

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 120 cont., HB 124 464 55

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

HOUSE BILL NO. 120

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the Board
7 of Governors of the Alaska Bar Association; and
8 providing for an effective date."

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

10 * Section 1. AS 08.03.010(c)(19) is amended to read:

11 (19) Board of Governors of the Alaska Bar Association

12 (AS 08.08.040) - June 30, 1993 [1989].

13 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB 120



FROM THE PRESIDENT

Larry Weeks

At the end of the summer I was approached by a Fairbanks lawyer who indicated that Dr. Irving Rothrock of Fairbanks, this year's president of the Alaska Medical Association, was interested in forming a joint committee to discuss the treatment of medical malpractice in Alaska and ways in which it might be improved.

I've known Dr. Rothrock for some years and believe him to be a reasonable and rational man. I called him and when in Fairbanks he bought me a lunch and we discussed the idea. We agreed to each appoint four persons from our various associations to look at how medical malpractice is treated in Alaska and what might be done to address some of the problems.

We each appointed four persons, one from Fairbanks, one from Ketchikan, and two from Anchorage. I tried to appoint a plaintiff and defense attorney and then other persons who had both plaintiff and defense experience. Ames Luce has chastised me, perhaps quite properly, for not appointing a plaintiff lawyer who actually does medical

malpractice work to the committee.

The four lawyers and doctors met on December 12 in Anchorage and talked about how they would proceed. The consensus of the lawyers is that three of the doctors came unwilling to talk about medical malpractice but only about how the tort system in general must be reformed. The doctors believed that the committee's existence itself might keep the legislature from taking some action, and as long as the committee was not willing to address the reformation of the tort system, they didn't want to be a part of it and did not want to seek to address the particular problems of their own profession.

One doctor suggested that it was best that the whole system come crashing down rather than attempt to make changes in small ways.

The lawyers, Millard Ingraham, Co-chair; Donna Willard of Anchorage; Geoffery Currall of Ketchikan and Jim DeWitt of Fairbanks were by all descriptions honorable, courteous, and basically flabbergasted. I relate this nonsuccess so that the membership as a whole is aware of

how adamant, even paranoid the medical profession is about what is happening. With the exception of Dr. Doolittle of Fairbanks, all of the physicians present basically wanted to talk with the Bar Association only if we were willing to accept the Citizen's Committee on Tort Reform as our credo.

I don't believe that Dr. Rothrock was trying to set us up and it is my understanding that Dr. Doolittle wrote Dr. Rothrock a letter afterwards telling him that he was embarrassed by the medical participation in the committee. However Dr. Rothrock had indicated to me that he would attempt to appoint the reasonable and respected folks in the profession as opposed to the crazies. If three out of four of the "reasonable" medical people are as fanatic as these folks then we have a great breach that is yawning beneath us and which some day will have to be bridged.

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

A PERFORMANCE REPORT ON THE
BOARD OF GOVERNORS OF THE
ALASKA BAR ASSOCIATION

February 3, 1989

Audit Control Number

41-1352-89-R

Chief Justice, Alaska
Supreme Court

Warren W. Matthews

Alaska Bar Association

Executive Director

Deborah O'Regan

Board of Governors

President
President-Elect
Vice President
Secretary
Treasurer
Member
Member
Member
Member
Member
Member
Member

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Jeffrey M. Feldman
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Lew M. Williams
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Elizabeth Kennedy
Susan C. Orlansky
Sandra Stringer
Michael A. Thompson
Alex Young

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

February 3, 1989

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT ON THE
BOARD OF GOVERNORS OF THE
ALASKA BAR ASSOCIATION

February 3, 1989

Audit Control Number

41-1352-89-R

The purpose of this audit is to examine the activities of the Board of Governors of the Alaska Bar Association (ABA, the Bar, or the Association) to determine if there is a demonstrated public need for its continued existence, and if the Board has been operating in an efficient and effective manner.

The audit was conducted in accordance with generally accepted governmental performance auditing standards. Audit scope and methodology will be discussed in the Report Objectives, Scope, and Methodology section of this report. Audit results may be found in the Report Conclusion, Findings and Recommendations, and Analysis of Public Need sections of this report.

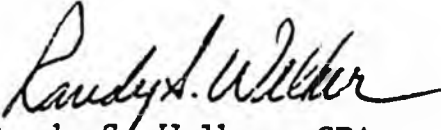

Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

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REPORT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Governors of the Alaska Bar Association to determine if there is a demonstrated public need for its continued existence, and if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during the legislative oversight hearings to determine whether the Board of Governors of the Alaska Bar Association should be reestablished. The law now specifies that the Board will terminate June 30, 1989 and have one year from that date to conclude its affairs.

The policy and audit approach utilized by the Division of Legislative Audit for performance reports can best be described as "audit by exception." This methodology focuses audit effort on areas of an auditee's operation that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

Discussion of the objectives, scope, and methodology of our review follows.

Objectives

The Alaska Bar Association was created in 1955 as an instrumentality of the State to ensure that only qualified members of the legal profession of good moral character are allowed to practice in this State. The primary objective of this audit, therefore, is to determine whether that need for protection of the public continues to exist today.

The secondary objective is to review the major processes instituted by the Alaska Bar, namely the examination of prospective members, admission, and discipline procedures, for effectiveness in meeting the public need. The tertiary objective is to evaluate those processes in particular, and Bar operations in general, for economy and efficiency of operation.

Scope and Methodology

Recent state and national trends in the legal profession (i.e., increases/decreases in numbers of: students attending law school, applicants for admission to practice, cases litigated, etc.) were analyzed to determine public need. Resources utilized to determine these trends included statistical information obtained from the Alaska Bar Association, the Alaska Court System, the American Bar Association, and assorted trade publications and HALT (an Organization of Americans for Legal Reform).

The review of Alaska Bar Association operations included all activities for calendar years 1986, 1987, and 1988. Examination and admission statistics (i.e., pass/fail rates, required passing scores, multi-state bar exam (MBE) scores, etc.) were obtained, reviewed, and compared with national statistics for consistency. Individual applicant records were reviewed for compliance with established Bar rules and procedures, accuracy of reporting, and timeliness of processing.

The attorney discipline process was analyzed for conformance with standards recommended by the American Bar Association and compared with procedures adopted by other states in the Pacific Northwest. A sample of individual discipline files were reviewed for compliance with established Bar rules and procedures, and timeliness. Current discipline statistics produced by the Alaska Bar were reviewed against historical data to determine trends in caseload and processing time.

Activities of the Board of Governors were examined through a review of meeting minutes and discussion with Association staff. Board composition and appointments were also reviewed for conformance with statutory requirements.

ORGANIZATION AND FUNCTION

The practice of law in the State of Alaska is regulated by the Board of Governors of the Alaska Bar Association. The Board consists of twelve members; nine attorneys elected by the active membership of the Association, and three non-attorney, public members appointed by the Governor and confirmed by the legislature in joint session.

The powers and duties of the Board are conferred by the Alaska Integrated Bar Act (AS 08.08) and the Alaska Bar Rules promulgated by the Supreme Court of Alaska.

The two primary functions of the Alaska Bar Association are the admission and discipline of its members. To accomplish these and other functions, the Association has a 1989 operating budget of \$1,277,501. Funding is provided primarily by membership dues (\$310 per year), admission fees, lawyer referral fees, continuing legal education, and interest income.

The Association's office is located in Anchorage and is staffed with twelve full-time employees and one temporary part-time employee.

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REPORT CONCLUSION

This review contains policy issues raised as a result of our evaluation of the Board of Governors of the Alaska Bar Association. The final policy decisions affecting ABA are not within the scope of this report, but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations and other information presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Governors of the Alaska Bar Association should be reestablished. Since the first three attorneys were admitted to the practice of law in Alaska in 1884 membership has grown to the current level of 2,707. In addition to the number of applicants seeking admission to practice, court statistics indicate increasing numbers of lawsuits being filed annually. It would appear that more members of the general public are interacting with the legal profession and that financial resources both expended on and resulting from those interactions have greatly increased. These factors result in a greater potential for harm to the general public, thereby indicating a need for continuing governance of the profession.

The public interest requires that the public be secure in its expectation that those who are admitted to the bar are worthy of the trust and confidence clients may reasonably place in their attorneys. The Board of Governors provides this protection by reasonably assuring that persons licensed to practice law are qualified and by assuring that those licensed act in a competent and ethical manner through a sophisticated complaint investigation process.

Furthermore, nothing came to our attention during our review that showed the public's best interest would be better served by any different regulatory method.

Overall, it is our opinion that the Board operates in an effective and economical manner. However, we have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board's operations (see the Findings and Recommendations section of this report).

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Governors of the Alaska Bar Association should comply with Alaska Bar Rules governing appropriate sanctions in attorney discipline cases and public access to disciplinary proceedings.

In January 1988 the Board of Governors acting as the formal disciplinary board of the Bar violated several Alaska Bar Rules governing disciplinary enforcement. In concluding a disciplinary matter before them which had been heard in formal public hearing, the Board imposed a sanction of private reprimand for a violation of Alaska Bar Rule 15(4) (failure to respond to a grievance).

The disciplinary rules which the Board is currently operating under became effective January 1985. These rules were changed upon recommendation of the American Bar Association evaluation of Alaska procedures. Pertinent changes included Rule 21 which states that after the filing of a petition for formal hearing, hearings held before either a hearing committee or the Board will be open to the public. Under the new Rule 16, private reprimands are no longer possible at the Board level except in cases where the respondent and discipline counsel agree by stipulation to that sanction. Since the stipulation precludes the need for a petition for formal hearing, the proceeding remains confidential.

Subsequent to the Board's decision which was reaffirmed after discipline counsel's appeal, proposed changes to Bar Rule 16 allowing private reprimand by the disciplinary board were forwarded to the Supreme Court. Those proposed changes were recently referred back to the Association for reconsideration with the following comment. "It seems somewhat incongruous to have the hearing process open to the public but to allow a private reprimand following such a hearing."

This Board action was indeed incongruous and has generated confusion among Association staff as to public access to the outcome of this proceeding. Since private reprimands are maintained as confidential documents which the public does not have access to, it appears the intent of the Board was to seal these records as confidential after they became public under current Bar rules.

We recommend that in all future proceedings the Board of Governors strictly conform with adopted Rules of Court applicable to disciplinary proceedings.

Recommendation No. 2

The Board of Governors of the Alaska Bar Association should recommend a proposed change to Alaska Bar Rules clarifying and limiting the Board's authority to engage in lobbying and other political activities.

The Alaska Bar Association is a mandatory bar in that in order to practice law in Alaska a lawyer must be a member in good standing of the Association. This requirement makes it difficult for an attorney to disassociate himself/herself from a political stance adopted by the Board of Governors or the Association. In light of this fact, the appropriateness of lobbying and other political activities by the Board or Association is questioned.

Some of the actions taken by the Board and Association which would be considered questionable include a decision to lobby in support of the continuation of the Alaska Women's Commission and a resolution to cease all business dealings with the Republic of South Africa and Libya in protest of current political conditions.

The lobbying issue has been debated nationally by other mandatory bar associations and has been the subject of court proceedings in other states. The Wisconsin Supreme Court has responded to the concern by permitting attorneys who object to the bar's legislative activities to reduce their membership dues by a certain percentage. The Washington State Supreme Court recently took a more direct approach by amending general Bar Rule 12 governing Washington State Bar Association general purposes to include the following.

(c) Activities Not Authorized. Among the specific actions which this rule and these Purposes do not authorize are:

(1) Taking positions on issues concerning the politics or social positions of foreign nations;

(2) Taking positions on political or social issues which do not relate to or affect the practice of law or the administration of justice;

(3) Supporting or opposing, in an election, candidates for public office.

We recommend the Board of Governors propose a similar amendment to Alaska's bar rules to clarify and limit activities of the Board to those appropriate to a mandatory bar.

Recommendation No. 3

The Board of Governors of the Alaska Bar Association should take prompt action to reduce both the number of backlogged disciplinary investigation cases and the length of time it takes to bring an investigation to a conclusion.

At the time of our last audit (October 31, 1984) the Alaska Bar Association had 41 cases pending disciplinary or other proceedings and an additional 165 cases under investigation. As of December 31, 1988, the Alaska Bar Association's discipline section had 18 cases pending disciplinary or other proceedings and an additional 160 cases under investigation. Although the actual number of open cases has decreased slightly, the average number of days open has increased.

An analysis of the status and length of time these cases have been open showed the following.

<u>Status</u>	-----1984-----		-----1988-----	
	<u>Cases</u>	<u>Avg. Days Open</u>	<u>Cases</u>	<u>Avg. Days Open</u>
<u>Pending Proceedings:</u>				
Pending Supreme Court	5	636	5	1,082
Pending Disc. Board	6	425	2	787
Pending Hearing Comm.	10	720	4	771
Pending Admonition	3	422	5	618
Pending Fee Arb.	12	291	1	985
Pending Conciliation	5	332	1	219
<u>Total</u>	<u>41</u>	<u>471</u>	<u>18</u>	<u>769</u>
<u>Under Investigation:</u>				
Investigator on Case	11	606	--	--
Special Counsel	1	1,662	1	871
Under Review (Prelim.)	113	188	25	.85
Investigation (Formal)	40	342	134	375
<u>Total</u>	<u>165</u>	<u>261</u>	<u>160</u>	<u>333</u>

In addition, an analysis of cases closed during 1986, 1987, and 1988 was made. The information presented was produced by Association staff and includes grievances not accepted, closed by admonition, closed by reprimand, closed by suspension, closed by disbarment, and dismissed. The overall processing time represents the average time from the date a grievance is filed until either a determination is made to decline an investigation or the case is completed. The results follow.

Analysis of Closed Cases

<u>Year</u>	<u>Number of Cases Closed</u>	<u>Overall Processing Time (Avg. Days Open)</u>
1986	251	207
1987	277	169
1988	244	187

Significant improvement was noted in reduction of case backlog during 1985, 1986, and 1987. During 1988, however, the backlog began to return to previous levels.

We encourage the Board to take prompt action to reduce the case backlog. In addition, we recommend that during the Board's deliberations of available options, consideration should be given to the length of time taken to conclude cases. It is in the best interest of ABA, the complainant, and the attorneys against whom the grievances were filed to take timely action in closing cases. The deterioration in processing time on open cases reflects, in part, the increase in complexity of cases coming before the Bar. However, a review of discipline files did reveal significant "dead" time in several proceedings. In one proceeding the dead time caused the investigation trail to become cold and resulted in the case being dismissed.

Therefore, we recommend that the Board's actions not only address the immediate need to reduce the case backlog, but also address the long-term staffing needs of the discipline section.

Recommendation No. 4

The Alaska Bar Association should comply with the public notice requirements of AS 08.08.075.

Chapter 52, SLA 1981 amended the Alaska Integrated Bar Act (AS 08.08) to bring meetings of the Board of Governors under the public meeting statutes, AS 44.62.310 and .312. More specifically, the Bar Act was amended to require that the public shall be given 30 days notice of meetings of the Board, except for emergency meetings.

Legislative Audit's 1984 audit of the Bar found that ABA had not publicly advertised meetings of the Board. Our current review found that the Board has properly noticed all face-to-face meetings of the Board, but has not publicly advertised teleconferenced meetings. A review of the minutes of these meetings demonstrated that these meetings were for the purpose of carrying out Board business which, in some cases, included discussion and voting on resolutions before that body.

We recommend that the Alaska Bar Association publicly advertise all meetings of the Board in conformance with applicable statutes and regulations.

Recommendation No. 5

The Alaska Bar Association should elect members of the Board of Governors in conformance with statutory guidelines.

AS 08.08.040-050 requires that members elected to the Board of Governors serve three-year terms subject to a specified triennial rotation. The purpose of this requirement is to maintain a level of experience on the Board which would be lost were a majority of members to rotate on any given year.

In recent years the Board of Governors has had several mid-term resignations. Statute allows the Board to appoint a replacement until the next annual election. The current rotation problem has arisen by election of a new Board member for a full three-year term rather than for the balance of the existing term.

We recommend that at the next annual meeting of the Alaska Bar Association those terms currently out of rotation be adjusted and, in the future, members elected to replace a resigning member be elected for the balance of the existing term.

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ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

I. The extent to which the board, commission, or program has operated in the public interest.

- A. ABA admits applicants to practice law through a sophisticated examination process which was designed under consultation with a national expert. The exam has withstood a court challenge as to its adequacy as a test of competence. Admission is also contingent on the passage of the Multi-state Professional Responsibility Examination and a character investigation to determine if the applicant is of good moral character.

The Alaska Bar Association has recently developed proposed changes to the Alaska Bar Rules which will facilitate the determination of "good moral character." At this time those rules changes have not been adopted by the Supreme Court of the State of Alaska.

- B. Effective January 1, 1985 the Alaska Bar began admitting members under motion for reciprocity. That option is limited to attorneys in the active practice of law for five years in states with which Alaska has a reciprocal agreement.
- C. ABA has a lawyer discipline process for the investigation of complaints of ethical misconduct. Sanctions are imposed on those found to be in violation of the rules of conduct. This process was developed through a cooperative effort of the Supreme Court, the Board of Governors, the ABA staff, and a review team from the American Bar Association's Standing Committee on Professional Discipline.

In response to the American Bar Association's recommendation, and to alleviate public concern that attorney discipline is not taken seriously by ABA, discipline rules provide that once a petition for formal hearing is filed, the disciplinary proceedings become open to the public.

- D. ABA provides public notice of any attorney who has been disbarred or suspended.
- E. In addition to the three public members who serve on the Board of Governors, the Board has also appointed a total of 34 non-attorney individuals to serve on disciplinary hearing committees and fee arbitration panels throughout the State.
- F. If a complaint received by ABA does not constitute misconduct on the part of an attorney, but rather is primarily concerned with a fee dispute, ABA offers a fee arbitration process. This process provides for the dispute to be arbitrated by a third-party panel consisting of two attorneys and one public member.

Similarly, ABA offers a conciliation process to attempt to resolve disputes between attorneys and clients where the dispute is neither fee- nor misconduct-related. Failure by an attorney to participate in good faith in the conciliation process may be grounds for disciplinary action.

- G. ABA operates an attorney referral service, funded by subscribing attorneys, whereby anyone from around the State or from outside the State can call a toll-free number and receive the names of three attorneys who practice law in certain disciplines. Subscribing attorneys agree to provide referred clients the first half hour of consultation at a reduced rate of \$35. (See Appendix D for the number of referral calls received by discipline.)
- H. ABA maintains a Client Security Fund for the purpose of making reimbursement to clients of attorneys who have suffered non-insured losses of money, property, or other things of value as a result of a dishonest act by an attorney. A portion (\$10) of each ABA member's annual dues is deposited in the Fund.
- I. ABA jointly sponsors with the Alaska Legal Services Corporation the Alaska Pro Bono Program which involves attorneys in the delivery of free legal services to low-income Alaskans.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

- A. ABA has been impeded by the absence of Bar Rules governing the degree to which the Board of Governors may be involved in lobbying and other political activities (see Recommendation No. 2). They have also been impeded by the absence of guidelines as to "good moral character" which, as noted in I.A. above, proposed changes to the Bar Rules have been drafted, but have not yet been adopted.
 - B. The operations of the Board are enhanced by a substantial budget funded virtually entirely by the ABA membership through dues, admission fees, continuing legal education, lawyer referral fees, conventions, and interest income. The 1989 budget totals \$1,277,501. (See Appendix A for a schedule of ABA revenues and expenditures.)
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
- A. The Board has not recommended any statutory changes during our three-year audit test period. However, the Board's involvement in the process of evaluating and revising the Alaska Bar Rules governing Bar Association policies and procedures has been a dynamic one.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
- A. ABA is enhanced by an unprecedented involvement of the membership (in excess of one half) in its operations. That involvement may take the form of service on one of the eight standing committees or four bar rules committees. It may also take the form of participation in a section (group of members with similar specialization (i.e., bankruptcy law, criminal defense, etc). Each section is responsible for monitoring the law, suggesting revisions, and reporting annually to the membership. It may also take the form of participation in adjunct organizations (such as the Alaska Pro Bono Program) or special projects (such as the Statewide Lawyer Referral Service).
 - B. ABA publishes all proposed changes to the Alaska Bar Rules in its quarterly publication The Alaska Bar Rag which is distributed to all members of the Association. Members are asked to submit any and all comments on those proposed rule changes for review by the Board.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.
- A. As previously noted, in addition to the three public members who serve on the Board of Governors, the Board has also appointed a total of 42 non-attorney individuals to serve on disciplinary hearing committees and fee arbitration panels throughout the State.
 - B. ABA has publicly advertised face-to-face meetings of the Board of Governors in major newspapers and the Alaska Bar Rag. They have not advertised teleconferenced meetings at Association business has been conducted (see Recommendation No. 4).
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.
- A. ABA is an instrumentality of the State and not administratively assigned to any department. Five complaints have been filed against it with the Office of the Ombudsman during the last three years. Investigation into complaints filed with the Ombudsman have been somewhat stymied by a disagreement with ABA as to whether they have jurisdiction over it.
 - B. ABA has adopted rules governing appeal procedures for both the disciplinary and examination/admission processes. As noted in Recommendation No. 3, resolution of disciplinary proceedings in 1988 averaged a processing time of 187 days. ABA received two appeals of the July 1988 bar exam results which were released in November of that year. Both appeals were heard at the January 1989 meeting of the Board of Governors.
- VII. The extent to which a board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.
- A. We found no instances where the Board had licensed unqualified applicants.

- B. Although many complaints are filed against attorneys, approximately fifteen percent result in sanctions against those attorneys. This represents sanctions against approximately one percent of the active membership of the Alaska Bar Association annually.
- C. The Alaska Bar Association offers a continuing legal education program to its membership and also maintains an education library.
- D. ABA sponsors and promotes the LEXIS program, a computer-assisted legal research service.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity of interest.

- A. Nothing came to our attention that showed the Board was in violation of any affirmative action or hiring requirements.
- B. The Board has on several occasions voiced concern over the low minority pass rate of the Alaska Bar Exam. A national consultant on bar examinations was asked to review the exam in 1986 and found it not to be unusually biased. He recommended the problem be corrected through tutoring and remedial programs. At their June 1988 meeting the Board of Governors resolved to ask the Alaska Bar Foundation to develop a scholarship program for minorities; and to resurrect the Continuing Legal Education Opportunities Committee to tutor minority applicants.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

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APPENDIXES

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APPENDIX A

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
REVENUES COMPARED WITH EXPENSES
For the Calendar Years 1986, 1987, and 1988
(Note 1)

	<u>1986</u>	<u>1987</u>	<u>1988</u>
<u>Revenues</u>			
Membership Dues	\$ 677,753	\$ 705,347	\$ 697,310
Admission Fees	148,575	105,675	94,875
Cont. Legal Ed.	122,549	112,596	140,318
Lawyer Refer. Fees	53,361	51,836	55,883
Annual Meeting	33,635	31,633	73,415
Interest on Invest.	82,399	75,687	59,772
Lexis Service	-0-	46,072	15,637
Other	100,332	65,606	92,653
<u>Total Revenues</u>	<u>1,218,604</u>	<u>1,194,452</u>	<u>1,229,863</u>
<u>Expenses</u>			
Admissions	150,832	151,686	136,905
Board of Governors	43,766	34,382	25,923
Discipline	286,714	281,488	294,600
Administration	251,004	253,791	255,241
Lawyer Referral Svc.	31,715	31,740	33,993
Cont. Legal Ed.	144,126	168,345	171,077
Annual Meeting	34,750	38,045	58,825
Fee Arbitration	30,888	41,002	38,896
The Bar Rag	36,468	39,688	35,335
Alaska Law Review	22,000	25,000	26,500
Lexis Service	-0-	58,074	19,488
Other	76,002	29,274	28,780
<u>Total Expenses</u>	<u>1,108,265</u>	<u>1,152,515</u>	<u>1,125,563</u>
<u>Other Financing</u>			
<u>Sources (Uses):</u>			
Loss on Sale of Investments		<u>(47,553)</u>	
<u>Excess (deficit)</u>			
<u>of Revenues over</u>			
<u>Expenses and Other</u>			
<u>Financing Uses</u>	<u>\$ 110,339</u>	<u>\$ (5,616)</u>	<u>\$ 104,300</u>

Note 1: The 1986 and 1987 revenue and expense information was taken from audited financial statements of ABA. The 1988 information was obtained from the accounting records of ABA and has not been audited.

APPENDIX B

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
DISCIPLINE STATISTICS
(Note 1)

Disposition of Cases Closed
During 1986, 1987, and 1988

<u>Disposition</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Disbarment by Supreme Court	2	1	0
Suspension by Supreme Court	2	0	2
Public Censure by Supreme Court	0	0	0
Public Reprimand by Disciplinary Board	-	-	1
Private Reprimand by Disciplinary Board	9	0	2
Private Admonition by Discipline Counsel	17	9	23
Dismissed	<u>109</u>	<u>111</u>	<u>74</u>
<u>Total Closed Cases</u>	<u>139</u>	<u>121</u>	<u>102</u>

Status of Cases Open
as of December 31, 1988

<u>Status</u>	<u>Cases</u>
Attorney on Probation	8
Short Term Suspension	0
Pending Supreme Court	5
Pending Disciplinary Board	2
Pending Hearing Committee	4
Pending Admonition	5
Pending Fee Arbitration	1
Pending Conciliation	1
Held in Abeyance	4
Special Counsel Investigation	1
Filed/Under Review	25
Under Investigation	<u>134</u>
<u>Total Open Cases</u>	<u>190</u>

Note 1: The information in this Appendix was obtained from statistical summaries prepared by ABA's discipline section.

Note 2: All numbers reflect individual complaints filed and not the number of attorneys under investigation.

APPENDIX C

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
BAR EXAMINATION AND ADMISSION STATISTICS
For Calendar Years 1986, 1987, and 1988
(Note 1)

Bar Examination

	<u>Number Taking Exam</u>	<u>Number Passing Exam</u>	<u>Percent Passing Exam</u>
February 1986 Exam	102	70	68%
July 1986 Exam	106	66	62%
February 1987 Exam	78	58	74%
July 1987 Exam	76	48	63%
February 1988 Exam	58	42	72%
July 1988 Exam	84	52	61%

Admission Under Motion for Reciprocity

<u>Year</u>	<u>Number Admitted</u>
1986	16
1987	8
1988	10

Note 1: The information in this Appendix was obtained from statistical summaries prepared by the Alaska Bar Association.

APPENDIX D

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
ATTORNEY REFERRAL CALLS RECEIVED
For Calendar Years 1986, 1987, and 1988
(Note 1)

<u>Area of Discipline</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Administrative	214	235	274
Admiralty	33	32	31
Arts	1	0	7
Bankruptcy	505	429	373
Commercial	505	345	292
Construction	29	19	14
Consumer	383	559	632
Discrimination	100	94	60
Eminent Domain	9	10	12
Environmental	6	3	3
Family	2,213	2,619	2,705
Felony/Misdemeanor	808	702	692
Foreign Language	1	2	10
Immigration	70	82	20
Insurance	122	92	89
Labor Relations	461	464	562
Landlord/Tenant	286	322	334
Malpractice	155	158	202
Mining	6	9	14
Negligence	732	729	873
Patent/Copyright	128	162	157
Public Interest	1	4	-
Real Estate	504	718	706
SSI Cases	2	40	22
Tax	89	102	103
Traffic	289	183	117
Trust/Wills/Estates	230	247	285
Workers' Compensation	189	216	273
<u>Total</u>	<u>8,071</u>	<u>8,577</u>	<u>8,855</u>

Note 1: The information in this Appendix was obtained from statistical summaries prepared by ABA.

APPENDIX E

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
MEMBERSHIP ON ABA COMMITTEES

February 3, 1989

<u>Committee</u>	<u>Attorney Members</u>	<u>Public Members</u>	<u>Total Members</u>
<u>Board of Governors</u>	<u>9</u>	<u>3</u>	<u>12</u>
<u>Standing Committees</u>			
Bar Polls and Elections	8	-	8
Continuing Legal Education	12	-	12
Ethics	12	-	12
Historians	10	-	10
Law Related Education	17	4	21
Statutes, Bylaws & Rules	12	-	12
<u>Total Standing Committees</u>	<u>71</u>	<u>4</u>	<u>75</u>
<u>Bar Rule Committees</u>			
Law Examiners	29	-	29
Disciplinary Hearing:			
First District	10	2	12
Second & Fourth Districts	8	3	11
Third District	25	8	33
Conciliation Panels:			
First District	4	-	4
Second & Fourth Districts	4	-	4
Third District	8	-	8
Attorney Fee Review:			
First District	15	6	21
Second & Fourth District	10	2	12
Third District	36	13	49
Client Security Fund	6	-	6
<u>Total Bar Rule Committees</u>	<u>155</u>	<u>34</u>	<u>189</u>
<u>Other Adjunct Involvement</u>			
American Bar Assoc. Delegate	1	-	1
AK Assoc. of Legal Assistance	1	-	1
AK Bar Foundation	5	-	5
AK Code Revision Commission	1	-	1
AK Comm. on Jud. Conduct	3	-	3
AK Judicial Council	3	-	3
AK Law Review	3	-	3
AK Legal Service Corp.	17	-	17
Ninth Circuit Judicial Conf.	5	-	5
Rocky Mountain Mineral Law Foundation	1	-	1
Bar Rag	16	-	16
Tutors	11	-	11
<u>Total Other Involvement</u>	<u>67</u>	<u>-</u>	<u>67</u>
<u>Total Committee Membership</u>	<u>302</u>	<u>41</u>	<u>343</u>

APPENDIX F

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION
GRIEVANCES FILED BY CATEGORY
For Calendar Years 1986, 1987, and 1988

<u>Grievance Category</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Trust violations (embezzlement, conversion, withholding client's property)	6	11	9
Conflict of Interest	13	15	9
Neglect (failure to perform, delay)	39	44	35
Relationship with client (disclosing confidential information, improper withdrawal, abandonment, failure to protect interest of client).	24	23	7
Misrepresentation/Fraud	10	13	11
Excessive Fees	1	1	3
Interference with justice	32	35	34
Improper advertising and solicitation	6	2	0
Criminal conviction	0	0	1
Personal behavior	1	0	2
Willful failure to cooperate with discipline authorities	0	0	0
Medical incapacity	0	0	0
Incompetence	0	0	0
Other	<u>1</u>	<u>0</u>	<u>1</u>
<u>Total Grievances by Category</u>	<u>133</u>	<u>144</u>	<u>112</u>

ALASKA BAR
ASSOCIATION

RECEIVED
March 9, 1989

MAR 13 1989

LEGISLATIVE
AUDIT

Randy S. Welker
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Welker:

This letter is written to respond to the recommendations contained in the Division of Legislative Audit's preliminary performance report on the Board of Governors of the Alaska Bar Association. It is my understanding that the Division's recommendations and this response will be contained in your final report to the Alaska Legislature's Budget and Audit Committee.

Let me say that I appreciate the positive comments about the Bar's lawyer referral, pro bono and CLE programs. We have worked hard to have increased member participation and public access and it is gratifying to have you acknowledge those improved aspects. We understand that it is your function to point out ways that we can improve and accept your report in that spirit. In response to your specific recommendations:

Recommendation No. 1: The Legislative Auditor has questioned the Board of Governor's action in a disciplinary matter in which the Board imposed a private reprimand following a public hearing. The Board subsequently recommended to the Alaska Supreme Court proposed changes to Alaska Bar Rules 10(c) and 16(a) which would allow a private reprimand to be imposed by the Board. The court referred the matter back to the Board for reconsideration before they discussed the proposal.

Currently the Bar Rules provide that the Board can issue a private reprimand only if discipline counsel and the attorney stipulate to that discipline and that once imposed, this information is not released to the public. In their decision to issue a private reprimand in the referenced matter, the Board recognized the incongruity of allowing a private reprimand following a public hearing. However, their desire was to make a distinction in the severity of discipline imposed. The Board's position was that the public would have access to the outcome of this discipline matter, but the Board would not publish a notice regarding the imposition of discipline.

Randy S. Welker
March 9, 1989
Page 2

At the January 19-21, 1989 Board of Governors meeting, the Board discussed the proposed rule changes and is attempting to work out a tentative solution. The Board directed discipline counsel to review the Discipline Rules and submit proposed rule changes which would delete the terms "public" and "private" wherever the rules refer to reprimands. The result of this proposal would give the Board the authority to impose a reprimand either after hearing or by stipulation of discipline counsel and the attorney. This would give the Board the flexibility when they issue a reprimand to determine the level of severity of the discipline imposed. After a public hearing the Board could impose a reprimand that would be public, without requiring publishing a notice in the Bar Rag.

The Board does recognize that this is an area which needs to be worked out and they will most likely be recommending proposed changes to the Bar Rules following the March Board meeting.

Recommendation No. 2: The Board has recognized for several years the problems associated with a mandatory bar association taking a formal position on political issues, with which members of the Association may disagree. In 1986, this matter arose with the issue of tort reform. The Board of Governors decided that it was not appropriate for them as a Board to take a position on tort reform. Instead, the Board sponsored a public hearing and invited speakers from various sides of the issue to make presentations.

The Association has, in the past couple of years, occasionally taken positions on political issues. In 1988 the Board voted to support the continuation of the Alaska Women's Commission, and the membership voted at the annual business meeting in 1986 to cease doing business with South Africa and Libya. While the South Africa/Libya resolution was done somewhat tongue-in-cheek, the resolution supporting the Women's Commission was serious and adopted after some discussion of the appropriateness of the action.

The court cases around the country which have considered the question of lobbying by mandatory bar associations have generally stated that bars may lobby or take positions on political issues, provided they make some provisions for not spending or refunding that portion of the dues of a member who may disagree with the bar's position. Several bar associations will refund, upon request and on a pro rata basis, that portion of bar dues spent by the bar on lobbying.

Randy S. Welker
March 9, 1989
Page 3

The Alaska Bar Board of Governors has not gone beyond passing a resolution on political issues and has no plans to actively lobby on such issues. The Bar is aware that the Washington State Bar Association has a provision which lists appropriate lobbying areas for them (Washington is also a mandatory bar association.) The Board agrees that it is a good idea to focus on this question and determine appropriate areas on which the Board could take positions. The Board of Governors will be reviewing the provisions listed by Washington and may recommend changes to the bylaws which would cover the question of lobbying and taking positions on political issues.

Recommendation No. 3: The Board of Governors has regularly focused its attention on the discipline process and taken steps to reduce the number of backlogged discipline cases and the amount of time it takes to bring cases to a conclusion.

In the winter of 1985, the Board of Governors directed discipline counsel to review their caseload and determine the status of and probable disposition of each case and report to the Board at the mid-March meeting. The staff was specifically instructed to concentrate on those cases, especially the older cases, and resolve those cases which could be resolved. By the end of the first quarter of 1986, the discipline caseload was at its lowest point of 125 open cases.

By the end of the second quarter of 1987, the discipline caseload had edged up to 156. The Board analyzed the caseload to determine why the caseload was gradually increasing and to look for possible solutions. In August of that year, the Board contracted with a former discipline counsel to handle some of the more routine discipline cases on a part-time basis. With the assistance of the contract discipline counsel, the caseload level through the first half of 1988 remained about the same, even though the total number of new cases initiated and total grievances went up.

In October 1988, the Board of Governors hired an additional half time assistant discipline counsel. The hiring of this staff person is an indication of the Board's commitment of the Bar's resources to reduce the caseload and processing time.

In 1988, in addition to its regular monitoring of the discipline process, the Board requested an analysis of the discipline caseload which reflected the average processing time for cases closed, cases dismissed, and cases not accepted for investigation after screening for the years 1986 and 1987. This analysis, which is reported on page 10 of the preliminary

Randy S. Welker
March 9, 1989
Page 4

report, reflected an average time (date filed to disposition) of 207 days for 1986 and 169 days for 1987. The analysis for 1988 shows an average of 187 days.

In reviewing the processing time, discipline counsel believes that the Bar is dealing with a greater number of more complex and more serious cases than several years ago. There have been an increased number of hearings over the past four years. The formal hearing process requires a considerable investment of time by discipline counsel and staff in preparing for hearing, conducting the hearing itself, and then preparing the necessary record and briefing for the Board and the Supreme Court. Thus, the average time to process a case is significantly increased with more cases going to hearing and on to the Board and to the Court.

Another factor which increases the processing time is the failure of attorneys to respond to grievances opened by discipline counsel for investigation. An attorney's non-response is itself a grievable offense, which must be dealt with either before or with the underlying grievance itself. There seem to be more of these non-responses as economic times get hard. Finally, once the case is filed with the Court, the case comes within exclusive control and processing guidelines of the Court.

The Board of Governors recognizes that the discipline caseload is an ongoing priority, as demonstrated by the Board's efforts over the years to take action to manage the caseload. We believe the recent hirings to be a positive step to meet this continuing problem.

Recommendation No. 4: The Board of Governors has conscientiously complied with the statutory requirement to give 30 days public notice of its regularly scheduled meetings. The Board has generally found it necessary to call one or two unscheduled conference call meetings a year. Conference call meetings are usually called to deal with matters which cannot wait until the next regularly scheduled Board meeting. For example, in 1988 the Board called conference call meetings to arrange hearings in two admission appeals and to decide on the purchase of a new computer system before the manufacturer's deadline.

The statute does grant exemptions to the notice requirement in the case of emergency meetings. In the case of the admissions appeals, the applicants were operating under tight time constraints and since the matters were confidential, the Board met in executive session.

Randy S. Welker
March 9, 1989
Page 5

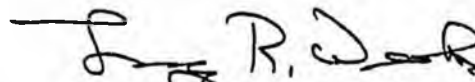
The Board will make every effort to publish notice of conference call meetings. The Board's schedule of meetings is currently published in the Bar Rag, as well as the notice being published in the State's major newspapers.

Recommendation No. 5: The Board of Governors is now aware that several of the Board seats are "out of sync" due to the mid-term resignation of several Board members. The Board has, as required by statute, appointed attorney members to the vacant seats until the next general election. Rather than having an election for a three year term, the Board will treat these as elections for the remainder of the terms of that Board seat.

A notice recently went out to the active members of the association soliciting nominations for the vacant seats on the Board. This gave notice that one of the seats was for a two year term and one of the seats was for a one year term. With the election to these seats, the Board seats will be back in sync according to the rotation set out in the statute.

In closing, let me take this opportunity to express my appreciation for the manner in which your Division conducted the performance audit. I hope your Division found the Bar's staff cooperative. If you have any questions concerning this response, please contact me or the Bar Association staff directly.

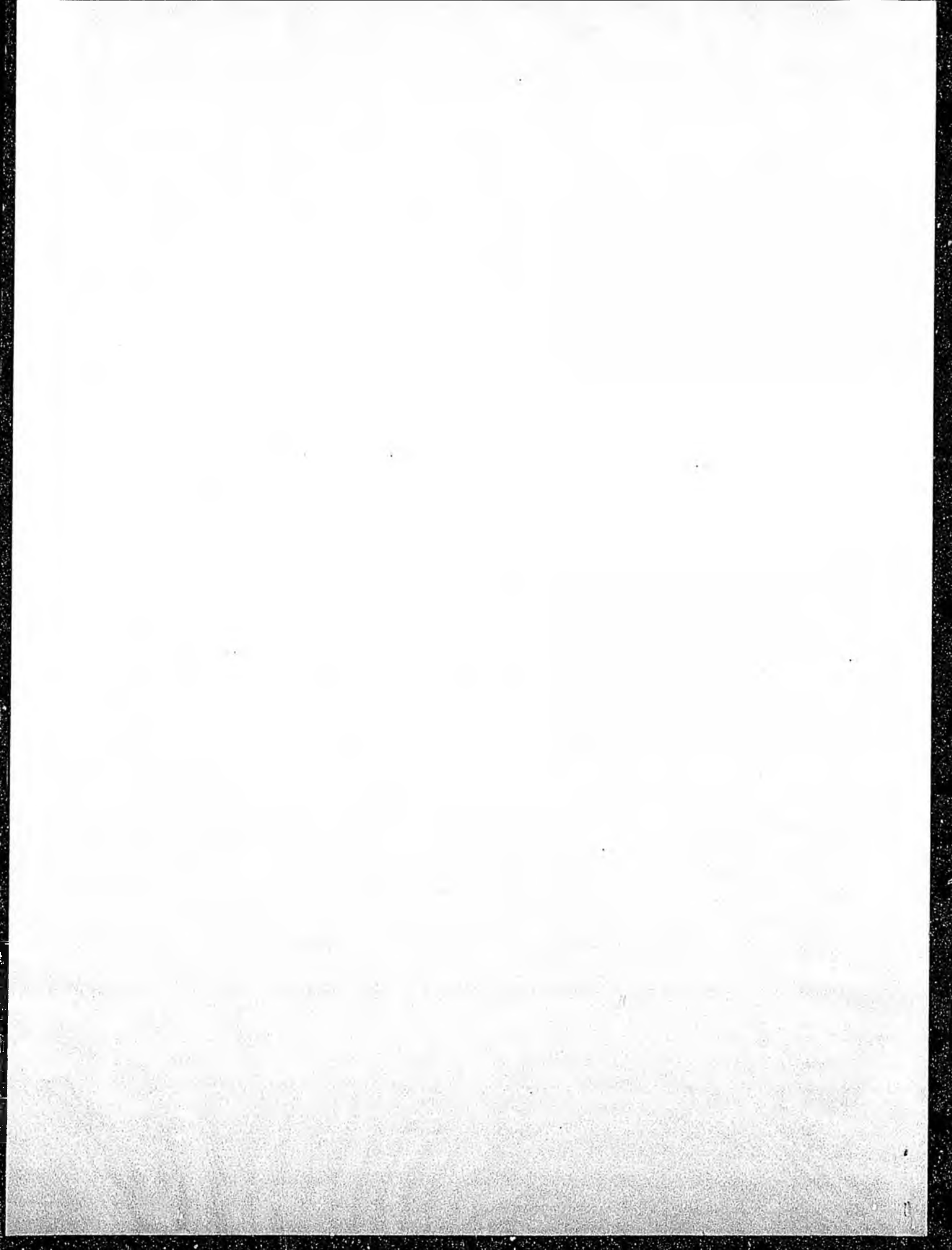
Sincerely,



Larry R. Weeks
President

cc: Deborah Ricker
Division of Legislative Audit
Deborah O'Regan
Executive Director

exdir127



HB

124

HOUSE COMMITTEE REPORT

FILE

(11)

Date Referred: March 31, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/28/90

The FINANCE Committee considered:

HB 124

HOUSE BILL NO. 124 [INCREASE SPORT FISHING/HUNTING LIC. FEES]
"An Act relating to sport fishing and hunting licenses and to big game tags; and providing for an effective date."

RECOMMENDATIONS:

- [X] be replaced with CS HB 124 (FIN) [] the same title
- [] have attached amendment(s) [X] a new title
- [X] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- [<] fiscal impact Fish & Game [] fiscal note(s) _____
- [] zero fiscal note _____ [] zero fiscal note(s) _____
- [] zero with analysis _____ [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

		Do Not Pass	No Rec	Amend
<u>[Signature]</u> Hoffmann	<u>[Signature]</u> Shultz		<input checked="" type="checkbox"/>	
<u>[Signature]</u> Larson	<u>[Signature]</u> Phillips		<input checked="" type="checkbox"/>	
<u>[Signature]</u> Swackhammer	<u>[Signature]</u> Rieger		<input checked="" type="checkbox"/>	
<u>[Signature]</u> Brown				
<u>[Signature]</u> Koponen				
<u>[Signature]</u> Wallis				

[Signature] Larson
Chairman's Signature
[Signature] Hoffmann

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to sport fishing and hunting licenses. . ."
 Sponsor: Rules
 Requestor: Governor

Agency Affected: Fish and Game
 BRU: Wildlife Conservation, Sport Fish, Administration
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	1013.0	3839.3	3850.0	3850.0	3850.0	3850.0
---------	--------	--------	--------	--------	--------	--------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER Fish & Game	1013.0	3839.3	3850.0	3850.0	3850.0	3850.0
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Beverly Reaume *Beverly Reaume*
 Division: Administration

Phone: 465-4120
 Date: 3/22/90

Approved by Commissioner: *Shirley Hildy*
 Agency: Fish & Game

Date: 3 27 90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Adopted

* ASSUMPTIONS FOR LICENSE FEE FISCAL NOTE

3/22/90

RESIDENT	1989 ACTUALS		ANNUAL VALUE AT CURRENT FEE	ANNUAL VALUE AT INCREASED FEE	FY91 INCREASE (PARTIAL YEAR)	FY92 INCREASE
		%JAN-JUN				
HUNT	23189	42.1%	278268	549725	114246	271457
HUNT/TRAP	1516	62.4%	33352	60640	17015	27288
TRAP	1032	52.6%	10320	15480	2716	5160
SF/HUNT/TRAP	6363	52.6%	203616	286335	43510	82719
SF/HUNT	43548	42.0%	958056	1524180	237772	566124
FISH	115332	41.7%	1153320	1729980	240372	576660
FISH FARM	1	0	200	400	0	200
FUR DEALER	45	48.6%	4500	6750	1093	2250
TAXIDERMY	51	75.0%	7650	10200	1913	2550
GAME BIRD FARM	4	100.0%	80	200	120	120
DIP NET FISHING				155000	65100	155000
NONRESIDENT						
HUNT	8543	15.1%	512580	726155	32276	213575
HUNT/TRAP	35	15.1%	7000	8750	264	1750
FUR DEALER	1	0.0%	400	500	0	100
TAXIDERMY	4	66.7%	1600	2000	267	400
ALIEN HUNT	-	15.1%	-	90000	13590	90000
ALIEN TAGS	-	15.1%	-	162100	24477	162100
TAGS	-	14.4%	2936580	3413600	68691	477020
FISH	23338	23.7%	840168	1166900	77337	326732
FISH 14 DAY	63760	7.8%	1275200	1912800	49458	637600
FISH 3 DAY	64143	9.5%	641430	721609	7605	80179
FISH 1 DAY	0	9.5%	0	160358	15209	160358
TOTALS			8864320	12703661	1013030	3839341
DIVISION OF WILDLIFE CONSERVATION					397270	1498807
SPORT FISH DIVISION					615760	2340534

* .25 LICENSES AND DUPLICATES WERE LEFT OUT OF THESE CALCULATIONS
ASSUME THERE WILL BE 15500 DIP NET LICENSES SOLD

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 124 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of merchandise by the
7 Department of Fish and Game, to sport fishing, trap-
8 ping, and hunting licenses, to big game tags, to
9 personal use salmon dip net fishing permits, to fur
10 dealer, taxidermy, fish farming, and game farming
11 licenses, and to duplicate licenses and tags; relat-
12 ing to the definition of resident in fish and game
13 laws; relating to use of revenue from sport fishing,
14 trapping, and hunting licenses and tags; relating to
15 the involuntary transfer of limited entry and in-
16 terim-use permits; and providing for an effective
17 date."

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

19 * Section 1. AS 16.05.050 is amended by adding a new paragraph to read:

20 (18) to authorize the production and sale of merchandise
21 bearing designs, labels, or words associating the merchandise with the
22 department; the merchandise may include posters, buttons, clothing,
23 calendars, and glassware.

24 * Sec. 2. AS 16.05.053 is amended by adding a new subsection to read:

25 (b) The commissioner of administration shall separately account
26 for money collected under AS 16.05.050(18) that the department depos-
27 its in the general fund. The annual estimated balance in the account
28 may be appropriated by the legislature to the fish and game fund.

29 * Sec. 3. AS 16.05.130 is amended by adding a new subsection to read:

1 (d) Revenue from the sale of general hunting, trapping, and
2 fishing licenses and tags together with the federal matching funds
3 from Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs
4 shall be used in strict accordance with federal guidelines to specif-
5 ically benefit purchasers of general hunting, trapping, and fishing
6 licenses.

7 * Sec. 4. AS 16.05.340(a)(1) is amended to read:

8 (1) Resident sport fishing license.....\$15 [\$10]

9 * Sec. 5. AS 16.05.340(a)(2) is amended to read:

10 (2) Resident

11 (A) small game hunting license.....15 [12]

12 (B) hunting license for both big and small game....25

13 "Big game" means those species listed in (a)(15) of this section.

14 * Sec. 6. AS 16.05.340(a)(3) is amended to read:

15 (3) Resident hunting and trapping license.....40 [22]

16 * Sec. 7. AS 16.05.340(a)(4) is amended to read:

17 (4) Resident trapping license.....15 [10]

18 * Sec. 8. AS 16.05.340(a)(5) is amended to read:

19 (5) Resident hunting and sport fishing license.....35 [22]

20 * Sec. 9. AS 16.05.340(a)(6) is amended to read:

21 (6) Resident hunting, trapping, and sport fishing license
22 45 [32]

23 However, the fee is 25 cents for an applicant who is the head of a
24 family or a dependent member of that family, or who is solely self-
25 supporting, upon proof presented by the applicant that the applicant

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

29 (B) has an annual family gross income of less than.

\$5,600 for the year preceding application.

* Sec. 10. AS 16.05.340(a)(7) is amended to read:

(7) Nonresident special sport fishing license -- valid for the period inscribed on the license

(A) For 14-day license.....\$30 [\$20]

(B) For three-day license15

(C) For one-day license.....10

* Sec. 11. AS 16.05.340(a)(8) is amended to read:

(8) Nonresident sport fishing license.....50 [36]

* Sec. 12. AS 16.05.340(a)(9) is amended to read:

(9) Nonresident hunting license.....85 [60]

* Sec. 13. AS 16.05.340(a)(10) is amended to read:

(10) Nonresident hunting and sport fishing license.....135 [96]

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

* Sec. 14. AS 16.05.340(a)(11) is amended to read:

(11) Nonresident hunting and trapping license....\$250 [\$200]

* Sec. 15. AS 16.05.340(a)(12) is amended to read:

(12) Fur dealers:

(A) Resident fur dealer biennial license.....150 [100]

(B) Nonresident fur dealer biennial license..500 [400]

* Sec. 16. AS 16.05.340(a)(13) is amended to read:

1 (13) Taxidermists:

2 (A) Resident taxidermy biennial license.....200 [150]

3 (B) Nonresident taxidermy biennial license...500 [400]

4 * Sec. 17. AS 16.05.340(a)(14) is amended to read:

5 (14) Fish farming biennial license.....400 [200]

6 * Sec. 18. AS 16.05.340(a)(15) is amended to read:

7 (15) Nonresident big game tags:

8 (A) Bear, black, each.....225 [200]

9 (B) [REPEALED.]

10 (C) Bear, brown or grizzly, each.....500 [350]

11 (D) BEAR, POLAR, EACH.....500

12 (E) [(E)] Bison, each.....450 [350]

13 (F) [(F)] Caribou, each.....325 [300]

14 (G) [(G)] Deer, each.....150 [135]

15 (H) [(H)] Elk, each.....300 [250]

16 (I) [(I)] Goat, each.....300 [250]

17 (J) [(J)] Moose, each.....400 [300]

18 (K) [(K)] Sheep, each.....425 [400]

19 (L) WALRUS, EACH500

20 (M) [(M)] Wolf, each.....175 [150]

21 (N) [(N)] Wolverine, each.....175 [150]

22 (O) [(O)] Musk oxen, each.....1,100

23 * Sec. 19. AS 16.05.340(a)(18) is amended to read:

24 (13) Game farming:

25 (A) Game mammal or game reptile farming biennial
26 license.....\$250 [200]

27 (B) Game bird farming biennial license.....50 [20]

28 * Sec. 20. AS 16.05.340(a) is amended by adding new paragraphs to read:

29 (19) Nonresident small game hunting license.....20..

(20) Nonresident alien hunting license.....300

A nonresident alien may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (21) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

(21) Nonresident alien big game tags:

(A) Bear, black, each.....300
(B) Bear, brown or grizzly, each.....650
(C) Bison, each.....650
(D) Caribou, each.....425
(E) Deer, each.....200
(F) Elk, each.....400
(G) Goat, each.....400
(H) Moose, each.....500
(I) Musk oxen, each.....1,500
(J) Sheep, each.....550
(K) Wolf, each.....250
(L) Wolverine, each.....250

(22) Personal use salmon dip net fishing permit.....10

* Sec. 21. AS 16.05.340(c) is amended to read:

(c) The commissioner may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$5 [\$2] shall be charged for each duplicate license or tag and the duplicate license or tag may [SHALL] not be issued unless the commissioner or a delegate is satisfied that the

1 original has been lost or destroyed. This subsection does not apply
2 to a 25-cent license issued under (a)(6) of this section.

3 * Sec. 22. AS 16.05.940(25) is amended to read:

4 (25) "resident" means a person who for the preceding 12
5 consecutive months has maintained a permanent place of abode in the
6 state and who has continually maintained a voting residence in the
7 state; and in the case of a partnership, association, joint stock
8 company, trust, or corporation, "resident" means one that has its main
9 office or headquarters in the state; however, a member of the military
10 service who has been stationed in the state for the preceding 12
11 consecutive months is a resident for the purposes of this paragraph,
12 and the dependant of a resident member of the military service, who
13 has been living in the state for the preceding year is a resident for
14 the purposes of this paragraph; [,] and a person who is an alien but
15 who for one year has maintained a permanent place of abode in the
16 state is a resident for the purposes of this paragraph;

17 * Sec. 23. AS 16.43.170(a) is amended to read:

18 (a) Except as provided in AS 16.10.333 - 16.10.338 and in
19 AS 44.31.230 - 44.31.250, entry permits and interim-use permits are
20 transferable only through the commission as provided in this section
21 and AS 16.43.180 and under regulations adopted by the commission. An
22 entry permit or an interim-use permit involuntarily transferred by
23 operation of federal law is void.

24 * Sec. 24. This Act takes effect July 1, 1990.
25
26
27
28
29

AMENDMENT # 1passed
6-3

OFFERED IN THE HOUSE

BY REP. ULMER

TO: CSHB 124 (Resources)

Page 1, line 6, after "relating":

Insert "to the sale of merchandise by the Department of Fish and Game,"

Page 1, after line 11:

Insert the following new bill sections to read:

** Section 1. AS 16.05.050 is amended by adding a new paragraph to read:

(18) to authorize the production and sale of merchandise bearing designs, labels, or words associating the merchandise with the department; the merchandise may include posters, buttons, clothing, calendars, and glassware.

* Sec. 2. AS 16.05.053 is amended by adding a new subsection to read:

(b) The commissioner of administration shall separately account for money collected under AS 16.05.050(18) that the department deposits in the general fund. The annual estimated balance in the account may be appropriated by the legislature to the fish and game fund."

Page 1, line 12:

Delete "Section 1."

Insert "Sec. 3."

Renumber the following bill sections accordingly.

Amendment #2

By Rieger

adpt
u.c.

To (SHB 124 (Finance))

Page 5, Line 10, Insert a new Section 19 to read:

* Sec 19. AS 16.43.170 (a) is amended to read:

(a) Except as provided in AS 16.10.333 - 16.10.338 and in AS 44.01.230 - 44.01.250, entry permits and interim-use permits are transferable only through the commission as provided in this section and AS 16.43.180 and under regulations adopted by the commission. A permit involuntarily transferred under operation of federal law is null and void.

Adpt.
u.c.

#3

AMENDMENT TO CSHB 124 (FIN)

BY: SHULTZ

PAGE: 5

LINE: 20

Add a new subsection to read as follows:

Revenue from the sale of general hunting, trapping, and fishing licenses and tags together with the federal matching funds from Pittman - Robertson, Dingell - Johnson / Wallop - Breaux programs shall be used in strict accordance with federal guidelines to specifically benefit purchasers of general hunting trapping and fishing licenses.

Rationale:

In supporting this bill we are putting additional financial burdens on resident hunters, trappers, and fishermen. They have asked for some legal general assurance that the dollars they contribute be used according to federal guidelines.

adpt
u.c.A M E N D M E N T #14

OFFERED IN THE HOUSE

BY REP. SHULTZ

TO: CSHB 124 (Resources)

Page 1, line ⁷Ø, after "tags;":

Insert "relating to the definition of resident in the fish and game laws;"

Page 5, following line 10:

Insert a new bill section to read:

"* Sec. 19. AS 16.05.940(25) is amended to read:

(25) "resident" means a person who for the preceding 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained a voting residence in the state; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" means one that has its main office or headquarters in the state; however, a member of the military service who has been stationed in the state for the preceding 12 consecutive months is a resident for the purposes of this paragraph, and the dependent of a resident member of the military service, who has been living in the state for the preceding year is a resident for the purposes of this paragraph; [,] and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purposes of this paragraph;"

Renumber the following bill section accordingly.

COPY

STATE OF ALASKA
THE LEGISLATURE

POUCH V STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 22, 1990

SUBJECT: Definition of resident for the purposes of
AS 16.05 - AS 16.40

TO: Representative Richard Shultz

FROM: George Utermohle
Legislative Counsel

This memorandum accompanies an amendment to CSHB 124 (Resources), requested by Dave Stancliff on your behalf, relating to the definition of resident in AS 16.05 - AS 16.40.

The amendment provides that only the preceding 12 consecutive months be considered in determining whether a person has maintained a permanent place of abode in the state for the purpose of determining residency under AS 16.05 - AS 16.40. This amendment does not require the person to have been physically present in the state during the preceding 12 months, however the person must have maintained the requisite place of abode in the state during that time.

In order to satisfy the constitutional requirement (Article II, sec. 13, Alaska State Constitution) that the subject of a bill be expressed in its title, the appropriate additional language for the title is included as part of the amendment. The addition to the title of CSHB 124 (Resources) is necessary because the amendment of the definition of "resident" affects more subjects than those currently contained in the bill title.

If I may be of further assistance, please advise.

GU:mi
wkmi6/061

Enclosure



ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

POSITION STATEMENT ADF&G LICENSE INCREASES

HB 124

April 17, 1989

PROPOSED LETTER OF INTENT

It is the intent of the Alaska State Legislature that the costs of conducting projects under the ADF&G Divisions of Sport Fish and Wildlife Conservation be prorated between sportsmen funds (i.e. Dingell-Johnson/Wallop-Breaux, Pittman-Robertson and State Fish and Game Funds) and nonsportsmen funds (i.e. Federal ANILCA Subsistence, and State General Fund) based on species harvest levels for subsistence and non-subsistence users.

The Alaska Department of Fish and Game is to provide the Legislature with a project budget annually for these two Divisions based on these projected harvests.



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

POSITION STATEMENT ADF&G LICENSE INCREASES

HB 124

April 15, 1989

The Alaska Outdoor Council has adopted a final position on HB 124 dealing with proposed Alaska Department of Fish and Game license increases.

This issue has been before the legislature for the past three sessions. During that time there has been considerable communications and debate between Alaskan sportsmen and outdoor user organizations and the Alaska Department of Fish and Game.

The Alaska Outdoor Council and its member organizations are still concerned about alternative funding sources for the Department, long range planning, neglected active management programs in the Interior, prioritizing expenditures, misuse of sportsmen funds, distrust of the Department by the sportsmen and the identification of expenditures to non-consumptive user programs. We fully intend to continue working with the Department on these issues.

The membership of the Alaska Outdoor Council recognizes that the Alaska Department of Fish and Game may need additional funds for the Divisions of Wildlife Conservation and Sport Fish. We are concerned that these increases, however, benefit the users carrying a majority of the fish and wildlife management financial burden in the State.

The Alaska Outdoor Council can support HB 124 only if three basic modifications are made:

1. Amend 16.05.340 to add new section (f):

(1) Alaska Fish and Game Funds and Federal matching funds from the Pittman-Robertson, Dingell-Johnson/Wallop-Breaux programs cannot be used to finance subsistence uses of fish and wildlife nor for the management of fish and wildlife for subsistence purposes.

(2) If a State agency knowingly violates the provisions in (1), the fish and game license structure in AS 16.05.340 will revert to that which existed in 1988.

2. Amend 16.05.340 (a)(6) to delete:

However, the fee is 25 cents for an applicant who is the head of a family or a dependent member of that family, or who is solely self supporting, upon proof presented by the applicant that the applicant

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

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

3. Maintain the non-resident alien fees at the same level as the non-resident fees.

Specific discussions of each point are as follows:

1. Prohibiting use of sportsmen funds for subsistence.

At present, over 90% of the funds used to carry both the Division of Wildlife Conservation and the Division of Sport Fish are from excise taxes on sporting gear and sportsmen licenses. At the same time, the sportsmen are witnessing a dramatic reduction in opportunities to participate in hunting and fishing in Alaska--primarily due to the implementation of the Federal and State subsistence laws.

Rather than allowing the development of rational resource allocations between user groups, present court rulings regarding subsistence threaten to eliminate sportsmen from all major uses (i.e. the Kenaitze ruling regarding Kenai River kings and the Lime Village ruling affecting Nelchina caribou harvests). Major portions of the game regulations in Alaska already identify significant seasons where sportsmen are eliminated from participating.

Under present interpretations of the subsistence law, over 85% of Alaskans are eliminated from subsistence uses.

Under the Alaska National Interests Lands Conservation Act (ANILCA) up to \$5 million of Federal monies were authorized to implement the Federally mandated subsistence priority. To-date the State has never received even \$1 million in any one fiscal year. Most, if not all, of the subsistence implementation costs should be carried by the Federal grant program. The State has been negligent in not aggressively pursuing these Federal monies.

It is the feeling of most of Alaska's sportsmen that the State mandated portion of the subsistence priority should be carried from the State general fund. However, general fund monies in the Divisions of Sport Fish has been eliminated and the general fund monies in the Division of Wildlife Conservation has been cut in half the past three years. Thus, the sportsmen have been forced to carry an increasing financial burden.

In Alaska, one of the few remaining State taxes is licensing for hunting, fishing and trapping. The sportsmen feel that other taxes should be reinstated before increasing taxes on sportsmen to a greater degree.

The Alaska Outdoor Council proposes that the proportion of sportsmen and nonsportsmen funds (Federal subsistence monies and State general fund monies) for a particular program be prorated for that specific project based on projected harvests. This can be accomplished easily because:

- a). The Subsistence Division has exhaustive studies showing specific uses by species for each subsistence area identified by the Boards.
- b). The Division of Wildlife Conservation projects harvests for each species each year by game management units.
- c). The legislature appropriates based on project level funding.

In essence, Alaskan sportsmen are unwilling to carry the financial burden for a Federal mandated program in which they are unable to participate. In addition, they are opposed to contributing to a program which is creating increasing social unrest in Alaska and jeopardizing Alaska's common property resources.

Increasing sportsmen taxes at a time when the subsistence issue is increasing urban-rural tensions in Alaska is only going to contribute further to growing social strife.

The Alaska Outdoor Council represents 54 Alaskan sportsmen and outdoor organizations with over 11,000 members. To our knowledge, not one of the clubs support this license increase without this amendment.

2. Eliminating the 25 cent license.

This program has been severely abused in recent years with preliminary studies showing that up to 50% of the licenses are fraudulent. With every Alaskan receiving over \$800 annually from the permanent fund it isn't too much to ask that everyone who buys a license help contribute to conservation of our fish and wildlife resources used by everyone.

An alternative would be to have the Department of Health and Social Services make up the differences in income to the Fish and Game Fund if this is to continue as a social welfare program.

At present, every 25 cent license sold costs the State over \$1.25 for a net loss.

The Alaska Outdoor Council and its member organizations have consistently targeted 25 cent license reform as high priority legislation.

3. Reduction of non-resident alien fees.

The Alaska Outdoor Council is concerned that the proposed non-resident alien fees will price Alaska out of the market which will result in less fees from non-residents rather than larger total fees.

Hunting license and tag fees for comparable hunts by nonresidents
(In Canadian \$)

	Hunting License (nonres/alien)	Moose Tag	Grizzly Bear Tag	Sheep Tag	Total
Alaska (present)	\$60	\$300	\$350	\$400	\$1110
Alaska (proposed)	\$85	\$400	\$425	\$425	\$1335
Alberta	\$15 ^a	\$220	\$275	\$275	\$785
British Columbia	\$118	\$120	\$320	\$300	\$858
Yukon Territory ^b	\$150	\$155	\$525	\$260	\$1090

All three provinces require guides to hunt any big game

^a wildlife certificates

^b Yukon Territory tag fees payable only if game is taken

Comparable Costs of Hunts Elsewhere (from March/April Safari Magazine)

China	Argali sheep	\$34,900 ^a
China/Mongolia	Asian wapiti	\$3,295 ^a
USSR	Siberian Snow Sheep	\$15,000 ^b
	Saiga antelope	\$3,695 ^b
Spain	Fallow deer	\$2,300 ^a
	Red deer	\$3,900 ^a
Zimbabwe	Zebra, Cape buffalo, Sable and Kudu	\$15,000 ^a
Australia	Water buffalo	\$2,700 ^a
Botswana	Cape buffalo and Lechwe	\$10,000 ^a

^a airfare not included

^b cost from Moscow

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

March 2, 1989

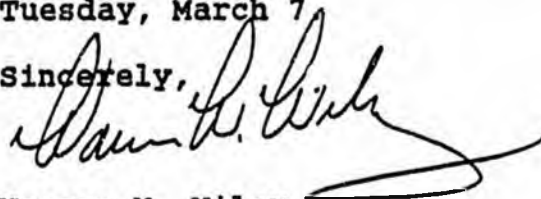
The Honorable Curt Menard, Co-Chair
The Honorable Cliff Davidson, Co-Chair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Co-Chairs:

Enclosed is background material regarding HB 124. Please note that while you will find the dates "1987 and 1988" in these documents, the assertions made and dollar amounts discussed are still pertinent. A letter addressed to Ron McAlpin, President, Alaska Outdoor Council, will provide you insight into the discussions ADF&G has held with that organization regarding the drafting of HB 124.

I look forward to discussing this very important bill with you on Tuesday, March 7.

Sincerely,



Warren W. Wiley
Assistant Commissioner

Enclosures

cc: House Resources Committee Members

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

March 22, 1989

The Honorable Cliff Davidson, Co-Chairman
The Honorable Kurt Menard, Co-Chairman
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives Davidson and Menard:

At the Resources Committee Hearing of March 21, you asked that I respond briefly in writing to the position statement presented by the Alaska Outdoor Council (AOC) regarding House Bill 124. The Department wishes to respond to the AOC position statement in the order in which the Council has presented its comments.

In paragraph 3, the Council discusses alternative funding sources and several other subjects which ADF&G has been discussing with AOC board members in recent months. The department is presently reviewing several options for alternative funding sources, including establishment of a trust fund, special license decals for nonconsumptive users, and the potential for a volunteer program which might help the department reduce costs on certain projects. The department presently does identify expenditures for nonconsumptive user programs such as furbearer management, McNeil River Bear Sanctuary and Round Island Walrus Preserve. Those items are clearly identified within the budget structure of the Division of Wildlife Conservation.

The Council position statement lists three conditions under which its membership would support HB 124. The department wishes to address these in the following manner:

1. The fees as originally proposed in House Bill 124 were reached after a great deal of deliberation by the department. While they are higher than neighboring Canadian provinces, we do not feel they are so high as to discourage big game hunters wishing to visit our state. The precedent for establishing higher fees for nonresident hunters has long been recognized. We have discussed the fee structure proposed in HB 124, with knowledgeable hunters and guides. In addition, the Alaska Board of Game recently went on record as supporting HB 124 as it is written. The Southeast Regional Council, made up of more than a dozen Fish and Game Advisory Committees and the Alaska Sport Fishing Association have gone on record supporting HB 124 as it is written.

The Honorable Cliff Davidson -2-
The Honorable Kurt Menard

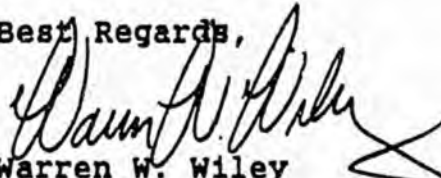
March 22, 1989

2. The department has worked closely with the Senate Resources Committee in developing CSSB 30, which address concerns regarding the 25-cent low income license. In recent days the department has attended hearings conducted by the Senate Finance Committee regarding CSSB 30, and we are presently working with that committee to address concerns the committee raised about how to best resolve what many see as a licensing problem. It appears there is a good possibility the Senate Finance Committee working with ADF&G will be able to develop language which will resolve the acknowledged abuses to the program in a manner which will not unfairly burden those Alaskans who generally need the relief granted to them through a low income license.

3. It is important to understand that ADF&G does not manage fish and game resources for any particular group of Alaskans. The resource is managed to assure a sustainable yield that will permit a reasonable harvest by all users. Programs are not developed nor funded based on a specific user group. It also must be recognized that a subsistence hunter contributes just as much to the Pitman-Robertson Fund as does a nonsubsistence hunter since both pay a federal excise tax on ammunition, fire arms, and associated hunting equipment. The department manages resources for a variety of user groups, and the Board of Game makes the decisions on who will harvest surpluses. A subsistence game hunter must also have a valid hunting license.

The department is aware of, and understands, the concerns of the AOC, and over the past several months we have worked with the Council to develop HB 124 to its present form. In response to concerns expressed by Council board members the department changed, readjusted, and deleted portions of an earlier draft in an attempt to address the concerns of the AOC. Clearly, we were not able to resolve all of these differences but I believe the working relationship we have developed with the Council and its member organizations will permit us to continue working in harmony toward resolutions of some of the philosophical and policy differences which might yet exist. We know the AOC and its member organizations understand the need for increased funding to the Department of Fish and Game and we appreciate their support.

Best Regards,


Warren W. Wiley
Assistant Commissioner

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

March 9, 1989

The Honorable Curt Menard
Co-Chairman
The Honorable Cliff Davidson
Co-Chairman
House Resources Committee
Alaska State Representative
P.O. Box V
Juneau, AK 99811

Dear Representatives Menard and Davidson:

During your March 7 committee hearing on HB 124, you requested some additional information regarding the proposed increases in hunting licenses and nonresident tag fees. Specifically, you requested the projected costs of nonresident and nonresident alien tag fees at 10, 20, and 30 percent increases above those proposed in HB 124 (see Enclosure 1). We have also prepared for your use a summary of nonresident fees in some Canadian provinces (Enclosure 2) which are Alaska's main competitors for nonresident big game hunters.

As stated in the hearing, there were numerous factors used to decide on the recommended increases in nonresident license and tag fees. Since nonresident aliens pay no federal income taxes and generally no excise taxes on guns and ammunition, they pay little to support big game management in Alaska. On the other hand, nonresident U.S. hunters do make substantial contributions to Alaska's management programs. These hunters are also the primary source of income for the federal dollars (i.e., Pittman-Robertson funds) which we receive each year for wildlife conservation work.

Resident hunting license fees have been increased only once (in 1977) since Statehood. Nonresident tag fees were last increased in 1982 (see Enclosure 3). In recommending proposed fee increases, we took into account what nonresidents are already paying to hunt in Alaska, when the last tag fee increases occurred, and what other states and provinces are currently charging. We also considered specific species in terms of range distribution and abundance in Alaska and elsewhere, the status of the species in Alaska, interests of resident hunters, and what

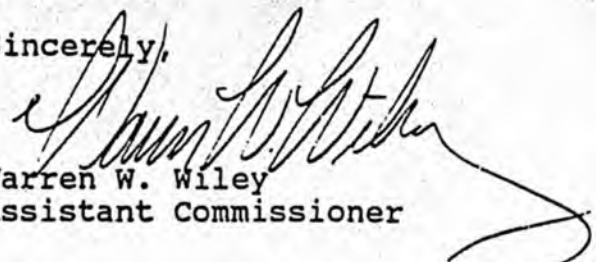
The Honorable Curt Menard -2-
The Honorable Cliff Davidson

March 9, 1989

we believe to be a realistic marketability level without exceeding the point of diminishing returns.

We hope you find the enclosed information useful. If we can be of further assistance, please advise.

Sincerely,



Warren W. Wiley
Assistant Commissioner

Enclosures

cc: House Resources Members
Lew Pamplin, Director
Division of Wildlife Conservation

NONRESIDENT Big Game Tag Fees

Species	Current Tag Fee	HB 124	HB 124 +10%	HB 124 +20%	HB 124 +30%
Black Bear	150 \$200	\$225	\$248	\$270	\$293
Brown Bear	525* 350 -	-425 500	468	510	553
Polar Bear	500 500	2500	2750	3000	3250
Bison	350	450	495	540	585
Caribou	155* 300	325	358	390	423
Dall Sheep	300 400	425	468	510	553
Deer	122 135	150	165	180	195
Elk	110 250	300	330	360	390
Moose	250 300	400	440	480	520
Mountain Goat	210* 250	300	330	360	390
Muskoxen	100 1100	1100	1210	1320	1430
Walrus	500	1500	1650	1800	1950
Wolf	75* 150	175	193	210	228
Wolverine	75* 150	175	193	210	228

NONRESIDENT ALIEN Big Game Tag Fees

Species	Current Tag Fee	HB 124	HE 124 +10%	HB 124 +20%	HB 124 +30%
Black Bear	150 \$200	\$300	\$330	\$360	\$390
Brown Bear	525* 350	600 650	660	720	780
Polar Bear	500 500	3000	3300	3600	3900
Bison	350	650	715	780	845
Caribou	155* 300	425	468	510	553
Dall Sheep	300 400	550	605	660	715
Deer	105 135	200	220	240	260
Elk	220 250	400	440	480	520
Moose	300 300	500	550	600	650
Mountain Goat	210* 250	400	440	480	520
Muskoxen	100 1100	1500	1650	1800	1950
Walrus	500	2000	2200	2400	2600
Wolf	75* 150	250	275	300	325
Wolverine	75* 150	250	275	300	325

Canadian Provincial NONRESIDENT and NONRESIDENT ALIEN Big Game Tag Fees (in Canadian \$):

	Yukon		B.C.		N.W.T.		Alberta		Manitoba		Quebec	
	nonres	alien	nonres	alien	nonres	alien	nonres	alien	nonres	alien	nonres	alien
Black Bear	80	80	50	50	50	50	100	150	50	100	57	57
Grizzly Bear	525	525	320	320	500	500	138	275	--	--	--	--
Polar Bear	--	--	--	--	500	500	--	--	--	--	--	--
Caribou	155	155	120	120	100	100	--	--	--	--	128	128
Sheep	260	260	300	300	100	100	275	275	--	--	--	--
Deer	--	--	60	60	--	--	83	165	80	100	128	128
Elk	--	--	--	--	--	--	110	220	--	--	--	--
Moose	155	155	120	120	100	100	110	220	250	300	126	126
Goat	210	210	130	130	100	100	--	--	--	--	--	--
Muskoxen	--	--	--	--	100	100	--	--	--	--	--	--
Wolf	75	75	25	25	50	50	--	--	25	50	--	--
Wolverine	75	75	--	--	50	50	--	--	--	--	--	--

NOTES:

- (1) Fees listed for the Yukon and N.W.T. are combined "trophy and seal fees," payable ONLY after game is bagged.
- (2) Yukon: nonres license = \$75; alien license = \$150.
Grizzly bear fee listed for Yukon is for males; females (sows) = \$775.
- (3) B.C.: nonres license = \$19; alien license = \$118.
- (4) N.W.T.: in addition to trophy fees above, there are tag fees for wolf and wolverine; nonres = \$10 and alien = \$25.

History of License and Tag Fee Increases in Alaska

RESIDENT Big Game License and Tag Fees

<u>Year</u>	<u>1960</u>	<u>1969</u>	<u>1973</u>	<u>1977</u>	<u>1982</u>	<u>HB 124</u>
License	\$7	\$7	\$7	\$12	\$12	\$25
Brown Bear	--	--	--	25	25	25
Muskoxen	--	500	500	500	500	500

NONRESIDENT Big Game License and Tag Fees

<u>Year</u>	<u>1960</u>	<u>1969</u>	<u>1973</u>	<u>1977</u>	<u>1982</u>	<u>HB 124</u>
License	\$10	\$10	\$20	\$60	\$60	\$85
Black Bear	10	10	75	100	200	225
Brown Bear	75	75	150	250	350	425
Polar Bear	150	150	150	250	500	2500
Bison	50	50	100	250	350	450
Caribou	25	25	50	200	300	325
Dall Sheep	50	50	150	250	400	425
Deer	10	10	25	35	135	150
Elk	25	25	75	125	250	300
Moose	50	50	100	200	300	400
Mountain Goat	25	25	75	125	250	300
Muskoxen	--	1000	1000	1000	1100	1100
Walrus	100	100	100	250	500	1500
Wolf	--	--	50	50	150	175
Wolverine	--	--	25	50	150	175

NOTE: Effective in 1981, resident muskoxen tag fees for some areas were reduced to \$25.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

October 31, 1988

Mr. Ron McAlpin
President
Alaska Outdoor Council
8341 East 11th Court
Anchorage, AK 99504

Dear Ron:

Warren Wiley has discussed with me the conference call he arranged Saturday, October 15, with you and several members of the board of the Alaska Outdoor Council. I understand that during the course of the three-hour conference you were able to cover many of the subjects we have had under discussion for the past several months. It is my understanding that Warren relayed to you again the department's position on several of the questions asked by AOC board members at our meeting last April which was intended, in part, to respond to a letter to me from Ron Somerville.

Much of your conversation involved the department's proposal to ask the Legislature for an increase in fishing and hunting license fees. This letter is intended to respond directly to questions you have raised in the past regarding that proposal and other issues of interest to AOC and other outdoors organizations.

As you know, fishery enhancement activities primarily intended to benefit the recreational fishery are funded with Dingell-Johnson (D-J) money which the state matches with general fund money. An exception is Clear Hatchery which uses a Fish and Game Fund match. Responding to concerns expressed by your organization, I stated at our meeting in April that the director of the Sport Fish Division has had, and will continue to have, the lead responsibility in determining the direction of the department's D-J funding allocations.

The deputy director for that division is now the D-J coordinator for the entire department. What this means is that Norval Netsch has the primary responsibility for determining exactly where D-J funds are to be used within the department. Naturally, I cannot totally abrogate my responsibility as Commissioner of a cabinet-level department

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One of the primary topics discussed with Warren has to do with increasing the fees charged for resident, nonresident, and alien hunting and fishing licenses. You now have an idea of the increases proposed in a bill which we have had drafted but which has not been submitted. I know that in the past some Alaska sportsmen have been curious as to just how revenues produced through increased license fees would be utilized. Enclosed you will find a list from the Game Division director and from the Sport Fish Division director outlining the general direction in which they would proceed given additional revenues. Also enclosed is information regarding license fee changes. You will notice these lists identify specific projects. As I am sure you realize, the possibility always exists that specific projects might have to be dropped or adjusted, but these lists will give you an excellent idea where added revenues from increased license and tag fee sales would be allocated.

As Warren mentioned to you, new revenues from the proposed \$10 resident big game tag fee would go directly to the Fish and Game Fund and then would be made available to the Game Division. Additional revenues are needed for the Division of Sport Fish to ensure that we can match the increased revenues expected from the D-J program and also so we can cover Sport Fish Division projects that are not eligible for matching D-J money.

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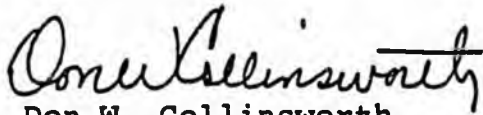
October 31, 1988

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I sincerely hope this letter is a useful follow-up to Warrner's conversation with you on October 15. I look forward to your continued cooperation and support.

Sincerely,



Don W. Collinsworth
Commissioner

Enclosures

cc: Norman A. Cohen, Deputy Commissioner
Division Directors, ADF&G
Rod Swope, Governor's Office
Board Members, Alaska Outdoor Council
President, each member organization of the
Alaska Outdoor Council

MEMORANDUM

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME


TO: Warren W. Wiley
Assistant Commissioner
Department of Fish and Game

DATE: October 29, 1988

FILE NO:

THRU:

TELEPHONE NO: 465-4180

FROM: 
Norval Netsch
Director
Division of Sport Fish

SUBJECT: License Revenue
Enhancement Projects

The January 1988 report entitled "The Need to Increase Funding for Sport Fish Management and Conservation in Alaska" provides background information on Alaska's sport fish program and describes current problems and needs, existing funding sources, and what we propose to do with additional funds. The report was widely distributed and is still pertinent. It addresses most of the questions that may arise, and we would be glad to make copies available to anyone interested (enclosure).

In response to requests for more specific details of how any additional funds would be spent, I believe it would be useful to reiterate the general activities covered in the January report, followed by a listing of individual projects and activity titles, locations, projected duration, and estimated costs. This list is not complete and the projects are not presented by order of priority; however, it does provide details on many of the needs recognized by Division of Sport Fish staff.

The following listing of projects and activities we would propose is taken from our January 1988 report:

- * New or expanded studies to provide information required for management of many species and in many areas. Examples include studies on:
 - ° Rainbow trout in Southcentral and Bristol Bay waters.
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- ° Various aspects of salmon management, including evaluation of enhancement efforts, mixed stock problems, collection of harvest and escapement data.
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 - * Increase efforts directed at land use development projects, implementation of management plans for specific fisheries, and the development of cooperative plans by various state, federal, and local interests. Many of these are of vital importance to sport fishing, and considerable time is required to ensure that sport fish interests are addressed.
 - * Provide more and better information to sport fishermen and the general public in the form of publications, maps, brochures, videos, articles for the media, and personal appearances by department staff.
 - * Provide additional or improved access to areas where public use is now restricted due to land ownership or lack of facilities.
 - * Aquatic education. There is a need to educate all sectors and age groups on subjects related to aquatic resources,

conservation, and "how to" fish. This would be work done by department employees, as well as through cooperative efforts with schools, communities, and sportsmen's groups.

- * **Constituency involvement programs.** There is an opportunity to accomplish various projects through cooperative efforts between the Sport Fish Division and sportsmen's groups or communities. These include volunteer programs and jointly funded projects.
- * **Economic evaluations.** Accurate economic values associated with sport fishing are generally lacking. This would provide for continuing information on key economic values of sport fishing on a statewide basis.

Some of the details of specific projects on activities are listed below. Projects are not listed in priority order, nor are all the needs identified by staff listed. Also, some of these projects are in our FY 90 budget request for general funding--the success of which is yet to be determined.

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>Est. Costs (x 1000)</u>
Strengthen Management Capability	Interior/SC	Long-term	400/yr
Aquatic Education Program	Statewide	Long-term	75/yr
Sport Fishery Matching Grant Prgm.	Statewide	Long-term	250/yr+
Fisheries Mgt. Plan Development	Statewide	5 years+	100/yr
Improved Research Design & Data Mgt.	Statewide	Long-term	75/yr
Coho Research (4 areas)	SE	Long-term	160/yr
Chinook Research (Nahlin R)	SE	Long-term	60/yr
Charter Boat Logbook	SE	3 years	45/yr
Rainbow Trout Enhancement-Ketchikan	SE	Long-term	66/yr
Steelhead Enhancement-Juneau	SE	Long-term	40/yr
Steelhead Enhancement-Sitka	SE	Long-term	30/yr
Coho Enhancement-Sitka	SE	Long-term	10/yr
PWI Lake Surveys	SE	2 years	41/yr
PWI Marine Creel	SE	Long-term	61/yr
Cutthroat Trout Studies-Ketchikan	SE	3 years	43/yr
Steelhead Studies (4 areas)	SE	3 years	98/yr
Florence Lake Cutthroat Studies	SE	2 years	54/yr
Susitna River Coho Studies	SC	Long-term	381/yr
Kenai River King Mortality Studies	SC	2 years	98/yr
Willow Creek Weir	SC	Long-term	47/yr
Kenai River Coho Sonar	SC	Long-term	70/yr
Little Susitna King Mortality Studies	SC	Short-term	32/yr
Stock Separation Analysis	SC	Long-term	35/yr
Anchorage Area Salmon Enhancement	SC	Long-term	35/yr
Karluk Steelhead Studies	SC	Short-term	61/yr
Tebay Rainbow Trout/Steelhead Studies	SC	Short-term	38/yr

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>(x 1000)</u>
(cont.)			
PWS Cutthroat Studies	SC	4-5 years	25/yr
Bristol Bay Lake Trout Studies	SC	4-5 years	42/yr
Susitna River Northern Pike Studies	SC	4-5 years	35/yr
Resurrection Bay Groundfish Studies	SC	4-5 years	16/yr
North Slope Lake Trout Studies	Interior	5 years	38/yr
Kobuk Northern Pike Studies	Interior	5 years	52/yr
Tok Northern Pike Studies	Interior	5 years	48/yr
Tok Lake Trout Studies	Interior	2 years	40/yr
Tok Grayling Studies	Interior	5 years	32/yr

Since January 1988, an unanticipated need for state funds has emerged. Contrary to earlier predictions, the amount of Dingell-Johnson (D-J) funds available for sport fish programs in Alaska is projected to increase in FY 90 and may continue to increase over the next few years. These federal funds make up a significant part of our budget. However, D-J funds must be matched with at least 25 percent state funds, and sufficient state dollars may not be available from the fish and game fund in FY 90. If D-J appropriations increase as projected or if matching general funds currently utilized by the Divisions of FRED and Habitat are reduced, we will be facing the dilemma of having federal funds available for recreational fisheries programs that the state will, in essence, have to decline for lack of matching fish and game funds.

Enclosure

cc: Norman Cohen
Lew Pamplin
Frank Van Hulle
John Clark
Fred Gaffney
Paul Krasnowski
Mike Mills

Provided below is a listing of specific projects, locations, schedules, and estimated costs which we would propose conducting should there be an increase in license and tag fee revenues. Although this list is not complete nor in priority order, it does provide more detail in terms of important project needs identified by Game staff. The projects and associated costs represent needs in addition to current funding levels and work being done. We have other program functions which need additional funding, but other revenue sources (e.g., General Funds) are more appropriate to fund these projects than license revenues.

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>Estimated Costs (X 1000)</u>
Marten research	GMU 4	5 years	56.0/yr
Increase goat surveys	GMU's 1, 5,	Annual	9.0
Expand moose survey and inventory work (S&I)	GMU's 1, 5 & 20	Annual	35.0
Expand deer S&I	GMU's 1, 3, 4, 6, & 8	Annual	31.0
Increase caribou censuses	GMU's 7, 9, 10, 11, & 13-15	Annual	24.0
Increase monitoring of factors affecting caribou carrying capacity	GMU's 7, 9, 11, 13, 15, & 17	Annual	14.0
Increase moose censuses	GMU's 7, 9, 11, 13-16, & 20	Annual	70.0
Expand Moose Research Center work--optimum carrying capacity and bull:cow ratios	GMU 15; Statewide Application	Annual	12.0
Improve moose survey techniques	Statewide	5 years	35.0/yr
Research goat/logging relationships	GMU 6	2 years	33.0/yr
Regional furbearer biologists	Interior & Southcentral	Annual	125.0*

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>Estimated Costs (X 1000)</u>
Increase wolf S&I	GMU's 11-26	Biennial	32.0
Expand furbearer S&I (e.g., lynx, marten, wolverine)	GMU's 6, 7, 9, 13-17, & 19-21	Annual	48.0
Improve lynx and wolverine survey techniques	Statewide	5 years	30.0/yr
Increase sheep surveys	GMU's 7, 11-16, 19, & 20	Biennial	25.0
Elk censuses	GMU 8	Annual	4.0
Moose habitat <u>enhance- ment and evaluation</u>	GMU's 1, 5, 7, 12, 14, 15, & 20	5 years	160.0/yr
Increase field presence and law enforcement	Statewide	Annual	45.0
<u>Predator-prey research and expand S&I</u>	GMU 13	Annual	125.0*
Mentasta caribou herd calf mortality study	GMU 11	One time	50.0
Southern AK Pen. caribou calf mortality study	GMU 9	One time	65.0
<u>Wildlife enhancement and fire management coordination</u>	Interior & Southcentral	Annual	140.0*
Test infra-red bear census technique	GMU's 8, 9, & 17	One time	12.0
Initiate public cabin use program on selected refuges	GMU's 14 & 16	Annual	100.0-1st yr; 25.0/yr
Special Areas manager	GMU's 6, 8, 9, & 14-16	Annual	65.0*
Increase caribou S&I and harvest assessments; revise management plans	GMU's 19, 20, & 21	Annual	15.0

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>Estimated Costs (X 1000)</u>
Research on grizzly bear population dynamics	GMU 22	3 years	15.0/yr
Expand muskoxen S&I	GMU's 18, 23, & 26	Annual	28.0
Tule white-fronted goose nesting and production surveys	GMU's 9, 16, 17, 19, & 21	3 years	35.0/yr
Maintain citizen participation in predator/prey management planning	Statewide	Annual	15.0
Conduct bison summer range habitat evaluation	GMU's 11, 19, & 20	Annual	8.0
Increase interaction with advisory committees	Statewide	Annual	45.0
Reinstate full-time asst. area biologists in Palmer and King Salmon	GMU's 9, 10, 14, & 16	Annual	60.0
Upgrade quality and expand content of regulation booklets	Statewide	Annual	18.0
Expand development of operational management plans	Statewide	Annual	25.0
Publish annual report of division activities to better inform public of division programs	Statewide	Annual	12.0
Expand hunter education program via TV network: curriculum and instructor training videos	Statewide	Annual	65.0 1st year; 5.0/yr
Determine economic value of Alaska's wildlife	Statewide	4 years	125.0/yr
Upgrade wildlife information data base	Statewide	4 years	20.0/yr

* Requires new positions.

Taken from "The Need to Increase Revenues for Wildlife Management and Conservation in Alaska"; ADF&G, Division of Game, December 1987.

WHAT WOULD INCREASED REVENUES BE USED FOR?

The proposed increases in license and tag fees for hunting in Alaska would affect both resident and nonresident hunters. Most of the funds would be used to restore or enhance game management and research projects that were eliminated or severely reduced as a result of losing nearly 1.5 million dollars in General Funds since FY86. Some game management programs that would receive additional funding include:

- ° moose survey and inventory work statewide and population censuses in heavily hunted areas and in selected locations where populations may be experiencing problems;
- ° caribou survey and inventory work statewide and more frequent population censuses of major herds;
- ° research and development of improved, more cost-effective and accurate big game and furbearer survey techniques;
- ° wolf, wolverine, marten, and lynx surveys and monitoring population trends;
- ° providing biological information to the public, local advisory committees, and the Board of Game for the state's regulatory process;
- ° Dall sheep and mountain goat surveys;
- ° moose habitat carrying capacity studies and modeling;
- ° reestablish moose habitat enhancement projects in portions of southcentral and interior Alaska;
- ° more field presence by staff and additional law enforcement activities;
- ° compilation, detailed analysis, and computerization of historic information on big game populations;
- ° technical assistance to land management agencies for use in making decisions affecting wildlife populations, habitats, and public use opportunities;
- ° wildlife information and education projects and the statewide hunter education program;
- ° additional emphasis on management planning; and

(OVER)

- more educational efforts to inform the public about the benefits of professional wildlife management and the ecological basis for regulated harvests.

It is important to recognize that many of these essential wildlife management programs would not receive additional funding, even if hunting license and tag fees were increased, unless the General Fund appropriations to the Division of Game remained near the current level.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

October 31, 1988

Mr. Ron McAlpin
President
Alaska Outdoor Council
8341 East 11th Court
Anchorage, AK 99504

Dear Ron:

Warren Wiley has discussed with me the conference call he arranged Saturday, October 15, with you and several members of the board of the Alaska Outdoor Council. I understand that during the course of the three-hour conference you were able to cover many of the subjects we have had under discussion for the past several months. It is my understanding that Warren relayed to you again the department's position on several of the questions asked by AOC board members at our meeting last April which was intended, in part, to respond to a letter to me from Ron Somerville.

Much of your conversation involved the department's proposal to ask the Legislature for an increase in fishing and hunting license fees. This letter is intended to respond directly to questions you have raised in the past regarding that proposal and other issues of interest to AOC and other outdoors organizations.

As you know, fishery enhancement activities primarily intended to benefit the recreational fishery are funded with Dingell-Johnson (D-J) money which the state matches with general fund money. An exception is Clear Hatchery which uses a Fish and Game Fund match. Responding to concerns expressed by your organization, I stated at our meeting in April that the director of the Sport Fish Division has had, and will continue to have, the lead responsibility in determining the direction of the department's D-J funding allocations.

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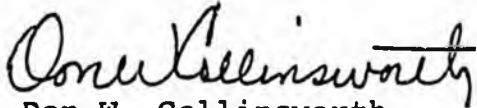
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Sincerely,



Don W. Collinsworth
Commissioner

Enclosures

cc: Norman A. Cohen, Deputy Commissioner
Division Directors, ADF&G
Rod Swope, Governor's Office
Board Members, Alaska Outdoor Council
President, each member organization of the
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MEMORANDUM

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

TO: Warren W. Wiley
Assistant Commissioner
Department of Fish and Game

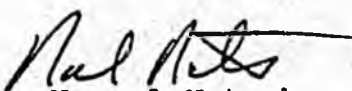
DATE: October 29, 1988

FILE NO:

THRU:

TELEPHONE NO: 465-4180

SUBJECT: License Revenue
Enhancement Projects

FROM: 
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Director
Division of Sport Fish

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 - * Provide additional enforcement effort in areas of intensive recreational fishing.
 - * Increase efforts directed at land use development projects, implementation of management plans for specific fisheries, and the development of cooperative plans by various state, federal, and local interests. Many of these are of vital importance to sport fishing, and considerable time is required to ensure that sport fish interests are addressed.
 - * Provide more and better information to sport fishermen and the general public in the form of publications, maps, brochures, videos, articles for the media, and personal appearances by department staff.
 - * Provide additional or improved access to areas where public use is now restricted due to land ownership or lack of facilities.
 - * Aquatic education. There is a need to educate all sectors and age groups on subjects related to aquatic resources,

conservation, and "how to" fish. This would be work done by department employees, as well as through cooperative efforts with schools, communities, and sportsmen's groups.

- * Constituency involvement programs. There is an opportunity to accomplish various projects through cooperative efforts between the Sport Fish Division and sportsmen's groups or communities. These include volunteer programs and jointly funded projects.
- * Economic evaluations. Accurate economic values associated with sport fishing are generally lacking. This would provide for continuing information on key economic values of sport fishing on a statewide basis.

Some of the details of specific projects on activities are listed below. Projects are not listed in priority order, nor are all the needs identified by staff listed. Also, some of these projects are in our FY 90 budget request for general funding--the success of which is yet to be determined.

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>Est. Costs (x 1000)</u>
Strengthen Management Capability	Interior/SC	Long-term	400/yr
Aquatic Education Program	Statewide	Long-term	75/yr
Sport Fishery Matching Grant Prgm.	Statewide	Long-term	250/yr+
Fisheries Mgt. Plan Development	Statewide	5 years+	100/yr
Improved Research Design & Data Mgt.	Statewide	Long-term	75/yr
Coho Research (4 areas)	SE	Long-term	160/yr
Chinook Research (Nahlin R)	SE	Long-term	60/yr
Charter Boat Logbook	SE	3 years	45/yr
Rainbow Trout Enhancement-Ketchikan	SE	Long-term	66/yr
Steelhead Enhancement-Juneau	SE	Long-term	40/yr
Steelhead Enhancement-Sitka	SE	Long-term	30/yr
Coho Enhancement-Sitka	SE	Long-term	10/yr
PWI Lake Surveys	SE	2 years	41/yr
PWI Marine Creel	SE	Long-term	61/yr
Cutthroat Trout Studies-Ketchikan	SE	3 years	43/yr
Steelhead Studies (4 areas)	SE	3 years	98/yr
Florence Lake Cutthroat Studies	SE	2 years	54/yr
Susitna River Coho Studies	SC	Long-term	381/yr
Kenai River King Mortality Studies	SC	2 years	98/yr
Willow Creek Weir	SC	Long-term	47/yr
Kenai River Coho Sonar	SC	Long-term	70/yr
Little Susitna King Mortality Studies	SC	Short-term	32/yr
Stock Separation Analysis	SC	Long-term	35/yr
Anchorage Area Salmon Enhancement	SC	Long-term	35/yr
Karluk Steelhead Studies	SC	Short-term	61/yr
Tebay Rainbow Trout/Steelhead Studies	SC	Short-term	38/yr

<u>Project</u>	<u>Location</u>	<u>Schedule</u>	<u>(x 1000)</u>
(cont.)			
PWS Cutthroat Studies	SC	4-5 years	25/yr
Bristol Bay Lake Trout Studies	SC	4-5 years	42/yr
Susitna River Northern Pike Studies	SC	4-5 years	35/yr
Resurrection Bay Groundfish Studies	SC	4-5 years	16/yr
North Slope Lake Trout Studies	Interior	5 years	38/yr
Kobuk Northern Pike Studies	Interior	5 years	52/yr
Tok Northern Pike Studies	Interior	5 years	48/yr
Tok Lake Trout Studies	Interior	2 years	40/yr
Tok Grayling Studies	Interior	5 years	32/yr

Since January 1988, an unanticipated need for state funds has emerged. Contrary to earlier predictions, the amount of Dingell-Johnson (D-J) funds available for sport fish programs in Alaska is projected to increase in FY 90 and may continue to increase over the next few years. These federal funds make up a significant part of our budget. However, D-J funds must be matched with at least 25 percent state funds, and sufficient state dollars may not be available from the fish and game fund in FY 90. If D-J appropriations increase as projected or if matching general funds currently utilized by the Divisions of FRED and Habitat are reduced, we will be facing the dilemma of having federal funds available for recreational fisheries programs that the state will, in essence, have to decline for lack of matching fish and game funds.

Enclosure

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