

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 788

HB444

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/11/92

FURTHER:

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered CS FOR HOUSE BILL NO. 444 (JUDICIARY)

"An Act relating to fees for identification cards and certain motor vehicle licenses and permits; to licenses issued to drivers and to revocation of a license to drive; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ (\_\_\_\_\_)
- attaches amendment(s)

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

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

**NEW FISCAL NOTES** Dept/Date

- zero** fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- appropriation--no** fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

- zero** fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- fiscal notes \_\_\_\_\_
- \_\_\_\_\_

**DO PASS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

CS FOR HOUSE BILL NO. 444 (JUDICIARY)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/20/92  
 Referred: Finance

Sponsor(s): REPRESENTATIVES CHOQUETTE, Koponen, Baker, M.A.Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fees for identification cards and certain motor vehicle licenses and  
 2 permits; to licenses issued to drivers and to revocation of a license to drive; and  
 3 providing for an effective date."

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

5 \* Section 1. AS 18.65.310(a) is amended to read:

6 (a) Upon payment of a \$10 [\$5] fee, the Department of Public Safety shall issue a card  
 7 identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the  
 8 card shall be of a different color and shall state in bold type letters across the face of it that it  
 9 is for identification purposes only.

10 \* Sec. 2. AS 28.15.111(a) is amended to read:

11 (a) Upon successful completion of the application and all required examinations, and  
 12 upon payment of the required fee, the department shall issue to every qualified applicant a  
 13 driver's license indicating the type or general class of vehicles that the licensee may drive. The  
 14 license must display (1) a distinguishing number assigned to the license; (2) the licensee's full

1 name, address, date of birth, brief physical description, and color photograph; [AND] (3) either  
2 a facsimile of the signature of the licensee or a space upon which the licensee must write the  
3 licensee's usual signature with pen and ink; (4) a holographic symbol intended to prevent  
4 illegal alteration or duplication; and (5) for a qualified applicant who is under age 21, the  
5 words "UNDER 21". A license is not valid until signed by the licensee. If facilities are not  
6 available for the taking of the photograph required under this section, the department shall  
7 endorse on the license, the words "valid without photograph."

8 \* Sec. 3. AS 28.15 is amended by adding new sections to read:

9 Sec. 28.15.187. ADMINISTRATIVE REVOCATION OF A LICENSE TO DRIVE FOR  
10 USE OF FALSE IDENTIFICATION. (a) If a peace officer has probable cause based on  
11 personal observation that a person has used a driver's license as fraudulent or false identification  
12 as prohibited by AS 04.16.060(d), the peace officer shall read a notice and deliver a copy to the  
13 person. The notice must advise that

14 (1) the department intends to revoke the person's driver's license, privilege to  
15 drive, or privilege to obtain a license, or refuse to issue an original license to the person;

16 (2) the person has the right to administrative review of the revocation or  
17 determination not to issue an original license;

18 (3) if the person has a driver's license or a nonresident privilege to drive, the  
19 notice itself is a temporary driver's license that expires seven days after it is delivered to the  
20 person;

21 (4) revocation of the person's driver's license, privilege to drive, or privilege to  
22 obtain a license, or a determination not to issue an original license takes effect seven days after  
23 delivery of the notice to the person unless the person, within seven days, requests an  
24 administrative review.

25 (b) After reading the notice under (a) of this section, the peace officer shall seize the  
26 person's driver's license if it is in the person's possession and shall deliver it to the department  
27 with a sworn report describing the circumstances under which it was seized.

28 (c) Unless the person has requested an administrative review, the department shall revoke  
29 the person's driver's license, privilege to drive, or privilege to obtain a license, or refuse to issue  
30 an original license, effective seven days after delivery to the person of the notice required under

31 (a) of this section, upon receipt of a sworn report of a peace officer

1 (1) that the officer had probable cause based on personal observations that the  
2 person used a driver's license as fraudulent or false identification as prohibited by  
3 AS 04.16.060(d);

4 (2) that notice under (a) of this section was provided to the person; and

5 (3) describing the circumstances surrounding the violation of AS 04.16.060(d).

6 (d) The department shall impose the revocation required under this section

7 (1) for a period of 90 days for a first revocation under this section; and

8 (2) for a second or subsequent revocation under this section for a period of 12  
9 months or until the person is 21 years of age, whichever is longer.

10 (e) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, the department may  
11 not require proof of financial responsibility before restoring a driver's license or privilege that  
12 is revoked under this section.

13 (f) A license revocation imposed under this section shall be consecutive to a license  
14 revocation imposed under another provision of law.

15 Sec. 28.15.189. ADMINISTRATIVE REVIEW OF REVOCATION OF LICENSE FOR  
16 USE OF FALSE IDENTIFICATION. (a) A person who has received a notice under  
17 AS 28.15.187(a) may make a written request for administrative review of the department's action.  
18 If the person's driver's license has not been previously surrendered to the department, it shall be  
19 surrendered to the department at the time the request for review is made.

20 (b) A request for review of the department's revocation under AS 28.15.187 shall be  
21 made within seven days after receipt of the notice under AS 28.15.187 or the right to review is  
22 waived and the action of the department under AS 28.15.187(c) is final. If a written request for  
23 a review is made after expiration of the seven-day period, and if it is accompanied by the  
24 applicant's verified statement explaining the failure to make a timely request for a review, the  
25 department shall receive and consider the request. If the department finds that the person was  
26 unable to make a timely request because of lack of actual notice of the revocation or because of  
27 factors of physical incapacity such as hospitalization or incarceration, the department shall waive  
28 the period of limitation, reopen the matter, and grant the review request.

29 (c) Upon receipt of a request for review, if it appears that the person holds a valid  
30 driver's license and that the driver's license has been surrendered, the department shall issue a  
31 temporary driver's permit that is valid until the scheduled date for the review. A person who has

1 requested a review under this section may request, and the department may grant for good cause,  
2 a delay in the date of the hearing. If necessary, the department may issue additional temporary  
3 permits to stay the effective date of its action under AS 28.15.187(c) until the final order after  
4 the review is issued.

5 (d) A person who has requested a hearing under this section and who fails to appear at  
6 the hearing, for reasons other than lack of actual notice of the hearing or physical incapacity such  
7 as hospitalization or incarceration, waives the right to a hearing. The determination of the  
8 department that is based upon the officer's report becomes final.

9 (e) Notwithstanding AS 28.05.141(b), the hearing under this section shall be held  
10 telephonically unless the person requesting the hearing requests in writing that the hearing not  
11 be held telephonically.

12 (f) A review under this section shall be held before a hearing officer designated by the  
13 commissioner. The hearing officer shall have authority to

14 (1) administer oaths and affirmations;  
15 (2) examine witnesses and take testimony;  
16 (3) receive relevant evidence;  
17 (4) issue subpoenas, take depositions, or cause depositions or interrogatories to  
18 be taken;

19 (5) regulate the course and conduct of the hearing;

20 (6) make a final ruling on the issue.

21 (g) The hearing for review of a revocation by the department under AS 28.15.187 shall  
22 be limited to the issue of whether the person used a driver's license as fraudulent or false  
23 identification as prohibited by AS 04.16.060(d).

24 (h) The determination of the hearing officer may be based upon the sworn report of a  
25 peace officer, if the sworn report is supported by probable cause based on personal observations  
26 as required under AS 18.15.187(a). The peace officer need not be present at the hearing unless  
27 either the person requesting the hearing or the hearing officer requests in writing before the  
28 hearing that the officer be present. If in the course of the hearing it becomes apparent that the  
29 testimony of the peace officer is necessary to enable the hearing officer to resolve disputed issues  
30 of fact, the hearing shall be continued to allow the attendance of the peace officer.

31 (i) Upon written request of the person requesting the hearing, the hearing officer shall

1 stay the hearing until the conclusion of related criminal proceedings. If the person requesting  
2 the hearing does not request a stay, testimony given by the person at the hearing is admissible  
3 against the person in a criminal trial.

4 (j) If the issue set out in (g) of this section is determined in the affirmative by a  
5 preponderance of the evidence, the hearing officer shall sustain the action of the department. If  
6 the issue is determined in the negative, the department's revocation action shall be rescinded.

7 (k) If the action of the department in revoking a nonresident's privilege to drive a motor  
8 vehicle is not administratively contested by the nonresident driver or if the departmental action  
9 is sustained by the hearing officer, the department shall give written notice of action taken to the  
10 motor vehicle administrator of the state of the person's residence and to any state in which that  
11 person has a driver's license.

12 (l) Within 30 days of the issuance of the final determination of the department, a person  
13 aggrieved by the determination may file an appeal in superior court for judicial review of the  
14 hearing officer's determination. The judicial review shall be on the record without taking  
15 additional testimony. The court may reverse the department's determination if the court finds  
16 that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made  
17 a determination unsupported by the evidence in the record.

18 (m) The filing of an appeal under (l) of this section or a petition for review does not  
19 automatically stay the department's order or revocation. The court may grant a stay of the order  
20 or revocation under the applicable rules of court, after a motion and hearing, and upon a finding  
21 that there is a reasonable probability that the petitioner will prevail on the merits and that the  
22 petitioner will suffer irreparable harm if the order is not stayed.

23 \* Sec. 4. AS 28.15.271(a) is amended to read:

24 (a) The fees for drivers' licenses and permits, including but not limited to renewals, and  
25 all related driver skills tests are as follows:

- 26 (1) all noncommercial vehicles and motor-driven cycles
  - 27 (A) each license fee ..... \$ 12 [10];
  - 28 (B) each driver skills test ..... \$ 15;
- 29 (2) all commercial motor vehicles
  - 30 (A) each license fee ..... \$100;
  - 31 (B) each driver skills test ..... \$ 25;

L

- 1                   (3) instruction permit ..... \$ 5 [3];
- 2                   (4) duplicate of driver's license or instruction permit ..... \$ 5 [3];
- 3                   (5) temporary license and renewal of permit ..... \$ 3;
- 4                   (6) school bus driver's endorsement renewal ..... \$ 3.

5 \* Sec. 5. This Act takes effect July 1, 1992.

**HB445**

(11)

Date Referred: March 2, 1992

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Date of Committee Action: 3/09/92

The FINANCE Committee considered:

HB 445

HOUSE BILL NO. 445

ALCOHOL SERVER EDUCATION COURSE

"An Act relating to an alcohol server education course."

RECOMMENDATIONS:

be replaced with CS HB 445 (LTC)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) ROR 3/2/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Mark Boyer Boyer	X	Eileen P. Warden <sup>Mitchell</sup>		✓	
Tan Brown Brown	✓	M. De Saurance <sup>NAVATTE</sup>		✓	
Adrian Koponen	✓	James Barnes <sup>Barnes</sup>		X	
Paul Jacko Jacko	✓	Bob Sharp <sup>Sharp</sup>		X	
R. Phillips R Phillips	✓	Ronald J. Larson <sup>Larson</sup>		X	
		J. Ulmer <sup>Ulmer</sup>		X	

M. De Saurance Eileen P. Warden

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 1  
Bill Version: CSHB 445(L&C)  
(H) Publish Date: 3/2/92

Revision Date: \_\_\_\_\_ Department Affected: REVENUE  
Title: ALCOHOL SERVER EDUCATION COURSE BRU: ALCOHOLIC BEVERAGE CONTROL BOARD  
Component: OPERATING

Sponsor: REP. CHOQUETTE  
Requestor: HOUSE L & C COMMITTEE

COMPONENT SERIAL NO. 

0	1	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: PATRICK L. SHARROCK Phone: 277-8638  
Division: ALCOHOLIC BEVERAGE CONTROL BOARD Date: 2-11-92  
Approved by Commissioner: David L. Hill  
Agency: DEPARTMENT OF REVENUE Date: 2/12/92

CS FOR HOUSE BILL NO. 445 (L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/2/92  
Referred: Finance

Sponsor(s): REPRESENTATIVES CHOQUETTE, Koponen

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to an alcohol server education course."

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

3 \* Section 1. AS 04.21 is amended by adding a new section to read:

4           Sec. 04.21.025. ALCOHOL SERVER EDUCATION COURSE. (a) As a condition of  
5 issuance or renewal of a license and selling alcoholic beverages under a license, the board shall  
6 require a licensee who sells or serves alcoholic beverages and the agents and employees of a  
7 licensee who sells or serves alcoholic beverages to complete an alcohol server education course  
8 approved by the board, if the license is for a

- 9                   (1) beverage dispensary;  
10                   (2) restaurant or eating place;  
11                   (3) club;  
12                   (4) package store;  
13                   (5) common carrier dispensary;  
14                   (6) recreational site;

- 1 (7) community;
- 2 (8) pub;
- 3 (9) conditional contractor.

4 (b) The subjects that are included in an approved alcohol server education course shall  
5 be determined under regulations adopted by the board. In approving alcohol server education  
6 courses, the board shall consider the needs of both urban and rural licensees regarding access to  
7 an approved alcohol server education course. A licensee, agent, or employee who sells or serves  
8 alcoholic beverages shall keep proof acceptable to the board of successful completion of an  
9 approved alcohol server education course on the licensed premises during working hours.

10 (c) A licensee, agent, or employee shall complete the course required under (a) of this  
11 section not more than 30 days after being licensed or employed.

12 (d) The board shall review an approved alcohol server education course at least once  
13 every three years.

14 \* Sec. 2. TRANSITION. Notwithstanding AS 04.21.025(c), enacted in sec. 1 of this Act, a licensee,  
15 agent, or employee who is required to complete a course under AS 04.21.025(a), enacted in sec. 1 of  
16 this Act, shall complete the course not more than 30 days after the Alcoholic Beverage Control Board  
17 approves alcohol server education courses for both urban and rural licensees.

## House Bill 445

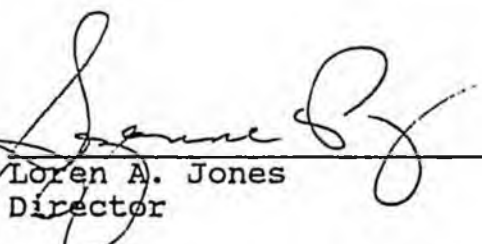
Section 1 amends AS 04.21.025 by requiring each holder of a liquor license and their employees to complete an alcohol server education course approved by the Alcohol Beverage Control Board.

Section 2 requires this training to occur within 30 days of course approval by the Alcohol Beverage Control Board.

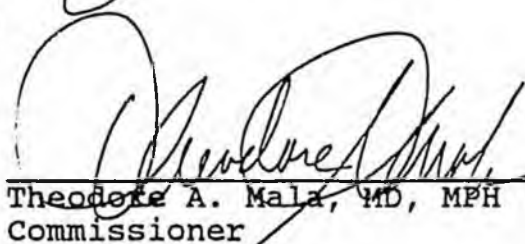
Training of liquor store, bar, and restaurant employees is an excellent approach to broadening the information base regarding the effects of alcohol on a person, and the laws governing the sales of alcoholic beverages. This training is currently mandatory in Anchorage, and would be required throughout the state.

Due to the remoteness of many areas of the state, delivery of these courses may require non-traditional approaches. Interactive video and audio teleconferences are viable options in most locations.

The division, while having no responsibility for the delivery of this training, is supportive of this effort.

  
Loren A. Jones  
Director

2-25-92  
Date

  
Theodore A. Mala, MD, MPH  
Commissioner

2-26-92  
Date

Alaska State Legislature  
House of Representatives

INTERIM

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-2032



SESSION

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-2995

Representative Dabe Choquette

SPONSOR'S STATEMENT FOR HOUSE BILL 445: <sup>CS (LHC)</sup>

"AN ACT RELATING TO AN ALCOHOL SERVER EDUCATION COURSE"

Alcohol abuse is a severe problem in Alaska, impacting individuals, families, and communities throughout our State. In fact, Alaska ranks 4th in the nation for per capita alcohol consumption, and has one of the highest rates of fetal alcohol syndrome in the country, with more than 30 babies each year born with alcohol related impairments.

In 1990, there were more than 1600 alcohol related vehicular accidents which resulted in more than 40 fatalities. 180 of those accidents were caused by alcohol impaired minors which resulted in 6 of those deaths. In Anchorage alone there were more than 1,800 DWI arrests in 1991.

Over the interim I worked with Mothers' Against Drunk Driving (MADD), the alcohol industry, the Department of Motor Vehicles, and the A.B.C. Board to address this problem. The result of this cooperative effort is HB 445.

This legislation would require alcohol servers to take an approved alcohol server education course within 30 days of being hired. This training would include such topics as alcohol's affect on the body and behavior, particularly driving ability, drunk driving and civil liability laws, identifying fraudulent IDs, methods of recognizing the problem drinker, use of community treatment programs, and handling problem customers to cut off service and get them home safely.

The A.B.C. board would establish criteria with which to evaluate education programs currently available, and approve a package of alcohol server education courses. This package would include a variety of approved courses which would ensure accessibility to alcohol servers in both urban and rural Alaska at minimal cost, most likely utilizing instruction mediums varying from the classroom to the viewing of video cassettes followed by written excercises or an exam.

HB 445, if enacted, should go a long way towards reducing incidents of drunk driving, and will aid problem drinkers by helping alcohol servers identify and intervene before they endanger themselves and others.

★ ★  
★ ★

STATE

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF REVENUE**550 W. 7TH AVE  
ANCHORAGE, ALASKA 99501-6698

ALCOHOLIC BEVERAGE CONTROL BOARD

February 26, 1992

The Honorable Dave Choquette  
Alaska House of Representatives  
P. O. Box V  
Juneau, AK 99811

RE: HB 445

Dear Representative Choquette:

This letter intends to express the Alcoholic Beverage Control Board's support for HB 445. As you may know, the board is currently informally requested under Municipality of Anchorage ordinance to approve training programs presented within the municipality.

The board believes that server training stimulates employees' and licensees' ability to responsibly serve the public. If this legislation is enacted into law, the board will begin drafting regulations to fulfill its charge.

If you have any questions, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock  
Director, ABC Board  
(907) 277-8638

PS/cl

92-046



Tom Fink,  
Mayor

# Municipality of Anchorage

## Municipal Health & Human Services Commission

825 "L" Street

P.O. Box 196650 • Anchorage, Alaska 99519-6650



Telephone:  
(907) 343-4674

February 21, 1992

Representative David Choquette  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Choquette,

The Municipality of Anchorage Health and Human Services Commission has reviewed HB 445, which would require completion of an alcohol server education course as a condition for issuance or renewal of alcohol beverage licenses. The Commission strongly supports passage of HB 445.

The proposed bill will reinforce the local liquor laws by standardizing the alcohol server education curriculum and strengthening the proof of compliance with this training.

The recent death of two Anchorage women in a motor vehicle crash involving alcohol might have been prevented if liquor store employees were better educated with respect to identifying intoxicated persons who should not be served.

The Commission is deeply concerned about the destructive effect of alcohol on our community. If we can provide further support for this bill, please call our staff, Michael Huelsman, at 343-6718.

Sincerely,

Richard Towell, Chair  
Municipal Health and Human Services Commission

cc: Helen D. Beirne, Ph.D., Director  
Municipality of Anchorage  
Department of Health and Human Services

# BRISTOL BAY AREA HEALTH CORPORATION

P.O. BOX 130 • DILLINGHAM, ALASKA 99576

(907) 842-5201 or (907) 842-5202

February 19, 1992

Representative Dave Choquette  
P.O. Box V  
State Capitol  
Juneau, AK 99811

Dear Representative Choquette,

The Bristol Bay Area Health Corporation was given the opportunity to provide input in the draft form of HB 445. In response to your request we would like to be on record in support of this piece of legislation.

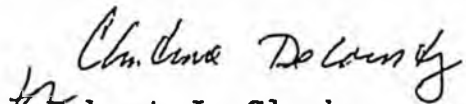
Alcohol abuse has been identified by our regional health corporation as the number one community health concern. HB 445 will have the potential for changing the environment in which people drink. The arduous task of identifying possible solutions in an effort to address this identified health concern are supported wholeheartedly by the Bristol Bay Area Health Corporation.

Please feel free to contact Vivian Echavarria, Health Education Director, who would be available to entertain any questions you may have. Her number is 842-9347.

Thank you for your support.

Sincerely,

BRISTOL BAY AREA HEALTH CORPORATION

  
Robert J. Clark  
Chief Executive Officer

RJC/mm

cc: BBAHC Executive Committee  
Christine DeCourtney, Acting C.O.O.  
Representative George Jacko  
Senator Fred Zharoff  
Vivian Echavarria, Health Education



401 K Street Anchorage, Alaska P.O. Box 104839 Anchorage, Alaska 99510  
(907) 272-8133 Fax: (907) 277-8640

February 13, 1992

Representative Dave Choquette  
P. O. Box V (MS 3100)  
Juneau, AK 99811

Dear Representative Choquette,

At our General Membership meeting held last night, the Anchorage Restaurant and Beverage Association voted unanimously to endorse and support House Bill 445, the measure you introduced making alcohol server training mandatory in Alaska.

Long before such training was made obligatory in Anchorage by the Municipal Assembly, ARBA working with the statewide trade association CHARR, introduced the Techniques of Alcohol Management (TAM) program on a voluntary basis for the benefit of our members. To date, over 8,000 persons have attended a TAM Seminar here in Alaska.

We firmly believe that education is the most useful tool in reducing alcohol-related accidents. Education, such as provided by the TAM program, can instill the knowledge, confidence and motivation to prevent illegal beverage alcohol problems. Alcohol server training gives servers and sellers a knowledge and understanding of their key role in reducing alcohol-related accidents and provides them with the tools required to reduce such accidents. Well trained employees are essential to any business, and we believe that society, as well as our industry, can only benefit from training responsible beverage service techniques to all servers.

Our Association strongly endorses House Bill 445 and has asked me to express our sincere appreciation to you.

Yours truly,

Carol Wilson  
Executive Director

SCOTT & WESLEY GERRISH  
MEMORIAL**M A D D**ANCHORAGE, ALASKA  
CHAPTER

## MAILING ADDRESS:

733 West 4th Avenue, Box 821  
Anchorage, AK 99501

(907) 258-MADD

## BUSINESS ADDRESS

733 West 4th Avenue, Suite 301  
Anchorage, AK 99501

February 17, 1992

Representative Choquette  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Re: House Bill 445

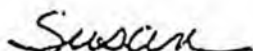
Dear Representative Choquette,

The Anchorage Chapter of MADD is pleased to support HB 445. It is extremely important that all persons involved in selling or serving alcohol have a clear understanding of the following:

1. the effects of alcohol on the body and behavior, particularly driving ability;
2. the effects of alcohol when used in combination with prescription or nonprescription drugs or illegal drugs;
3. methods of recognizing the problem drinker and the use of community treatment programs;
4. laws regarding sale to underage or drunken persons, consumption on and off premises, hours of operation, and penalties for violations of laws relating to alcohol;
5. fetal alcohol syndrome and fetal alcohol effects;
6. drunk driving and civil liability laws;
7. methods of dealing with the problem customer, including ways to cut off service, and means of safely transporting the customer home;
8. advertising and marketing that promote safe and responsible drinking patterns; and
9. valid means of proving the age of the customer.

We understand that this type of information may need to be delivered by some other means than in the traditional classroom setting in many parts of the state. However, there is no reason this information can't be delivered by means of video or even audio tapes with accompanying workbooks. MADD wholeheartedly supports this bill.

Sincerely,



Susan Humphrey-Barnett



*Alaska Cabaret, Hotel,  
Restaurant & Retailers Association*

P.O. Box 104850 • Anchorage, Alaska 99510  
401 2K Street • (907) 270-3193 • Taxi (907) 277-8640

March 5, 1992

Rep. Dave Choquette  
Alaska State Legislature  
P. O. Box V (MS 3100)  
Juneau, AK 99811

Dear Representative Choquette,

At the March 1 quarterly meeting of the CHARR Board of Directors a resolution endorsing and supporting the passage of House Bill 445 was adopted. CHARR has long held the belief that education is the most useful tool in reducing alcohol-related traffic accidents. As evidence of that belief, CHARR was responsible for the introduction of the first nationally recognized server training program in Alaska when we purchased the copyrights to the TAM Program (Techniques of Alcohol Management) in 1984. Since that introduction, over 8,000 persons have been trained in our state.

Although server training has been mandatory in Anchorage since 1986, our TAM program is statewide with participation on a voluntary basis. With certified instructors in Juneau, Fairbanks, and Anchorage, TAM seminars have been conducted in Nome, Sitka, King Salmon, Soldotna, Cordova, and other communities upon request. Just this year, our association hosted the national director of the TAM program who conducted training sessions to recertify our current instructors and to certify new instructors who came to the training from the communities of Kodiak, Haines, and Yakutat. The industry represented by our association has long been committed to server training, demonstrated by the dedication of our time and resources to our Alaska TAM program.

Servers trained in responsible beverage service techniques can only help our businesses and our communities. CHARR endorses this legislation and has asked me to express our appreciation to you for your sponsorship.

Yours truly,

Carol Wilson  
Executive Director

\*\*\*END\*\*\*

## Alcohol education

### *Not why, but how?*

Rep. Dave Choquette has introduced a second bill requiring alcohol vendors throughout the state to take an alcohol server education course.

Such a course already is required in Anchorage, and by all accounts is useful. The Alcoholic Beverage Control Board believes the course helps impress upon bartenders and liquor store employees their responsibilities in serving alcohol. The liquor industry says it gives even experienced bartenders useful tips for telling whether a person has already had too much to drink. And it gives them confidence to know someone will back them up if they refuse service.

Would requiring education outside of Anchorage be too much of a burden and expense for the liquor industry? After all, for servers in town it's easy enough to drive to a class. But what about the rural parts of the state?

Sending a book out with a case of beer won't take the place of four or five hours of classroom lecture and discussion. But Alaska is already used to bridging distances with teleconferences and videotape. We say where there's a will to sell alcohol, there's a way to teach people to sell it responsibly.

HB 445

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/11/92

FURTHER:

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered CS FOR HOUSE BILL NO. 445 (L&C) am "An Act relating to an alcohol server education course."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ )
- attaches amendment(s)

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

- adopts \_\_\_\_\_ Letter of Intent \_\_\_\_\_
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

**NEW FISCAL NOTES:** Dept/Date

- zero fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

- zero fiscal notes \_\_\_\_\_
- \_\_\_\_\_
- fiscal notes \_\_\_\_\_
- \_\_\_\_\_

**DO PASS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

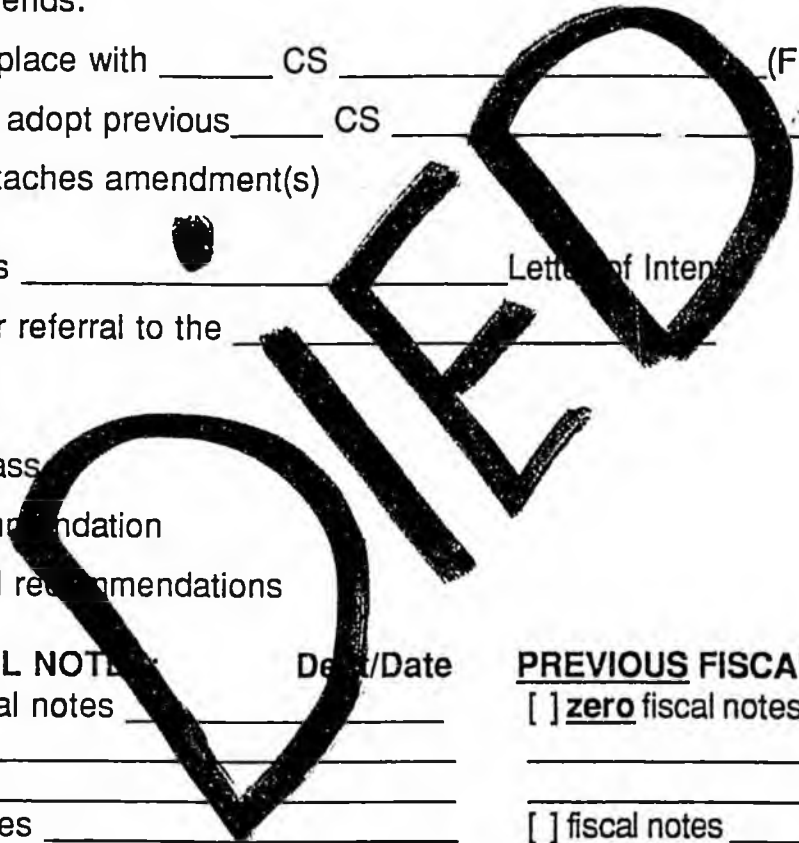
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation



CS FOR HOUSE BILL NO. 445 (L&C) am  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 4/1/92  
Offered: 3/2/92

Sponsor(s): REPRESENTATIVES CHOQUETTE, Koponen, Bruckman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an alcohol server education course."

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

3 \* Section 1. AS 04.21 is amended by adding a new section to read:

4           Sec. 04.21.025. ALCOHOL SERVER EDUCATION COURSE. (a) As a condition of  
5 issuance or renewal of a license and selling alcoholic beverages under a license, the board shall  
6 require : licensee who sells or serves alcoholic beverages and a licensee's agents and employees  
7 who sell or serve alcoholic beverages to complete an alcohol server education course approved  
8 by the board, if the license is for a

- 9                   (1) beverage dispensary;
- 10                   (2) restaurant or eating place;
- 11                   (3) club;
- 12                   (4) package store;
- 13                   (5) common carrier dispensary;
- 14                   (6) recreational site;

- 1 (7) community;
- 2 (8) pub;
- 3 (9) conditional contractor.

4 (b) The subjects that are included in an approved alcohol server education course shall  
5 be determined under regulations adopted by the board. In approving alcohol server education  
6 courses, the board shall consider the needs of both urban and rural licensees regarding access to  
7 an approved alcohol server education course. A licensee, agent, or employee who sells or serves  
8 alcoholic beverages shall keep proof acceptable to the board of successful completion of an  
9 approved alcohol server education course on the licensed premises during working hours.

10 (c) A licensee, agent, or employee shall complete the course required under (a) of this  
11 section not more than 30 days after being licensed or employed.

12 (d) The board shall review an approved alcohol server education course at least once  
13 every three years.

14 \* Sec. 2. TRANSITION. Notwithstanding AS 04.21.025(c), enacted in sec. 1 of this Act, a licensee,  
15 agent, or employee who is required to complete a course under AS 04.21.025(a), enacted in sec. 1 of  
16 this Act, shall complete the course not more than 30 days after the Alcoholic Beverage Control Board  
17 approves alcohol server education courses for both urban and rural licensees.

HB451

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/5/92

FURTHER:

DATE TURNED INTO OFFICE: 5/4/92

The Finance Committee considered CS FOR HOUSE BILL NO. 451 (RESOURCES)

"An Act relating to state and local taxation and other state regulation as affected by the Alaska Native Claims Settlement Act, as amended, and related federal statutes; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)

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

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES:** Dept/Date  
 zero fiscal notes \_\_\_\_\_

**PREVIOUS FISCAL NOTES:** Dept/Date  
 zero fiscal notes DOR 2-28-92

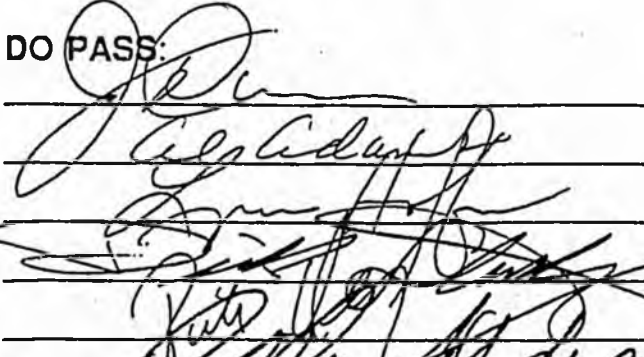
fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

DO PASS:

OTHER RECOMMENDATIONS:

1.  Co-Chair: Signature/Recommendation

2. \_\_\_\_\_ Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1

Bill Version CSHB 451(CRA)

(H) Publish Date: 2-28-92

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

REPORTED OUT OF  
SFC 5-11-92

Revision Date: February 12, 1992  
Title: An Act relating to state and local taxation...Alaska Native Claims Settlement  
Sponsor: Reps. MacLean, Lincoln  
Requestor: \_\_\_\_\_

Department Affected: Department of Revenue  
BRU: Revenue Operations  
Component: Income and Excise Audit

COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
FUND SOURCE						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0.0

ANALYSIS: Attach a separate page if necessary.

This bill brings Alaska statutes in conformity with ANCSA laws as amended by Congress in 1991, which extended the tax exemption of ANCSA property from 20 years to perpetuity.

Prepared By: Paul E. Dick Phone: (907) 465-2320  
Division: Income and Excise Audit Date: February 12, 1992

Approved by Commissioner: Darrel J. Rexwinkel Date: 2/18/92  
Agency: Department of Revenue

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

CS FOR HOUSE BILL NO. 451 (RESOURCES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/27/92

Referred: Rules

Sponsor(s): REPRESENTATIVES MACLEAN, Lincoln

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state and local taxation and other state regulation as affected by the  
2 Alaska Native Claims Settlement Act, as amended, and related federal statutes; and  
3 providing for an effective date."

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

5 \* Section 1. AS 29.45.030(a) is amended to read:

6 (a) The following property is exempt from general taxation:

7 (1) municipal or state property, except that

8 (A) a private leasehold, contract, or other interest in the property is taxable  
9 to the extent of the interest;

10 (B) notwithstanding any other provision of law, property acquired by an  
11 agency, corporation, or other entity of the state through foreclosure or deed in lieu of  
12 foreclosure and retained as an investment of a state entity is taxable; this subparagraph  
13 does not apply to federal land granted to the University of Alaska under AS 14.40.380  
14 or 14.40.390, or to other land granted to the university by the state to replace land that

1 had been granted under AS 14.40.380 or 14.40.390;

2 (C) an ownership interest of a municipality in real property located outside  
3 the municipality acquired after December 31, 1990, is taxable by another municipality;  
4 however, a borough may not tax an interest in real property located in the borough and  
5 owned by a city in that borough;

6 (2) household furniture and personal effects of members of a household;

7 (3) property used exclusively for nonprofit religious, charitable, cemetery,  
8 hospital, or educational purposes;

9 (4) property of a nonbusiness organization composed entirely of persons with 90  
10 days or more of active service in the armed forces of the United States whose conditions of  
11 service and separation were other than dishonorable, or the property of an auxiliary of that  
12 organization;

13 (5) money on deposit;

14 (6) the real property of certain residents of the state to the extent and subject to  
15 the conditions provided in (e) of this section;

16 (7) real property or an interest in real property that is exempt from taxation under  
17 43 U.S.C. 1620(d), as amended, and 43 U.S.C. 1636(d), as amended;

18 (8) property of a political subdivision, agency, corporation, or other entity of the  
19 United States to the extent required by federal law; except that a private leasehold, contract, or  
20 other interest in the property is taxable to the extent of that interest.

21 \* Sec. 2. AS 29.45.030(m) is amended to read:

22 (m) For the purpose of determining property exempt under (a)(7) of this section, the  
23 following definitions apply to terms used in 43 U.S.C. 1636(d), as amended, [43 U.S.C. 1620(d)]  
24 unless superseded by applicable federal law:

25 (1) "developed" means that a purposeful modification of land, or an interest in  
26 land, [THE PROPERTY] from its original state that effectuates a condition of gainful and  
27 productive present use without further substantial modification has been made; surveying,  
28 construction of roads, providing utilities or other similar actions normally considered to be  
29 component parts of the development process, but that do not create the condition described in  
30 this paragraph, do not constitute a developed state within the meaning of this paragraph;  
31 developed land, or an interest in developed land [PROPERTY], in order to remove the

1 exemption, must be developed for purposes other than exploration, and be limited to the smallest  
2 practicable tract of the tract [PROPERTY] actually used in the developed state;

3 (2) "exploration" means the examination and investigation of undeveloped land  
4 to determine the existence of subsurface nonrenewable resources;

5 (3) "leased" ["LEASE"] means that a grant of primary possession entered into  
6 for gainful purposes with a determinable fee remaining in the hands of the grantor has been  
7 made; with respect to a lease that conveys rights of exploration and development, this exemption  
8 shall continue with respect to that portion of the leased tract that is used solely for the purpose  
9 of exploration.

10 \* Sec. 3. AS 43.80.015 is amended to read:

11 Sec. 43.80.015. TAXATION UNDER ALASKA NATIVE CLAIMS SETTLEMENT  
12 ACT, AS AMENDED [P.L. 92-203]. (a) The receipt of [THE ORIGINAL ISSUE OF] shares  
13 of stock in a corporation organized under state [ALASKA] law pursuant to 43 U.S.C. 1601 -  
14 1642, as amended, [THE FEDERAL ALASKA NATIVE CLAIMS SETTLEMENT ACT (P.L.  
15 92-203; 85 STAT. 688; 43 U.S.C. 1601 ET SEQ.)) by or on behalf of a Native, as defined in  
16 43 U.S.C. 1602(b), or by or on behalf of a descendant of a Native, as defined in AS 43  
17 U.S.C. 1602(r), [(AS DEFINED IN THE FEDERAL ACT)] is not subject to any form of state  
18 or local taxation.

19 (b) The receipt of land or an interest in it under 43 U.S.C. 1601 - 1642, as amended,  
20 [THE FEDERAL ACT] or of cash in order to equalize the values of property exchanged under  
21 43 U.S.C. 1621(f), as amended, [SEC. 22(f) OF THAT ACT] or AS 38.50 is not subject to any  
22 form of state or local taxation. The basis for computing gain or loss on subsequent sale or other  
23 disposition of this land or interest in land for purposes of a state or local tax imposed on or  
24 measured by income shall be determined under 43 U.S.C. 1620(c), as amended [IS THE FAIR  
25 VALUE OF THE LAND OR INTEREST IN LAND AT THE TIME OF RECEIPT].

26 (c) A real property interest conveyed under 43 U.S.C. 1601 - 1642, as amended, [THE  
27 FEDERAL ACT], AS 38.50, or AS 38.95.050, including land received in an exchange under  
28 43 U.S.C. 1621(f), as amended, [SEC. 22(f) OF THE FEDERAL ACT] or AS 38.50, to a  
29 Native, as defined in 43 U.S.C. 1602(b), [INDIVIDUAL] or to a Native corporation  
30 incorporated under state [ALASKA] law pursuant to 43 U.S.C. 1601 - 1642, as amended [THE  
31 FEDERAL ACT], which interest is not developed or leased to third parties, is exempt from state

1 and local real property taxes and local assessments to the extent provided in AS 43 U.S.C.  
2 1620(d), as amended, and AS 43 U.S.C. 1636(d), as amended [UNTIL DECEMBER 18, 1991].  
3 However, municipal taxes, local real property taxes, or local assessments may, under the laws  
4 of the state, be imposed upon leased or developed real property within the jurisdiction of any  
5 governmental unit organized under the laws of the state. Easements, rights-of-way, leaseholds,  
6 and similar interests in real property may be taxed in accordance with state or local law. All  
7 rents, royalties, profits, and other revenues or proceeds derived from property interests are taxable  
8 to the same extent as these revenues or proceeds are taxable when received by a non-Native  
9 individual or corporation. In 43 U.S.C. 1620(d), as amended, and 43 U.S.C. 1636(d), as  
10 amended [SEC. 21(d) OF THE FEDERAL ACT], the exemption of real property interests from  
11 local real property taxes includes exemption from local assessments and extends to land received  
12 in an exchange under 43 U.S.C. 1621(f), as amended. [SEC. 22(f) OF THE FEDERAL ACT]  
13 or AS 38.50.

14 (d) Use of the terms "corporate funds" and "dividends" [,] in 43 U.S.C. 1606(j) and (m).  
15 as amended, [SEC. 7(j) AND (m) OF THE FEDERAL ACT,] does not determine whether the  
16 money is a dividend, distribution to shareholders, or funds that [WHICH] are property, surplus,  
17 or capital of a regional corporation for the purposes of this title, [OR] AS 10.06, or other  
18 applicable state law, the provisions of sec. 8, ch. 70, SLA 1972 notwithstanding.

19 \* Sec. 4. AS 43.80.015 is amended by adding a new subsection to read:

20 (e) In this section, reference to 43 U.S.C. 1601 - 1642, as amended, or to any of those  
21 sections includes the amendments and additions to any of those sections that are made by

22 (1) P.L. 96-487 (Alaska National Interest Lands Conservation Act);

23 (2) P.L. 100-241 (Alaska Native Claims Settlement Act Amendments of 1987);

24 and

25 (3) amendments to 43 U.S.C. 1601 - 1642 (Alaska Native Claims Settlement Act,  
26 as amended) after December 17, 1991.

27 \* Sec. 5. The amendments made to AS 29.45.030(a)(7), amended by sec. 1 of this Act,  
28 AS 29.45.030(m), amended by sec. 2 of this Act, AS 43.80.015, amended by sec. 3 of this Act, and  
29 AS 43.80.015(e), added by sec. 4 of this Act, are retroactive to December 18, 1991.

30 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

February 27, 1992

**SUBJECT:** Amendment of "Native" to "person" in the exemption from taxation of certain stock transactions under proposed revision of AS 43.80.015 made by sec. 3, House Bill 451 (Work Order No. 7-LS1722\G)

**TO:** Representative Cheri Davis

**FROM:** Jack Chenoweth  
Legislative Counsel

I don't think I responded to your question at Wednesday's House Community & Regional Affairs Committee meeting to consider House Bill 451 as fully as I should have. Let me try again.

Your question concerned the change proposed at page 3, line 15 of the measure under which the exemption from taxation for certain stock issues would be expanded from transactions in which the recipient is a "Native" to transactions involving any "person."

Leaving in place the current language in AS 43.80.015(a) would limit the state tax exemption to "the original issue of shares of stock . . . by or on behalf of a Native . . ." The sponsor asked that this provision be modified, relying in part on 43 U.S.C. 1620(b) (sec. 21(b) of the original Alaska Native Claims Settlement Act), which reads:

(b) The receipt of shares of stock in the regional or village corporations by or on behalf of any Native shall not be subject to any form of federal, state or local taxation.

The proponents of the amendment represent that the Alaska Native Claims Settlement Act "does not restrict the tax exempt status only to 'original issue.'" They note that the 1987 amendments of the original Act have prompted a number of corporations to re-issue or to consider the re-issue of corporation stock, and asked

Representative Cheri Davis  
February 27, 1992  
Page 3

whom the non-Native's right to receive derives. Given the parameters of 43 U.S.C. 1606(g)(2) and 43 U.S.C. 1606(h)(3) and the circumstances under which settlement common stock and replacement common stock would issue, this change in state law would almost certainly affect only a relatively small group of people.

I trust this is responsive on the point.

JBC:mi:gc  
92-030.mai

cc: Representative Eileen MacLean

HB446

file

(11)

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Date Referred: February 28, 1992

Date of Committee Action: 3/2/92

The FINANCE Committee considered:

HB 446

HOUSE BILL NO. 446

WILDLIFE CONSERVATION TAG AND FEE

"An Act relating to the wildlife conservation tag and to entry onto state game and wildlife sanctuaries, state game refuges, state range areas, and fish and game critical habitat areas; and providing for an effective date."

- RECOMMENDATIONS: [  ] the same title  
 be replaced with CS HB 446 (RES) [ ] a new title  
 [ ] have attached amendments(s)  
 [  ] do pass  
 [ ] do not pass  
 [ ] no recommendations  
 [ ] individual recommendations  
 [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 [ ] fiscal impact \_\_\_\_\_ [  ] fiscal note(s) FISH game 2/28/92  
 [ ] zero fiscal note \_\_\_\_\_ [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>J. Ulmer</i> Ulmer	X	<i>Thomas Barnes</i> Barnes		X	
<i>Mark Boyer</i> Boyer	✓	<i>Bob Phillips</i> Phillips		✓	
<i>Tammy Brown</i> Brown	✓	<i>Bob Sharp</i> Sharp		✓	
<i>Thomas Koponen</i> Koponen	✓	<i>Ed Malcan</i> Malcan		X	
<i>Greg Jacko</i> Jacko	✓				
<i>Mike Navarve</i> Navarve	✓				

*Mike Navarve S.D.A.*

CS FOR HOUSE BILL NO. 446 (RESOURCES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/28/92  
Referred: Finance

Sponsor(s): REPRESENTATIVES ULMER, Grussendorf, Koponen

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to the wildlife conservation tag and to entry onto state game and  
2 wildlife sanctuaries, state game refuges, state range areas, and fish and game critical  
3 habitat areas; and providing for an effective date."

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

5 \* Section 1. FINDINGS. The legislature finds that

6 (1) the diversity of wildlife species in Alaska and the size of Alaska make wildlife  
7 management extremely expensive;

8 (2) the growth in Alaska's human population has placed pressure upon wildlife habitat  
9 and wildlife populations and has increased demand for use and appreciation of wildlife;

10 (3) the Board of Game and other resource management agencies need current, accurate  
11 wildlife population and human use data for regulatory and planning purposes;

12 (4) the quality and extent of wildlife information provided by the Department of Fish and  
3 Game have a direct effect on the types and levels of human use of wildlife that are allowed;

4 (5) the cause of wildlife conservation would benefit from money generated by a wildlife

1 sanctuaries, state game refuges, state range areas, and fish and game critical habitat areas where  
2 possession of a valid hunting license may substitute during open hunting seasons for a wildlife  
3 conservation tag.

4 (f) The revenue received from the sale of wildlife conservation tags may be appropriated  
5 by the legislature to the department for programs that benefit nongame species of wildlife,  
6 threatened and endangered species of wildlife, wildlife education, and wildlife viewing. In this  
7 subsection,

8 (1) "nongame species" means a species of wildlife that may not be taken under  
9 a hunting or trapping license; and

10 (2) "wildlife" means a species of bird, amphibian, reptile, or mammal, including  
11 a feral domestic animal, found or introduced into the state, except domestic birds and mammals.

12 (g) The department may contract with a person to perform the responsibilities of the  
13 department under this section to provide a wildlife conservation tag. Contracting under this  
14 subsection is governed by AS 36.30 (State Procurement Code), except that a contract may include  
15 provisions for advance payment or reimbursement for services performed under the contract.

16 \* Sec. 4. AS 16.20.130 is amended by adding a new subsection to read:

17 (b) A person may not enter the Walrus Islands State Game Sanctuary without having in  
18 the person's possession a proof of purchase of a wildlife conservation tag.

19 \* Sec. 5. AS 16.20.150 is amended by adding a new subsection to read:

20 (e) A person may not enter the Stan Price State Wildlife Sanctuary without having in the  
21 person's possession a proof of purchase of a wildlife conservation tag.

22 \* Sec. 6. AS 16.20.170 is amended by adding a new subsection to read:

23 (b) A person may not enter the McNeil River State Game Sanctuary without having in  
24 the person's possession a proof of purchase of a wildlife conservation tag.

25 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB 446(res)  
*published 2-28-92*

Revision Date: 2/25/92

Department Affected: Fish and Game

Title: An Act relating to the wildlife conservation tag and sanctuary entry

BRU: Wildlife Conservation

Sponsor: Representative Ulmer

Component: Wildlife Conservation

Requestor: House Resources

COMPONENT SERIAL NO. 

0	4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	4.5	3.5	3.5	3.5	3.5	3.5
TRAVEL						
CONTRACTUAL	5.9	5.9	5.6	5.9	6.2	6.4
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.4	9.4	8.1	9.4	9.7	9.9

CAPITAL						
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REVENUE FUND SOURCE: 1004	37.0	45.0	50.0	55.0	60.0	65.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	10.4	9.4	8.1	9.4	9.7	9.9
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	10.4	9.4	8.1	9.4	9.7	9.9

POSITIONS:

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

Estimate of current year impact: No FY92 impact.

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared By: Diana Ground Phone: 465-4190

Division: Division of Wildlife Conservation Date: 2/25/92

Approved by Commissioner: *Steve Amurville* for

Agency: Department of Fish and Game Date: 2/25/92

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

FISCAL ANALYSIS of CSHB 446(res)

The bill analysis is based on the following assumptions:

1. the fee for the wildlife conservation tag is \$10.00.
2. voluntary sales will start at 500/annum; double in the second year; and increase by 20 percent annually through FY98.
3. sales of tags to visitors at Round Island (Walrus Islands State Game Sanctuary) will remain constant at 200/annum; at Pack Creek at 1000/annum; and applicants for McNeil Sanctuary viewing permits will increase from 2000 to 3500/annum through FY98.
4. half of all tags sold will be by license vendors with the other half sold by state agency offices.

No new positions will be required for this program. In the first year (FY93) approximately .2 man-months of an existing Wildlife Biologist position will be needed to establish the program; thereafter 1.5 man-months will be needed to continue the program. In addition, .5 man-months of a Data Processing Clerk I position will be necessary to handle application requests, fill orders from vendors, etc. Other operating costs will be for printing of the tags, distribution to vendors, promotional materials.

Revenue to fund this program would consist of program receipts.

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

February 28, 1992

TO: All Members  
House Finance Committee

FROM: Rep. Fran Ulmer

RE: CSHB 446 (Resources) - "wildlife conservation tags"

-----  
HB 446 is on the Consent Agenda for Monday, March 2, 1992. Revenues generated under this legislation would come from program receipts.

HB 446 would accomplish the following:

- \* allow the sale of wildlife conservation tags for visiting the state's game refuges, sanctuaries and other areas.
- \* allow the production of a patch, stamp, decal or other emblem to be sold with each tag, so visitors can show they're supporting wildlife conservation in Alaska.
- \* require that the money from the sale of the conservation tags would be earmarked for wildlife conservation purposes.
- \* require permits for entry to the Stan Price Sanctuary, the MacNeil River Sanctuary, and the Walrus Island Sanctuary.
- \* allow the Commissioner to add other areas to the tag program, including state refuges, ranges and critical habitat areas.
- \* Provide the Commissioner with the authority to set the fees.

Groups and individuals representing a wide spectrum of environmental, conservation and hunting interests have expressed support for the concept of fees for non-consumptive uses.

HB 446 is the result of a cooperative effort between my office, wildlife conservation supporters, the Department of Fish and Game, and the Governor's office.

Thank you for your prompt consideration of this legislation.



# ALASKA DISCOVERY

369 South Franklin Street • Juneau, Alaska 99801 • (907) 586-1911 • Fax: (907) 536-2332

Representative Fran Ulmer  
State Capitol  
Juneau, Alaska 99801

February 18, 1992

SUPPORT FOR H.B. 446 - WILDLIFE CONSERVATION TAG

Dear Fran:

Thank you for introducing HB 446. The idea to create this type of user-pay program for nonconsumptive users of wildlife has been discussed for many years, and we applaud your effort to put it into place.

We wish to suggest some changes in the bill to make it easier for tourism companies to serve as vendors for the wildlife tag on a voluntary basis to our customers. Alaska Discovery has been in touch with literally dozens of other companies who would like to support State wildlife viewing programs by selling a wildlife tag or "license" to our customers. These visitors enjoy Alaska wildlife opportunities, but don't directly contribute to their funding.

HB 446 should make it clear that the wildlife conservation tag is to be made available through all State Fish and Game license vendors to the public to purchase on a voluntary basis, as part of the Fish and Game license form. The intent is to direct Fish and Game to add the wildlife conservation tag as one of the check-off options on the regular license form in addition to "sport hunting," "sport fishing" or "trapping." In this way all of the public currently purchasing licenses will have the option of also voluntarily purchasing a wildlife conservation tag. In addition, all other individuals who wish to support the tag program can go to any license vendor and purchase just the tag. This would allow companies such as ours the ability to become a license vendor and make the conservation tag (along with sport fishing licenses) available to all our customers.

The Southeast Alaska Watchable Wildlife Committee will be meeting specifically to discuss this bill on April 22, and we expect the full endorsement of its members who represent a wide spectrum of recreation, tourism and government agency interests.

Sincerely,

Ken Leghorn  
co-owners

KJ Metcalf

Dennis Kelso

Memorandum

TO: Representative Ulmer

FROM: Geron Bruce *Geron*

DATE: February 20, 1992

SUBJECT: Amendments proposed by Department of Fish and Game to HB  
446

Sec. 1

(6) programs that benefit nongame species of wildlife, threatened and endangered species of wildlife, wildlife education, and wildlife viewing would be enhanced by money generated by a wildlife conservation tag.

The purpose of this amendment is to clarify the intent of the bill inasmuch as state statutes identify endangered species but not threatened ones.

Sec. 3

(d) The proof of purchase of a wildlife conservation tag entitles the purchaser, after complying with other applicable statutes and regulations, to apply for a reserved, non-transferable permit for access by lottery in those areas where such a permit is required. Where a reserved non-transferable permit for access is not required, the proof of purchase of a wildlife conservation tag entitles the purchaser, after complying with other applicable statutes and regulations, to enter state game and wildlife sanctuaries, and as identified by the commissioner by regulation, other [STATE] land designated as state game refuges, state range areas, and fish and game critical habitat areas. During open hunting seasons in the areas identified by the commissioner by regulation, possession of a valid hunting license substitutes for a wildlife conservation tag.

The purpose of these amendments are:

1) to allow hunters to continue to enter those lands where hunting is allowed during open hunting seasons without purchasing a wildlife conservation tag, as long as they have purchased a hunting license. During periods when these lands were closed to hunting, anyone entering these areas would have to purchase a wildlife conservation tag.

2) by deleting the word "state" on line 25, the commissioner would have the discretion to require visitors to state game refuges established under AS 16.20.030 to purchase wildlife conservation tags.

3) by requiring purchase of tags by persons who "apply for a reserved, non-transferable permit for access by lottery," the department could enhance program revenues considerably. For

example, based on last year's figures, 1800 rather than 250 tags would be sold annually at McNeil.

Sec. 3

(e) The revenue received from the sale of wildlife conservation tags may be appropriated by the legislature to the department for [WILDLIFE CONSERVATION PURPOSES] programs that benefit nongame species of wildlife, threatened and endangered species of wildlife, wildlife education, and wildlife viewing.

*This amendment would ensure that the use of revenue is not diverted to purposes other than those stated under the legislature's findings in Sec. 1, (6) above.*

Sec. 3 (f) The department may contract to others the performance of the department's responsibilities to provide a wildlife conservation tag. Contracting under this subsection is governed by AS 36.30, except that a contract may include provisions for advance payment or reimbursement for services under the contract.

*This new subsection would permit the department the option of subcontracting the program in the same manner as elements of the waterfowl conservation program are contracted. This parallels language authorizing the waterfowl conservation stamp program under AS 16.05.826(c).*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: BOB DEWITT/VICE PRESIDENT  
TITLE: KETCHIKAN SPORTS AND WILDLIFE CLUB  
ADDRESS: P.O. BOX 5100  
CITY: KETCHIKAN, AK ZIP: 99901  
PHONE: 247-2351

BILL NO: HB 446

SUBJECT: WILDLIFE CONSERVATION TAG AND FEE

MESSAGE: THE BOARD OF DIRECTORS OF THE KETCHIKAN SPORTS AND WILDLIFE CLUB WOULD LIKE TO EXPRESS OUR SUPPORT IN HB 446. GOOD GAME MANAGEMENT COSTS MONEY.

PCOID: 08180624  
DATE: 92/02/19  
TIME: 18:06:24  
LIONAME: KETCHIKAN LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATOR

C.DAVIS	TAYLOR	JONES
CARNEY	DAVIDSON	
FINKELSTEIN	HUDSON	
IVAN	LEMAN	
LINCOLN	HOYER	
ZAWACKI	BARNES	
BOYER	BROWN	
JACKO	KOPONEN	
LARSON	MACLEAN	
NAVARRE	R.PHILLIPS	
SHARP		

... insurance program  
... already is encour-  
... assistance on Capitol Hill

... in a cross-country flying pro-  
... moving his health care package.  
The centerpiece of Bush's plan is  
Please turn to Health, Page 8

... Medicare taxes from state and mu-  
... nicipal employees is included in

aid today. Those who want work  
Please turn to Workers, Page 3



ASSOCIATED PRESS

... after a C-130 slammed into a restaurant in Evansville, Ind., this morning.

# Plane hits restaurant

... noon news conference.  
... nderburgh County coro-  
... initially reported 28 had  
... later revised the number  
... saying the original report  
... from confusion about the  
... people on the plane.  
... Lockheed C-130 military  
... from the Kentucky Nation-  
... crashed into the rear of a  
... restaurant and the north side  
... of the Inn, spraying fire for  
... 100 feet. A tower of black  
... smoke was visible for miles.  
... 11 people were injured.  
... over the service station  
... and real loud and shook the  
... building hard and broke some  
... windows.  
... Please turn to Crash, Page 8

**C-130 Hercules**  
Medium to long-range military transport built by Lockheed

**AT-A-GLANCE**

<p><b>LENGTH:</b> 97 ft. 9 in. (29.79m) <b>HEIGHT:</b> 38 ft. 3 in. (11.68m) <b>WINGSPAN:</b> 132 ft. 7 in. (40.41m) <b>ENGINES:</b> Four T56 turboprops <b>CRUISE SPEED:</b> 340 mph (547 km/h)</p>	<p><b>RANGE:</b> 2,450 miles (3,943 km) <b>CREW:</b> 4 on flight deck <b>CAPACITY:</b> 92 troops or 42,673 lb. (19,356 kg) <b>FLIGHT:</b> Since 1954</p>
--	--

**OTHER:** This airplane can be fitted with skis and various loads can be carried under the wings. Over 1,870 have been delivered in more than 50 versions in 60 nations.

\*Range with maximum payload

Source: Jane's World Aircraft Recognition Handbook APC/YNM/Grw

# Pay as you look

## Bill would require state fee to view some wildlife sanctuaries

By DIRK MILLER 2-6-92  
THE JUNEAU EMPIRE

Visitors to the Pack Creek brown bear viewing area on Admiralty Island would be charged a state fee under a bill designed to capture revenue from those who come to view rather than harvest the state's wildlife.

Rep. Fran Ulmer, a Juneau Democrat, introduced the bill Wednesday with the backing of Gov. Walter J. Hickel's administration, environmental and sportsmen's groups.

The bill would require visitors to purchase a wildlife conservation tag before entering the Stan Price State Wildlife Sanctuary near Pack Creek, the McNeil River State Game Sanctuary in Cook Inlet or the Walrus Island State Game Sanctuary at Bristol Bay.

It gives the commissioner of Fish and Game the authority to set the cost of the tag and allows the revenues to go toward wildlife conservation programs. Other viewing areas could be added to the tag program in the future.

"This is a step in the right direction for the viewing, non-consumptive use public to participate in programs that address their interest," said Dick Bishop of the Alaska Outdoor Council. Bishop said the council's board would take an official position on the bill later this month.

"It's definitely headed in the right direction, it's a question of whether the details are correct," he said.

The bill has to work its way through two House committees before it can reach the full House for a vote, with Senate action then to follow. The legislative session is scheduled to end in about 14 weeks.

The Alaska Environmental Lobby Inc., a coalition of 19 Alaska environmental organizations, has come out in favor of Ulmer's bill.

"I think people feel a little bit like it's about time," said Marna Schwartz, the lobby's executive director. "At last, one of the most valuable aspects of Alaska's wildlife resource has been recognized."

Ulmer and the Hickel administration had been working on separate versions of the wildlife bill, and later decided to pool their efforts to produce the version Ulmer

Please turn to Fee, Page 8

# Exempted from wetlands regs

... at the urging of Sen. Ted Stevens, R-Alas-  
... companies and other pro-development groups,  
... in August decided that states that have

... able that minimization would satisfy  
... development on the North Slope, but  
... I am not satisfied that is the case,"  
... said Anne Brown, senior environ-

## Mineral closures

# Crash...

Continued from Page 1  
 windows. Then it hit the restaurant and there was a thud," said a Drury Inn employee who declined to give his name.

"The wing was sticking out of the back of the JoJo's at first. But since then it must have melted down because we can't see it," he said.

At midafternoon, the fire was out except for some smoldering spots. Firefighters were soaking debris with foam to prevent any reignition of fuel-soaked areas.

About one-fourth of the restaurant was destroyed by the impact of the plane; damage to the four-story hotel was largely caused by fire. The plane was destroyed; only the charred rear rudder was recognizable after the crash.

Most of the deaths appeared to be from fire or smoke inhalation, authorities said.

The 24-hour restaurant and motel are located on U.S. 41, about a mile from airport at this city of 125,000 at the southern tip of Indiana.

Capt. Phil Miller of the Kentucky National Guard said the guardsmen on the C-130 military transport plane were members of the 123rd Tactical Air Lift Wing based in Louisville, Ky., and were on a training flight.

Sandy Appler, director of marketing and public relations for Evansville Regional Airport, said the plane was making "touch-and-go" training maneuvers at the airport. During those maneuvers, the plane descends and barely touches the runway and then returns to the air, she said.

"It's a routine training maneuver," said Appler. "This was a large transport plane."

At least 11 people were being treated at Welborn and Deaconess hospitals, officials said. At least two of the victims had been inside the restaurant when the plane crashed, a Welborn spokeswoman said.

JoJo's manager Dennis Serio said the plane "came through the window. I got up and everyone was running toward the door. Walls were falling in.

# Wetlands...

Continued from Page 1  
 tacted about the policy change said they disapprove of treating Alaska wetlands differently and were preparing for a long regulatory battle.

Pamela A. Miller, assistant regional director of the Alaska chapter of the Wilderness Society, complained that - unlike the publicly debated proposal to redefine wetlands - the 1 percent exception for Alaska had been crafted by top cabinet officials in near-total secrecy.

"I think it is a terrible move for Alaska's wetlands, and it shows the Bush administration is being less than straightforward about what it is doing," Miller said.

# Health...

Continued  
 a system of tax credit reductions to help the poor come pay for health care of up to \$3,750 per family the full credit, or you could be paid to a health insurance only to those below the line and anyone whose earnings are above that would have to subtract from the deduction their own claim.

When fully phased in, the program will cost about \$1 billion a year, with the \$100 billion pinned to the first fiscal year, officials said.

Some 35 million Americans resenting 13 percent of the population, do not have health insurance. The administration says that even if the proposal is adopted, some 4.9 million would remain uninsured.

Bush targeted Medicare for savings, saying the program would increase by 1 percent this year. He pledged, "We will not cut benefits."

House Majority Leader Gephardt, D-Mo., said "we will put more money into insurance companies, but will do nothing to cover coverage affordable or if you can't have access to quality care."

"The president's plan is a disaster," said Dr. Joyce C. Hendon, president of the American Medical Association. She said Bush is "doing a Band-Aid on a needs 'radical surgery'."

Bush lashed out at Democrats who sponsored by Democratic

# Fee...

Continued from Page 1

sponsored. House Bill 446.

"We were both working on it in parallel courses," Ulmer said. "He (the governor) just has lots of bills to carry."

Dave Kelleyhouse, state Wildlife Conservation director, said the state spent \$325,000 on wildlife-watching programs last year. The revenues from tag sales could help fund more programs.

"There are a lot of projects in the wildlife-watching field that are just crying for funding," he said.

Hunters and fishermen have complained for years

that they pay for the management of fish and wildlife for their own use, while the viewing public sees it for free. Hunters and fishermen buy licenses and pay taxes when they purchase gear for their sport. More than 80 percent of the state's wildlife conservation budget comes from such fees.

In recent years, the trend toward wildlife watching has grown, Kelleyhouse said. In 1985, a U.S. Fish and Wildlife survey found that wildlife viewing nationally accounted for \$14 billion of the \$56 billion spent on activities associated with fish and game.

"People have a high value on being able to see wildlife in wild places," Schwartz said.

In Alaska, the study estimated that more than 288,000 people participated in wildlife watching in 1985.

# Closure...

Continued from Page 1

Creek Valley to Gold Creek. That possibility caused an outcry from independent miners. Echo Bay and mining advocates who were afraid such a closure would hamper Echo Bay or another mining company in developing future gold projects.

The city-borough assembly Monday also agreed a smaller mineral closure was in order. It approved of the state's revised 1,300-acre proposal, which primarily includes the Sheep Creek Valley, the site of some surface facilities and land above the A-J's ore body.

The federal Bureau of Land Management is conveying the acreage to the state as part of the statehood land selection process, and the state is developing a land-use plan for the area before completing the transfer.

"We feel confident that a mineral closure for this area prior to the state receiving title conveyance from BLM is necessary to

Association. "The magnitude of the Echo Bay project warrants this protection."

State officials have said that if some type of mineral closure isn't put in place, any claims in the area would become active claims when BLM hands over the land to the state. By closing the area to mineral entry, all claims would be invalidated and future claims blocked.

The proposed mineral closure does not include the A-J ore body, which Echo Bay leases from the municipality and Alaska Electric Light & Power Co.

Echo Bay had requested a much smaller mineral closure than the state's first proposal, to ensure that only lands required for mine operation would be affected.

The state's revised proposal of 1,300 acres is more in line with what the company had in mind. Echo Bay spokesman David Stone said today. "We're pleased to see that it has been reduced," he said.

Ron Schonenbach, regional

Echo Bay also has requested a "sunset clause" that would allow mineral entry in the closed area after five years.

"It's something that we've considered, but the more we've talked to the folks and to Echo Bay, they are not pushing that issue very hard," said Schonenbach. "We just want to get the smaller area closed ... and then take a look at the interest in that area on an annual basis."

Environmental groups, meanwhile, are remaining fairly quiet about the issue, but say they are keeping track of it.

Schonenbach said his department will accept public comments on the revised mineral closure until Feb. 14. After that, the director of the Division of Mining and the Division of Lands must sign off on the plan before it heads to Natural Resources Commissioner Harold Heinze for final approval, he said.

Municipal staff originally supported the larger closure for its protection of Gold Creek, which supplies much of Juneau's public

# Worker

Continued  
 on or after that date pay required under federal law.

Under Bush's proposal would be extended to workers, regardless of date. In addition, the law has to contribute a certain amount, as it already does for employees hired after the date.

Bush's Medicare proposal apparently would affect municipal and federal workers wide, but municipal workers in Juneau would not be affected because they already have health insurance, said Kathy Huston of the city payroll department.

The tax proposal posed by the Alaska Teachers Association, which has about 8,600 state workers, is a major concern for the association business manager, Maupin.

HB446

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/92

FURTHER:

DATE TURNED  
INTO OFFICE:

5/11/92

The Finance Committee considered CS FOR HOUSE BILL NO. 446 (RESOURCES)

Relating to the wildlife conservation tag and to entry onto state game and wildlife sanctuaries, state game refuges, state range areas, and fish and game critical habitat areas; efd.

and recommends:

replace with 3 CS CSHB 446 (FINANCE)

or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_

attaches amendment(s)

same title  
 new title  
 technical  
title change  
(HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes DFG \$10.4 2/25/92

**DO PASS:**

**OTHER RECOMMENDATIONS:**

1. [Signature]  
Co-Chair: Signature/Recommendation

2. [Signature]  
Co-Chair: Signature/Recommendation

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

REPORTED OUT OF NOTE

SFC 5-12-92

No. 1  
Bill Version: CSHB 446 (RES)  
(H) Publish Date: 2-28-92

Revision Date: 2/25/92  
Title: An Act relating to the wildlife conservation tag and sanctuary entry  
Sponsor: Representative Ulmer  
Requestor: House Resources

Department Affected: Fish and Game  
BRU: Wildlife Conservation  
Component: Wildlife Conservation  
COMPONENT SERIAL NO. 

0	4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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TRAVEL						
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SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.4	9.4	8.1	9.4	9.7	9.9

CAPITAL						
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REVENUE FUND SOURCE: 1004	37.0	45.0	50.0	55.0	60.0	65.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	10.4	9.4	8.1	9.4	9.7	9.9
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	10.4	9.4	8.1	9.4	9.7	9.9

POSITIONS:

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

Estimate of current year impact: No FY92 impact.

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared By: Diana Ground Phone: 465-4190  
Division: Division of Wildlife Conservation Date: 2/25/92  
Approved by Commissioner: [Signature]  
Agency: Department of Fish and Game Date: 2/25/92

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

FISCAL ANALYSIS of CSHB 446 (res)

The bill analysis is based on the following assumptions:

1. the fee for the wildlife conservation tag is \$10.00.
2. voluntary sales will start at 500/annum; double in the second year; and increase by 20 percent annually through FY98.
3. sales of tags to visitors at Round Island (Walrus Islands State Game Sanctuary) will remain constant at 200/annum; at Pack Creek at 1000/annum; and applicants for McNeil Sanctuary viewing permits will increase from 2000 to 3500/annum through FY98.
4. half of all tags sold will be by license vendors with the other half sold by state agency offices.

No new positions will be required for this program. In the first year (FY93) approximately 2 man-months of an existing Wildlife Biologist position will be needed to establish the program; thereafter 1.5 man-months will be needed to continue the program. In addition, .5 man-months of a Data Processing Clerk I position will be necessary to handle application requests, fill orders from vendors, etc. Other operating costs will be for printing of the tags, distribution to vendors, promotional materials.

Revenue to fund this program would consist of program receipts.

*Adopted  
ordered  
5-11-92  
10:00 am*

7-LS1864M  
Utermohle  
5/10/92

**SENATE CS FOR CS FOR HOUSE BILL NO. 446 (FINANCE)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

Offered:

Referred:

Sponsor(s): REPRESENTATIVES ULMER, Grussendorf, Koponen, G.Phillips

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the wildlife conservation tag and to entry onto state game and  
2 wildlife sanctuaries, state game refuges, state range areas, and fish and game critical  
3 habitat areas; and providing for an effective date."

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

5 \* Section 1. FINDINGS. The legislature finds that

6 (1) the diversity of wildlife species in Alaska and the size of Alaska make wildlife  
7 management extremely expensive;

8 (2) the growth in Alaska's human population has placed pressure upon wildlife habitat  
9 and wildlife populations and has increased demand for use and appreciation of wildlife;

10 (3) the Board of Game and other resource management agencies need current, accurate  
11 wildlife population and human use data for regulatory and planning purposes;

12 (4) the quality and extent of wildlife information provided by the Department of Fish and  
13 Game have a direct effect on the types and levels of human use of wildlife that are allowed;

14 (5) the cause of wildlife conservation would benefit from money generated by a wildlife

1 conservation tag to supplement, but not to supplant, money available for wildlife conservation purposes  
2 from other sources;

3 (6) programs that benefit nongame species of wildlife, threatened and endangered species  
4 of wildlife, wildlife education, and wildlife viewing would be enhanced by money generated by a  
5 wildlife conservation tag.

6 \* Sec. 2. AS 16.05.350 is amended to read:

7 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and tags required  
8 under AS 16.05.330 - 16.05.430, except biennial licenses, the nonresident special sport fishing  
9 license, the resident trapping license, and the waterfowl conservation tag, expire at the close of  
10 December 31 following issuance. Biennial licenses expire after December 31 of the year  
11 following the year of issuance. The resident trapping license expires at the close of September  
12 30 of the year following the year in which the license is issued. The waterfowl conservation tag  
13 expires at the close of January 31 of the year following the year of issue of the tag. The wildlife  
14 conservation tag under AS 16.05.828 expires at the close of December 31 following issuance.

15 \* Sec. 3. AS 16.05 is amended by adding a new section to read:

16 Sec. 16.05.828. WILDLIFE CONSERVATION TAG PROGRAM. (a) In order to  
17 provide support for the wildlife conservation activities of the department, there is established the  
18 wildlife conservation tag program.

19 (b) The commissioner shall provide a patch, emblem, decal, stamp, or other suitable item  
20 to serve as a wildlife conservation tag. The wildlife conservation tag and proof of purchase of  
21 a wildlife conservation tag shall be available through vendors of fish and game licenses.

22 (c) The commissioner shall establish the cost of a wildlife conservation tag by regulation.

23 (d) The proof of purchase of a wildlife conservation tag entitles the purchaser, after  
24 complying with other applicable statutes and regulations, to

25 (1) apply, under terms and at locations established by the commissioner by  
26 regulation, for a permit to enter an area identified by the commissioner by regulation where a  
27 permit is required for entry into the area; and

28 (2) enter a state game or wildlife sanctuary, and as identified by the commissioner  
29 by regulation, other land designated as a state game refuge, state range area, or fish and game  
30 critical habitat area, where a permit is not required for entry into the area.

31 (e) The commissioner may designate by regulation those state game and wildlife

1 sanctuaries, state game refuges, state range areas, and fish and game critical habitat areas where  
2 possession of a valid hunting license during open hunting seasons or of a subsistence hunting or  
3 fishing permit that is valid for that location may substitute for a wildlife conservation tag.

4 (f) The revenue received from the sale of wildlife conservation tags may be appropriated  
5 by the legislature to the department for programs that benefit nongame species of wildlife,  
6 threatened and endangered species of wildlife, wildlife education, and wildlife viewing. In this  
7 subsection,

8 (1) "nongame species" means a species of wildlife that may not be taken under  
9 a hunting or trapping license; and

10 (2) "wildlife" means a species of bird, amphibian, reptile, or mammal, including  
11 a feral domestic animal, found or introduced into the state, except domestic birds and mammals.

12 (g) The department may contract with a person to perform the responsibilities of the  
13 department under this section to provide a wildlife conservation tag. Contracting under this  
14 subsection is governed by AS 36.30 (State Procurement Code), except that a contract may include  
15 provisions for advance payment or reimbursement for services performed under the contract.

16 \* Sec. 4. AS 16.20.170 is amended by adding a new subsection to read:

17 (b) A person, other than a person lawfully engaged in subsistence hunting or fishing, may  
18 not enter the McNeil River State Game Sanctuary without having in the person's possession a  
19 proof of purchase of a wildlife conservation tag.

20 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

May 6, 1992

TO: Senator Pat Pourchot, Chair  
Senate Finance Committee

FROM: Rep. Fran Ulmer

RE: HB 446 - "wildlife conservation tags"

-----  
I am requesting a hearing on HB 446 at your earliest convenience. The bill is expected to pass out of Senate Resources today and will be referred to your committee. HB 446 is designed to provide an alternate source of funds for the wildlife conservation efforts in the state. The bill, which passed the House by unanimous vote, will allow the sale of wildlife conservation tags to visitors to the state's game refuges, sanctuaries and other areas.

In addition, HB 446 would:

- \* allow the production of a patch, decal or other emblem to be sold with each tag, so visitors can show they're supporting wildlife conservation in Alaska.
- \* require that the money from the sale of the conservation tags be earmarked for wildlife conservation purposes.
- \* require the tags for entry to the Stan Price Sanctuary, the MacNeil River Sanctuary, and the Walrus Island Sanctuary.
- \* allow the Commissioner of Fish and Game to add other areas to the tag program, including state refuges, ranges and critical habitat areas.

Currently, over 80% of ADF&G's wildlife conservation budget comes from hunters in the form of licenses and excise taxes on firearms and ammunition. An alternative source of funds will help answer a growing concern that not enough is being done to preserve wildlife and give non-consumptive users an increased responsibility in providing for the future management of our wildlife.

Groups and individuals representing a wide spectrum of interests support this legislation.

Thank you for your prompt attention to this matter

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

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

May 7, 1992

RECEIVED MAY 7 1992

The Honorable Pat Pourchot, Co-Chair  
The Honorable Jalmar M. Kerttula, Co-Chair  
Senate Finance Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senators:

The Department of Fish and Game would like to recommend three amendments to CS ~~HB446~~ (Resources). These deal with the deletion of Sections 4 and 5 of the bill.

The purpose of CS HB446 is to provide a means for people interested in wildlife viewing, photography and other nonconsumptive uses of wildlife to contribute toward the costs of management associated with these activities. The department expects that nonresident visitors to Alaska will comprise the vast majority of the people who purchase wildlife conservation tags.

The department recommends deletion of section 4 from the bill, because local residents in the vicinity of the Walrus Island State Game Sanctuary use the area for customary and traditional subsistence activities. It is not the department's intention that legitimate subsistence users be required to purchase a wildlife conservation tag.

Deletion of this section requiring that all visitors purchase a tag, would allow the department to develop regulations which would require fees for certain users and exempt other users, such as subsistence users. Any regulations for the Walrus Island State Game Sanctuary would be developed after consultation, and public hearings, with local residents to ensure that customary and traditional users were exempted from any requirement to purchase a wildlife conservation tag.

The U.S. Forest Service has advised the Department of Fish and Game that they have objections to a mandatory fee to enter the Stan Price State Wildlife Sanctuary. It is the department's recommendation that section 5 be deleted from the bill in order to accommodate the concerns of the US Forest Service. This would give the commissioner the flexibility to develop regulations regarding

May 7, 1992

imposition of any wildlife conservation tag in the Stan Price State Wildlife Sanctuary in consultation with the US Forest Service, and consistent with the Stan Price Wildlife Sanctuary organic legislation.

The third amendment which the department proposes would add the words "and locations" after the words "...under terms..." and before the words "...by the commissioner..." on page two, line twenty-five. This language makes it clear that any locations to which the commissioner proposes applying the wildlife conservation tag fee for entry, would be subject to the adoption of regulations under the Alaska Administrative Procedures Act. This would give the public and interested agencies, such as the U.S. Forest Service, an opportunity to testify and have any concerns considered before regulations were adopted.

Sincerely,



Ron Somerville  
Deputy Commissioner

Enclosure

cc: Senator Zharoff

1 conservation tag to supplement, but not to supplant, money available for wildlife conservation purposes  
2 from other sources;

3 (6) programs that benefit nongame species of wildlife, threatened and endangered species  
4 of wildlife, wildlife education, and wildlife viewing would be enhanced by money generated by a  
5 wildlife conservation tag.

6 \* Sec. 2. AS 16.05.350 is amended to read:

7 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and tags required  
8 under AS 16.05.330 - 16.05.430, except biennial licenses, the nonresident special sport fishing  
9 license, the resident trapping license, and the waterfowl conservation tag, expire at the close of  
10 December 31 following issuance. Biennial licenses expire after December 31 of the year  
11 following the year of issuance. The resident trapping license expires at the close of September  
12 30 of the year following the year in which the license is issued. The waterfowl conservation tag  
13 expires at the close of January 31 of the year following the year of issue of the tag. The wildlife  
14 conservation tag under AS 16.05.828 expires at the close of December 31 following issuance.

15 \* Sec. 3. AS 16.05 is amended by adding a new section to read:

16 Sec. 16.05.828. WILDLIFE CONSERVATION TAG PROGRAM. (a) In order to  
17 provide support for the wildlife conservation activities of the department, there is established the  
18 wildlife conservation tag program.

19 (b) The commissioner shall provide a patch, emblem, decal, stamp, or other suitable item  
20 to serve as a wildlife conservation tag. The wildlife conservation tag and proof of purchase of  
21 a wildlife conservation tag shall be available through vendors of fish and game licenses.

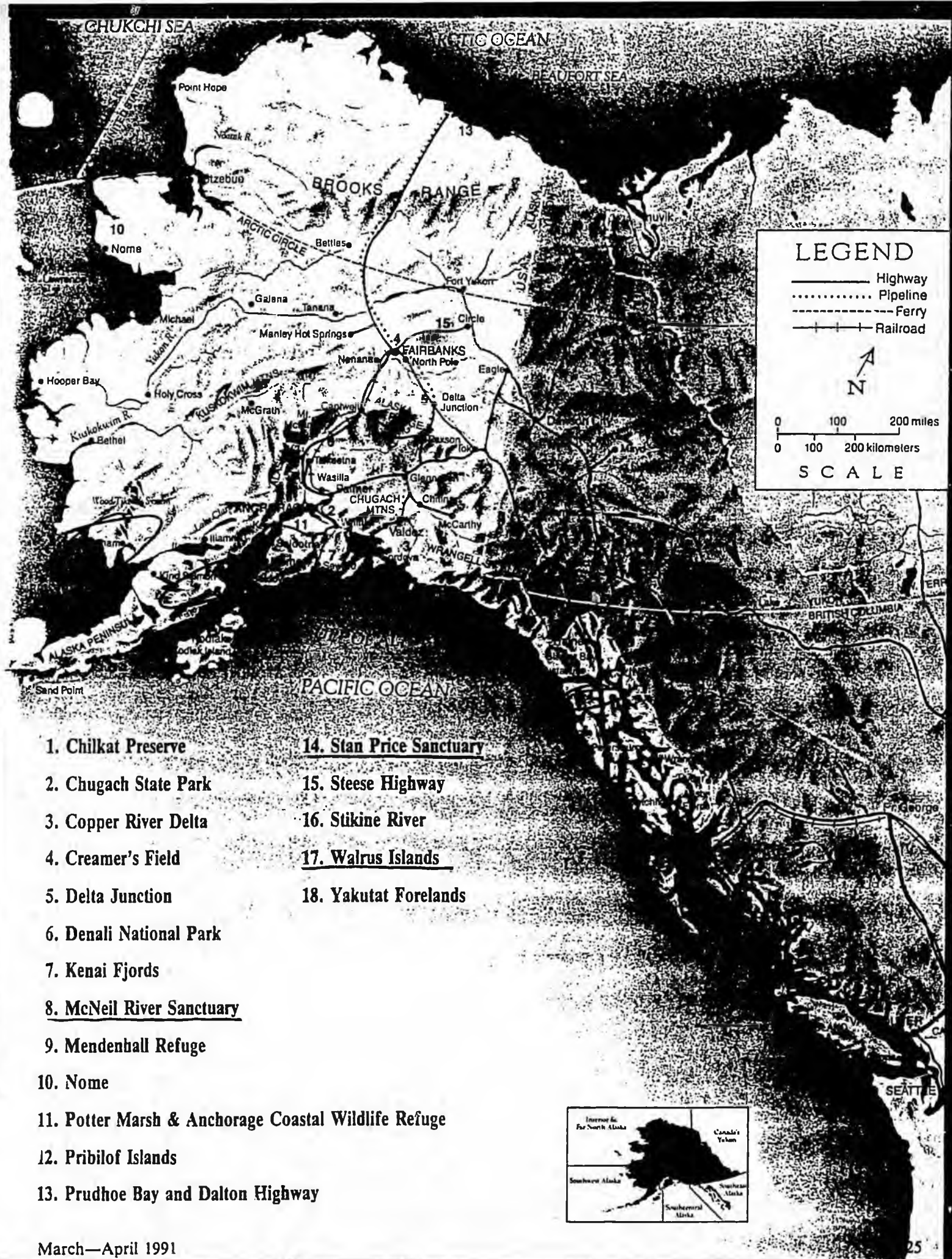
22 (c) The commissioner shall establish the cost of a wildlife conservation tag by regulation.

23 (d) The proof of purchase of a wildlife conservation tag entitles the purchaser, after  
24 complying with other applicable statutes and regulations, to

25 (1) apply, under terms <sup>of location</sup> established by the commissioner by regulation, for a permit  
26 to enter a state game or wildlife sanctuary or other area identified by the commissioner by  
27 regulation where a permit is required for entry into the area; and

28 (2) enter state game and wildlife sanctuaries and, as identified by the  
29 commissioner by regulation, other land designated as state game refuges, state range areas, and  
30 fish and game critical habitat areas where a permit is not required for entry into the area.

31 (e) The commissioner may designate by regulation those state game and wildlife



**LEGEND**

- Highway
- ..... Pipeline
- - - - - Ferry
- + + + + + Railroad



0 100 200 miles  
0 100 200 kilometers

**S C A L E**

- |  |                           |
|--|---------------------------|
| 1. Chilkat Preserve                                  | 14. Stan Price Sanctuary  |
| 2. Chugach State Park                                | 15. Steese Highway        |
| 3. Copper River Delta                                | 16. Stikine River         |
| 4. Creamer's Field                                   | 17. <u>Walrus Islands</u> |
| 5. Delta Junction                                    | 18. Yakutat Forelands     |
| 6. Denali National Park                              |                           |
| 7. Kenai Fjords                                      |                           |
| 8. <u>McNeil River Sanctuary</u>                     |                           |
| 9. Mendenhall Refuge                                 |                           |
| 10. Nome   |                           |
| 11. Potter Marsh & Anchorage Coastal Wildlife Refuge |                           |
| 12. Pribilof Islands                                 |                           |
| 13. Prudhoe Bay and Dalton Highway                   |                           |



## Walrus Islands State Game Sanctuary (Round Island) ★

### Location and Access

These islands are approximately 70 miles southwest of Dillingham in southwestern Alaska and have virtually no amenities. An access permit is required to visit Round Island, and the numbers of campers and day visitors are limited. Most visitors arrive by charter boat from Togiak when conditions permit. Seasonal sanctuary staff ferry visitors from the boat or plane to the rocky shore via a small inflatable raft.

### Viewing Opportunities and Seasons

Round Island, one of the islands in this remote state sanctuary, is home to a unique concentration of male walrus each summer. As many as 14,000 male walrus rest here between periodic feeding forays for clams and other shellfish. Up to 1,000 Steller sea lions haul out here, and hundreds of thousands of seabirds (mostly murre, kittiwake, cormorant, auklet, puffin, and gull) nest here. A small resident population of "tolerant" red foxes often allows good photographic opportunities as well. From late May through August is the best time to visit.

### Habitat

The island habitats include marine waters, rocky shorelines, and moist alpine tundra.

### Advice and Cautions

Travel to Round Island is expensive and can be dangerous. Visitors should be in very good physical condition and have appropriate clothing and gear for wet and extremely windy weather.

Above, top: Watching walrus, Round Island.

Above: Red foxes are commonly seen on Round Island.



Nancy Tankersley

## Pribilof Islands, Alaska Maritime National Wildlife Refuge

### Location and Access

These are remote oceanic islands off southwest Alaska, accessible by commercial air service from Anchorage during the summer. Portions of the islands are included in the 3.5 million acre Alaska Maritime National Wildlife Refuge, and other portions are occupied by year-round residents. Guided land tours and hotels are available.

### Viewing Opportunities and Seasons

The Pribilof Islands have some of the largest seabird colonies in the northern hemisphere. Common nesting seabirds include fulmars, cormorants, murre, kittiwake, auklet, and puffin, which are best seen from late May to early August. Sightings of rarer Asiatic birds mostly occur during migration in spring (mid-May to early June) and fall (early August to mid-September). The world's largest rookery for northern fur seals is on St. Paul Island, and harbor seals and Steller sea lions are also commonly seen during the summer.



John Hyde

### Habitat

These islands have extensive rocky cliffs where the seabirds nest, and also have areas of coastal wetlands and tundra. Tundra wildflowers can be spectacular from mid-June through July.

### Advice and Cautions

Bring appropriate clothes and equipment for foggy, windy, and rainy weather. Fog frequently closes the airport, so leave some flexibility in your travel schedule. A bird checklist is available.



## McNeil River State Game Sanctuary

### Location and Access

This remote sanctuary is located approximately 100 miles southwest of Homer. Most visitors arrive by float-plane from Homer, with arrivals and departures coinciding with high tides. A permit is required to visit the falls during June, July, and August; the deadline for applications to enter the permit lottery is April 1. All visitors are accompanied to the falls by sanctuary staff.

### Viewing Opportunities and Seasons

McNeil River State Game Sanctuary has Alaska's largest concentration of brown bears, gathering during the summer to feed on spawning chum salmon at the McNeil River falls. July is the peak month when up to 65 bears have been seen at one time. Red foxes, bald eagles, gulls, murrelets, and cormorants are commonly seen during the summer as well.

### Habitat

This area is mostly open country, featuring creeks and rivers, shrub thickets, coastal wetlands, rocky shorelines and cliffs, and marine waters.

### Advice and Cautions

Sanctuary staff are committed to providing a safe environment for bears and people and sanctuary regulations are strictly enforced. Weapons are allowed but not necessary. No bears or people have been injured since the permit system was initiated in 1973. All visitors must be self-sufficient as facilities are limited to a primitive campground with a cook cabin and an outhouse. Visits to the falls require a three-mile hike, round trip. High quality warm clothing, rain-gear, and hip waders are essential, as the weather is frequently cool, wet, or windy. A good camera with a telephoto lens and lots of film are strongly recommended.



John Hyde

## Chilkat Bald Eagle Preserve /Haines Highway

### Location and Access

The preserve, a unit of the state park system, is accessible from Mileposts 19-26, north of Haines. The only facilities available within the preserve are portable toilets, garbage containers, and highway turnouts. Visitors stay in nearby Haines, which is accessible by ferry from the south, by regularly scheduled air taxi flights from Juneau, or by highway from the north. During fall and winter, commercial tours provide transportation and guides for view-



John Hyde

ing and photography expeditions to view the eagle concentrations, while "do-it-yourselfers" who arrive without a vehicle can combine a hotel/motel stay with car rental. During summer, natural history-oriented tours of the Chilkat Valley are provided by commercial tour operators based in Haines.

### Viewing Opportunities and Season

The winter gathering of bald eagles on their "council grounds" to feed on salmon in the Chilkat River is the largest gathering of eagles in the world. Numbers of eagles begin building up in late September and peak as high as 3,500 in November. High numbers usually remain into January, unless cold weather freezes over the open channels sooner.

### Habitat

A 48,000-acre preserve surrounds the unique stretch of the Chilkat River where upwellings of warm water below



John Hyde

the massive Turku River alluvial fan persist late into winter. The late fall run of chum salmon attracts the large numbers of eagles because it is their sole abundant food source during late fall and early winter.

### Advice and Cautions

Park only at turnouts along the Haines Highway. To reduce disturbance to the eagles, view and photograph them from a distance, using binoculars and telephoto lenses. Remember that the birds cannot afford unnecessary expenditures of energy during this stressful period.

John Hyde



John Hyde

## Stan Price State Wildlife Sanctuary/Pack Creek

### Location and Access

The refuge is located 28 miles south of Juneau on Admiralty Island. Access is by charter boat or air taxi from Juneau. Guided tours are available from commercial tour operators. Some visitors arrive by kayak, available for rental in Juneau, but the required open water crossing between Juneau and Admiralty Island can be difficult in bad weather. Primitive camping is allowed in designated areas.

### Viewing Opportunities and Seasons

Located on Pack Creek, the Stan Price State Wildlife Sanctuary is becoming increasingly popular for its opportunities to view and photograph brown bears in July and August. A small portion of the famed Admiralty Island "Fortress of the Bears," the Pack Creek area has been closed to bear hunting for many years and is jointly managed by the U.S. Forest Service and the Alaska Department of Fish and Game. The bears tolerate a certain amount of human presence and visitors can view and photograph bears fishing for salmon and interacting. Sows and sow-cub groups are the primary users. The salmon runs attract bald eagles and gulls as well.

### Habitat

Pack Creek is typical of many streams on the large islands of the Alexander Archipelago. It passes through the coastal spruce-hemlock forest and supports runs of pink and chum salmon which attract bears and other predators. A broad estuary and tidal flat at the stream's mouth is used frequently as a travel route and resting area by bears.

### Advice and Cautions

Brown bears can be extremely dangerous and unpredictable. Visitors must obtain a permit from the U.S. Forest Service in Juneau or the Regional Division of Wildlife Conservation office in Douglas. Permits are free and currently not limited to a specific number each day. An orientation to the area and rules to increase (but not guarantee) your safety in the area are provided upon arrival.



John Hyde

**Top:** Viewers look for brown bears at Stan Price State Wildlife Sanctuary.

**Left:** In her younger days, this female was a nuisance to Pack Creek visitors.

With better management systems now in place, she has gotten over her bad habit of looking to people for food.

Alaska's wildlands provide a rich variety of recreational and educational experiences found nowhere else in the world. This issue of *Alaska's Wildlife* focuses on wildlife watching opportunities in Alaska and their relationship to economics and conservation.

According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, more than 167 million Americans (about 75 percent) participated in hunting, fishing or wildlife watching during 1985. The survey also identified wildlife watching (including viewing, photography, and feeding) as the fastest growing segment of wildlife recreation, with 135 million participants age 16 years old or older accounting for \$14 billion in annual expenditures. The same survey estimated that 288,000 Alaskans participated in wildlife watching in 1985. Clearly, wildlife watching has become a significant and growing recreational pursuit in Alaska and across the nation.

Wildlife managers throughout the United States are being challenged by diverse and increasing demands for wildlife recreation while, concurrently, wildlife habitat is shrinking and becoming fragmented. Revenues to support management and conservation programs are also declining. In recognition of this dilemma and the burgeoning public interest in wildlife, state and federal wildlife agencies are embracing the national "Watchable Wildlife" initiative. The central focus of this initiative, which is endorsed by national conservation groups (including Defenders of Wildlife, Fish and Wildlife Club, National Audubon Society, and National Wildlife Federation), federal land management agencies, and the International Association of Fish and Wildlife Agencies, is to promote and expand wildlife recreation and education. This, in turn, is expected to broaden public support and funding for the conservation of all wildlife species and their habitats.

Like our counterparts in Colorado, Montana, Oregon, and Wyoming, the Division of Wildlife Conservation recognizes the opportunity the "Watchable

Wildlife" initiative represents for enhancing wildlife recreation and conservation in Alaska. This should not be interpreted as abandoning our traditional hunting constituency, nor decreasing our efforts to provide for sustained yield of game resources. Rather, we are acknowledging an expanding public interest in wildlife conservation and management and we will begin broadening our programs to reflect that change. All wildlife users (including hunters, wildlife watchers, and tour operators) must recognize that the conservation of wildlife habitat is the common ground they share in their pursuit of wildlife opportunities throughout this remarkable state.

We have the opportunity in Alaska for developing a wildlife recreation and conservation program that could stand as a model for the world. There are few areas on earth that capture people's enthusiasm for experiencing wildlife and wildlands more than Alaska. Tourism has become a billion dollar industry in Alaska and our spectacular wildlife resources are one of the state's primary attractions. A brief glance at Alaska travel brochures lends credence to this point. Where else can you walk on an ocean beach and watch mountain goats, brown bears, bald eagles, and humpback whales; or hike a tundra ridge and observe caribou, Dall sheep, snowy owls, muskoxen, wolves, and hundreds of thousands of migratory birds? In east Africa where wildlife viewing and photography have become a major industry, they say, "If wildlife pays, wildlife stays."

This issue of *Alaska's Wildlife* highlights some of the world's premiere viewing areas, explains how and when to find several of the most sought-after species, and how we manage for wildlife viewing. You will also learn more about the importance of wildlife to the tourism industry and its potential economic significance to the state.

Although Alaska has outstanding potential for wildlife watching, we are at an early stage in our development of these new programs. One of our new projects, in cooperation with other resource agen-



John V. Schoen

cies, will be a revision of the department's *Guide to Wildlife Viewing in Alaska* as part of a new national series. A key to successfully broadening the division's wildlife program will be finding new alternative funding sources. Currently, over 80 percent of our division's budget comes from hunters through the sale of hunting licenses and excise taxes on firearms and ammunition.

Successful conservation of Alaska's unique wildlife heritage will require broad-based public support and interagency cooperation. We believe that expanding wildlife recreational and educational opportunities in Alaska will increase the public's enjoyment of their wildlife resources, promote long-term conservation, and benefit the Alaskan economy. We welcome your ideas and comments as we begin our new and exciting journey toward expanding wildlife management on the last frontier.

John Schoen in the senior staff biologist for Conservation and Education, Division of Wildlife Conservation, ADF&G, Fairbanks.

# A Growing Nation

Americans' love affair with the great outdoors traditionally has been expressed through sport fish and game activities. But more recently, the relationship has been marked by a growing national interest in wildlife viewing and appreciation. Wildlife viewers are becoming increasingly vocal on the need for more attention to all wildlife, including the 90 percent of all species that are neither hunted nor fished.

The 1980 U.S. Fish and Wildlife Service Survey of Fishing, Hunting, and Wildlife Associated Recreation showed that some 93 million Americans, age 16 years and older, participated in some form of wildlife viewing, feeding, or photography as a primary or secondary recreational activity. By 1985, the number had increased to nearly 135 million—a 43 percent increase. The 1986 report by the President's Commission on Americans Outdoors identified wildlife-associated recreation as one of the nation's most popular outdoor activities.

#### Effects on Federal Agencies

Several federal agencies have responded to this trend by integrating wildlife viewing into all resource planning efforts and developing new recreation and conservation programs. The U.S. Forest Service's (USFS) "Eyes on Wildlife" program has resulted in enhancements like viewing platforms and blinds and interpretative information for viewers. The Forest Service has also entered into an agreement with Defenders of Wildlife to coordinate the publication of a state-by-state series of wildlife viewing guide books.

The U.S. Fish and Wildlife Service (USFWS) has joined the charge by playing a prominent role in seeking funding for the federal Fish and Wildlife Conservation Act (1980). [The Act (also known as the Nongame Act) was intended to provide funding

to state fish and wildlife agencies to develop and implement comprehensive wildlife conservation plans to benefit species overlooked by traditional game management programs.

The Bureau of Land Management (BLM) has also embraced this trend with enthusiasm, developing a strategic plan to implement more recreation and conservation programs to

benefit viewers. BLM also deserves much of the credit for coordinating a partnership of 14 national agencies and conservation groups in a Memorandum of Understanding (MOU) to support wildlife viewing nationwide. Implementation of this national MOU offers exciting opportunities for cooperation among a variety of groups, including the military, federal natural resource agencies, the International Association of Fish and Wildlife Agencies, Defenders of Wildlife, Izaak Walton League, and other conservation groups to develop recreation, education, and conservation programs to benefit viewers.

One product of this partnership has resulted in the Federal Highway Administration adopting a binocular symbol as the official roadside logo for wildlife viewing areas. This logo will aid travelers in finding designated viewing sites along the nation's highways and roads.



John Hyde

#### Effects on State Agencies

In response to public concern, many state wildlife agencies began expanded efforts towards nongame species in the late 1970s and early 1980s. Funding for many of these programs was based on or enhanced by voluntary income tax donations. Although \$11-15 million has been generated by 34 states annually, most nongame programs have been underfunded and understaffed, constituting less than 3 percent of statewide wildlife management budgets! The voluntary nature of the

# Recreation

by Sara Vickerman and Wendy Hudson

donations and growing competition from other income tax check-offs have rendered them an unreliable source of revenue. In any case, estimates are that at least 30 times the annual amount is needed nationally to conduct viable nongame and watchable wildlife programs.

At the same time, hunting has shown a steady decline nationally. In California, for example, the Department of Fish and Game posted a budget deficit of nearly \$10 million in 1990 and anticipates a deficit of \$12.6 million in 1991. "With their budgets still tied to license sales," writes Tom Arrandale in *High Country News*, "most state agencies lack the funds they need to protect nongame species and counter habitat destruction." In the face of declining hunting-related and nongame checkoff revenues, state wildlife managers are beginning to court additional political and financial support from wildlife viewers, most of whom do not fish nor hunt.

Wyoming was one of the first states to recognize that visitors were spending phenomenal sums annually to visit the state to enjoy its wildlife. The Wyoming Game and Fish Department, in coordination with their state tourism agency, developed a trademarked name, "Wyoming's Wildlife - Worth the Watching," and a professional public relations campaign to increase wildlife viewing tourism. Oregon, Montana, Utah, and Idaho also are developing viewing programs, and have published statewide viewing guide books as part of the national series with Defenders of Wildlife. Along with the guide books, these states have formally designated viewing sites, installed signs with the binocular logo, and developed interpretive materials for viewers.

In many of these states, it is hoped that by obtaining the political and financial support of hunters and wildlife viewers, and by enlisting the aid of the tourism industry, state conservation efforts can be expanded.

## The Winning Formula

The ultimate success of these efforts, however, depends on our collective ability to maintain, and in some cases restore, habitat to support a natural diversity of wildlife. Recently, the U.S. Fish and Wildlife Service released its Strategic Planning Document that has as its centerpiece the conservation of biological diversity. The President's Commission on Americans Outdoors recommended the protection and enhancement of recreation opportunities on federal lands and waters, including long-term emphasis on conservation of natural resources. The commission also encouraged educators to integrate environmental issues into basic education, and urged federal resource agencies to help children experience the nation's diverse ecosystems.

For natural resource agencies, achieving broad conservation goals means making fundamental changes in policies, structure, funding, and constituencies. It means breaking out of the mold, taking risks, communicating with unfamiliar people, and accommodating the ecological requirements of some little known and unappreciated creatures and the vegetation upon which they depend.

Alaska has a tremendous opportunity--perhaps the last in North America--to design and implement a world-class wildlife recreation and conservation program, and to prevent the endangered species crises we have seen with alarming frequency in many other states. Defenders of Wildlife applauds the Alaska Department of Fish and Game for its interest in and dedication to the conservation of wildlife diversity, and for sharing its magnificent lands and inhabitants with those of us who are lucky enough to visit once or twice in a lifetime.

*Sara Vickerman is Regional Program Director and Wendy Hudson is Communications Coordinator for the Defenders of Wildlife in Portland, Oregon.*

