FINANCE COMMITTEE

HOUSE CS FOR SENATE BILL NO. 144

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the adoption of regulations increasing the cost of doing business with the state."

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

\* Section 1. AS 44.62 is amended by adding a new section to read:

Sec. 44.62.245. REGULATIONS INCREASING COST OF PROVIDING CONTRACTUAL SERVICE. When a person has agreed to provide contractual services to the state in return for compensation set by law or regulation, no regulation which has the effect of increasing the cost of providing the contractual service may be adopted unless the rates paid by the state are adjusted to reflect the increased cost, unless the regulation has been exempted from the operation of this section by the legislature.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 3, 1978

SUBJECT: HCS for SB 144; regulations increasing the  
cost of doing business.

TO: Steve Cowper, Chairman  
House Finance Committee

FROM: Richard A. Bradley   
Legislative Counsel

The Committee has requested a committee substitute for SB 144, a bill relating to the adoption of regulations increasing the cost of doing business with the State.

The committee substitute requested is enclosed without change.

I note, however, that the change proposed may present some legal difficulties. The language I am concerned about provides:

...no regulation which has the effect of raising the cost of providing the contractual service may be adopted... unless the regulation has been exempted from the operation of this section by the legislature or if the legislature is not in session on the effective date of the regulation, by the Administrative Regulation Review Committee. [Emphasis added.]

My interpretation of the language in the amendment is that the exemption required by the section from its operation would be done by law.

The Administrative Regulation Review Committee does not have the authority to enact law whether the legislature is in session or not. Accordingly, the committee cannot exempt a regulation from the operation of the section in the interim.

Steve Cowper, Chairman  
March 3, 1978  
Page 2

A technical observation: It seems unlikely that a "regulation" will be exempted; rather, is it not more likely that a program of an agency will receive exemption?

RAB:jpd

Enclosure

# MEMORANDUM

## State of Alaska

TO:

Legal Affairs

DEPT. \_\_\_\_\_

DIV. \_\_\_\_\_

SEC. \_\_\_\_\_

DATE : March 15, 1978

FROM: Becky Fritz  
House Finance Committee  
Room 411  
Ph; 3796

SUBJECT:

Please prepare the attached House Finance Committee  
Substitute for SB 144 and return to me. Thanks.

Original sponsors: Summer and Bradley

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 144

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the adoption of regulations in-  
creasing the cost of doing business with the state."

7

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

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\* Section 1. AS 44.62 is amended by adding a new section to read:

10

Sec. 44.62.245. REGULATIONS INCREASING COST OF PROVIDING CON-

11

TRACTUAL SERVICE. When a person has agreed to provide contractual

12

services to the state in return for compensation set by law or regula-

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tion, no regulation which has the effect of increasing the cost of

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providing the contractual service may be adopted unless the rates paid

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by the state are adjusted to reflect the increased cost, unless the

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regulation has been exempted from the operation of this section by the

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legislature ~~or, if the legislature is not in session on the effective~~

18

~~date of the regulation, by the Administrative Regulation and Review~~

19

~~Committee.~~ }

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22

After the word "legislature" insert a period.

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Delete the rest of line 17, 18 and 19.

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Introduced: 2/11/77  
Referred: Commerce

1 IN THE SENATE

BY SUMNER AND BRADLEY

2 SENATE BILL NO. 144

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the adoption of regulations in-  
7 creasing the cost of doing business with the state."

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

9 \* Section 1. AS 44.62 is amended by adding a new section to read:

10 Sec. 44.62.245. REGULATIONS INCREASING COST OF PROVIDING SERVICE.

11 (a) When a person has agreed to provide services to the state in return  
12 for compensation set by law or regulation, no regulation which has the  
13 effect of increasing the cost of providing the service may be adopted  
14 unless the rates paid by the state are adjusted to reflect the increased  
15 cost.

16 (b) The lieutenant governor may not accept for filing a regulation,  
17 amendment or order of repeal required by sec. 40 of this chapter unless  
18 the head of the agency certifies that

19 (1) the regulation, amendment or order of repeal does not  
20 increase the cost of providing the service;

21 (2) the regulation, amendment or order of repeal does increase  
22 the cost of providing the service, but the rates paid by the state have  
23 been adjusted to reflect the increased cost; or

24 (3) the regulation, amendment or order of repeal does not  
25 impact in any way providers of services to the state.

SUGGESTED COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 144

\*Section 1. AS 44.62 is amended by adding a new section to read:

Sec. 44.62.245. REGULATIONS INCREASING COST OF PROVIDING  
CONTRACTUAL SERVICE.

(a) When a person has agreed to provide contractual services to the state in return for compensation set by law or regulation and a regulation is adopted which has the effect of increasing the cost of providing that service, the rates paid by the state <sup>shall be</sup> ~~be~~ adjusted to reflect the increased cost unless the regulation has been exempted from the operation of this section by the Legislature, or if the Legislature is not in session on the effective date of the regulation, by the Administrative Regulation and Review Committee.

*not to be used*

SUGGESTED COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 144

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Sec. 44.62.245. REGULATIONS INCREASING COST OF PROVIDING  
CONTRACTUAL SERVICE.

(a) When a person has agreed to provide contractual services to the state in return for compensation set by law or regulation and a regulation is adopted which has the effect of increasing the cost of providing that service, the rates paid by the state, <sup>shall be adjusted by regulation</sup> ~~are adjusted~~ to reflect the increased cost unless the regulation has been exempted from the operation of this section by the Legislature, or if the Legislature is not in session on the effective date of the regulation, by the Administration Regulation and Review Committee.

Introduced: 2/11/77  
Referred: Commerce

1 IN THE SENATE

BY SUMNER AND BRADLEY

2 SENATE BILL NO. 144

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4 TENTH LEGISLATURE - FIRST SESSION

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25 impact in any way providers of services to the state.

Introduced: 2/11/77  
Referred: Commerce

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BY SUMNER AND BRADLEY

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23 been adjusted to reflect the increased cost; or

24 (3) the regulation, amendment or order of repeal does not  
25 impact in any way providers of services to the state.

26  
27  
28  
29

#

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 144

3  
4  
5 A BILL

6 For an Act entitled: "An Act relating to the adoption of regulations in-  
7 creasing the cost of doing business with the state."

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

9 \* Section . AS 44.62 is amended by adding a new section to read:

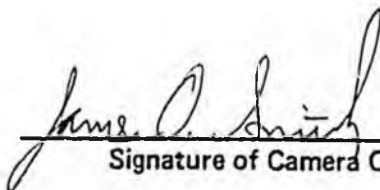
10 Sec. 44.62.245 REGULATIONS INCREASING COST OF PROVIDING CONTRAC-  
11 TUAL SERVICE. When a person has agreed to provide contractual services to  
12 the state in return for compensation set by law or regulation, no regulation  
13 which has the effect of increasing the cost of providing the contractual  
14 service may be adopted unless the rates paid by the state are adjusted to  
15 reflect the increased cost, unless the regulation has been exempted from the  
16 operation of this section by the Legislature, or if the Legislature is not  
17 in session on the effective date of the regulation, by the Administrative  
18 Regulation and Review Committee.

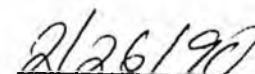


# RECORDS CERTIFICATION



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

## SENATE

4/7/77

June 11, 1978 Date

Mr. President:

The Committee on FINANCE has had SB 147  
~~efficient administration of fish 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
- AND attaches a report of its intent
- (other) \_\_\_\_\_

### MEMBERS SIGNING THE MAJORITY REPORT:

<u>Mr. Giddett - No Rec</u>	_____
<u>Johnson</u>	<u>John R. Smith - No Pass</u>
<u>Strommen</u>	<u>Do Pass</u>
<u>C. T. Hillon</u>	<u>Do Pass</u>

### MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

John Giddett  
Chairman

Original sponsor: Rules Committee by  
request of the Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 854 (2d Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the leasing and exploration of  
7 state land for oil and gas development."

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

9 Section 1. AS 38.05.180 is repealed and re-enacted to read:

10 Sec. 38.05.180. OIL AND GAS LEASING. (a) The legislature finds  
11 that

12 (1) the people of Alaska have an interest in the development  
13 of the state's oil and gas resources to

14 (A) maximize the economic and physical recovery of the  
15 resources;

16 (B) maximize competition among parties seeking to ex-  
17 plore and develop the resources;

18 (C) maximize use of Alaska's human resources in the  
19 development of the resources;

20 (2) it is in the best interests of the state to encourage an  
21 assessment of its oil and gas resources and to allow the maximum flexi-  
22 bility in the methods of issuing leases to

23 (A) recognize the many varied geographical regions of  
24 the state and the different costs of exploring for oil and gas in  
25 these regions;

26 (B) minimize the adverse impact of exploration, develop-  
27 ment, production, and transportation activity.

28 (b) The commissioner shall annually prepare and submit to the  
29 legislature, between the first and the 15th day of each regular legis-

1        lative session, a proposed oil and gas leasing program specifying as  
2        precisely as practicable the location of tracts proposed to be offered  
3        for oil and gas leasing during the third and fourth calendar years  
4        following the calendar year in which the proposed program is submitted  
5        to the legislature.

6            (c) Except as provided in (d) of this section, no oil and gas  
7        lease issued by the commissioner shall be valid unless it was included  
8        in a proposed leasing program submitted to the legislature during the  
9        third and fourth calendar years preceding the year in which the lease is  
10       issued, except that an area proposed for leasing in the fourth calendar  
11       year after the year in which the program is submitted to the legislature  
12       may be leased if the commissioner resubmits the area to the following  
13       regular legislative session.

14           (d) The commissioner may issue oil and gas leases in an area that  
15       has not been included in a leasing program submitted, in accordance with  
16       (b) of this section, to the legislature if

17            (1) the land to be leased was previously subject to a valid  
18       state or federal oil and gas lease; or

19            (2) the land to be leased is contiguous to land already under  
20       state, federal or private lease and the commissioner makes a written  
21       finding, after hearing, that leasing of the land would result in a  
22       substantial probability of early evaluation and development of the land  
23       to be leased; or

24            (3) the land to be leased is adjacent to land owned or con-  
25       trolled by another party on which a discovery of commercial quantities  
26       of oil or gas has been made, and where the commissioner finds, after  
27       hearing, that there is a reasonable probability that the land to be  
28       leased contains oil or gas in communication with the oil or gas dis-  
29       covered on the land of the other party.

1 (e) Simultaneously with submission of the leasing program required  
2 under (b) of this section, the commissioner shall submit to the legis-  
3 lature a report containing the following:

4 (1) the schedule of all lease sales held during the preceding  
5 calendar year, the bidding method or methods utilized, and an analysis  
6 of the results of the bidding;

7 (2) a description of all lease sales to be held during the  
8 current and next two succeeding calendar years and, if determined, the  
9 bidding methods to be used;

10 (3) the reasons a particular bidding method has been  
11 selected.

12 (f) The commissioner may issue oil and gas leases on state land to  
13 the highest responsible qualified bidder determined by competitive  
14 bidding under regulations adopted by the commissioner. Bidding may be  
15 by sealed bid or according to any other bidding procedure the commis-  
16 sioner determines is in the best interests of the state. Whenever,  
17 under any of the leasing methods listed in this subsection, a royalty  
18 share is reserved to the state, it shall be delivered in pipeline  
19 quality and free of all lease or unit expenses, including but not  
20 limited to separation, cleaning, dehydration, gathering, salt water  
21 disposal, and preparation for transportation off the lease or unit area.  
22 Following a pre-sale analysis, the commissioner may choose at least one  
23 of the following leasing methods:

24 (1) a cash bonus bid with a fixed royalty share reserved to  
25 the state of not less than 12 1/2 per cent in amount or value of the  
26 production removed or sold from the lease;

27 (2) a cash bonus bid with a fixed royalty share reserved to  
28 the state of not less than 12 1/2 per cent in amount or value of the  
29 production removed or sold from the lease and a fixed share of the net

1 profit derived from the lease of not less than 30 per cent reserved to  
2 the state;

3 (3) a fixed cash bonus with a royalty share reserved to the  
4 state as the bid variable but not less than 12 1/2 per cent in amount or  
5 value of the production removed or sold from the lease; royalty share as  
6 a bid variable shall be used only when the commissioner determines there  
7 is evidence that unleased acreage is subject to drainage by offsetting  
8 walls;

9 (4) a fixed cash bonus with the share of the net profit  
10 derived from the lease reserved to the state as the bid variable;

11 (5) a fixed cash bonus with a fixed royalty share reserved to  
12 the state of not less than 12 1/2 per cent in amount or value of the  
13 production removed or sold from the lease with the share of the net  
14 profit derived from the lease reserved to the state as the bid variable.

15 (g) The share of the net profit derived from a lease reserved to  
16 the state under (f) of this section is royalty sale proceeds for the  
17 purposes of the Alaska permanent fund under AS 37.10.065 and the Alaska  
18 renewable resources development fund under AS 37.11.020.

19 (h) The commissioner may include terms in any oil and gas lease  
20 imposing a minimum work commitment on the lessee. These terms shall be  
21 made public before the sale, and may include appropriate penalty pro-  
22 visions to take effect in the event the lessee does not fulfill the  
23 minimum work commitment. Should it be demonstrated that a lease has  
24 been proven unproductive by actions of adjacent lease holders, the  
25 commissioner may set aside a work commitment.

26 (i) The commissioner may provide for the establishment of an  
27 exploration incentive credit system under which a lessee of state land  
28 drilling an exploratory well on that land may earn credits based upon  
29 the footage drilled and the region in which the well is situated. The

1 commissioner may also provide for credits to be earned by persons per-  
2 forming geophysical work on state land, if that work is performed during  
3 the two seasons immediately preceding an announced lease sale and on  
4 land included within the sale area and the geophysical information is  
5 made public following the sale. Credits may not exceed 50 per cent of  
6 the cost of the drilling or geophysical work. Credits may be used  
7 during a limited period established by the commissioner and may be  
8 assigned during that period. Credits may be applied against (1) oil and  
9 gas royalty and rental payments payable to the state or (2) taxes pay-  
10 able under AS 43.55. No credit may exceed 50 per cent of the payment  
11 toward which it is being applied. Amounts due the Alaska permanent fund  
12 (AS 37.10.065) and the Alaska renewable resources development fund (AS  
13 37.11.020) shall be calculated before the application of credits under  
14 this subsection.

15 (j) To prolong the economic life of an oil and gas field, the  
16 commissioner shall adopt regulations for all bidding methods to allow  
17 reduction of royalty on leases within the field to compensate for in-  
18 creasing costs in the later stages of production decline. The commis-  
19 sioner may not grant a reduction of royalty until two years' initial  
20 production from the field has occurred and each lessee requesting the  
21 reduction has made a clear showing that the revenue from all hydro-  
22 carbons produced from the field is insufficient to produce a reasonable  
23 rate of return with respect to that lessee's total investment in the  
24 field.

25 (k) The commissioner shall define all terms and adopt all regula-  
26 tions necessary for a reasonable understanding and evaluation of a  
27 particular bidding method before the public announcement of the terms of  
28 proposed sale employing that method.

29 (l) Subject to the provisions of AS 31.05, the commissioner may,

1 at his discretion, enter into an agreement whereby, with the consent of  
2 the lessee, the state's royalty share of oil and gas production may be  
3 stored or retained in storage by the lessee, or the commissioner may  
4 enter into an agreement with one or more of the affected field lease  
5 holders to trade current royalty production from a field for a like  
6 amount, kind, and quality of future production, on the condition that  
7 the state receives back its stored or traded royalty share during the  
8 first half of the estimated field life or no later than 15 years after  
9 start of production, whichever is sooner.

10 (m) An oil and gas lease must cover a reasonably compact area not  
11 exceeding 5,760 acres, and may be for a maximum period of 10 years,  
12 except that the commissioner may issue a lease for a period not less  
13 than five years if he finds it to be in the best interests of the state.  
14 An oil and gas lease shall be automatically extended if and for so long  
15 thereafter as oil or gas is produced in paying quantities from the lease  
16 or, if the lease is committed to a unit approved by the commissioner. A  
17 lease issued under this section covering land on which there is a well  
18 capable of producing oil or gas in paying quantities does not expire  
19 because the lessee fails to produce oil or gas unless the lessee is  
20 allowed reasonable time to place the well on a producing status. Upon  
21 extension, the commissioner may increase lease rentals so long as the  
22 increased rental rate does not exceed 150 per cent of the rate for the  
23 preceding year. If drilling has commenced on the expiration date of the  
24 primary term of the lease and is continued with reasonable diligence,  
25 including such operations as redrilling, sidetracking, or other means  
26 necessary to reach the originally proposed bottom hole location, the  
27 lease continues in effect until 90 days after drilling has ceased and  
28 for so long thereafter as oil or gas is produced in paying quantities.  
29 An oil and gas lease issued under this section which is subject to

1 termination by reason of cessation of production does not terminate if,  
2 within 60 days after production ceases, reworking or drilling operations  
3 are commenced on the land under lease and are thereafter conducted with  
4 reasonable diligence during the period of nonproduction.

5 (n) The commissioner may establish by regulation that after a well  
6 has been plugged and abandoned, the rental rate which was in effect  
7 during the year of abandonment is maintained for the remainder of the  
8 term. Rental is payable in advance and continues until income to the  
9 state from royalty or net profit share exceeds rental income to the  
10 state for that year. Oil and gas leases shall provide for payment to  
11 the state of rental on the following basis:

- 12 (1) for the first year, \$1.00 per acre;
- 13 (2) for the second year, \$1.50 per acre;
- 14 (3) for the third year, \$2.00 per acre;
- 15 (4) for the fourth year, \$2.50 per acre;
- 16 (5) for the fifth and following years, \$3.00 per acre.

17 (o) Upon timely application as provided by regulation, the state  
18 may issue to the holder of a federal or private lease, a state shore-  
19 lands lease covering land within the exterior boundaries of the federal  
20 or private lease which has been excluded on the basis of navigability or  
21 which is later administratively or judicially determined to be shore-  
22 land. The term of such a state shoreland lease shall be the same as the  
23 term of the federal or private lease.

24 (p) To conserve the natural resources of all or a part of an oil  
25 or gas pool, field, or like area, the lessees and their representatives  
26 may unite with each other, or jointly or separately with others, in  
27 collectively adopting or operating under a cooperative or a unit plan of  
28 development or operation of the pool, field, or like area, or a part of  
29 it, when determined and certified by the commissioner to be necessary or

1       advisable in the public interest. The commissioner may, with the con-  
2       sent of the holders of leases involved, establish, change, or revoke  
3       drilling, producing, and royalty requirements of the leases and adopt  
4       regulations with reference to the leases, with like consent on the part  
5       of the lessees, in connection with the institution and operation of a  
6       cooperative or unit plan as he determines necessary or proper to secure  
7       the proper protection of the public interest. The commissioner may  
8       require oil and gas leases issued under this section to contain a pro-  
9       vision requiring the lessee to operate under a reasonable cooperative or  
10      unit plan, and he may prescribe a plan under which the lessee must  
11      operate. The plan must adequately protect all parties in interest,  
12      including the state.

13           (q) A plan authorized by (p) of this section, which includes land  
14      owned by the state, may contain a provision vesting the commissioner, or  
15      a person, committee, or state agency with authority to modify from time  
16      to time the rate of prospecting and development and the quantity and  
17      rate of production under the plan. All leases operated under a plan  
18      approved or prescribed by the commissioner are excepted in determining  
19      holdings or control under sec. 140 of this chapter. The provisions of  
20      this section concerning cooperative or unit plans are in addition to,  
21      and do not affect AS 31.05.

22           (r) Producing acreage on a known geologic structure of a producing  
23      oil or gas field is excluded from chargeability as against the acreage  
24      limitation provisions of sec. 140 of this chapter.

25           (s) When separate tracts cannot be individually developed and  
26      operated in conformity with an established well-spacing or development  
27      program, a lease, or a portion of a lease, may be pooled with other  
28      land, whether or not owned by the state, under a communitization or  
29      drilling agreement providing for an apportionment of production or

1 royalties among the separate tracts of land comprising the drilling or  
2 spacing unit when determined by the commissioner to be in the public  
3 interest. Operations or production under the agreement are considered  
4 as operations or production as to each lease committed to the agreement.

5 (t) The commissioner may, on conditions which he prescribes,  
6 approve drilling, or development contracts made by one or more lessees  
7 of oil or gas leases, with one or more persons, when, in his discretion,  
8 the conservation of natural resources or the public convenience or  
9 necessity requires it or the interests of the state are best served.  
10 All leases operated under approved drilling or development contracts,  
11 and interests under them, are excepted in determining holding or control  
12 under sec. 140 of this chapter.

13 (u) To avoid waste or to promote conservation of natural re-  
14 sources, the commissioner may authorize the subsurface storage of oil or  
15 gas whether or not produced from state land, in land leased or subject  
16 to lease under this section. This authorization may provide for the  
17 payment of a storage fee or rental on the stored oil or gas, or, instead  
18 of the fee or rental, for a royalty other than that prescribed in the  
19 lease when the stored oil or gas is produced in conjunction with oil or  
20 gas not previously produced. A lease on which storage is so authorized  
21 shall be extended at least for the period of storage and so long there-  
22 after as oil or gas not previously produced is produced in paying quan-  
23 tities.

24 (v) Each oil or gas lease issued by the state must contain a  
25 provision requiring the lessee to furnish the Department of Labor a  
26 quarterly report regarding the employment of state residents on the  
27 leased property. The commissioner of labor shall adopt regulations  
28 necessary to implement this subsection.

29 (w) Notwithstanding any other provision of this section, land

1 which has been offered for lease within the previous five years and  
2 which received no bids at competitive sale may be, at the discretion of  
3 the commissioner, immediately offered for lease, under regulations  
4 adopted by him, upon terms appearing most advantageous to the state;  
5 however, noncompetitive leasing is prohibited. The commissioner shall  
6 establish a royalty as he determines to be in the public interest but  
7 not less than 12 1/2 per cent. A lease must provide for payment to the  
8 state of rental but need not adhere to the rental schedule in (n) of  
9 this section nor to the 5,760-acres-per-lease limitation in (m) of this  
10 section. The lease term may not exceed five years except as provided in  
11 (m) and (o) of this section.

12 (x) A lessee conducting or permitting any exploration for, or  
13 development or production of, oil or gas on state land shall provide the  
14 commissioner access to all noninterpretive data obtained from that lease  
15 and shall provide copies of that data, as the commissioner may request.  
16 The confidentiality provisions of sec. 35 of this chapter apply to the  
17 information obtained under this subsection.

18 (y) A noncompetitive lease existing at the effective date of this  
19 Act shall be extended for a period of two years and so long thereafter  
20 as oil and gas is produced in paying quantities. A noncompetitive lease  
21 extended under this subsection is subject to the regulations in force at  
22 the expiration of the initial five-year term of the lease. No extension  
23 may be granted, however, unless within a period of 90 days before the  
24 expiration date an application for extension is filed by the record  
25 title holder or an assignee whose assignment has been filed for ap-  
26 proval, or an operator whose operating agreement has been filed for  
27 approval.

28 \* Sec. 2. AS 38.05.135(b) is repealed and re-enacted to read:

29 (b) When mineral land is to be leased, in addition to any other

1 notice given, notice must also be given as provided in secs. 305 and 345  
2 of this chapter.

3 \* Sec. 3. AS 38.05.140(c) is amended to read:

4 (c) No person may take or hold at one time phosphate leases on  
5 state land [LANDS] exceeding in the aggregate 10,240 acres. No person  
6 may take or hold sodium leases or permits during the life of sodium  
7 leases on state land [LANDS] exceeding in the aggregate acreage 5,120  
8 acres, except that the commissioner may, where it is necessary in order  
9 to secure the economic mining of sodium compounds, permit a person to  
10 take or hold sodium leases or permits for up to 15,360 acres. No person  
11 may take or hold at any one time oil or gas leases exceeding in the  
12 aggregate 500,000 acres granted on tide and submerged land [LANDS] and  
13 500,000 acres on all land [LANDS] other than tide and submerged land  
14 [LANDS], including leases held both as lessee and under option or  
15 operating agreement from others. Where more than a single person holds  
16 an interest in an oil or gas lease, each person shall be charged only  
17 with that percentage of the total acreage which corresponds to its  
18 percentage share of the total beneficial interest in the lease.

19 \* Sec. 4. AS 38.05.335(c) is amended to read:

20 (c) The commissioner shall require each bidder for the competitive  
21 leasing of oil and gas lands to submit with his bid a deposit of money  
22 equal to 20 per cent of the bonus [AMOUNT BID].

23 \* Sec. 5. AS 38.05.140(d) is amended to read:

24 (d) The commissioner, for the purpose of encouraging the greatest  
25 ultimate recovery of coal, [OIL, GAS,] oil shale, phosphate, sodium,  
26 potassium, sulphur, and geothermal resources and in the interest of con-  
27 servation of natural resources, after public hearing, or, when the  
28 state's title to land beneath navigable waters has been legally chal-  
29 lenged by the United States and litigation initiated, may waive, sus-

1 pend, refund, or reduce the rental, or minimum royalty, or reduce the  
2 royalty on an entire leasehold, or on any tract or portion of a lease-  
3 hold segregated for royalty purposes, whenever in his judgment it is  
4 necessary to do so in order to promote development, or whenever in his  
5 judgment the lease cannot be successfully operated under its terms. If  
6 the commissioner, in the interest of conservation, directs or assents to  
7 the suspension of operations and production under a lease granted, the  
8 payment of acreage rental or of minimum royalty prescribed by the lease  
9 may be suspended during the period of suspension of operations and pro-  
10 duction. The term of the lease shall be extended by adding the period  
11 of suspension to the lease.

12 \* Sec. 6. AS 38.05.145(b) is repealed.

13 \* Sec. 7. TRANSITIONAL PROVISIONS. By the 15th day of the First Session  
14 of the Eleventh Legislature the commissioner of natural resources shall  
15 submit a proposed oil and gas leasing program to the legislature in accor-  
16 dance with AS 38.05.180(b), except that the proposed program shall cover all  
17 areas to be leased in 1979 through 1983. No lease, except as authorized  
18 under AS 38.05.180(d), shall be issued during 1979, 1980, or 1981 unless the  
19 land to be leased was included in this proposed leasing program.

FROM: Robert Wold Company, Inc.  
11661 San Vicente Boulevard  
Los Angeles, California 90049  
(213) 820-2668

ISSUED: June 14, 1978

For immediate use

ROBERT WOLD AND SATELLINK COMPANIES  
UNVEIL NEW SATELLITE DELIVERY PLANS  
FOR ALASKA TV, CABLE-TV AND RADIO

A new proposal for Alaska television and radio program delivery was submitted today to members of the State Legislature and to the Governor's Office of Telecommunications (OT) by California-based Robert Wold Company, Inc. and its affiliated common-carrier applicant, Satellink Incorporated.

Robert N. Wold, president of the companies, said he decided to release details of the proposal now instead of waiting for negotiations to begin with OT. "In view of all the legislative jockeying over House Bill 908, we feel it's timely to present this proposal now," he said.

"We're especially concerned that the various amendments and letters of intent could result in RCA Alaska Communications (Alascom) becoming the sole contestant for this business. The advantages of competitive private enterprise must endure. We hope the announcement of this plan will be enlightening and serve that end," Wold said.

The new multi-part proposal calls for:

1. Using two transponders, one in each of two different RCA satellites;
2. Radio program delivery, in addition to TV;
3. Intrastate services, in addition to interstate;
4. Sharing of interstate delivery costs with other customers of Wold/Satellink such as Hawaii's broadcasting stations;
5. Seven Alaska earth stations for interstate reception, including cost-sharing with public television and cable systems;
6. Seventy-six Alaska earth stations to receive intrastate deliveries;
7. TV and radio program receiving equipment added to 100 existing earth stations;
8. And operation of a modern tape-delay and origination center at Anchorage.

(more)

Wold described his new proposal as an alternative to (rather than a replacement of) his companies' original proposal submitted to OT on December 1, 1977. The original included only an interstate plan and centered on delivery of 105 hours per week of "time-value" programs via Western Union's Westar satellite, with costs being shared with Hawaiian users. Wold has a satellite-transmission contract with the Honolulu broadcasting stations and has filed for a Federal Communications Commission license to operate an earth station in Honolulu.

(On March 1, Wold demonstrated successfully the capabilities of a new digital transmission technique known as STRAP which enables two TV pictures to occupy the same delivery path. Two months later RCA Alaska countered by announcing major changes in its cost proposal and said that it, too, would use STRAP in combination with its existing dual-transmission method.)

"The importance to Alaska of preserving free competition in the marketplace has been vividly demonstrated by both the changes RCA Alaska has made since its original proposal to OT and the new alternative we are submitting today," Wold said.

"If final action on House Bill 908 effectively eliminates any supplier other than RCA Alaska (as proposed by the Senate Finance Committee) the possibility of further improvements stimulated by free competition will disappear," he continued. "This legislature has the opportunity to preserve Alaska's ability to remain in the forefront of satellite technology, which is changing rapidly, if they keep the door open for innovative, entrepreneurial competitors like us."

Wold identified the principal differences in his new proposal as compared to the most recent proposal of RCA Alaska:

- using the F-1 satellite for interstate traffic, to enable sharing of cable-system earth stations
- including radio (which RCA prefers to sell separately)
- sharing of interstate costs with other users
- and operation of the tape-delay center.

The interstate plan would provide two fulltime TV signals and three fulltime network radio signals delivered from the "lower 48". Costs are shared between Alaska and Hawaii. TV signals would be "off-the-air" pickups, enabling both broadcasters and cable systems to use them. Radio would be obtained from interconnected network sources.

Wold noted that six different communication satellites are capable of providing excellent signal "footprints" in areas of Alaska which have been designated to receive interstate deliveries. These are Satcom F-1 and F-2, owned by RCA Alaska's lower-48 sister company RCA American; Westar I and II, owned by Western Union Telegraph Co.; and Comstar A and B, operated by American Telephone and Telegraph Co. (AT&T).

(more)

"Our original proposal to use Westar is still the best if Alaska decides on 105 hours weekly of 'time-value' TV programs," Wold said. "We can provide this level of traffic at the least cost on Westar because of the bulk-use contract we have with them." Wold buys 5,000 hours annually from Westar and shares this among some 200 clients who distribute ad hoc network features such as the Nixon Interviews and originate sports and other special-events from distant sites. One of his largest clients is ABC Television Network for which Wold makes all satellite transmission arrangements.

"On the other hand," Wold continued, "if Alaska decides on fulltime TV transmission from the lower 48, we can get the best cost by leasing on F-1 through RCA American." He stressed that F-1 is a better choice for interstate traffic than the F-2 satellite in which RCA Alaska leases transponders. "Many of the receive-stations can be shared with cable systems which can access cable program services only from F-1. These include Home Box Office, Showtime, Fanfare, Madison Square Garden, Atlanta independent WTCG-TV and various religious-program packages." If F-2 is utilized for interstate traffic, any cable system taking these special programs would have to install a duplicate earth station, he said.

He anticipates a sharing of earth stations with cable systems in various southeast Alaska locations and in Fairbanks. At Anchorage, Wold plans a standalone earth station to be co-located at a site owned by public TV station KAKM-TV. He noted this would help reduce some of the operating costs of KAKM and would also give the public station the potential to access certain programs from F-1. KAKM-TV will have its own receiving antenna to receive PBS network distribution before the end of 1978, accessing the Westar I satellite.

Wold also stressed his reasons for proposing two TV signals instead of the four proposed for interstate delivery by RCA Alaska. "The compacting of four TV signals in a single path will cause a drain in satellite power which would make the signals inadequate for reception in Hawaii," he explained. "Also, by using the STRAP digital technique for only two TV signals we can assure both Alaska and Hawaii of high-quality pictures. Furthermore, we can keep the TV audio married to its appropriate video in the same transponder - and we have room left to bring in the three network radio signals. RCA Alaska's plan is to have all TV audio in a separate transponder and makes no provision for the radio broadcasters of Alaska."

"TV video and audio belong together, to reduce the risk of operational errors," he said. "Barbara Walters' voice does not work too well with Walter Cronkite's face, except for those viewers who might find that amusing."

Another reason for only two interstate TV signals, Wold said, is that Alaska's TV broadcasters - who are going to be asked to begin paying a portion of transmission costs - are not interested in more than about 105 hours weekly of "time-value" programs. Cable-system operators have told him that two fulltime signals, rather than four, would be "very adequate," he said.

(more)

"So why do we need the overkill of four interstate TV channels," he asked, "with the risk of technical and operational problems?" He then pointed out that if the fourth signal is intended to be PBS Network, this would be duplicative of PBS' own satellite distribution plans and could raise objections from the Alaska Public Broadcasting Commission.

The intrastate portion of Wold's new plan proposes the use of a single transponder on the F-2 satellite, leased from RCA Alaska which has sales rights to six F-2 transponders which have canted beams to provide the best possible coverage in western Alaska.

Intrastate traffic would basically be transmitted from Anchorage, he explained, from either a transmit earth-station installed by his companies or facilities provided by RCA Alaska. Other intrastate uplink capabilities, such as teleconferencing from Juneau, would remain available.

Wold's intrastate transponder would carry one TV signal and at least two network radio signals. It would be possible at a later date to double the TV capacity with STRAP equipment but the present RCA dual-channel FM technique would not work in the intrastate receiving stations because of their small size.

"This is another reason for setting the interstate package at two instead of four TV signals," he noted. "We wonder why four incoming sources would be needed when there's only one - and maybe in the future, two outgoing feeds."

Wold's new intrastate plan also includes installation of earth station equipment to serve "bush" communities and other locations specified in OT's expansion plan. He feels his company, Satellink, could contract to provide this equipment at a substantially lower cost than RCA Alaska. At an annual cost figured over six years, he said, the five-meter antennas at 76 locations can be installed and maintained for less than \$25,000 each and the addition of TV receivers to the existing 100 small earth stations would cost about \$6,800 each.

The final element in Wold's plan would be the installation and operation of a modern tape-delay and origination center at Anchorage. Its function is to originate taped programs for transmission to intrastate locations. At the present time this function is handled in cramped conditions in an Anchorage office building by the Alaska Public Broadcasting Commission.

Wold would install state-of-the-art equipment and co-locate the facility at KAKM-TV, helping further to reduce the public TV station's operating costs. He noted that his company is the only one among those bidding for the overall Alaska contract to offer to provide this service.

(more)

The overall cost in the first year of Wold's six-year plan would be less than \$4,800,000 when potential savings from sharing with Hawaii users and with cable-systems are taken into consideration, Wold said. He emphasized that this includes all the elements which have been proposed by RCA Alaska, although slightly different in some of the details, and also includes services for the radio broadcasters plus the tape center.

His plan to use F-2 is contingent upon availability of an Alaska-canted transponder from the six leased by RCA Alaska. He said this has been discussed with RCA Alaska executives Ben Agee and Charles Robinson and he feels it should not be a problem. "After all," he pointed out, "they already lease transponder 23 to a customer by the name of the State of Alaska."

In the event this were to become a stumbling block, Wold has already initiated discussion of a transponder lease on Comstar with AT&T executives. Under a moratorium imposed by the F. C. C., AT&T cannot directly market private-line services on Comstar until mid-1979. They can, however, be "a carrier's carrier" and Wold said that is what they are discussing. Satelink would be the carrier and AT&T would be the carrier's carrier. Comstar, he said, has excellent coverage of all of Alaska and Hawaii, as well as the remainder of the United States.

#

Robert N. Wold is currently in Juneau and may be reached at the Hotel Baranof (although there is a possibility of a change to the Hilton).

Original Sponsor: By the Rules Committee  
By Request of the Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 147

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 16.05.050(1) is amended to read:

10 (1) assist the United States Fish and Wildlife Service, the  
11 National Marine Fisheries Service, and any other federal agency in the  
12 enforcement of federal laws and regulations pertaining to fish and  
13 game;

14 \* Sec. 2. AS 16.05.050(5) is amended to read:

15 (5) collect, classify, and disseminate statistics, data and  
16 information as in his discretion will tend to promote the objects of  
17 this title [CHAPTER];

18 \* Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

19 (12) initiate or perform such research as may be necessary  
20 or advisable for the protection, conservation, and management of the  
21 fish and game resources of the state;

22 (13) employ substances, procedures, and techniques necessary  
23 to control or eradicate diseases of fish [or game] (including quarantine  
24 and sterilization of facilities and equipment), and to reduce competi-  
25 tion among fish or game;

26 (14) enter into cooperative agreements with agencies of the  
27 federal government, educational institutions, or other agencies or  
28 organizations when in the public interest, except that when coopera-  
29 tive agreements with the federal government require assent to the

1 applicability of federal laws or regulations in the state, that assent  
2 shall be undertaken by the appropriate board;

3 (15) enter into contracts with, and make grants to, agencies,  
4 organizations, and individuals under procedures established by the  
5 commissioner to insure that such grants and contracts are consistent  
6 with the overall public interest;

7 (16) any other powers necessary to implement the responsi-  
8 bilities of the commissioner set out in sec. 20 of this chapter.

9 \* Sec. 4. AS 16.05.060 is amended to read:

10 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter  
11 does not limit the power of the commissioner or his authorized designee,  
12 when necessary for the protection of fish and game or the promotion of  
13 the general welfare [WHEN CIRCUMSTANCES REQUIRE], to summarily open or  
14 close seasons or areas (wholly or partially), or to change weekly  
15 closed periods on fish or game by means of emergency orders. The  
16 commissioner may also implement regulations of the Boards of Fisheries  
17 and Game by emergency order where authorized by the board. An emer-  
18 gency order has the force and effect of law after field announcement  
19 by the commissioner or his authorized designee. An emergency order  
20 adopted under this section is not subject to the Administrative Pro-  
21 cedure Act (AS 44.62), and need not be published in the Alaska Admini-  
22 strative Code. An emergency order must contain a description of and a  
23 justification for the action undertaken, the effective date, the text  
24 of amended regulations, and the signature of the commissioner or his  
25 authorized designee. Field announcement must be made before the time  
26 of effectiveness in a manner calculated to reach interested persons,  
27 such as by publication, telegraph, broadcast, distribution, posting or  
28 other effective means. A copy of the emergency order must be deposited  
29 in the lieutenant governor's office within 20 days after the effective

1 date of the emergency order. The commissioner's announcements, when  
2 authorized by a board, shall be adopted in a manner identical to that  
3 required for emergency orders.

4 \* Sec. 5. AS 16.05.251(3) is amended to read:

5 (3) setting quotas, [AND] bag limits, harvest levels, and  
6 sex and size limitations on the taking of fish;

7 \* Sec. 6. AS 16.05.251(7) is amended to read:

8 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat  
9 protection [IMPROVEMENT], fish management, conservation, protection,  
10 disposition, and propagation in the interest of the economy or general  
11 welfare of the state [AND STOCKING];

12 \* Sec. 7. AS 16.05.251(8) is amended to read:

13 (8) establishing methods, means and harvest levels where  
14 necessary to control predation and competition among fish in the state  
15 [INVESTIGATING AND DETERMINING THE EXTENT AND EFFECT OF PREDATION AND  
16 COMPETITION AMONG FISH IN THE STATE, EXERCISING CONTROL MEASURES  
17 CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE];

18 \* Sec. 8. AS 16.05.251(9) is amended to read:

19 (9) assent to the applicability of federal regulations where  
20 necessary to effectuate cooperative agreements or other arrangements  
21 with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS WITH  
22 EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO  
23 PROMOTE FISH RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO  
24 TRAIN MEN FOR FISH MANAGEMENT];

25 \* Sec. 9. AS 16.05.251 is amended by adding new paragraphs to read:

26 (13) when necessary for the conservation and protection of  
27 fish resources and the preservation of the public welfare, impose  
28 limitations on the use and disposition of fish;

29 (14) improve or facilitate conservation and protection of

1 fish, and ~~impose limitations on routes of access or modes of transpor-~~  
2 ~~tation in areas of the state; and~~

3 (15) authorize the commissioner to carry out a regulatory  
4 program under terms and conditions prescribed by the commissioner.

5 \* Sec. 10. AS 16.05.255(4) is amended to read:

6 (4) setting quotas, [AND] bag limits, harvest levels, and  
7 sex, age and size limitations on the taking of game;

8 \* Sec. 11. AS 16.05.255(6) is amended to read:

9 (6) establishing methods and harvest levels necessary to  
10 control predation and competition among game in the state, authorizing  
11 the payment of bounties in game management units or parts of them,  
12 specifying the amounts of bounties, and prescribing procedures for the  
13 collection of bounties [INVESTIGATING AND DETERMINING THE EXTENT AND  
14 EFFECT OF PREDATION AND COMPETITION AMONG GAME IN THE STATE, EXERCISING  
15 CONTROL MEASURES CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE  
16 AND DESIGNATING GAME MANAGEMENT UNITS OR PARTS OF GAME MANAGEMENT  
17 UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS SHALL BE PAID];

18 \* Sec. 12. AS 16.05.255(7) is amended to read:

19 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and  
20 habitat protection [IMPROVEMENT], and game management, conservation,  
21 protection, disposition, and propagation in the interest of the economy  
22 or general welfare of the state [AND STOCKING];

23 \* Sec. 13. AS 16.05.255(8) is amended to read:

24 (8) assent to the applicability of federal regulations when  
25 necessary to effectuate cooperative agreements or other arrangements  
26 with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS WITH  
27 EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO  
28 PROMOTE GAME RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO  
29 TRAIN MEN FOR GAME MANAGEMENT];

1 \* Sec. 14. AS 16.05.255 is amended by adding new paragraphs to read:

2 (11) when necessary for the conservation and protection of  
3 game resources and the preservation of the public welfare, impose  
4 limitations on the use and disposition of game;

5 (12) improve or facilitate conservation and protection of  
6 ~~game, and impose limitations on routes of access or modes of transpor-~~  
7 ~~tation in areas of the state; and~~

8 (13) authorize the commissioner to carry out a regulatory  
9 program under terms and conditions prescribed by the commissioner.

10 \* Sec. 15. AS 16.05.940 is repealed and re-enacted to read:

11 Sec. 16.05.940. DEFINITIONS. (a) In this title

12 (1) "aquatic plant" means any species of plant, excluding  
13 the rushes, sedges and true grasses, growing in a marine aquatic or  
14 intertidal habitat;

15 (2) "barter" means to exchange, trade for, or otherwise  
16 give and receive subsistence-taken fish or game or their parts in  
17 exchange for other subsistence-taken fish or game or their parts;

18 (3) "a board" means either the Board of Fisheries or the  
19 Board of Game;

20 (4) "commercial fisherman" means an individual who fishes  
21 commercially for, takes, or attempts to take fish, shellfish, or other  
22 fishery resources of the state by any means, and includes every indi-  
23 vidual aboard a boat operated for fishing purposes who participates  
24 directly or indirectly in the taking of these raw fishery products,  
25 whether participation is on shares or as an employee or otherwise;  
26 however, this definition does not apply to anyone aboard a licensed  
27 vessel as a visitor or guest who does not directly or indirectly  
28 participate in the taking, or to the spouse of a commercial fisherman  
29 who does not receive income separate and distinct from that of the

1 commercial fisherman spouse as a result of the spouse's participation;  
2 and the term "commercial fisherman" includes the crews of tenders of  
3 other floating craft used in transporting fish;

4 (5) "commercial fishing" means the taking, fishing for, or  
5 possession of fish, shellfish, or other fishery resources with the  
6 intent of disposing of them for profit, or by sale, barter, trade, or  
7 in commercial channels; the failure to have a valid subsistence permit  
8 in possession, if required by statute or regulation, is considered  
9 prima facie evidence of commercial fishing if commercial fishing gear  
10 as specified by regulation is involved in the taking, fishing for, or  
11 possession of fish, shellfish or other fish resources;

12 (6) "commissioner" means the commissioner of fish and game  
13 unless specifically provided otherwise;

14 (7) "department" means the Department of Fish and Game  
15 unless specifically provided otherwise;

16 (8) "fish" means any species of aquatic fin fish, inverte-  
17 brates and amphibians, in any stage of their life cycle, found in or  
18 introduced into the state or any part of a fish, invertebrate or  
19 amphibian;

20 (9) "fish derby" means a contest in which prizes are awarded  
21 for catching fish;

22 (10) "fish or game farming" means the business of propagating,  
23 breeding, raising, or producing fish or game in captivity for the  
24 purpose of marketing the fish or game or their products, and "captivity"  
25 means having the fish or game under positive control, as in a pen,  
26 pond, or an area of land or water which is completely enclosed by a  
27 generally escape-proof barrier;

28 (11) "fishing derby association" means a civic, service, or  
29 charitable organization in the state, not for pecuniary profit, whose

1 primary purpose is to promote interest in fishing for recreational  
2 purposes and which has been in existence for five years before apply-  
3 ing for a permit under this chapter, but does not include an organi-  
4 zation formed or operated for gaming or gambling purposes;

5 (12) "fur dealing" means engaging in the business of buying,  
6 selling, or trading in animal skins. The term does not apply to a  
7 hunter or trapper selling the animal skins he has legally taken, or to  
8 a person, other than a fur dealer, purchasing animal skins for his own  
9 use;

10 (13) "game" means any species of bird and mammal, including  
11 a feral domestic animal, found or introduced into the state, except  
12 domestic birds and mammals; and game may be classified by regulation  
13 as big game, small game, fur bearers or other categories considered  
14 essential for carrying out the intention and purpose of this title;

15 (14) "hook and line" means a hook and line held in the  
16 hand, or a hook and line with the line attached to a pole or rod which  
17 is held in the hand or closely attended;

18 (15) "hunting" means the taking of game under this title  
19 and the regulations adopted under it;

20 (16) "nonresident" means a person who is not a resident;

21 (17) "operator" means the individual by law made responsible  
22 for the operation of the v

23 (18) "resident" means a person who for the preceding 12 con-  
24 secutive months has maintained his or her permanent and principal  
25 place of abode in the state; and in the case of a partnership, associa-  
26 tion, joint stock company, trust, or corporation, "resident" means one  
27 that has its main office or headquarters in the state; however, a member  
28 of the military service who has been stationed in the state for the  
29 preceding 12 consecutive months is a resident for the purposes of this

1 title, and the dependent of a resident member of the military service,  
2 who has maintained his or her permanent and principal place of abode  
3 in the state for the preceding 12 consecutive months is a resident for  
4 the purposes of this title, and a person who is an alien but who for  
5 the preceding 12 consecutive months has maintained his or her permanent  
6 and principal place of abode in the state is a resident for the  
7 purposes of this title;

8 (19) "seizure" means the actual or constructive taking or  
9 possession of real or personal property subject to seizure under this  
10 title by an enforcement or investigative officer charged with enforce-  
11 ment of the fish and game laws of the state;

12 (20) "sport fishing" means the taking, attempted taking, or  
13 possession of fish or shellfish, for personal use and not for sale, by  
14 hook and line or by other means defined by the Board of Fisheries;

15 (21) "subsistence fishing" means the taking, attempted  
16 taking, or possession of fish or shellfish, for personal use and not  
17 for sale, by any means defined by the Board of Fisheries; however,  
18 hook and line may not be used unless being fished through an opening  
19 in the ice in areas designated by the board;

20 (22) "subsistence uses" means the noncommercial use (except  
21 as provided under (ii) below) of wild, renewable resources for (i)  
22 direct personal or family use for food, shelter, fuel, clothing,  
23 tools, or transportation; (ii) the making and selling of handicraft  
24 articles (including clothing), but only out of nonedible by-products  
25 of fish and wildlife taken for such personal or family use; or (iii)  
26 customary trade, barter, or sharing for personal or family use among  
27 subsistence users;

28 (23) "take" means taking, pursuing, hunting, fishing,  
29 trapping, or in any manner disturbing, capturing, or killing or

1 attempting to take, pursue, hunt, fish, trap, or in any manner capture  
2 or kill fish or game;

3 (24) "taxidermy" means tanning, mounting, processing, or  
4 other treatment or preparation of fish or game, or any part of fish or  
5 game, as a trophy, for monetary gain, including the receiving of the  
6 fish or game or parts of fish or game for such purposes;

7 (25) "trapping" means the taking of mammals declared by  
8 regulation to be fur bearers;

9 (26) "vessel" means a floating craft powered, towed, rowed,  
10 or otherwise propelled, which is used for delivering, landing, or  
11 taking fish within the jurisdiction of the state;

12 (28) "visitor" means a nonresident or alien temporarily  
13 sojourning in the state as a visitor or tourist.

14 (b) The appropriate board may adopt regulations under the  
15 Administrative Procedure Act (AS 44.62) to implement, apply, or make  
16 specific the definitions in (a) of this section.

17 \* Sec. 16. AS 16.20 is amended by adding new sections to read:

18 Sec. 16.20.075. PENALTY. A person who fails to notify the  
19 commissioner when required by sec. 50 of this chapter, or who fails to  
20 provide necessary information to the commissioner when required by  
21 sec. 60 of this chapter, or who fails to obtain the approval of the  
22 commissioner when required by sec. 60 of this chapter, or who deviates  
23 materially from plans and specifications approved by the commissioner  
24 under sec. 60 of this chapter without first notifying and obtaining  
25 the approval of the commissioner, is guilty of a misdemeanor and, upon  
26 conviction, is punishable by a fine of not more than \$5,000, or by  
27 imprisonment for not more than six months, or by both.

28 Sec. 16.20.135. PENALTY. A person who violates sec. 140 of this  
29 chapter or a limitation imposed by the commissioner of fish and game

1 and the commissioner of natural resources under sec. 130 of this  
2 chapter is guilty of a misdemeanor and, upon conviction, is punishable  
3 by a fine of not more than \$5,000, or by imprisonment for not more  
4 than six months, or by both.

5 \* Sec. 17. AS 16.20.260 is amended to read:

6 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When  
7 the commissioner considers it advisable [A BOARD SO DETERMINES], he  
8 [IT] shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment,  
9 [TO] require the person or governmental agency to submit full plans  
10 for the anticipated use, full plans and specifications of proposed  
11 construction work, complete plans and specifications for the proper  
12 protection of fish and game, and the approximate date when the con-  
13 struction, [OR] work, or activity is to commence, and shall require  
14 the person or governmental agency to obtain the written approval of  
15 the commissioner as to the sufficiency of the plans or specifications  
16 before construction is commenced.

17 \* Sec. 18. AS 16.20 is amended by adding new sections to read:

18 Sec. 16.20.265. PENALTY. A person who fails to notify the com-  
19 missioner when required by sec. 250 of this chapter, or who fails to  
20 provide necessary information to the commissioner when required by  
21 sec. 260 of this chapter, or who fails to obtain the approval of the  
22 commissioner when required by sec. 260 of this chapter, or who deviates  
23 materially from plans and specifications approved by the commissioner  
24 under sec. 260 of this chapter without first notifying and obtaining  
25 the approval of the commissioner, is guilty of a misdemeanor and, upon  
26 conviction, is punishable by a fine of not more than \$5,000, or by  
27 imprisonment for not more than six months, or by both.

28 ARTICLE 6. GENERAL PROVISIONS.

29 Sec. 16.20.900. PENALTY FOR VIOLATION OF REGULATION. A person

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who violates a regulation adopted by a board under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not more than six months, or by both.

Introduced: 2/11/77  
Referred: Judiciary, Resources  
and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 147

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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9 \* Section 1. AS 16.05.050(1) is amended to read:

10 (1) assist the United States Fish and Wildlife Service, the  
11 National Marine Fisheries Service, and any other federal agency in the  
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13 game;

14 \* Sec. 2. AS 16.05.050(5) is amended to read:

15 (5) collect, classify, and disseminate statistics, data and  
16 information as in his discretion will tend to promote the objects of  
17 this title [CHAPTER];

18 \* Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

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25 tion among fish or game;

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27 federal government, educational institutions, or other agencies or  
28 organizations when in the public interest, except that when coopera-  
29 tive agreements with the federal government require assent to the

1 date of the emergency order. The commissioner's announcements, when  
2 authorized by a board, shall be adopted in a manner identical to that  
3 required for emergency orders.

4 \* Sec. 5. AS 16.05.065 is amended by adding a new subsection to read:

5 (d) As used in this section, "excusable neglect" does not  
6 include unfamiliarity with or ignorance of applicable laws and regula-  
7 tions. In order to show excusable neglect, a person must have demon-  
8 strated, before the licensing or registration deadline, an intent to  
9 harvest fish or game.

10 \* Sec. 6. AS 16.05.070 is amended to read:

11 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the  
12 boards of fisheries and game, reports required by sec. 690 of this  
13 chapter and emergency orders, regulations, and announcements of the  
14 commissioner [AND OF THE COMMISSIONER, INCLUDING EMERGENCY OPENINGS  
15 AND CLOSURES,] are admissible as evidence in the courts of the state  
16 in accordance with the Administrative Procedure Act (AS 44.62).

17 \* Sec. 7. AS 16.05 is amended by adding a new section to read:

18 Sec. 16.05.075. PREREQUISITES FOR ADMINISTRATIVE ACTIONS.  
19 Unless expressly required by this title, an action by the commissioner  
20 does not necessitate a public hearing or a formal finding. When a  
21 finding is required, either a document to that effect or records or  
22 documents demonstrating a basis for the finding will be sufficient.

23 \* Sec. 8. AS 16.05.160 is amended to read:

24 Sec. 16.05.160. DUTY TO ARREST. Each person designated in sec.  
25 150 of this chapter shall arrest a person violating this title [CHAPTER]  
26 or any rule or regulation made under this title [CHAPTER], in his  
27 presence or view, and shall bring [TAKE] the person [IMMEDIATELY] for  
28 examination or trial before an officer or court of competent juris-  
29 diction.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Introduced: 2/11/77  
Referred: Judiciary, Resources  
and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 147

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4 TENTH LEGISLATURE - FIRST SESSION

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17 this title [CHAPTER];

18 \* Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

19 (12) initiate or perform such research as may be necessary  
20 or advisable for the protection, conservation, and management of the  
21 fish and game resources of the state;

22 (13) employ substances, procedures, and techniques necessary  
23 to control or eradicate diseases of fish or game (including quarantine  
24 and sterilization of facilities and equipment), and to reduce competi-  
25 tion among fish or game;

26 (14) enter into cooperative agreements with agencies of the  
27 federal government, educational institutions, or other agencies or  
28 organizations when in the public interest, except that when coopera-  
29 tive agreements with the federal government require assent to the

1 applicability of federal laws or regulations in the state, that assent  
2 shall be undertaken by the appropriate board;

3 (15) enter into contracts with, and make grants to, agencies,  
4 organizations, and individuals under procedures established by the  
5 commissioner to insure that such grants and contracts are consistent  
6 with the overall public interest;

7 (16) any other powers necessary to implement the responsi-  
8 bilities of the commissioner set out in sec. 20 of this chapter.

9 \* Sec. 4. AS 16.05.060 is amended to read:

10 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter  
11 does not limit the power of the commissioner or his authorized designee,  
12 when necessary for the protection of fish and game or the promotion of  
13 the general welfare [WHEN CIRCUMSTANCES REQUIRE], to summarily open or  
14 close seasons or areas (wholly or partially), or to change weekly  
15 closed periods on fish or game by means of emergency orders. The  
16 commissioner may also implement regulations of the Boards of Fisheries  
17 and Game by emergency order where authorized by the board. An emer-  
18 gency order has the force and effect of law after field announcement  
19 by the commissioner or his authorized designee. An emergency order  
20 adopted under this section is not subject to the Administrative Pro-  
21 cedure Act (AS 44.62), and need not be published in the Alaska Admini-  
22 strative Code. An emergency order must contain a description of and a  
23 justification for the action undertaken, the effective date, the text  
24 of amended regulations, and the signature of the commissioner or his  
25 authorized designee. Field announcement must be made before the time  
26 of effectiveness in a manner calculated to reach interested persons,  
27 such as by publication, telegraph, broadcast, distribution, posting or  
28 other effective means. A copy of the emergency order must be deposited  
29 in the lieutenant governor's office within 20 days after the effective

1 date of the emergency order. The commissioner's announcements, when  
2 authorized by a board, shall be adopted in a manner identical to that  
3 required for emergency orders.

4 \* Sec. 5. AS 16.05.065 is amended by adding a new subsection to read:

5 (d) As used in this section, "excusable neglect" does not  
6 include unfamiliarity with or ignorance of applicable laws and regula-  
7 tions. In order to show excusable neglect, a person must have demon-  
8 strated, before the licensing or registration deadline, an intent to  
9 harvest fish or game.

10 \* Sec. 6. AS 16.05.070 is amended to read:

11 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the  
12 boards of fisheries and game, reports required by sec. 690 of this  
13 chapter and emergency orders, regulations, and announcements of the  
14 commissioner [AND OF THE COMMISSIONER, INCLUDING EMERGENCY OPENINGS  
15 AND CLOSURES,] are admissible as evidence in the courts of the state  
16 in accordance with the Administrative Procedure Act (AS 44.62).

17 \* Sec. 7. AS 16.05 is amended by adding a new section to read:

18 Sec. 16.05.075. PREREQUISITES FOR ADMINISTRATIVE ACTIONS.  
19 Unless expressly required by this title, an action by the commissioner  
20 does not necessitate a public hearing or a formal finding. When a  
21 finding is required, either a document to that effect or records or  
22 documents demonstrating a basis for the finding will be sufficient.

23 \* Sec. 8. AS 16.05.160 is amended to read:

24 Sec. 16.05.160. DUTY TO ARREST. Each person designated in sec.  
25 150 of this chapter shall arrest a person violating this title [CHAPTER]  
26 or any rule or regulation made under this title [CHAPTER], in his  
27 presence or view, and shall bring [TAKE] the person [IMMEDIATELY] for  
28 examination or trial before an officer or court of competent juris-  
29 diction.

1 \* Sec. 9. AS 16.05.170 is amended to read:

2 Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each person designated  
3 in sec. 150 of this chapter may execute a warrant or other process  
4 issued by an officer or court of competent jurisdiction for the enforce-  
5 ment of this title [CHAPTER], and may, with a search warrant, search  
6 any place at any time. The judge of a court having jurisdiction may,  
7 upon proper oath or affirmation showing probable cause, issue a warrant  
8 in all cases.

9 \* Sec. 10. AS 16.05.241 is amended to read:

10 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-  
11 making powers with respect to the general public as set out in this  
12 title [CHAPTER], but do not have administrative, budgeting or fiscal  
13 powers.

14 \* Sec. 11. AS 16.05.251(3) is amended to read:

15 (3) setting quotas, [AND] bag limits, harvest levels, and  
16 sex and size limitations on the taking of fish;

17 \* Sec. 12. AS 16.05.251(7) is amended to read:

18 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat  
19 protection [IMPROVEMENT], fish management, conservation, protection,  
20 disposition, and propagation in the interest of the economy or general  
21 welfare of the state [AND STOCKING];

22 \* Sec. 13. AS 16.05.251(8) is amended to read:

23 (8) establishing methods, means and harvest levels where  
24 necessary to control predation and competition among fish in the state  
25 [INVESTIGATING AND DETERMINING THE EXTENT AND EFFECT OF PREDATION AND  
26 COMPETITION AMONG FISH IN THE STATE, EXERCISING CONTROL MEASURES CON-  
27 sidered necessary to the resources of the state];

28 \* Sec. 14. AS 16.05.251(9) is amended to read:

29 (9) assent to the applicability of federal regulations

1 where necessary to effectuate cooperative agreements or other arrange-  
2 ments with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS  
3 WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO  
4 PROMOTE FISH RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO  
5 TRAIN MEN FOR FISH MANAGEMENT];

6 \* Sec. 15. AS 16.05.251 is amended by adding new paragraphs to read:

7 (13) when necessary for the conservation and protection of  
8 fish resources and the preservation of the public welfare, impose  
9 limitations on the use and disposition of fish;

10 (14) improve or facilitate conservation and protection of  
11 fish, and impose limitations on routes of access or modes of transporta-  
12 tion in areas of the state; and

13 (15) authorize the commissioner to carry out a regulatory  
14 program under terms and conditions prescribed by the commissioner.

15 \* Sec. 16. AS 16.05.255(4) is amended to read:

16 (4) setting quotas, [AND] bag limits, harvest levels, and  
17 sex, age and size limitations on the taking of game;

18 \* Sec. 17. AS 16.05.255(6) is amended to read:

19 (6) establishing methods and harvest levels necessary to  
20 control predation and competition among game in the state, authorizing  
21 the payment of bounties in game management units or parts of them,  
22 specifying the amounts of bounties, and prescribing procedures for the  
23 collection of bounties [INVESTIGATING AND DETERMINING THE EXTENT AND  
24 EFFECT OF PREDATION AND COMPETITION AMONG GAME IN THE STATE, EXERCISING  
25 CONTROL MEASURES CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE  
26 AND DESIGNATING GAME MANAGEMENT UNITS OR PARTS OF GAME MANAGEMENT  
27 UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS SHALL BE PAID];

28 \* Sec. 18. AS 16.05.255(7) is amended to read:

29 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and

1 habitat protection [IMPROVEMENT], and game management, conservation,  
2 protection, disposition, and propagation in the interest of the economy  
3 or general welfare of the state [AND STOCKING];

4 \* Sec. 19. AS 16.05.255(8) is amended to read:

5 (8) assent to the applicability of federal regulations when  
6 necessary to effectuate cooperative agreements or other arrangements  
7 with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS WITH  
8 EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO  
9 PROMOTE GAME RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO  
10 TRAIN MEN FOR GAME MANAGEMENT];

11 \* Sec. 20. AS 16.05.255 is amended by adding new paragraphs to read:

12 (11) when necessary for the conservation and protection of  
13 game resources and the preservation of the public welfare, impose  
14 limitations on the use and disposition of game;

15 (12) improve or facilitate conservation and protection of  
16 game, and impose limitations on routes of access or modes of transpor-  
17 tation in areas of the state; and

18 (13) authorize the commissioner to carry out a regulatory  
19 program under terms and conditions prescribed by the commissioner.

20 \* Sec. 21. AS 16.05.270 is repealed and re-enacted to read:

21 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. (a)  
22 For the purpose of administering the powers given it by this title, a  
23 board may delegate authority to the commissioner to act on its behalf.  
24 The commissioner may obtain a delegation from a board by polling the  
25 members of the board by telephone or by mail if a meeting of the board  
26 in one location would be impractical or unnecessary.

27 (b) A delegation of authority under (a) of this section is not  
28 required for the commissioner to adopt, in accordance with the Admini-  
29 strative Procedure Act (AS 44.62), regulations of a technical nature

1 designed to correct existing regulations of a board which are incom-  
2 plete, unclear, or inconsistent. These regulations shall be consistent  
3 with all expressions of board intent.

4 (c) With respect to matters affecting the responsibilities of  
5 both boards, delegations of authority may be obtained in the manner  
6 prescribed in this section, except that all procedures and requirements  
7 shall be carried out in conjunction with both boards.

8 (d) If there is a conflict between a board and the commissioner  
9 on proposed regulations, public hearings shall be held concerning the  
10 issues in question. If, after the public hearings, a board and the  
11 commissioner continue to disagree, the issue shall be certified in  
12 writing by the board and the commissioner to the governor who shall  
13 make a decision. The decision of the governor is final.

14 \* Sec. 22. AS 16.05.290 is amended to read:

15 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of  
16 a board is entitled to travel expenses and \$100 per diem for each day  
17 going to and from and for each day in actual attendance at board meet-  
18 ings and other activities [MEETINGS] or conferences authorized by a  
19 board.

20 \* Sec. 23. AS 16.05.330(b) is amended to read:

21 (b) In obtaining the appropriate license or tag in (a) of this  
22 section it shall be incumbent on the applicant, if he asserts residency  
23 in the state, to provide the license vendor with whatever proof of  
24 residence may be required by the commissioner [THE PROOF OF HIS RESI-  
25 DENCE WHICH THE DEPARTMENT REQUIRES BY REGULATION].

26 \* Sec. 24. AS 16.05.400(b) is amended to read:

27 (b) A sport fishing, hunting or trapping license is not required  
28 of a resident who is 60 years of age or more and has been a resident  
29 for 30 consecutive years or more, as long as he remains a resident.

1       The department shall issue an identification card to persons who apply  
2       for and receive an exemption under this subsection. Any person re-  
3       ceiving an exemption is required to have the identification card in  
4       actual possession while engaged in fishing, hunting, or trapping.

5       \* Sec. 25. AS 16.05 is amended by adding a new section to read:

6               Sec. 16.05.475. REGISTRATION OF FISHING VESSELS. (a) It is  
7       unlawful for any person to employ a fishing vessel in the water of  
8       Alaska unless it is registered under the laws of the state. Vessels  
9       registered under the laws of another state, and persons residing in  
10      another state, are not excused from this provision.

11             (b) The term "employ", as used in this section, shall be defined  
12      by the board of fisheries through the adoption of regulations under  
13      the Administrative Procedure Act (AS 44.62). The definition may in-  
14      clude any activities involving the use or navigation of fishing vessels.

15             (c) The term "registered under the laws of the state", as used  
16      in this section, shall be defined by the board of fisheries through  
17      the adoption of regulations under the Administrative Procedure Act (AS  
18      44.62). The definition may include any existing requirements regarding  
19      registration, licenses, permits, and similar matters imposed by law or  
20      regulation together with modifications of them and with any additional  
21      requirements the board finds necessary to maximize the authority of  
22      the state to apply and enforce fisheries regulations under the Fishery  
23      Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331, 16  
24      U.S.C. 1801 et seq.).

25             (d) The term "fishing vessel", as used in this section, means any  
26      vessel, boat, ship, or other craft which is used for, equipped to be  
27      used for, or of a type which is normally used for (1) fishing, or (2)  
28      aiding or assisting one or more vessels at sea in the performance of  
29      any activity relating to fishing, including, but not limited to,

1 preparation, supply, storage, refrigeration, transportation, or pro-  
2 cessing.

3 \* Sec. 26. AS 16.05.510 is amended to read:

4 Sec. 16.05.510. UNLICENSED VESSEL UNLAWFUL. Operation without  
5 a vessel license c<sup>e</sup> any vessel to which secs. 490 - 530 of this  
6 chapter apply is unlawful, whether the absence of a vessel license  
7 results from initial failure to purchase, [OR] from revocation by the  
8 commissioner of fish and game, or from failure to have the license in  
9 the actual possession of the licensee.

10 \* Sec. 27. AS 16.05.680 is amended to read:

11 Sec. 16.05.680. UNLAWFUL PURCHASES. (a) It is unlawful for a  
12 person, his agent, or his representative

13 (1) to have in his employ a fisherman who does not possess  
14 proper licenses [IS NOT LICENSED UNDER SEC. 480 OF THIS CHAPTER],

15 (2) to purchase fish from a fisherman who does not possess  
16 proper licenses [IS NOT SO LICENSED, IF THE FISHERMAN IS NOT EXEMPT  
17 UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT OF SEC.  
18 480 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PURCHASE], or

19 (3) to purchase fish from an association which is not  
20 exempt under sec. 662 of this chapter.

21 (b) As used in this section, "proper licenses" means limited  
22 entry permits, interim use permits, and vessel, gear, and personal  
23 commercial fishing licenses to the extent they are required by this  
24 title.

25 \* Sec. 28. AS 16.05.685(c)(2) is amended to read:

26 (2) "registration area" means a specific king crab registra-  
27 tion area as designated by regulation of the board of fisheries [AND  
28 INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN ISLANDS  
29 KING CRAB AREA].

1 \* Sec. 29. AS 16.05.780(a)(2) is amended to read:

2 (2) a majority of active local advisory committees in [FOR]  
3 that unit or subunit have recommended an opening for that year, after  
4 each has taken a vote and a majority of the members of those committees  
5 have voted in the affirmative; if no active advisory committee exists  
6 within the unit or subunit, the recommendation of a committee in any  
7 contiguous unit or subunit will be sufficient.

8 \* Sec. 30. AS 16.05.810 is amended by adding a new subsection to read:

9 (b) Nothing in this section authorizes possession of fish or  
10 game when possession is prohibited by applicable law or regulation.

11 \* Sec. 31. AS 16.05.815 is repealed and re-enacted to read:

12 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN RECORDS. Reports  
13 required by regulations of the department concerning the landing of  
14 fish, shellfish, or fishery products, and annual statistical reports  
15 of buyers and processors required by regulations of the department,  
16 insofar as they are in the form of individual records, are confidential.  
17 They may be released to the Department of Revenue, the Department of  
18 Public Safety, and the Commercial Fisheries Entry Commission to assist  
19 them in carrying out their statutory responsibilities. They may also  
20 be released to the North Pacific Fisheries Management Council, the  
21 University of Alaska, and the Department of Commerce and Economic  
22 Development in conjunction with research and statistics projects.  
23 However, the commissioner may not release a report if he determines  
24 that to do so would abuse the intent of this section, and he may limit  
25 or condition any release to insure that proper confidentiality is  
26 maintained. Confidential reports held by the department, or received  
27 from the department by the agencies and organizations mentioned in  
28 this section, may not be communicated or distributed in the form of  
29 individual records to any other agency, organization, or individual

1 unless required by a court order.

2 \* Sec. 32. AS 16.05.820 is amended to read:

3 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secre-  
4 tary of the Interior, the Secretary of Commerce or the Secretary of  
5 Agriculture of the United States and their authorized agents or other  
6 appropriate federal agencies may conduct fish cultural operations and  
7 scientific investigations in the state in the manner and at the times  
8 jointly considered necessary or proper by the commissioner [BOARD OF  
9 FISHERIES] and the secretary and their authorized agents.

10 \* Sec. 33. AS 16.05.831(a) is amended to read:

11 (a) It is unlawful for a person to waste salmon intentionally,  
12 knowingly, or with reckless disregard for the consequences. In this  
13 section, "waste" means the failure to utilize the majority of the  
14 carcass, excluding viscera and sex parts, of any salmon for [WHICH ARE  
15 TO BE]

16 (1) sale [SOLD] to a commercial buyer or processor;

17 (2) [UTILIZED FOR] consumption by humans or domesticated  
18 animals; or

19 (3) [UTILIZED FOR] scientific, educational, or display  
20 purposes.

21 \* Sec. 34. AS 16.05.920 is amended to read:

22 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless per-  
23 mitted by this title [CHAPTER] or by regulation adopted [MADE] under  
24 this title [CHAPTER], it is unlawful for a person to take, possess,  
25 transport, sell, offer to sell, purchase, or offer to purchase fish,  
26 game or marine aquatic plants, or any part of fish, game or aquatic  
27 plants, or a nest or egg of fish or game.

28 (b) No person may knowingly disturb, injure, or destroy a notice,  
29 signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia,

1 equipment, building or other improvement or property of the department  
2 used in the administration or enforcement of this title [CHAPTER], or a  
3 poster or notice to the public concerning the provisions of this title  
4 [CHAPTER], or regulation adopted under this title [CHAPTER], or a  
5 marker indicating the boundary of an area closed to hunting, trapping,  
6 fishing or other special use under this title [CHAPTER]. No person  
7 may knowingly destroy, remove, tamper with, or imitate a seal or tag  
8 issued or used by the department or attached under its authority to a  
9 skin, portion, or specimen of fish or game, or other article for the  
10 purpose of identification or authentication in accordance with this  
11 title [CHAPTER] or a regulation adopted under this title [CHAPTER].

12 \* Sec. 35. AS 16.05.930(d) is amended to read:

13 (d) No nondomestic birds or mammals [ANIMALS] of any species may  
14 be transferred or transported from the state under (a) of this section  
15 unless that action would be consistent with the management system of  
16 the board of game for that species and expressions of board policy with  
17 regard to that system. Birds and mammals [APPROVED BY THE BOARD OF  
18 GAME IN REGULAR OR SPECIAL MEETINGS, ANIMALS] transferred or transported  
19 under (a) of this section shall be animals that are certified by the  
20 department to be surplus and unnecessary to the sustained yield manage-  
21 ment of the resource. Each application for a permit under (a) of this  
22 section shall be accompanied by a statement prepared by the Department  
23 of Fish and Game examining the probable environmental impact of the  
24 action or a statement by the commissioner that no significant environ-  
25 mental impact is expected.

26 \* Sec. 36. AS 16.05.940 is amended to read:

27 Sec. 16.05.940. DEFINITIONS. (a) In this title [CHAPTER]

28 (1) "a board" means either the Board of Fisheries or the  
29 Board of Game;

1 (2) "commercial fisherman" means an individual who fishes  
2 commercially for, takes, or attempts to take fish, shellfish, or other  
3 fishery resources of the state by any means, and includes every indivi-  
4 dual aboard a boat operated for fishing purposes who participates di-  
5 rectly or indirectly in the taking of these raw fishery products,  
6 whether participation is on shares or as an employee or otherwise;  
7 however, this definition does not apply to anyone aboard a licensed  
8 vessel as a visitor or guest who does not directly or indirectly  
9 participate in the taking, or to the spouse of a commercial fisherman  
10 who does not receive income separate and distinct from that of the  
11 commercial fisherman spouse as a result of the spouse's participation;  
12 and the term "commercial fisherman" includes the crews of tenders or  
13 other floating craft used in transporting fish;

14 (3) "commercial fishing" means the taking, fishing for, or  
15 possession of fish, shellfish, or other fishery resources with the  
16 intent of disposing of them for profit, or by sale, barter, trade, or  
17 in commercial channels; the failure to have a valid subsistence permit  
18 in possession, if required by statute or regulation, is considered  
19 prima facie evidence of commercial fishing if commercial fishing gear  
20 as specified by regulation is involved in the taking, fishing for, or  
21 possession of fish, shellfish or other fish resources;

22 (4) "commissioner" means the commissioner of fish and game  
23 unless specifically provided otherwise;

24 (5) "department" means the Department of Fish and Game  
25 unless specifically provided otherwise;

26 (6) "fish" means any species of aquatic fin fish, inverte-  
27 brates and amphibians, in any stage of their life cycle, found in or  
28 introduced into the state or any part of a fish, invertebrate or  
29 amphibian;

1 (7) "fish or game farming" means the business of propagat-  
2 ing, breeding, raising, or producing fish or game in captivity for the  
3 purpose of marketing the fish or game or their products, and "captivity"  
4 means having the fish or game under positive control, as in a pen,  
5 pond, or an area of land or water which is completely enclosed by a  
6 generally escape-proof barrier;

7 (8) "fur dealing" means engaging in the business of buying,  
8 selling, or trading in animal skins. The term does not apply to a  
9 hunter or trapper selling the animal skins he has legally taken, or to  
10 a person, other than a fur dealer, purchasing animal skins for his own  
11 use;

12 (9) "game" means any species of bird and mammal, including  
13 a feral domestic animal, found or introduced in the state, except  
14 domestic birds and mammals; and game may be classified by regulation  
15 as big game, small game, fur bearers or other categories considered  
16 essential for carrying out the intention and purposes of this title  
17 [CHAPTER];

18 (10) Repealed by sec. 2, ch. 32 SLA 1968;

19 (11) "hunting" means the taking of game under this title  
20 [CHAPTER] and the [RULES AND] regulations adopted [PROMULGATED] under  
21 it;

22 (12) "nonresident" means a person who is not a resident;

23 (13) "operator" means the individual by law made responsi-  
24 ble for the operation of the vessel;

25 (14) "resident" means a person who for the preceding 12  
26 consecutive months has maintained his or her [A] permanent and princi-  
27 pal place of abode in the state [AND WHO HAS CONTINUALLY MAINTAINED  
28 HIS VOTING RESIDENCE IN THE STATE]; and in the case of a partnership,  
29 association, joint stock company, trust, or corporation, "resident"

1 means one that has its main office or headquarters in the state; however,  
2 a member of the military service who has been stationed in the state  
3 for the preceding 12 consecutive months is a resident for the purposes  
4 of this title [CHAPTER], and the dependent of a resident member of the  
5 military service, who has maintained his or her permanent and principal  
6 place of abode [BEEN LIVING] in the state for the preceding 12 consecu-  
7 tive months [YEAR] is a resident for the purposes of this title [CHAPTER],  
8 and a person who is an alien but who for the preceding 12 consecutive  
9 months [ONE YEAR] has maintained his or her [A] permanent and principal  
10 place of abode in the state is a resident for the purposes of this  
11 title [CHAPTER];

12 (15) "seizure" means the actual or constructive taking or  
13 possession of real or personal property subject to seizure under this  
14 chapter by an enforcement or investigative officer charged with en-  
15 forcement of the fish and game laws of the state;

16 (16) "sport fishing" means the taking, attempted taking, or  
17 possession of fish or shellfish for personal use and not for sale or  
18 barter [OF OR ATTEMPTING TO TAKE FOR PERSONAL USE, AND NOT FOR SALE OR  
19 BARTER, ANY FRESH WATER, MARINE, OR ANADROMOUS FISH] by hook and line  
20 [HELD IN THE HAND, OR BY HOOK AND LINE WITH THE LINE ATTACHED TO A  
21 POLE OR ROD WHICH IS HELD IN THE HAND OR CLOSELY ATTENDED,] or by  
22 other means defined by the board of fisheries;

23 (17) "subsistence fishing" means the taking, attempted  
24 taking [FISHING FOR], or possession of fish or [,] shellfish [, OR  
25 OTHER FISHERY RESOURCES] for personal use and not for sale or barter  
26 by any [, WITH GILL NET, SEINE, FISH WHEEL, LONG LINE, OR OTHER] means  
27 defined by the board of fisheries; however, hook and line may not be  
28 used unless being fished through an opening in the ice in areas  
29 designated by the board;

1 (18) "take" means taking, pursuing, hunting, fishing,  
2 trapping, or in any manner disturbing, capturing, or killing or attempt-  
3 ing to take, pursue, hunt, fish, trap, or in any manner capture or  
4 kill fish or game;

5 (19) "taxidermy" means tanning, mounting, processing, or  
6 other treatment or preparation of fish or game, or any part of fish or  
7 game, as a trophy, for monetary gain, including the receiving of the  
8 fish or game or parts of fish or game for such purposes;

9 (20) "trapping" means the taking of mammals declared by  
10 regulation to be fur bearers;

11 (21) "vessel" means a floating craft powered, towed,  
12 rowed, or otherwise propelled, which is used for delivering, landing,  
13 or taking fish within the jurisdiction of the state;

14 (22) "visitor" means a nonresident or alien temporarily  
15 sojourning in the state as a visitor or tourist; [.]

16 (23) "aquatic plant" means any species of plant, excluding  
17 the rushes, sedges and true grasses, growing in a marine aquatic or  
18 intertidal habitat;

19 (24) "fish derby" means a contest in which prizes are  
20 awarded for catching fish;

21 (25) "fishing derby association" means a civic, service or  
22 charitable organization in the state, not for pecuniary profit, whose  
23 primary purpose is to promote interest in fishing for recreational  
24 purposes and which has been in existence for five years before applying  
25 for a permit under this chapter, but does not include an organization  
26 formed or operated for gaming or gambling purposes;

27 (26) "hook and line" means a hook and line held in the  
28 hand, or a hook and line with the line attached to a pole or rod which  
29 is held in the hand or closely attended.

1           (b) The appropriate board may adopt regulations under the  
2           Administrative Procedure Act (AS 44.62) to implement, apply, or make  
3           specific the definitions in (a) of this section.

4 \* Sec. 37. AS 16.10.280 is amended to read:

5           Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PRO-  
6           CESSORS. In an area where a price dispute exists between at least  
7           one-third of the registered commercial fishermen for that area, as  
8           estimated [CERTIFIED] by the Department of Fish and Game, on the basis  
9           of information available, and fish processors on the price to be paid  
10          for salmon, and no agreement has been reached up to 30 days before the  
11          opening of the salmon fishing season in that area, a representative  
12          from the Department of Labor shall intervene as mediator of the dispute  
13          upon request of either party.

14 \* Sec. 38. AS 16.20.036(a)(8) is amended to read:

15                   (8) Township 14 North, Range 4 West, Seward Meridian  
16                   Sections: Lots 1 - 6, SE1/4NW1/4, W1/2NE1/4NW1/4,  
17                   SE1/4NE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, SE1/4SE1/4, W1/2SW1/  
18                   4NE1/4, SE1/4SW1/4NE1/4, S1/2NE1/4SW1/4NE1/4 of Section 31 [6].

19 \* Sec. 39. AS 16.20 is amended by adding new sections to read:

20           Sec. 16.20.075. PENALTY. A person who fails to notify the  
21           commissioner when required by sec. 50 of this chapter, or who fails to  
22           provide necessary information to the commissioner when required by  
23           sec. 60 of this chapter, or who fails to obtain the approval of the  
24           commissioner when required by sec. 60 of this chapter, or who deviates  
25           materially from plans and specifications approved by the commissioner  
26           under sec. 60 of this chapter without first notifying and obtaining  
27           the approval of the commissioner, is guilty of a misdemeanor and, upon  
28           conviction, is punishable by a fine of not more than \$5,000, or by  
29           imprisonment for not more than six months, or by both.

1           Sec. 16.20.135. PENALTY. A person who violates sec. 140 of this  
2 chapter or a limitation imposed by the commissioner of fish and game  
3 and the commissioner of natural resources under sec. 130 of this  
4 chapter is guilty of a misdemeanor and, upon conviction, is punishable  
5 by a fine of not more than \$5,000, or by imprisonment for not more  
6 than six months, or by both.

7 \* Sec. 40. AS 16.20.260 is amended to read:

8           Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When  
9 the commissioner considers it advisable [A BOARD SO DETERMINES], he  
10 [IT] shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment,  
11 [TO] require the person or governmental agency to submit full plans  
12 for the anticipated use, full plans and specifications of proposed  
13 construction work, complete plans and specifications for the proper  
14 protection of fish and game, and the approximate date when the con-  
15 struction, [OR] work, or activity is to commence, and shall require  
16 the person or governmental agency to obtain the written approval of  
17 the commissioner as to the sufficiency of the plans or specifications  
18 before construction is commenced.

19 \* Sec. 41. AS 16.20 is amended by adding new sections to read:

20           Sec. 16.20.265. PENALTY. A person who fails to notify the com-  
21 missioner when required by sec. 250 of this chapter, or who fails to  
22 provide necessary information to the commissioner when required by  
23 sec. 260 of this chapter, or who fails to obtain the approval of the  
24 commissioner when required by sec. 260 of this chapter, or who deviates  
25 materially from plans and specifications approved by the commissioner  
26 under sec. 260 of this chapter without first notifying and obtaining  
27 the approval of the commissioner, is guilty of a misdemeanor and, upon  
28 conviction, is punishable by a fine of not more than \$5,000, or by  
29 imprisonment for not more than six months, or by both.

1 ARTICLE 6. GENERAL PROVISIONS.

2 Sec. 16.20.900. PENALTY FOR VIOLATION OF REGULATION. A person  
3 who violates a regulation adopted by a board under this chapter is  
4 guilty of a misdemeanor and, upon conviction, is punishable by a fine  
5 of not more than \$5,000, or by imprisonment for not more than six  
6 months, or by both.

7 \* Sec. 42. AS 16.35.200 is amended to read:

8 Sec. 16.35.200. USE OF POISON [BY DEPARTMENTS AND OTHER STATE  
9 AGENCIES]. No person or state agency [DEPARTMENT, OTHER STATE AGENCY  
10 OR PERSON] may use poison for the purpose of killing [TO KILL PREDA-  
11 TORY] animals unless authorized by regulation [WITHOUT FIRST OBTAINING  
12 THE WRITTEN CONSENT] of the appropriate board. This section does not  
13 apply to poisons deployed within buildings or to kill rats or mice at  
14 dumps or landfills operating in compliance with municipal ordinances.

15 \* Sec. 43. AS 16.45.010 is amended to read:

16 Sec. 16.45.010. GOVERNOR'S POWER TO EXECUTE OR WITHDRAW FROM  
17 COMPACT. The governor may execute a compact in behal. of the state to  
18 cooperate in the Pacific Marine Fisheries Commission. The governor  
19 may terminate the participation of the state in the commission by  
20 giving the requisite notice to the other party states as provided in  
21 the terms of the compact.

22 \* Sec. 44. AS 16.05.190, 16.05.280, 16.05.450(c), AS 16.15.010 - 16.-  
23 15.090, and AS 16.35.010 - 16.35.180 are repealed.

24 \* Sec. 45. Section 43 of this Act is retroactive to July 1, 1976.

25 \* Sec. 46. Sections 25 and 45 of this Act take effect immediately in  
26 accordance with AS 01.10.070(c).  
27  
28  
29

February 11, 1977

President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to the efficient administration of AS 16 of the Alaska Statutes and the responsibilities regarding conservation and management of fish and game. Some of the changes proposed are purely technical and non-substantive in nature; others are more than that, so this is somewhat more than just a "housekeeping" bill. On the other hand, the substantive changes which do appear are not intended to implement anything resembling major changes in policy; rather, they are aimed at maximizing the efficiency of state government in managing fish and game resources so that the people of Alaska may obtain the greatest return for programs and activities funded by their taxes.

Since this bill concerns itself with the administration of fish and game generally, it necessarily pertains to the operations of the Boards of Fisheries and Game as well as to the department. Therefore, it was considered highly important to obtain the views of the respective boards on this proposed legislation before its submission to the legislature. At their first joint session, in December 1975, the boards spent nearly four hours reviewing and discussing its provisions with the assistance of the Department of Law and Department of Fish and Game. They then voted 13-0 to endorse these proposals.

This bill is necessary for several important reasons.

Considering the frequency with which AS 16 is amended and the interrelationship of provisions throughout that title, it is inevitable that some inconsistencies, oversights, and ambiguities will accumulate. Periodic revision of the fish and game laws to rectify these problems is desirable to facilitate administration by the executive branch, to avoid litigation over interpretation matters, and to reduce the likelihood of confusion with regard to future amendments by the legislature. Ambiguities, anachronisms, or inconsistencies in AS 16 may serve as the basis for lawsuits which otherwise would never be filed. They may lead to board meetings which need not have been called, or meetings and lengthy deliberations by fish and game officials which would otherwise be unnecessary. In all of these cases, the state must spend a great deal of money for matters leading to no benefit for fish and game management. We would estimate that, based on the experience of the past several years and the various lawsuits, meetings, and procedures which have taken place because of problems in Title 16, the state would save the taxpayers up to \$100,000 per year if this bill were enacted.

Members of the executive branch who administer the laws daily and must interpret legislative directives in the context of particular situations become intimately familiar with the actual language employed. Consequently, they are in an excellent position to recommend changes which either improve the manner in which a legislative concept is to be implemented, or more accurately carry out the original legislative intent.

Problems of this nature in a complicated set of resource management laws are unavoidable. However, we believe that the necessary amendments must be implemented as soon as possible. This administration introduced a similar bill in the last session of the legislature (SB 527). It was the subject of extensive consideration by the Senate Resources Committee. Ultimately, several provisions were deleted or amended, and a Committee Substitute was produced which passed the Senate. Since the Resources Committee gave this proposed legislation a great deal of attention, we are