

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 808

SENATE CS FOR CS FOR HOUSE BILL NO. 596 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SPECIAL SESSION

BY THE SENATE FINANCE COMMITTEE

Offered 5/15/92
Referred: Rules

Sponsor(s): HOUSE FINANCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers, duties, and operations of certain state agencies, including
2 those of the Alaska Science and Technology Foundation, fees and charges collected by
3 agencies, the disposal or leasing of state land or interests in state land, the management
4 of public recreational land and the management of state parks and recreation areas, vehicle
5 registration, state procurements, the employment assistance and training program fund,
6 contracts relating to prisoners, and the recording of public documents; and providing for
7 an effective date."

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

9 * Section 1. AS 08.01.065(c) is repealed and reenacted to read:

10 (c) The department shall establish fee levels under (a) of this section so that the total
11 amount of fees collected for an occupation approximately equals the actual regulatory costs for
12 the occupation. The department shall annually review each fee level to determine whether the
13 regulatory costs of each occupation are approximately equal to fee collections related to that

1 occupation. If the review indicates that an occupation's fee collections and regulatory costs are
2 not approximately equal, the department shall calculate fee adjustments and adopt regulations
3 under (a) of this section to implement the adjustments. In January of each year, the department
4 shall report on all fee levels and revisions for the previous year under this subsection to the office
5 of management and budget. If a board regulates an occupation covered by this chapter, the
6 department shall consider the board's recommendations concerning the occupation's fee levels
7 and regulatory costs before revising fee schedules to comply with this subsection. In this
8 subsection, "regulatory costs" means costs of the department that are attributable to regulation
9 of an occupation plus

10 (1) all expenses of the board that regulates the occupation if the board regulates
11 only one occupation;

12 (2) the expenses of a board that are attributable to the occupation if the board
13 regulates more than one occupation.

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

15 (a) Fees for licenses and tags are as follows:

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

17 However, the fee is 25 cents for a resident who is blind.

18 (2) Resident hunting license 25 [12]

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

20 (4) Resident trapping license 15 [10]

21 (5) Resident hunting and sport fishing license 40 [22]

22 (6) Resident hunting, trapping, and sport fishing license 55 [32];

23 (A) however, the fee is \$5 for an applicant who

24 (i) is receiving or has received assistance during the preceding six
25 months under any state or federal welfare program to aid the indigent, or

26 (ii) has an annual family gross income of less than \$8,200 for the
27 year preceding application;

28 (B) a person paying \$5 for a resident hunting, trapping, and sport fishing
29 license must provide proof of eligibility under this paragraph when requested by the
30 departments.

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

1 the license

- 2 (A) For 14-day license \$ 30
3 (B) For three-day license 15
4 (C) For one-day license 10
5 (8) Nonresident sport fishing license 50
6 (9) Nonresident hunting license 85
7 (10) Nonresident hunting and sport fishing license 135

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

- 14 (11) Nonresident hunting and trapping license \$250
15 (12) Fur dealers
16 (A) Resident fur dealer biennial license 150
17 (B) Nonresident fur dealer biennial license 500
18 (13) Taxidermists
19 (A) Resident taxidermy biennial license 200
20 (B) Nonresident taxidermy biennial license 500
21 (14) Aquatic farming triennial license 400
22 (15) Nonresident big game tags
23 (A) Bear, black, each 225
24 (B) Bear, brown or grizzly, each 500
25 (C) Bison, each 450
26 (D) Caribou, each 325
27 (E) Deer, each 150
28 (F) Elk, each 300
29 (G) Goat, each 300
30 (H) Moose, each 400
31 (I) Sheep, each 425

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- (J) Wolf, each 175
- (K) Wolverine, each 175
- (L) Musk oxen, each 1,100

(16) Resident big game tags

- (A) Bear, brown or grizzly, each \$25

The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

- (B) Musk oxen, each 500

However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(17) Waterfowl conservation tag 5

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- (i) qualifies for a \$5 license fee under (6) of this subsection;
- (ii) is a resident under the age of 16;
- (iii) is 60 years of age or older and is a resident;
- (iv) is a disabled veteran eligible for a free license under

AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

(18) Game farming

- (A) Game mammal or game reptile farming biennial license ... \$250
- (B) Game bird farming biennial license 50

(19) Nonresident small game hunting license 20

(20) Nonresident alien hunting license 300

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

1 less value.

2 (21) Nonresident alien big game tags

- 3 (A) Bear, black, each \$300
- 4 (B) Bear, brown or grizzly, each 650
- 5 (C) Bison, each 650
- 6 (D) Caribou, each 425
- 7 (E) Deer, each 200
- 8 (F) Elk, each 400
- 9 (G) Goat, each 400
- 10 (H) Moose, each 500
- 11 (I) Musk oxen, each 1,500
- 12 (J) Sheep, each 550
- 13 (K) Wolf, each 250
- 14 (L) Wolverine, each 250

15 (22) Chitina personal use salmon dip net fishing permit 10

16 (23) Resident king salmon tag 10

17 A resident may not engage in sport fishing for king salmon without having the current
18 year's king salmon tag in the resident's actual possession, unless that person

19 (A) qualifies for a 25 cent license fee under (1) of this subsection;

20 (B) is under the age of 16;

21 (C) is 60 years of age or older and has been a resident of the state for
22 at least one year;

23 (D) is a disabled veteran eligible for a free license under AS 16.05.341;

24 or

25 (E) qualifies for a \$5 license fee under (6) of this subsection.

26 (24) Nonresident king salmon tag \$20

27 A nonresident may not engage in sport fishing for king salmon without having the current
28 year's king salmon tag in the person's actual possession.

29 * Sec. 3. AS 18.31.200 is amended by adding a new subsection to read:

30 (g) The Department of Labor shall adopt by regulation a fee schedule for

31 (1) review, approval, and certification of asbestos training certification programs

1 and plans under this section; and

2 (2) certification of a person employed to abate an asbestos health hazard.

3 * Sec. 4. AS 28.10.161(b) is amended to read:

4 (b) Every [AFTER JANUARY 1, 1979, EVERY] passenger vehicle registration plate,
5 except as specifically provided in AS 28.10.181, shall have displayed upon it

6 (1) the Alaska flag;

7 (2) the traditional colors of yellow-gold and blue;

8 (3) the slogan "The Last Frontier";

9 (4) the registration number assigned to the vehicle for which it is issued;

10 (5) the name of this state, which may be abbreviated; and

11 (6) the registration year number or expiration date for which time it is validated;

12 the registration year number or expiration date may be part of the license plate or contained on
13 a suitable sticker or tab device issued by the department; however, only one sticker or tab
14 device may be issued for each pair of plates and the sticker or tab device must be affixed
15 to the rear plate.

16 * Sec. 5. AS 33.30.031(a) is amended to read:

17 (a) The commissioner shall determine the availability of state correctional facilities
18 suitable for the detention and confinement of persons held under authority of state law or under
19 agreement entered into under (e) of this section. If the commissioner determines that suitable
20 state correctional facilities are not available, the commissioner may enter into an agreement with
21 a public or private agency to provide necessary facilities. Correctional facilities provided through
22 agreement with a public agency for the detention and confinement of persons held under
23 authority of state law may be in this state or in another state. Correctional facilities provided
24 through agreement with a private agency must be located in this state unless the commissioner
25 finds in writing that (1) there is no other reasonable alternative for detention in the state;
26 and (2) the agreement is necessary because of health or security considerations involving
27 a particular prisoner or class of prisoners, or because an emergency of prisoner
28 overcrowding is eminent. The commissioner may not enter into an agreement with an agency
29 unable to provide a degree of custody, care, and discipline similar to that required by the laws
30 of this state.

31 * Sec. 6. AS 33.30.231 is amended by adding a new subsection to read:

1 (d) Notwithstanding (a) of this section, the department may contract under AS 36.30 for
2 telephone services for use by a prisoner.

3 * Sec. 7. AS 36.30.100(b) is amended to read:

4 (b) Competitive sealed bidding is not required

5 (1) when the commissioner determines in writing that food, clothing, or medical
6 supplies, or supplies [MATERIALS] for use in laboratory or medical studies may be purchased
7 otherwise to the best advantage of the state;

8 (2) [WHI RATES ARE FIXED BY LAW OR ORDINANCE;

9 (3)] for the purchase of products or services manufactured or provided by an
10 employment program; or

11 (3) [(4)] for the purchase of products or services provided by the correctional
12 industries program established under AS 33.32 [;

13 (5) FOR PROFESSIONAL SERVICES; OR

14 (6) FOR CONCESSIONS OPERATED ON STATE PROPERTY].

15 * Sec. 8. AS 36.30.320(a) is amended to read:

16 (a) A procurement for supplies, services, or construction that does not exceed an
17 aggregate dollar amount of \$25,000 [\$10,000] may be made in accordance with regulations
18 adopted by the commissioner for small procurements.

19 * Sec. 9. AS 36.30.850(b) is amended by adding new paragraphs to read:

20 (23) disposals of supplies acquired through foreclosure of loans issued under
21 AS 03.10;

22 (24) purchases of curatorial and conservation services to maintain, preserve, and
23 interpret

24 (A) objects of art; and

25 (B) items having cultural, historical, or archaeological significance to the
26 state;

27 (25) acquisition of confidential seismic survey data necessary for pre-sale oil and
28 gas lease analyses under AS 38.05.180;

29 (26) contracts for village public safety officers;

30 (27) purchases of supplies and services to support the operations of the Alaska
31 state troopers or the division of fish and wildlife protection if the procurement officer for the

1 Department of Public Safety makes a written determination that publicity of the purchases would
2 jeopardize the safety of personnel or the success of a covert operation;

3 (28) expenditures when rates are set by law or ordinance;

4 (29) construction of new vessels by the Department of Transportation and Public
5 Facilities for the Alaska marine highway system.

6 * Sec. 10. AS 37.10.050 is amended by adding new subsections to read:

7 (d) Each state agency shall annually review fees and charges collected by the agency.
8 By October 1, each state agency shall submit a report to the office of management and budget
9 regarding existing fee levels set by the agency by regulation and adjustments made to fee levels
10 by the agency during the previous fiscal year, and recommended adjustments in fees set by
11 statute that the agency collects. Each year by December 15, the office of management and
12 budget shall submit a report to the Legislative Budget and Audit Committee summarizing the
13 reports and recommendations and the extent to which the fee adjustments have been incorporated
14 in the governor's budget. Within 30 days after the convening of each regular session of the
15 legislature, the committee shall report to the legislature the status of fee regulations and make
16 recommendations for changes in regulations or statutes as appropriate.

17 (e) In this section, "agency" means a board, commission, or agency in the legislative,
18 judicial, or executive branch, but does not include the University of Alaska or a public
19 corporation.

20 * Sec. 11. AS 37.17.030(b) is amended to read:

21 (b) In addition to endowment income, the foundation may receive individual,
22 foundation, or corporate gifts, grants, or bequests. By their terms these may be restricted
23 to a particular purpose [AND OTHER AID]. The foundation may accumulate income, gifts,
24 grants, and bequests [OTHER AID] from any one year and distribute them in a later year.

25 * Sec. 12. AS 37.17.030(c) is amended to read:

26 (c) The administrative expenses of the foundation are subject to AS 37.07 and shall be
27 paid from the income of the endowment. The legislature may appropriate income of the
28 endowment for payment of the administrative expenses of the Alaska Aerospace
29 Development Corporation established under AS 14.40.821 and the agricultural and forestry
30 experiment station research centers of the University of Alaska.

31 * Sec. 13. AS 37.17.030(d) is amended to read:

1 (d) Except for payments under (c) of this section, the [THE] board of directors shall
2 distribute the income of the endowment through competitive grants under this chapter. The board
3 may disburse money that is received by the foundation for special or general purposes.

4 * Sec. 14. AS 38.05.075(a) is amended to read:

5 (a) Except as provided in AS 38.05.035, 38.05.070, 38.05.073, 38.05.079, 38.05.082,
6 38.05.083, 38.05.087, 38.05.102, 38.05.810, [AS 38.05.087] and this section, leasing shall be
7 made at public auction to the highest qualified bidder as determined by the commissioner. In
8 the public notice of a lease to be offered at public auction, the commissioner shall specify
9 a minimum acceptable bid and the lease compensation method. The lease compensation
10 method shall be designed to maximize the return on the lease to the state and shall be a
11 form of compensation set out in AS 38.05.073(m). An aggrieved bidder may appeal to the
12 commissioner within five days for a review of the determination. The leasing shall be conducted
13 by the commissioner and the successful bidder shall deposit at the auction the first year's rental
14 or other lease compensation as specified by the commissioner, or that portion of it that the
15 commissioner requires in accordance with the bid. The commissioner shall require, under
16 AS 38.05.860, qualified bidders to deposit a sum equal to any survey or appraisal costs
17 reasonably incurred by another qualified bidder acting in accordance with the regulations of the
18 commissioner or incurred by the department under AS 38.04.045 and AS 38.05.840. If a
19 bidder making a deposit of survey or appraisal costs is determined by the commissioner to be the
20 highest qualified bidder under this subsection, the deposit shall be paid to the unsuccessful bidder
21 who incurred those costs or to the department if the department incurred the costs. [ANY
22 SURVEY OR APPRAISAL COSTS REASONABLY INCURRED BY A QUALIFIED BIDDER
23 UNDER THE REGULATIONS OF THE COMMISSIONER OR DEPOSITED UNDER THIS
24 SUBSECTION MUST BE CREDITED UNDER THE FIRST AND THEN SUBSEQUENT
25 YEARS' RENTALS.] All costs for survey and appraisal shall be approved in advance in writing
26 by the commissioner. The commissioner shall immediately issue a receipt containing a description
27 of the land or interest leased, the price bid, and the terms of the lease [, AND THE AMOUNT
28 OF ANY CREDIT FOR SURVEY AND APPRAISAL COSTS] to the successful qualified
29 bidder. If the receipt is not accepted in writing by the bidder under this subsection, the
30 commissioner may offer the land for lease again under this subsection. A lease, on a form
31 approved by the attorney general, shall be signed by the successful bidder and by the

1 commissioner within the period specified in the auction notice [30 DAYS AFTER THE
2 AUCTION].

3 * Sec. 15. AS 38.05.075(f) is amended to read:

4 (f) If, after completion of the procedures required by (e) of this section, the
5 commissioner determines that there is only one qualified bidder, the [THE] commissioner
6 may issue a lease without competitive bidding at the approved, appraised market value of the
7 land determined under AS 38.05.840 or by another form of lease compensation specified by
8 the commissioner from among those set out in AS 38.05.073(m) and designed to maximize
9 the return on the lease to the state [IF, AFTER COMPLETION OF THE PROCEDURES
10 REQUIRED BY (E) OF THIS SECTION, THE COMMISSIONER DETERMINES THAT
11 THERE IS ONLY ONE QUALIFIED BIDDER]. The commissioner may establish terms and
12 conditions for entry to the land pending survey and appraisal of the land. The commissioner
13 shall issue the lease as soon as is practicable following the survey and appraisal of the land
14 subject to the provisions of AS 38.05.035(e).

15 * Sec. 16. AS 38.05.085(c) is amended to read:

16 (c) The lessee shall make advance payments of the annual rent or other form of lease
17 compensation specified by the commissioner or that portion of it [AS] the [DIRECTOR, WITH
18 THE APPROVAL OF THE] commissioner [,] may require.

19 * Sec. 17. AS 38.05.105(a) is amended to read:

20 (a) Each lease shall stipulate that [AT THE CONCLUSION OF THE INITIAL 25-YEAR
21 PERIOD OF THE LEASE AND] at five-year intervals as specified in the lease [OF 10 YEARS
22 THEREAFTER] the annual rent payment or other form of lease compensation specified by the
23 commissioner is subject to adjustment. Changes [CHARGES] or adjustments shall be based
24 primarily on changes in the lease's [AN ADJUSTED] fair market value. However, if the
25 commissioner [DIRECTOR] determines that single-family residential development is the best
26 use of the land, the reappraisal period may be lengthened or the readjustment waived in
27 accordance with regulations adopted by the department. Before a waiver of rent adjustment is
28 issued, the land shall have a current reappraisal. A waiver is valid only if single-family
29 residential development actually occurs. The regulations adopted under this section shall ensure
30 that the state receives a fair return from the land.

31 * Sec. 18. AS 38.05.860(a) is amended to read:

1 (a) The commissioner [DIRECTOR] may require an applicant seeking the sale, lease,
2 or other disposal of land or an interest in land, other than under an oil and gas or mineral lease,
3 to deposit an amount covering the estimated cost of an appraisal, survey, and other costs
4 necessary to offer the land or interest in land, including advertising. All deposited funds not
5 expended shall be refunded to the applicant. If the land or interest in land is awarded [SOLD
6 OR LEASED] to a person other than the applicant making the deposit, the person [PARTY]
7 awarded the land shall pay the total actual cost incurred by the department in making the
8 disposal [OF APPRAISING AND SURVEYING THE LAND, TOGETHER WITH THE TOTAL
9 ACTUAL COST OF ADVERTISING], and the deposit shall be returned to the original applicant.
10 In lieu of requiring the deposit under this subsection, the commissioner may enter into an
11 agreement with an applicant seeking land or an interest in land requiring the applicant to
12 reimburse the department for costs incurred in the disposal if the applicant is awarded the
13 land or interest in land.

14 * Sec. 19. AS 41.21.020(a) is amended to read:

15 (a) The department shall

16 (1) develop a continuing plan for the conservation and maximum use in the public
17 interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of
18 the state;

19 (2) plan for and develop a system of state parks and recreational facilities, to be
20 established as the legislature authorizes and directs;

21 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
22 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
23 roadside, picnic, recreational, or park purposes;

24 (4) [CONTROL,] develop, manage, and maintain state parks and recreational
25 areas;

26 (5) provide for the acquisition, care, management [CONTROL], supervision,
27 improvement, development, extension, and maintenance of public recreational land, and make
28 necessary arrangements, contracts, or commitments for the improvement and development of land
29 acquired under AS 41.21.010 - 41.21.040; contracting for improvement and development under
30 this paragraph is governed by AS 36.30 (State Procurement Code);

31 (6) adopt, in accordance with this section and the Administrative Procedure Act

1 (AS 44.62), regulations governing the use and designating incompatible uses within the
2 boundaries of state park and recreational areas to protect the property and to preserve the peace;

3 (7) cooperate with the United States and its agencies and local subdivisions of the
4 state to secure the effective supervision, improvement, development, extension, and maintenance
5 of state parks, state monuments, state historical areas, and state recreational areas, and secure
6 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

7 (8) encourage the organization of state public park and recreational activities in
8 the local political subdivisions of the state;

9 (9) provide for consulting service designed to develop local park and recreation
10 facilities and programs;

11 (10) provide clearinghouse services for other state agencies concerned with park
12 and recreation matters;

13 (11) perform other duties as are prescribed by executive order or by law;

14 (12) maintain memorials to Alaska veterans located in state parks; and

15 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),
16 regulations governing the use of the Chena River State Recreation Area and designating
17 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance
18 with AS 41.21.490.

19 * Sec. 20. AS 41.21.026(a) is amended to read:

20 (a) Notwithstanding (b) of this section, the [THE] department may charge or collect
21 a fee in a park unit for

22 (1) rental of public use cabins or other overnight lodgings;

23 (2) overnight use of a developed campsite;

24 (3) special park use permits;

25 (4) competitive and exclusive commercial use permits;

26 (5) noncompetitive and nonexclusive commercial use permits;

27 (6) use of a sewage holding tank dump station;

28 (7) admission to or guided tours of visitor centers or historic sites; [AND]

29 (8) use of an improved boat ramp in a park facility developed principally for boat
30 launching;

31 (9) sale of firewood;

1 (10) use of a developed trailhead, access site, or picnic site, that has parking,
2 rest rooms, and refuse collection; and

3 (11) the presentation or attendance at programs related to natural or cultural
4 history, outdoor skills or education, or other topics concerned with public use, enjoyment,
5 or understanding of parks.

6 * Sec. 21. AS 42.05 is amended by adding a new section to read:

7 Sec. 42.05.253. PUBLIC UTILITY REGULATORY COST CHARGE. (a) A regulated
8 public utility operating in the state shall pay to the commission an annual regulatory cost charge
9 in an amount not to exceed .61 percent of gross revenue derived from operations in the state, as
10 modified under (c) of this section if appropriate. An exempt utility shall pay the actual cost of
11 services provided to it by the commission.

12 (b) The commission shall by regulation establish a method to determine annually the
13 amount of the regulatory cost charge for a public utility. If the amount the commission expects
14 to collect under (a) of this section and under AS 42.06.285(a) exceeds the authorized budget of
15 the commission, the commission shall, by order, reduce the percentages set out in (a) of this
16 section so that the total amount of the fees collected approximately equals the authorized budget
17 of the commission for the fiscal year.

18 (c) In determining the amount of the regulatory cost charge imposed under (a) of this
19 section,

20 (1) a utility selling utility services at wholesale shall modify its gross revenue by
21 deducting payments it receives for wholesale sales;

22 (2) a local exchange telephone utility shall modify its gross revenue by deducting
23 payments received from other carriers for settlements or access charges.

24 (d) The commission shall calculate the total regulatory cost charges to be levied against
25 all regulated electric utilities under this section. The commission shall allocate the total amount
26 among the regulated electric utilities by using an equal charge per kilowatt hour sold at retail.

27 (e) The commission shall administer the charge imposed under this section. The
28 Department of Revenue shall collect and enforce the charge imposed under this section.

29 (f) The commission shall allow a public utility to recover all payments made to the
30 commission under this section. The commission may not require a public utility to file a rate
31 case in order to be eligible to recover the regulatory cost charge.

1 (g) The commission may adopt regulations under AS 44.62 (Administrative Procedure
2 Act) necessary to administer this section, including requirements and procedures for reporting
3 information and making quarterly payments. The Department of Revenue may adopt regulations
4 under AS 44.62 (Administrative Procedure Act) for investigating the accuracy of filed
5 information, and for collecting required payments.

6 (h) In this section,

7 (1) "exempt utility" means a public utility that is certificated by the commission
8 under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is exempt from other
9 regulatory requirements of this chapter;

10 (2) "gross revenue" means the total operating revenue from intrastate services, as
11 shown in a utility's annual report required by the commission by regulation;

12 (3) "regulated utility" means a public utility that is certificated by the commission
13 under AS 42.05.221 - 42.05.281 and that is subject to the other regulatory requirements of this
14 chapter;

15 (4) "wholesale sales" means sales to another utility for resale under circumstances
16 that make revenue from the resale subject to the regulatory cost charge imposed under this
17 section.

18 * Sec. 22. AS 42.05.651(a) is amended to read:

19 (a) During [AFTER COMPLETION OF] a hearing or investigation held under this
20 chapter, the commission may [SHALL] allocate the costs of the hearing or investigation among
21 the parties, including the commission, as is just under the circumstances. In allocating costs, the
22 commission shall consider the regulatory cost charge paid by a utility under AS 42.05.253
23 and may consider the results, ability to pay, evidence of good faith, other relevant factors, and
24 mitigating circumstances. Notwithstanding an intervening party's ability to pay, if the
25 commission determines that an intervening party has conducted its intervention in a
26 frivolous manner, the commission shall allocate all costs associated with the intervention to
27 that party. The costs allocated may include the costs of any time devoted to the investigation
28 or hearing by hired consultants, whether or not the consultants appear as witnesses or
29 participants. The costs allocated may also include any out-of-pocket expenses incurred by the
30 commission in the particular proceeding. The commission shall provide an opportunity for any
31 person objecting to an allocation to be heard before the allocation becomes final.

1 * Sec. 23. AS 42.05.661 is amended to read:

2 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
3 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
4 WHICH] shall be deposited in the general fund of the state.

5 * Sec. 24. AS 42.06 is amended by adding a new section to read:

6 Sec. 42.06.285. PIPELINE CARRIER REGULATORY COST CHARGE. (a) A pipeline
7 carrier operating in the state shall pay to the commission an annual regulatory cost charge in an
8 amount not to exceed .61 percent of gross revenue derived from operations in the state. A
9 regulatory cost charge may not be assessed on pipeline carrier operations unless the operations
10 are within the jurisdiction of the commission.

11 (b) The commission shall by regulation establish a method to determine annually the
12 amount of the regulatory cost charge. If the amount the commission expects to collect under (a)
13 of this section and under AS 42.05.253(a) exceeds the authorized budget of the commission, the
14 commission shall, by order, reduce the percentage set out in (a) of this section so that the total
15 amount of the fees collected approximately equals the authorized budget of the commission for
16 the fiscal year.

17 (c) The commission shall administer the charge imposed under this section. The
18 Department of Revenue shall collect and enforce the charge imposed under this section.

19 (d) The commission may adopt regulations under AS 44.62 (Administrative Procedure
20 Act) necessary to administer this section, including requirements and procedures for reporting
21 information and making quarterly payments. The Department of Revenue may adopt regulations
22 under AS 44.62 (Administrative Procedure Act) for investigating the accuracy of filed
23 information, and for collecting required payments.

24 (e) In this section, "gross revenue" means the total intrastate operating revenue as shown
25 in a pipeline carrier's annual report required by the commission by regulation.

26 * Sec. 25. AS 42.06.610(a) is amended to read:

27 (a) During a proceeding held under this chapter, the commission may [SHALL] allocate
28 the cost of the proceeding among the parties, including the commission, as is just under the
29 circumstances. In allocating costs, the commission shall consider the regulatory cost charge
30 paid directly or indirectly under AS 42.06.285. The costs allocated may include the costs of
31 any time devoted to investigations or hearings by hired consultants, whether or not the

1 consultants appear as witnesses or participants. The commission shall provide an opportunity for
2 any person objecting to an allocation to be heard before the allocation becomes final.

3 * Sec. 26. AS 44.21.310(b) is amended to read:

4 (b) The department may

5 (1) coordinate its functions with local, regional, state, and federal officials, private
6 groups and individuals, and with officials of other countries, provinces, and states;

7 (2) enter into contracts and subcontracts on behalf of the state to carry out the
8 provisions of AS 44.21.305 - AS 44.21.330;

9 (3) act for the state in the initiation, investigation, and evaluation of, or
10 participation in, programs related to the purposes of the department that [WHICH] involve more
11 than one government or governmental unit;

12 (4) on behalf of the state, apply for, accept, and expend gifts or grants made to
13 the state if the gifts or grants are for the purposes of furthering the objectives of the department;

14 [AND]

15 (5) hold public hearings to obtain information for the purpose of carrying out the
16 provisions of AS 44.21.305 - 44.21.330; and

17 (6) provide telecommunication services to commercial entities for television
18 broadcast and charge for those services.

19 * Sec. 27. AS 44.21.410(a) is amended to read:

20 (a) The office of public advocacy shall

21 (1) perform the duties of the public guardian under AS 13.26.360 - 13.26.410;

22 (2) provide visitors and experts in guardianship proceedings under AS 13.26.131;

23 (3) provide guardian ad litem services to children in child protection actions under
24 AS 47.17.030(e) and to wards and respondents in guardianship proceedings who will suffer
25 financial hardship or become dependent upon a government agency or a private person or agency
26 if the services are not provide. at state expense under AS 13.26.112;

27 (4) provide legal representation in guardianship proceedings to respondents who
28 are financially unable to employ attorneys under AS 13.26.106(b), to indigent parties in cases
29 involving child custody in which the opposing party is represented by counsel provided by a
30 public agency, to indigent parents or guardians of a minor respondent in a commitment
31 proceeding concerning the minor under AS 47.30.775;

1 (5) provide legal representation and guardian ad litem services under
2 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on Juveniles); in
3 cases involving petitions to adopt a minor under AS 25.23.125(b) or petitions for the termination
4 of parental rights on grounds set out in AS 25.23.180(c)(3); in cases involving petitions to
5 remove the disabilities of a minor under AS 09.55.590; in children's proceedings under
6 AS 47.10.050(a); and in cases involving indigent persons who are entitled to representation under
7 AS 18.85.100 and who cannot be represented by the public defender agency because of a conflict
8 of interests;

9 (6) develop and coordinate a program to recruit, select, train, assign, and supervise
10 volunteer guardians ad litem from local communities to aid in delivering services in cases in
11 which the office of public advocacy is appointed as guardian ad litem;

12 (7) provide guardian ad litem services in proceedings under AS 12.45.046;

13 (8) establish a fee schedule and collect fees for services provided by the office,
14 except as provided in AS 18.85.120 or when imposition or collection of a fee is not in the
15 public interest as defined under regulations adopted by the commissioner of administration.

16 * Sec. 28. AS 44.37.025(c) is amended to read:

17 (c) The department, with the concurrence of the administrative director of courts, may
18 appoint judicial employees to perform services in connection with recording, providing access
19 to, and copying documents in locations where the department has not otherwise designated a
20 public office [NO EMPLOYEES AVAILABLE] to perform those functions.

21 * Sec. 29. AS 46.15.020(b) is amended to read:

22 (b) The commissioner shall

23 (1) adopt procedural and substantive regulations to carry out the provisions of this
24 chapter, taking into consideration the responsibilities of the Department of Environmental
25 Conservation under AS 46.03 and the Department of Fish and Game under AS 16;

26 (2) keep a public record of all applications for permits and certificates and other
27 documents filed in the commissioner's office; and shall record all permits and certificates and
28 amendments and orders affecting them and shall index them in accordance with the source of the
29 water and the name of the applicant or appropriator;

30 (3) cooperate with, assist, advise, and coordinate plans with the federal, state, and
31 local agencies in matters relating to the appropriation, use, conservation, quality, disposal, or

1 control of waters and activities related thereto;

2 (4) prescribe fees or service charges for any public service rendered;

3 (5) before February 1 of each year, submit a report to the legislature
4 describing the activities of the commissioner under AS 46.15.035 and 46.15.037; the report
5 must include

6 (A) information on the number of applications and appropriations for
7 the removal of water from one hydrological unit to another that were requested and
8 that were granted and on the amounts of water involved;

9 (B) information on the number and location of sales of water
10 conducted by the commissioner and on the volume of water sold;

11 (C) recommendations of the commissioner for changes in state water
12 law; and

13 (D) a description of state revenue and expenses related to activities
14 under AS 46.15.035 and 46.15.037.

15 * Sec. 30. AS 46.15 is amended by adding new sections to read:

16 Sec. 46.15.035. APPROPRIATION OR REMOVAL OF WATER OUT OF
17 HYDROLOGIC UNITS TO OTHER HYDROLOGIC UNITS; WATER CONSERVATION FEE;
18 RESERVATION OF WATER FOR FISH. (a) Water may not be removed from the hydrologic
19 unit from which it was appropriated to another hydrologic unit, inside or outside the state,
20 without being returned to the hydrologic unit from which it was appropriated nor may water be
21 appropriated for removal from the hydrologic unit from which the appropriation is sought to
22 another hydrologic unit, inside or outside the state, without the water being returned to the
23 hydrologic unit from which it is to be appropriated, unless the commissioner

24 (1) finds that the water to be removed or appropriated for removal is surplus to
25 needs within the hydrologic unit from which the water is to be removed or appropriated for
26 removal, including fishing, mining, timber, oil and gas, agriculture, domestic water supply, and
27 other needs as determined by the commissioner;

28 (2) finds that the application for removal or appropriation for removal meets the
29 requirements of AS 46.15.080; and

30 (3) assesses a water conservation fee under (b) of this section.

31 (b) The commissioner shall establish, by regulation, a water conservation fee for a use

1 of water in which the water is removed from the hydrologic unit from which it was appropriated
2 to another hydrologic unit inside or outside the state, without the water being returned to the
3 hydrologic unit from which it was appropriated. The fee established under this subsection shall
4 be graduated to encourage the conservation of water.

5 (c) Except as provided in AS 46.15.090, and in addition to the requirements of (a) of this
6 section, the commissioner may approve an application for removal or permit an appropriation for
7 removal under (a) of this section of water from a lake, river, or stream that is used by fish for
8 spawning, incubation, rearing, or migration, or ground water that significantly influences the
9 volume of water in a lake, river, or stream that is used by fish for spawning, incubation, rearing,
10 or migration, only if the commissioner reserves a volume of water in the lake or an instream flow
11 in the river or stream for the use of fish and to maintain habitat for fish. The commissioner may
12 adjust the volume of water reserved under this subsection if the commissioner, after public notice
13 and opportunity to comment and with the concurrence of the commissioner of fish and game,
14 finds that the best interests of the state are served by the adjustment. A reservation under this
15 subsection

16 (1) of a volume of water or an instream flow for the use of fish and to maintain
17 habitat for fish that is reserved under this section is withdrawn from appropriation;

18 (2) for fish from a lake, river, or stream, identified under AS 16.05.870 or
19 identified in a Department of Fish and Game regional guide as being used by fish for spawning,
20 incubation, rearing, or migration on or before the effective date of this section, has a priority date
21 as of the effective date of this section;

22 (3) of water does not apply to an application for removal or appropriation for
23 removal under AS 46.15.040 for nonconsumptive uses of water or for single family domestic use;

24 (4) is not subject to AS 46.15.145;

25 (5) of water does not apply to appropriations of ground water of 5,000 gallons
26 or less a day unless the commissioner, in consultation with the Department of Fish and Game,
27 determines that the appropriation may adversely affect fish habitat in a lake, river, or stream; the
28 commissioner shall consider multiple appropriations of water for a single related use as a single
29 appropriation for the purposes of this subsection.

30 (d) With respect to rivers and streams described in (c) of this section, the instream flow
31 reservation shall be limited to the portion of the stream, including tributaries to the stream, at and

1 downstream of the point of diversion or withdrawal. With respect to lakes described in (c) of
2 this section, the reservation shall be limited to the lake from which the diversion or withdrawal
3 is made, and the outlet and tributaries to the outlet flowing downstream.

4 (e) In this section,

5 (1) "fish" means a species of anadromous or freshwater fish that may be taken
6 under regulations of the Board of Fisheries;

7 (2) "hydrologic unit" means a hydrologic subregion established by the United
8 States Department of the Interior, Geological Survey, on the "Hydrologic Unit Map-1987, State
9 of Alaska."

10 Sec. 46.15.037. SALE OF WATER BY THE STATE. (a) The commissioner may
11 provide for the sale of water by the state if

12 (1) the water has first been appropriated to the state in accordance with the
13 requirements of this chapter; and

14 (2) the commissioner determines that

15 (A) the water is surplus to needs within the hydrologic unit from which
16 it was appropriated, including fishing, mining, timber, oil and gas, agriculture, domestic
17 water supply, and other needs as determined by the commissioner;

18 (B) the proposed sale of the water meets the requirements of
19 AS 46.15.080; and

20 (C) the sale price of the water is based upon the fair market value of the
21 water.

22 (b) A purchaser of water from the state under this section shall acquire only those
23 contractual rights to the water set out in sale documents prepared by the commissioner except
24 that a sale of water by the state does not constitute an appropriation of water under this chapter
25 to the purchaser.

26 (c) If water to be sold by the state under (a) of this section, is to be removed from the
27 hydrologic unit from which it was appropriated to another hydrologic unit, inside or outside the
28 state, without being returned to the hydrologic unit from which it was appropriated, the
29 commissioner may not sell the water unless the sale meets the requirements of (a)(2) of this
30 section, a water conservation fee is assessed under AS 46.15.035, and, if the water to be sold is
31 from a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration,

1 or ground water that significantly influences the volume of water in a lake, river, or stream that
2 is used by fish for spawning, incubation, rearing, or migration, the commissioner reserves a
3 volume of water in the lake or an instream flow in the river or stream for the use of fish and to
4 maintain habitat for fish. The commissioner may adjust the volume of water reserved under this
5 subsection if the commissioner, after public notice and opportunity to comment and with the
6 concurrence of the commissioner of fish and game, finds that the best interests of the state are
7 served by the adjustment. A reservation under this subsection

8 (1) of a volume of water or an instream flow for the use of fish and to maintain
9 habitat for fish that is reserved under this section is withdrawn from appropriation;

10 (2) for fish from a lake, river, or stream, identified under AS 16.05.870 or
11 identified in a Department of Fish and Game regional guide as being used by fish for spawning,
12 incubation, rearing, or migration on or before the effective date of this section, has a priority date
13 as of the effective date of this section;

14 (3) is not subject to AS 46.15.145;

15 (4) of water does not apply to appropriations under this section of ground water
16 of 5,000 gallons or less a day unless the commissioner, in consultation with the Department of
17 Fish and Game, determines that the appropriation may adversely affect fish habitat in a lake,
18 river, or stream; the commissioner shall consider multiple appropriations of water for a single
19 related use as a single appropriation for the purposes of this subsection.

20 (d) With respect to rivers and streams described in (c) of this section, the instream flow
21 reservation shall be limited to the portion of the stream, including tributaries to the stream, at and
22 downstream of the point of diversion or withdrawal. With respect to lakes described in (c) of
23 this section, the reservation shall be limited to the lake from which the diversion or withdrawal
24 is made, and the outlet and tributaries to the outlet flowing downstream.

25 (e) In this section,

26 (1) "fish" means a species of anadromous or freshwater fish that may be taken
27 under regulations of the Board of Fisheries;

28 (2) "hydrologic unit" has the meaning given in AS 46.15.035(e).

29 (f) The commissioner may not provide for the sale of salt water under this section.

30 * Sec. 31. AS 46.15.133 is amended to read:

31 Sec. 46.15.133. NOTICES; OBJECTIONS. (a) If the commissioner proposes a sale

1 of water or receives [UPON RECEIPT OF] an application for appropriation or removal, the
2 commissioner shall prepare a notice containing the location and extent of the proposed sale,
3 appropriation, or removal, the name and address of the applicant, if applicable, and other
4 information the commissioner considers pertinent. The notice shall state that within 15 days of
5 publication or service of notice, persons may file with the director written objections, stating the
6 name and address of the objector, and any facts tending to show that rights of the objector or the
7 public interest would be adversely affected by the proposed sale, appropriation, or removal.

8 (b) The commissioner shall publish the notice [AT THE APPLICANT'S EXPENSE] in
9 one issue of a newspaper of general distribution in the area of the state in which the water is to
10 be appropriated, removed, or sold. The commissioner shall also have notice served personally
11 or by certified mail upon an appropriator of water or applicant for or holder of a permit who,
12 according to the records of the division of lands, may be affected by the proposed sale,
13 appropriation, or removal and may serve notice upon any governmental agency, political
14 subdivision, or person; notice shall also be served upon the Department of Fish and Game and
15 the Department of Environmental Conservation. An applicant for an appropriation or removal
16 shall pay the commissioner's costs in providing publication and notice under this subsection.
17 The commissioner may require as a condition of a sale of water under AS 46.15.037, that
18 a purchaser of water reimburse the department for the costs associated with providing
19 notice of the proposed sale.

20 (c) Within 15 days of publication or service of notice, an interested person may file an
21 objection. The commissioner may hold hearings upon giving due notice and shall grant, deny,
22 or condition the proposed sale or application for appropriation or removal in whole or in part
23 within 30 days of receipt of the last objection or, if the commissioner elects to hold hearings,
24 within 180 days of receipt of the last objection. Notice of the order or decision shall be served
25 personally or mailed to any person who has filed an objection.

26 (d) If no objection is filed, the commissioner may proceed to make a determination upon
27 the application for appropriation or removal or the proposal for sale.

28 (e) A person aggrieved by the action of the commissioner or by the failure of the
29 commissioner to grant, deny, or condition a proposed sale or an application for appropriation
30 or removal in accordance with (c) of this section may appeal to the superior court.

31 (f) The commissioner may, by regulation, designate types of appropriations that are

1 exempt from this section and provide simplified procedures for ruling on the applications. The
2 commissioner may not exempt under this subsection appropriations for removal under
3 AS 46.15.035, appropriations by the state for sale or sales by the state under AS 46.15.037,
4 or removals of water under AS 46.15.035 and 46.15.037.

5 * Sec. 32. Section 3, ch. 95, SLA 1989, is amended to read:

6 Sec. 3. EMPLOYMENT ASSISTANCE AND TRAINING PROGRAM FUND
7 [ACCOUNT]. The employment assistance and training program fund [ACCOUNT] is
8 established in the department. Deposits into the fund are not general fund program receipts
9 [GENERAL FUND. THE COMMISSIONER OF ADMINISTRATION SHALL SEPARATELY
10 ACCOUNT FOR MONEY COLLECTED UNDER SEC. 4 OF THIS ACT THAT THE
11 DEPARTMENT DEPOSITED IN THE GENERAL FUND]. The annual estimated balance in
12 the fund [ACCOUNT] may be appropriated by the legislature to the department to implement
13 this Act. If the entire estimated balance is not used to implement this Act during a fiscal
14 year, the [THE] legislature may make appropriations from the employment assistance and
15 training fund [APPROPRIATE THE LAPSING BALANCE OF THE ACCOUNT] to the
16 unemployment compensation fund established in AS 23.20.130.

17 * Sec. 33. MATERIAL SITES USED FOR TIMBER OPERATIONS. Material sites used for timber
18 operations are subject to regulation under AS 41.17. AS 27.19 does not apply to material sites used for
19 timber operations.

20 * Sec. 34. TEMPORARY FEES IN STATE PARKS. (a) The following fees apply for the following
21 activities in units of the state park system until the Department of Natural Resources adopts a regulation
22 under AS 41.21.026(c) that establishes a fee for that activity:

- 23 (1) sale of firewood \$4 per bundle;
24 (2) use of a developed trailhead, access site, or picnic site, that has parking, rest rooms,
25 and refuse collection \$2 per vehicle, or \$25 for an annual pass;
26 (3) admission to visitor centers or historic sites \$1 per person.

27 (b) The commissioner of natural resources shall notify the revisor of statutes when a regulation
28 is adopted that establishes a fee for an activity described under (a) of this section.

29 * Sec. 35. Sections 33 and 34 of this Act are repealed July 1, 1994.

30 * Sec. 36. AS 33.30.031(b), AS 38.05.085(a), 38.05.085(b), 38.05.085(g), and 38.05.105(b) are
31 repealed.

- 1 * Sec. 37. AS 16.05.340(a), as amended by sec. 2 of this Act, takes effect January 1, 1993.
- 2 * Sec. 38. Except as provided in sec. 37 of this Act, this Act takes effect July 1, 1992.

SCS CSHB 596 am (H)

SECTIONAL SUMMARY

FY 93 BUDGET FISCAL IMPACT

Section :	Occupational license fees equal cost of regulating	\$381.6 GF/PR
Section :	Fish and Game Fees	
Section :	Dept. of Labor asbestos training certification fees.	\$80.0 GF/PR
<u>DMV ONE LICENSE TAG INSTEAD OF TWO</u>		\$ (30.0) GF
Section :	Corrections contracting for prison space. Duncan Amendment to Corrections Contracting.	
Section :	Prisoner telephone service contracts.	\$300.0 GF/PR
Section :	Extend small procurements.	
Section :	Raise small procurements from \$10.0 to \$25.0	(\$150.0) GF
Section :	Extend small procurements	
<u>STURGULEWSKI AMENDMENT #3 AND SHULTZ AMENDMENT</u>		
Section :	Sturgulewski Amendment #1 and #2. Shultz Amendment to Sec. 10	
Section :	Legislature may appropriate from ASTF for Aerospace Corp. and UAF agriculture and forestry stations operations.	\$4,510 other funds
<u>DNR PUBLIC LANDS LEASING (6 SEC.)</u>		
Section :	New DNR Park fees.	\$150.0 GF/PR
Section :	APUC, utilities charged for regulation costs.	\$3,695 GF/PR
<u>DNR CAN USE JUDICIAL EMPLOYEES</u>		
Section :	Dept. of Administration telecomm. fees.	\$50.0 GF/PR
Section :	Office of Public Advocacy fee authority.	
Section :	Employment Assistance and Training Program Fund is no longer General Fund Program Receipts. Can be appropriated to Unemployment Compensation Fund.	\$3,898.9 STEP
Section :	Temporary Park fees. See Section 6.	
Section :	Park fee repealer 7/1/94	
Section :	Corrections repealer.	
Section :	F&G effective date 1/1/93	
Section :	July 1, 1992 effective date.	

HB597

HOUSE COMMITTEE REPORT

FURTHER REFERRAL

(1)

Date Referred: May 13, 1992

Date of Committee Action: 5/14/92

The FINANCE Committee considered:

HB 597

HOUSE BILL NO. 597

CHARGES & FEES, ETC - STATE SERVICES

"An Act relating to the finances of state government; relating to charges and fees for various licenses, services, regulatory activities, and materials provided by the state including those related to motor vehicles and drivers of motor vehicles, to health and safety reviews, permits, and inspections, to hunting, fishing, and trapping, to occupational licenses, occupational certifications, and occupational training programs and plans, to notaries' commissions, to public offices, to identification cards, to state parks, to telecommunications, to public advocacy, to corrections, to pipeline carriers, and to public utilities; relating to the collection of donations to the state park system; and providing for an effective date."

RECOMMENDATIONS:

be replaced with AS HB 597 (FIN) 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 NA

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Navarre</i> NAVARRE	✓	<i>Thomas Barnes</i> Barnes		X	
<i>Ray Brown</i> BROWN	✓	<i>Richard Larson</i> Larson		X	
<i>Thomas Kopman</i> KOPMAN	✓	<i>Ch. E. Phillips</i> Phillips			
<i>George Jacko</i> JACKO	X	<i>Bert Sharp</i> Sharp		X	
<i>W. W. Mullen</i> Mullen	X				
<i>EP Mullen</i> Mullen	X				
<i>Mark Boyer</i> Boyer	X				

Mike Navarre *EP Mullen*
 CHAIRMAN'S SIGNATURE Mullen
 Navarre

CS FOR HOUSE BILL NO. 597 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SPECIAL SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE FINANCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the finances of state government; relating to charges and fees for
2 various licenses, services, regulatory activities, and materials; and providing for an effective
3 date."

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

5 * Section 1. AS 05.35.150 is amended to read:

6 Sec. 05.35.150. ALASKA AMATEUR SPORTS FUND. There is established as a
7 separate fund in the Department of Commerce and Economic Development the Alaska amateur
8 sports fund. The fund consists of private contributions and money appropriated to the fund from
9 receipts under former AS 28.10.421(f). Money in the fund may be appropriated for the
10 promotion and development of amateur sports.

11 * Sec. 2. AS 15.13.030 is amended to read:

12 Sec. 15.13.030. DUTIES OF THE COMMISSION. The commission shall

13 (1) develop and provide all forms for the reports and statements required to be
14 made under this chapter, AS 24.45₂ and AS 39.50;

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(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter;

(3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;

(4) compile and maintain a current list of all filed reports and statements;

(5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost;

(6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;

(7) report within 60 days after the election the names of all persons and groups who have failed to comply with any of the provisions of this chapter to the office of the attorney general;

(8) examine, investigate, and compare all reports, statements, and actions required by this chapter, AS 24.45, and AS 39.50 and report to the attorney general the names of all persons or groups that [WHICH] the commission has substantial reason to believe have violated this chapter, AS 24.45, or AS 39.50;

(9) prepare and publish a biennial report to the legislature concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change;

(10) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62);

(11) establish by regulation a schedule of fees for reports, statements, and filings, delinquent reports, statements, and filings, and for services performed by the commission.

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

(a) Fees for licenses and tags are as follows:

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

However, the fee is 25 cents for a resident who is blind.

- 1 (2) Resident hunting license 25 [12]
- 2 (3) Resident hunting and trapping license 40 [22]
- 3 (4) Resident trapping license 15 [10]
- 4 (5) Resident hunting and sport fishing license 40 [22]
- 5 (6) Resident hunting, trapping, and sport fishing license 55 [32];

6 (A) however, the fee is \$5 for an applicant who

7 (i) is receiving or has received assistance during the preceding six
 8 months under any state or federal welfare program to aid the indigent, or

9 (ii) has an annual family gross income of less than \$8,200 for the
 10 year preceding application;

11 (B) a person paying \$5 for a resident hunting, trapping, and sport fishing
 12 license must provide proof of eligibility under this paragraph when requested by the
 13 departments.

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

- 16 (A) For 14-day license \$ 30
- 17 (B) For three-day license 15
- 18 (C) For one-day license 10

19 (8) Nonresident sport fishing license 50

20 (9) Nonresident hunting license 85

21 (10) Nonresident hunting and sport fishing license 135

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

28 (11) Nonresident hunting and trapping license \$250

29 (12) Fur dealers

30 (A) Resident fur dealer biennial license 150

31 (B) Nonresident fur dealer biennial license 500

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1	(13) Taxidermists	
2	(A) Resident taxidermy biennial license	200
3	(B) Nonresident taxidermy biennial license	500
4	(14) Aquatic farming triennial license	400
5	(15) Nonresident big game tags	
6	(A) Bear, black, each	225
7	(B) Bear, brown or grizzly, each	500
8	(C) Bison, each	450
9	(D) Caribou, each	325
10	(E) Deer, each	150
11	(F) Elk, each	300
12	(G) Goat, each	300
13	(H) Moose, each	400
14	(I) Sheep, each	425
15	(J) Wolf, each	175
16	(K) Wolverine, each	175
17	(L) Musk oxen, each	1,100
18	(16) Resident big game tags	
19	(A) Bear, brown or grizzly, each	\$25

The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

22	(B) Musk oxen, each	500
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However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

25	(17) Waterfowl conservation tag	5
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- (A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person
- (i) qualifies for a \$5 license fee under (6) of this subsection;
 - (ii) is a resident under the age of 16;
 - (iii) is 60 years of age or older and is a resident;
 - (iv) is a disabled veteran eligible for a free license under

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AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

(18) Game farming

- (A) Game mammal or game reptile farming biennial license . . . \$250
- (B) Game bird farming biennial license 50

(19) Nonresident small game hunting license 20

(20) Nonresident alien hunting license 300

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

(21) Nonresident alien big game tags

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

(22) Chitina personal use salmon dip net fishing permit 10

(23) Resident king salmon tag 10

A resident may not engage in sport fishing for king salmon without having the current

1 year's king salmon tag in the resident's actual possession, unless that person

2 (A) qualifies for a 25 cent license fee under (1) of this subsection;

3 (B) is under the age of 16;

4 (C) is 60 years of age or older and has been a resident of the state for
5 at least one year;

6 (D) is a disabled veteran eligible for a free license under AS 16.05.341;

7 or

8 (E) qualifies for a \$5 license fee under (6) of this subsection.

9 (24) Nonresident king salmon tag \$20

10 A nonresident may not engage in sport fishing for king salmon without having the current
11 year's king salmon tag in the person's actual possession.

12 * Sec. 4. AS 16.05.350 is amended to read:

13 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and tags required
14 under AS 16.05.330 - 16.05.430, except biennial licenses, the nonresident special sport fishing
15 license, the resident trapping license, and the waterfowl conservation tag, expire at the close of
16 December 31 following issuance. Biennial licenses expire after December 31 of the year
17 following the year of issuance. The resident trapping license expires at the close of September
18 30 of the year following the year in which the license is issued. The waterfowl conservation tag
19 expires at the close of January 31 of the year following the year of issue of the tag. The wildlife
20 conservation tag under AS 16.05.828 expires at the close of December 31 following issuance.

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

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

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

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

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

31 (1) apply, under terms and at locations established by the commissioner by

1 regulation, for a permit to enter an area identified by the commissioner by regulation where a
2 permit is required for entry into the area; and

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

6 (e) The commissioner may designate by regulation those state game and wildlife
7 sanctuaries, state game refuges, state range areas, and fish and game critical habitat areas where
8 possession of a valid hunting license during open hunting seasons or of a subsistence hunting or
9 fishing permit that is valid for that location may substitute for a wildlife conservation tag.

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

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

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

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

22 * Sec. 6. AS 18.31.200 is amended by adding a new subsection to read:

23 (g) The Department of Labor shall adopt by regulation a fee schedule for

24 (1) review, approval, and certification of asbestos training certification programs
25 and plans ~~under~~ this section; and

26 (2) certification of a person employed to abate an asbestos health hazard.

27 * Sec. 7. AS 18.65.310(a) is amended to read:

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

1 * Sec. 8. AS 28.10.108(b) is amended to read:

2 (b) Subject to the provisions of (f) of this section, a vehicle subject to registration

3 (1) under AS 28.10.011 and 28.10.421(b)(3) [AND (4)] and (c)(1) - (4) shall have
4 its initial registration, and may have its annual registration, renewed during the month of
5 December;

6 (2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3) and (8) [(9)] shall have
7 its initial registration, and may have its annual registration, renewed during the month of January.

8 * Sec. 9. AS 28.10.421(b) is amended to read:

9 (b) The annual registration fees under this subsection are imposed within the following
10 classifications for:

11 (1) a passenger vehicle [OR MOTOR HOME] not used or maintained for the
12 transportation of persons or property for hire or for other commercial use \$70 [\$35];

13 (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not
14 used or maintained for the transportation of persons or property for hire or for other commercial
15 use \$75 [\$40];

16 (3) a taxicab \$200 [\$70];

17 (4) [A MOTOR BUS WITH A SEATING CAPACITY FOR 20 OR MORE
18 PERSONS AND USED EXCLUSIVELY FOR COMMERCIAL PURPOSES IN THE
19 TRANSPORTING OF VISITORS OR TOURISTS \$85;

20 (5)] a motorcycle or a motor-driven cycle \$50 [\$20];

21 (5) [(6)] a trailer not used or maintained for the transportation of persons or
22 property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage
23 trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent
24 \$25; [\$5]

25 (6) a motor home not used or maintained for the transportation of persons
26 or property for hire or for other commercial use

27 (A) less than 10,000 pounds unladen weight \$100;

28 (B) 10,000 or more pounds unladen weight \$200.

29 * Sec. 10. AS 28.10.421(c) is amended to read:

30 (c) The annual registration fees under this subsection are imposed and are based upon
31 the actual unladen weight as established by the manufacturer's advertised weight or upon the

1 actual weight that [WHICH] the owner shall furnish, subject to the approval of the commissioner
2 or the commissioner's representative, for a vehicle used commercially or noncommercially and
3 for which a fee is not specified under (b) of this section [, INCLUDING A MOTOR
4 VEHICLE PULLING A TRAILER OR SEMI-TRAILER, USED OR MAINTAINED FOR THE
5 TRANSPORTATION OF PASSENGERS FOR HIRE, EXCEPTING TAXICABS AND BUSES
6 UNDER (b) OF THIS SECTION, OR FOR THE TRANSPORTATION OF PROPERTY FOR
7 HIRE OR FOR OTHER COMMERCIAL USE, INCLUDING A COMMERCIAL VEHICLE
8 SUCH AS A TRAILER, SEMI-TRAILER, TRUCK, WRECKER, TOW CAR, HEARSE,
9 AMBULANCE, AND TRACTOR], as follows

- 10 (1) up to and including 5,000 pounds \$100 [\$51];
11 (2) more than 5,000 pounds to and including 12,000 pounds . . . \$200 [\$86];
12 (3) more than 12,000 pounds to and including 18,000 \$300 [\$156];
13 (4) more than 18,000 pounds \$400 [\$221].

14 * Sec. 11. AS 28.10.421(c) is repealed and reenacted to read:

15 (c) The annual registration fees under this subsection are imposed and are based upon
16 the actual unladen weight as established by the manufacturer's advertised weight or upon the
17 actual weight that the owner shall furnish, subject to the approval of the commissioner or the
18 commissioner's representative, for a vehicle used commercially or noncommercially and for
19 which a fee is not specified under (b) of this section, as follows

- 20 (1) up to and including 5,000 pounds \$200;
21 (2) more than 5,000 pounds to and including 12,000 pounds \$400;
22 (3) more than 12,000 pounds to and including 18,000 \$600;
23 (4) more than 18,000 pounds \$800.

24 * Sec. 12. AS 28.10.421(d) is amended to read:

25 ~~(d)~~ The special registration fees under this subsection are imposed annually, unless
26 otherwise specified, for

- 27 (1) an historic vehicle (one time only upon initial registration under
28 AS 28.10.181) \$50 [\$10];
29 (2) special request plates for
30 (A) Alaska National Guard personnel \$50 [\$30];
31 (B) veterans or retired veterans \$50 [\$30];

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(C) recipients of the Purple Heart \$50 [\$30];

(D) other special request plates \$50 [\$30];

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance [AND ON THE REPLACEMENT] of special request plates;

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 [OR A RESIDENT 65 YEARS OF AGE OR OLDER WHO FILES A WRITTEN APPLICATION FOR AN EXEMPTION ON A FORM PRESCRIBED BY THE DEPARTMENT] none;

(4) a vehicle owned by the state none;

(5) a vehicle owned by an elected state official

. the fee required for that vehicle under (b) of this section;

(6) [REPEALED

(7)] a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 \$75 [\$35];

(7) [(8)] a snowmobile or off-highway vehicle \$10 [\$5];

(8) [(9)] an amateur mobile radio station vehicle [,

(A) WITH A TRANSCEIVER CAPABLE OF LESS THAN 5-BAND OPERATION] the fee required for that vehicle under (b) or (c) of this section;

[(B) IN RECOGNITION OF SERVICE TO THE PUBLIC A MOBILE AMATEUR RADIO STATION OWNED BY AN AMATEUR WITH GENERAL CLASS OR HIGHER LICENSE, PROVIDED THE STATION MUST BE SATISFACTORILY PROVED CAPABLE OF OPERATING ON AT LEAST FIVE BANDS FROM 160 THROUGH 10 METERS, MUST HAVE AN ANTENNA, AND MUST HAVE A ~~POWER~~ SUPPLY AND WIRING AS A PERMANENT PART OF THE VEHICLE; THE TRANSMITTING UNIT MAY BE REMOVED FROM THE CAR FOR SERVICE OR DRY STORAGE NONE FOR A MOBILE AMATEUR RADIO STATION VEHICLE INCLUDED IN (b)(1) OR

(2) OF THIS SECTION;]

(9) [(10)] dealer registration plates [,

(A) THE INITIAL SET OF PLATES] \$100 [\$45];

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[(B) EACH SUBSEQUENT SET OF PLATES \$25;]
(10) [(11)] a vehicle owned by a municipality, except a municipal utility vehicle
[OR CHARITABLE ORGANIZATION MEETING THE REQUIREMENTS OF AS 28.10.181(e)]
..... \$5;
(11) [(12)] AN OCCASIONAL USE VEHICLE UNDER AS 28.10.181(k) \$15;
(13)] a vehicle owned by a Pearl Harbor [PEARL HARBOR] survivor or a
former prisoner of war none;
(12) [(14)] REPEALED
(15)] special request university plates \$50
plus the fee required for that vehicle under (b)(1), (2), or (6) [(b)(1) OR (2)] of this section; the
fee required by this paragraph shall be collected only on the first issuance and on the replacement
of special request plates; the commissioner of administration shall separately account by
university campus designation for the fees received under this paragraph that the department
deposits in the general fund; the annual estimated balance in the accounts that is in excess of the
cost of issuing special request university plates may be appropriated by the legislature for the
support of programs at each campus;
(13) a volunteer fire department or emergency medical response
vehicle \$5;
(14) a municipal utility vehicle \$10;
(15) a charitable organization meeting the requirements of AS 28.10.181(e)
..... \$10.

* Sec. 13. AS 28.10.421 is amended by adding a new subsection to read:

(h) If a person renews a noncommercial vehicle registration by mail on a form prescribed
by the department the noncommercial registration fee imposed under this section shall be reduced
by \$15 ~~if the~~ applicable registration is \$15 or more.

* Sec. 14. AS 28.10.441 is amended to read:

Sec. 28.10.441. SCHEDULE OF OTHER FEES AND CHARGES. The following fees
and charges are imposed by the department for the stated services that [WHICH] it provides:

- (1) title fee (including transfer of title) \$25 [\$5];
- (2) lien filing fee \$10 [\$5];
- (3) replacement of any registration plate set, including special request plates

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- 1 \$25 [\$5];
- 2 (4) duplicate of original certificate of title \$25 [\$5];
- 3 (5) duplicate of certificate of registration \$10 [\$2];
- 4 (6) temporary preregistration permit issued under AS 28.10.031 none;
- 5 (7) special transport permit issued under AS 28.10.151 \$10 [\$5];
- 6 (8) special permit for vehicle used for transport of disabled or handicapped person
- 7 issued under AS 28.10.495 none.

8 * Sec. 15. AS 28.15.271(a) is amended to read:

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

- 11 (1) all noncommercial vehicles and motor-driven cycles
 - 12 (A) each license fee \$25 [\$10];
 - 13 (B) each driver skills test \$15;
- 14 (2) all commercial motor vehicles
 - 15 (A) each license fee \$100;
 - 16 (B) each driver skills test \$25;
- 17 (3) instruction permit \$15 [\$3];
- 18 (4) duplicate of driver's license or instruction permit \$15 [\$3];
- 19 (5) temporary license and renewal of permit \$15 [\$3];
- 20 (6) school bus driver's endorsement renewal \$5 [\$3].

21 * Sec. 16. AS 28.22.011(a) is amended to read:

22 (a) The operator or owner of a motor vehicle subject to registration under AS 28.10.011
 23 when driven on a highway, vehicular way or area, or on other public property in the state, shall
 24 be insured under a motor vehicle liability policy that complies with this chapter or a certificate
 25 of self-insurance that complies with AS 28.20.400 unless

- 26 (1) the motor vehicle is being driven or moved on a highway, vehicular way, or
 27 a public parking place in the state that is not connected by a land highway or vehicular way to
 - 28 (A) the land-connected state highway system, or
 - 29 (B) a highway or vehicular way with an average daily traffic volume
 30 greater than 499; and
- 31 (2) the operator has not been cited within the preceding five years for a traffic

1 law violation with a demerit point value of six or more on the point schedule determined under
2 regulations adopted by the department under AS 28.15.221; or

3 (3) the vehicle will travel on state highways less than five percent of its total
4 hours of operation [THE MOTOR VEHICLE IS REGISTERED UNDER AS 28.10.181(k)].

5 * Sec. 17. AS 41.21.020(a) is amended to read:

6 (a) The department shall

7 (1) develop a continuing plan for the conservation and maximum use in the public
8 interest of the scenic, historic, archaeologic, scientific, biological, and recreational resources of
9 the state;

10 (2) plan for and develop a system of state parks and recreational facilities, to be
11 established as the legislature authorizes and directs;

12 (3) acquire by gift, purchase, or transfer from state or federal agencies, or from
13 individuals, corporations, partnerships or associations, land necessary, suitable and proper for
14 roadside, picnic, recreational, or park purposes;

15 (4) control, develop, and maintain state parks and recreational areas;

16 (5) provide for the acquisition, care, control, supervision, improvement,
17 development, extension, and maintenance of public recreational land, and make necessary
18 arrangements, contracts, or commitments for the improvement and development of land acquired
19 under AS 41.21.010 - 41.21.040; contracting for improvement and development under this
20 paragraph is governed by AS 36.30 (State Procurement Code);

21 (6) adopt, in accordance with this section and the Administrative Procedure Act
22 (AS 44.62), regulations governing the use and designating incompatible uses within the
23 boundaries of state park and recreational areas to protect the property and to preserve the peace;

24 (7) cooperate with the United States and its agencies and local subdivisions of the
25 state to ~~secure~~ the effective supervision, improvement, development, extension, and maintenance
26 of state parks, state monuments, state historical areas, and state recreational areas, and secure
27 agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

28 (8) encourage the organization of state public park and recreational activities in
29 the local political subdivisions of the state;

30 (9) provide for consulting service designed to develop local park and recreation
31 facilities and programs;

1 (10) provide clearinghouse services for other state agencies concerned with park
2 and recreation matters;

3 (11) perform other duties as are prescribed by executive order or by law;

4 (12) maintain memorials to Alaska veterans located in state parks; [AND]

5 (13) adopt, in accordance with the Administrative Procedure Act (AS 44.62),
6 regulations governing the use of the Chena River State Recreation Area and designating
7 incompatible uses within the boundaries of the Chena River State Recreation Area in accordance
8 with AS 41.21.490; and

9 (14) accept cash and other donations from public or private sources to assist
10 and support the department in carrying out the purposes of this chapter.

11 * Sec. 18. AS 41.21.026(a) is amended to read:

12 (a) Notwithstanding (b) of this section, the [THE] department may charge or collect
13 a fee in a park unit for

14 (1) rental of public use cabins or other overnight lodgings;

15 (2) [OVERNIGHT] use of a developed or en route campsite;

16 (3) special park use permits;

17 (4) competitive and exclusive commercial use permits;

18 (5) noncompetitive and nonexclusive commercial use permits;

19 (6) use of a sewage holding tank dump station;

20 (7) admission to or guided tours of visitor centers or historic sites; [AND]

21 (8) use of an improved boat ramp in a park facility developed principally for boat
22 launching;

23 (9) sale of firewood;

24 (10) use of a developed trailhead, access site, or picnic site, that has parking,
25 rest rooms, and refuse collection; and

26 (11) the presentation or attendance at programs related to natural or cultural
27 history, outdoor skills or education, or other topics concerned with public use, enjoyment,
28 or understanding of parks.

29 * Sec. 19. AS 41.21.026(e) is amended to read:

30 (e) In this section,

31 (1) "developed campsite" means a campsite having access to the following public

1 facilities:

2 (A) [(1)] rest rooms;

3 (B) [(2)] a picnic table;

4 (C) [(3)] an outdoor cooking facility; and

5 (D) [(4)] an approved water source;

6 (2) "en route campsite" means a campsite intended principally for short-term
7 occupation while in transit between destinations, and not necessarily having any of the
8 public facilities required for a developed campsite under (1) of this subsection.

9 * Sec. 20. AS 42.05 is amended by adding a new section to read:

10 Sec. 42.05.253. PUBLIC UTILITY REGULATORY COST CHARGE. (a) A regulated
11 public utility operating in the state shall pay to the commission an annual regulatory cost charge
12 in an amount not to exceed .61 percent of gross revenue derived from operations in the state, as
13 modified under (c) of this section if appropriate. An exempt utility shall pay the actual cost of
14 services provided to it by the commission.

15 (b) The commission shall by regulation establish a method to determine annually the
16 amount of the regulatory cost charge for a public utility. If the amount the commission expects
17 to collect under (a) of this section and under AS 42.06.285(a) exceeds the authorized budget of
18 the commission, the commission shall, by order, reduce the percentages set out in (a) of this
19 section so that the total amount of the fees collected approximately equals the authorized budget
20 of the commission for the fiscal year.

21 (c) In determining the amount of the regulatory cost charge imposed under (a) of this
22 section,

23 (1) a utility selling utility services at wholesale shall modify its gross revenue by
24 deducting payments it receives for wholesale sales;

25 ~~(2)~~ (2) a local exchange telephone utility shall modify its gross revenue by deducting
26 payments received from other carriers for settlements or access charges.

27 (d) The commission shall calculate the total regulatory cost charges to be levied against
28 all regulated electric utilities under this section. The commission shall allocate the total amount
29 among the regulated electric utilities by using an equal charge per kilowatt hour sold at retail.

30 (e) The commission shall administer the charge imposed under this section. The
31 Department of Revenue shall collect and enforce the charge imposed under this section.

1 (f) The commission shall allow a public utility to recover all payments made to the
2 commission under this section. The commission may not require a public utility to file a rate
3 case in order to be eligible to recover the regulatory cost charge.

4 (g) The commission may adopt regulations under AS 44.62 (Administrative Procedure
5 Act) necessary to administer this section, including requirements and procedures for reporting
6 information and making quarterly payments. The Department of Revenue may adopt regulations
7 under AS 44.62 (Administrative Procedure Act) for investigating the accuracy of filed
8 information, and for collecting required payments.

9 (h) In this section,

10 (1) "exempt utility" means a public utility that is certificated by the commission
11 under AS 42.05.221 - 42.05.281 but, in accordance with AS 42.05.711, is exempt from other
12 regulatory requirements of this chapter;

13 (2) "gross revenue" means the total operating revenue from intrastate services, as
14 shown in a utility's annual report required by the commission by regulation;

15 (3) "regulated utility" means a public utility that is certificated by the commission
16 under AS 42.05.221 - 42.05.281 and that is subject to the other regulatory requirements of this
17 chapter;

18 (4) "wholesale sales" means sales to another utility for resale under circumstances
19 that make revenue from the resale subject to the regulatory cost charge imposed under this
20 section.

21 * Sec. 21. AS 42.05.651(a) is amended to read:

22 (a) During [AFTER COMPLETION OF] a hearing or investigation held under this
23 chapter, the commission may [SHALL] allocate the costs of the hearing or investigation among
24 the parties, including the commission, as is just under the circumstances. In allocating costs, the
25 commission ~~shall consider the regulatory cost charge paid by a utility under AS 42.05.253~~
26 and may consider the results, ability to pay, evidence of good faith, other relevant factors, and
27 mitigating circumstances. Notwithstanding an intervening party's ability to pay, if the
28 commission determines that an intervening party has conducted its intervention in a
29 frivolous manner, the commission shall allocate all costs associated with the intervention to
30 that party. The costs allocated may include the costs of any time devoted to the investigation
31 or hearing by hired consultants, whether or not the consultants appear as witnesses or

1 participants. The costs allocated may also include any out-of-pocket expenses incurred by the
2 commission in the particular proceeding. The commission shall provide an opportunity for any
3 person objecting to an allocation to be heard before the allocation becomes final.

4 * Sec. 22. AS 42.05.661 is amended to read:

5 Sec. 42.05.661. APPLICATION FEES. With each application relating to a certificate
6 the applicant shall pay the commission a fee set by the commission by regulation that [OF \$50
7 WHICH] shall be deposited in the general fund of the state.

8 * Sec. 23. AS 42.06 is amended by adding a new section to read:

9 Sec. 42.06.285. PIPELINE CARRIER REGULATORY COST CHARGE. (a) A pipeline
10 carrier operating in the state shall pay to the commission an annual regulatory cost charge in an
11 amount not to exceed .61 percent of gross revenue derived from operations in the state. A
12 regulatory cost charge may not be assessed on pipeline carrier operations unless the operations
13 are within the jurisdiction of the commission.

14 (b) The commission shall by regulation establish a method to determine annually the
15 amount of the regulatory cost charge. If the amount the commission expects to collect under (a)
16 of this section and under AS 42.05.253(a) exceeds the authorized budget of the commission, the
17 commission shall, by order, reduce the percentage set out in (a) of this section so that the total
18 amount of the fees collected approximately equals the authorized budget of the commission for
19 the fiscal year.

20 (c) The commission shall administer the charge imposed under this section. The
21 Department of Revenue shall collect and enforce the charge imposed under this section.

22 (d) The commission may adopt regulations under AS 44.62 (Administrative Procedure
23 Act) necessary to administer this section, including requirements and procedures for reporting
24 information and making quarterly payments. The Department of Revenue may adopt regulations
25 under ~~AS 44.62~~ (Administrative Procedure Act) for investigating the accuracy of filed
26 information, and for collecting required payments.

27 (e) In this section, "gross revenue" means the total intrastate operating revenue as shown
28 in a pipeline carrier's annual report required by the commission by regulation.

29 * Sec. 24. AS 42.06.610(a) is amended to read:

30 (a) During a proceeding held under this chapter, the commission may [SHALL] allocate
31 the cost of the proceeding among the parties, including the commission, as is just under the

1 circumstances. In allocating costs, the commission shall consider the regulatory cost charge
2 paid directly or indirectly under AS 42.06.285. The costs allocated may include the costs of
3 any time devoted to investigations or hearings by hired consultants, whether or not the
4 consultants appear as witnesses or participants. The commission shall provide an opportunity for
5 any person objecting to an allocation to be heard before the allocation becomes final.

6 * Sec. 25. AS 44.21.310(b) is amended to read:

7 (b) The department may

8 (1) coordinate its functions with local, regional, state, and federal officials, private
9 groups and individuals, and with officials of other countries, provinces, and states;

10 (2) enter into contracts and subcontracts on behalf of the state to carry out the
11 provisions of AS 44.21.305 - AS 44.21.330;

12 (3) act for the state in the initiation, investigation, and evaluation of, or
13 participation in, programs related to the purposes of the department that [WHICH] involve more
14 than one government or governmental unit;

15 (4) on behalf of the state, apply for, accept, and expend gifts or grants made to
16 the state if the gifts or grants are for the purposes of furthering the objectives of the department;
17 [AND]

18 (5) hold public hearings to obtain information for the purpose of carrying out the
19 provisions of AS 44.21.305 - 44.21.330; and

20 (6) charge a fee for telecommunication services provided by the department
21 to commercial entities for television broadcast.

22 * Sec. 26. AS 44.21.410(a) is amended to read:

23 (a) The office of public advocacy shall

24 (1) perform the duties of the public guardian under AS 13.26.360 - 13.26.410;

25 (2) provide visitors and experts in guardianship proceedings under AS 13.26.131;

26 (3) provide guardian ad litem services to children in child protection actions under
27 AS 47.17.030(e) and to wards and respondents in guardianship proceedings who will suffer
28 financial hardship or become dependent upon a government agency or a private person or agency
29 if the services are not provided at state expense under AS 13.26.112;

30 (4) provide legal representation in guardianship proceedings to respondents who
31 are financially unable to employ attorneys under AS 13.26.106(b), to indigent parties in cases

1 involving child custody in which the opposing party is represented by counsel provided by a
2 public agency, to indigent parents or guardians of a minor respondent in a commitment
3 proceeding concerning the minor under AS 47.30.775;

4 (5) provide legal representation and guardian ad litem services under
5 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on Juveniles); in
6 cases involving petitions to adopt a minor under AS 25.23.125(b) or petitions for the termination
7 of parental rights on grounds set out in AS 25.23.180(c)(3); in cases involving petitions to
8 remove the disabilities of a minor under AS 09.55.590; in children's proceedings under
9 AS 47.10.050(a); and in cases involving indigent persons who are entitled to representation under
10 AS 18.85.100 and who cannot be represented by the public defender agency because of a conflict
11 of interests;

12 (6) develop and coordinate a program to recruit, select, train, assign, and supervise
13 volunteer guardians ad litem from local communities to aid in delivering services in cases in
14 which the office of public advocacy is appointed as guardian ad litem;

15 (7) provide guardian ad litem services in proceedings under AS 12.45.046;

16 (8) establish a fee schedule and collect fees for services provided by the office,
17 except as provided in AS 18.85.120 or when imposition or collection of a fee is not in the
18 public interest as defined under regulations adopted by the commissioner of administration.

19 * Sec. 27. AS 44.28 is amended by adding new sections to read:

20 Sec. 44.28.040. FEES. Notwithstanding AS 09.25.110 - 09.25.130, the department may
21 establish by regulation and may charge reasonable fees for

22 (1) training; and

23 (2) departmental publications and research data to cover the cost of reproduction,
24 printing, mailing, and distribution.

25 ~~Sec. 44.28.090.~~ DEFINITIONS. In this chapter,

26 (1) "commissioner" means the commissioner of corrections;

27 (2) "department" means the Department of Corrections.

28 * Sec. 28. AS 44.46.025(a) is amended to read:

29 (a) The Department of Environmental Conservation may adopt regulations that prescribe
30 reasonable fees, and establish procedures for the collection of the fees, to cover the direct costs
31 of the following services provided by the department:

1 (1) inspections, permit administration, plan review and approval, and other related
2 services provided under AS 03.05, AS 17.20, and AS 18.35;

3 (2) air quality permits under AS 46.03.140 and 46.03.160;

4 (3) hazardous waste permits under AS 46.03.299 and 46.03.302;

5 (4) plan approvals and permits for sewerage system and treatment works and
6 wastewater disposal systems, and plan approvals for drinking water systems, under AS 46.03.720;

7 (5) oil discharge financial responsibility approvals under AS 46.04.040;

8 (6) oil discharge contingency plan approvals under AS 46.04.030;

9 (7) water and wastewater operator training under AS 46.30;

10 (8) inspections under AS 44.46.020 of swimming pools, spas, hot tubs,
11 barbershops, hairdressing and cosmetological establishments, daycare residential child care
12 facilities, adult residential care facilities, pre-elementary school facilities, facilities that sell
13 or commercially produce compressed air for human respiration, and public
14 accommodations;

15 (9) inspections under AS 18.35.220 of public facilities, toilets, lavatories,
16 showers, laundromats, and tatoo parlors;

17 (10) siting approvals of hazardous waste management facilities issued under
18 AS 46.03.296;

19 (11) reviews of sewage and industrial waste disposal or treatment plans
20 conducted under AS 46.03.090;

21 (12) permits for applications of pesticides and broadcast chemicals issued
22 under AS 46.03.320.

23 * Sec. 29. AS 44.50.040 is amended to read:

24 Sec. 44.50.040. FEES. A fee established by the lieutenant governor by regulation [OF
25 \$40] ~~shall be paid~~ to the lieutenant governor for each commission issued to a person other than
26 a state employee.

27 * Sec. 30. TEMPORARY FEES IN STATE PARKS. (a) The following fees apply for the following
28 activities in units of the state park system until the Department of Natural Resources adopts a regulation
29 under AS 41.21.026(c) that establishes a fee for that activity:

30 (1) sale of firewood \$4 per bundle;

31 (2) use of a developed trailhead, access site, or picnic site, that has parking, rest rooms,

- 1 and refuse collection \$2 per vehicle, or \$25 for an annual pass;
- 2 (3) admission to visitor centers or historic sites \$1 per person;
- 3 (4) use of an en route campsite \$3 per vehicle.

4 (b) The commissioner of natural resources shall notify the revisor of statutes when a regulation
5 is adopted that establishes a fee for an activity described under (a) of this section.

6 * Sec. 31. Section 30 of this Act is repealed on a date that is two years after the effective date of this
7 section.

8 * Sec. 32. AS 24.45.041(g) is repealed.

9 * Sec. 33. AS 28.10.165, 28.10.181(k), 28.10.411(f), 28.10.421(f), and AS 28.15.271(b) are repealed.

10 * Sec. 34. Section 11 of this Act takes effect January 1, 1996.

11 * Sec. 35. Sections 3 - 5, 8 - 10, 12 - 16, 32, and 33 of this Act take effect January 1, 1993.

12 * Sec. 36. Sections 20 - 24 of this Act take effect July 1, 1992.

13 * Sec. 37. Except as provided in secs. 34 - 36 of this Act, this Act takes effect immediately under
14 AS 01.10.070(c).

updated 9:00 pm

5/14/92

CS HB 597 (Finance)

Section 1: Conforming amendment to Motor Vehicle schedule changes

Section 2: Allows the Alaska Public Offices Commission to establish fees for reports, statements, and filings, etc.

Section 3: Amends the Resident sport hunting and fishing licenses; adds a King Salmon tag

Generates additional Fish and Game revenue \$3,211.1

Section 4,5: Adds wildlife conservation tag program

Generates additional Fish and Game revenue \$35.0

Section 6: Allows the Department of Labor to establish fees for the asbestos certification program.

Transfer from GF \$97.3

(Includes additional program receipts for other programs already allowed under regulation to charge fees)

Section 7: DMV increase in identification card fee.

(See analysis for sections 10-18)

Section 8: DMV registration conforming amendment

Section 9,10,11,12,13,14,15,: Amends DMV fee schedule

Generates additional GF revenue \$13,208.0

(Revenue for FY93 is for 1/2 year- future year revenues anticipated to be \$26,415.1)

Section 16: DMV conforming amendment

Section 17: Allows the Department of Natural Resources to accept cash and other donations for purposes of the department.

Section 18,19: Provide for day fees for park/campsite use.

Transfer from GF: \$150.0

Section 20,21,22,23,24: Allows the Alaska Public Utilities Commission to recover regulatory costs through the establishment of an utility assessment.

Transfer from GF: \$3,717.1

Section 25: Allows the Division of Telecommunications to charge for commercial transmission on state systems.

Transfer from GF: \$50.0

Section 26: Allows the Office of Public Advocacy to establish fees.

revenue unknown

Section 27: Allows the Department of Corrections to recover costs for publications.

revenue unknown

Section 28: Allows inspection fees for DEC to provide consistency in which entities may be charged.

revenue unknown

Section 29: Allows the Lt. Governor to establish notary public fees by regulation for anyone but state employees. Previously statute set fee at \$40.

revenue unknown

Section 30: Sets up temporary fees in state parks for limited activities.

(see analysis for Sections 19-21)

Section 31: repeals Section 30 after two years.

Section 32: Repeals APOC lobbyist fee

Section 33: Repeals portions of DMV schedules reincorporated into new language in previous sections.

Sections 34,35,36,37: Effective date clauses.

Total General/Other fund impact: \$23,630.5

HB598

HOUSE COMMITTEE REPORT

Date Referred:

OTHER REFERRALS:

Date of Committee Action: 5/14/92

The Finance Committee considered:

HB 598

HOUSE BILL NO. 598

AIDEA BONDS - ANCHORAGE INT'L AIRPORT

"An Act relating to the Alaska Industrial Development and Export Authority authorizing the issuance of bonds for Anchorage International Airport aircraft maintenance, air cargo/air transport facilities; and providing for an effective date."

RECOMMENDATIONS:

[] the same title

be replaced with _____ [] 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) _____

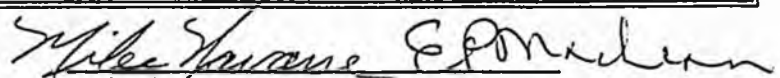
[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mike Swan</u> NAUAYL	✓	<u>Koponen</u>		X	
<u>Mark Bush</u> BOYER	X	<u>Ullmer</u>		X	
<u>Kay Brown</u> BROWN	✓				
<u>Betty J. J. J.</u> JACKO	X				
<u>Thomas Barnes</u> Barnes	X				
<u>Scott M. [unclear]</u> [unclear]	X				
<u>Roll E. Phillips</u> Phillips	X				
<u>Ronald J. Larsen</u> Larsen	X				
<u>William P. Mackay</u> Mackay	X				


 CHAIRMAN'S SIGNATURE
 NAUAYL Mackay

HOUSE BILL NO. 598

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SPECIAL SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 5/13/92

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Industrial Development and Export Authority authorizing
2 the issuance of bonds for Anchorage International Airport aircraft maintenance, air
3 cargo/air transport facilities; and providing for an effective date."

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

5 * Section 1. Section 25, ch. 123, SLA 1990 is repealed and reenacted to read:

6 Sec. 25. The Alaska Industrial Development and Export Authority may issue bonds to
7 finance the acquisition, design, and construction of aircraft maintenance air cargo/air transport
8 support facilities located at Anchorage International Airport, to be owned by the Authority. The
9 principal amount of the bonds may not exceed \$85,000,000. This section grants the legislative
10 approval required by AS 44.88.095.

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

6/20/92

CSHB 601 (JUD) AM (EFD FLD) - FISCAL NOTE TRAVELING WITH THE BILL:

ALASKA COURT SYSTEM
TRIAL COURTS \$ 7.5^{#1} 6/16/92

SCS CSHB 601 (SCW) - FISCAL NOTES REPORTED OUT FROM COMMITTEE OF THE WHOLE ON 6/19/92:

DEPT. OF FISH & GAME
BOARDS \$365.0^{#3} 6/19/92 (NEW FISCAL NOTE)
SUBSISTENCE \$ -0- 6/19/92 (NEW FISCAL NOTE)

ALASKA COURT SYSTEM
TRIAL COURTS \$ 7.5 6/16/92 (PREVIOUS NOTE)

SCS CSHB 601 (SCW) - FISCAL NOTES REPORTED OUT OF SENATE FINANCE COMMITTEE ON 6/20/92:

DEPT. OF PUBLIC SAFETY
FISH & WILDLIFE -0-^{#6} 6/20/92 (PREPARED BY SFC)

DEPT. OF FISH & GAME
WILDLIFE -0-^{#7} 6/20/92 (PREPARED BY SFC)
BOARDS \$365.0^{#4} 6/20/92 (NEW FISCAL NOTE)
SUBSISTENCE -0-^{#2} 6/20/92 (NEW FISCAL NOTE)

DEPT. OF LAW
LEGAL SERVICES \$ 62.7^{#5} 6/20/92 (NEW FISCAL NOTE)

ALASKA COURT SYSTEM
TRIAL COURTS \$ 7.5^{#1} 6/16/92 (PREVIOUS NOTE)

***THE FOLLOWING FISCAL NOTES SUBMITTED BY THE DEPT. OF FISH & GAME WERE REPLACED WITH REVISED NOTES ON 6/19/92.

DEPT. OF FISH & GAME
BOARDS \$512.0 6/17/92
SUBSISTENCE \$285.4 6/17/92
WILDLIFE \$ 72.4 6/17/92

HB601

CONFERENCE CS FOR HOUSE BILL NO. 601
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SPECIAL SESSION

BY THE CONFERENCE COMMITTEE

Offered: 6/22/92

Sponsor(s): REPRESENTATIVES FINKELSTEIN, Martin

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish and game; and providing for an effective
2 date."

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

4 * Section 1. FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that

5 (1) there are Alaskans, both Native and non-Native, who have a traditional,
6 social, or cultural relationship to and dependence upon the wild renewable resources produced
7 by Alaska's land and water; the harvest and use of fish and game for personal and group
8 consumption is an integral part of those relationships;

9 (2) although customs, traditions, and beliefs vary, these Alaskans share ideals
10 of respect for nature, the importance of using resources wisely, and the value and dignity of
11 a way of life in which they use Alaska's fish and game for a substantial portion of their
12 sustenance; this way of life is recognized as "subsistence";

13 (3) customary and traditional uses of Alaska's fish and game originated with
14 Alaska Natives, and have been adopted and supplemented by many non-Native Alaskans as

1 well; these uses, among others, are culturally, socially, spiritually, and nutritionally important
2 and provide a sense of identity for many subsistence users;

3 (4) while Alaska's fish and game are generally still plentiful, these resources
4 are not unlimited and cannot provide for every desired use, now or in the future; competition
5 for and the level of effort on these resources have required the legislature and the Board of
6 Fisheries and Board of Game to establish a preference for subsistence among the various
7 beneficial uses of fish and game in the state; and

8 (5) in most areas of the state, a preference for subsistence can be provided
9 without an overly burdensome intrusion upon other consumptive uses of fish and game.

10 (b) It is the purpose of this Act

11 (1) to develop and maintain healthy fish stocks and game populations through
12 management based on the sustained yield principle; and

13 (2) to provide for a preference for subsistence uses over other consumptive
14 uses of fish and game resources.

15 (c) It is the intent of the legislature that

16 (1) subsistence uses of Alaska's fish and game resources are given the highest
17 preference, in order to accommodate and perpetuate those uses; and

18 (2) this Act not result in significant reallocations of fish and game in Alaska.

19 * Sec. 2. AS 16.05.258 is repealed and reenacted to read:

20 Sec. 16.05.258. SUBSISTENCE USE AND ALLOCATION OF FISH AND
21 GAME. (a) Except in nonsubsistence areas, the Board of Fisheries and the Board
22 of Game shall identify the fish stocks and game populations, or portions of stocks or
23 populations, that are customarily and traditionally taken or used for subsistence. The
24 commissioner shall provide recommendations to the boards concerning the stock and
25 population identifications. The boards shall make identifications required under this
26 subsection after receipt of the commissioner's recommendations.

27 (b) The appropriate board shall determine whether a portion of a fish stock
28 or game population identified under (a) of this section can be harvested consistent
29 with sustained yield. If a portion of a stock or population can be harvested consistent
30 with sustained yield, the board shall determine the amount of the harvestable portion
31 that is reasonably necessary for subsistence uses and

1 (1) if the harvestable portion of the stock or population is sufficient
2 to provide for all consumptive uses, the appropriate board

3 (A) shall adopt regulations that provide a reasonable
4 opportunity for subsistence uses of those stocks or populations;

5 (B) shall adopt regulations that provide for other uses of those
6 stocks or populations, subject to preferences among beneficial uses; and

7 (C) may adopt regulations to differentiate among uses;

8 (2) if the harvestable portion of the stock or population is sufficient
9 to provide for subsistence uses and some, but not all, other consumptive uses, the
10 appropriate board

11 (A) shall adopt regulations that provide a reasonable
12 opportunity for subsistence uses of those stocks or populations;

13 (B) may adopt regulations that provide for other consumptive
14 uses of those stocks or populations; and

15 (C) shall adopt regulations to differentiate among consumptive
16 uses that provide for a preference for the subsistence uses, if regulations are
17 adopted under (B) of this paragraph;

18 (3) if the harvestable portion of the stock or population is sufficient
19 to provide for subsistence uses, but no other consumptive uses, the appropriate board
20 shall

21 (A) determine the portion of the stocks or populations that can
22 be harvested consistent with sustained yield; and

23 (B) adopt regulations that eliminate other consumptive uses in
24 order to provide a reasonable opportunity for subsistence uses; and

25 (4) if the harvestable portion of the stock or population is not
26 sufficient to provide a reasonable opportunity for subsistence uses, the appropriate
27 board shall

28 (A) adopt regulations eliminating consumptive uses, other than
29 subsistence uses;

30 (B) distinguish among subsistence users, through limitations
31 based on

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(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

- (1) the social and economic structure;
- (2) the stability of the economy;
- (3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;
- (4) the amount and distribution of cash income among those domiciled in the area or community;
- (5) the cost and availability of goods and services to those domiciled in the area or community;
- (6) the variety of fish and game species used by those domiciled in the area or community;
- (7) the seasonal cycle of economic activity;
- (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
- (9) the harvest levels of fish and game by those domiciled in the area or community;

1 (10) the cultural, social, and economic values associated with the
2 taking and use of fish and game;

3 (11) the geographic locations where those domiciled in the area or
4 community hunt and fish;

5 (12) the extent of sharing and exchange of fish and game by those
6 domiciled in the area or community;

7 (13) additional similar factors the boards establish by regulation to be
8 relevant to their determinations under this subsection.

9 (d) Fish stocks and game populations, or portions of fish stocks and game
10 populations not identified under (a) of this section may be taken only under
11 nonsubsistence regulations.

12 (e) Takings and uses of fish and game authorized under this section are
13 subject to regulations regarding open and closed areas, seasons, methods and means,
14 marking and identification requirements, quotas, bag limits, harvest levels, and sex,
15 age, and size limitations. Takings and uses of resources authorized under this section
16 are subject to AS 16.05.831 and AS 16.30.

17 (f) For purposes of this section, "reasonable opportunity" means an
18 opportunity, as determined by the appropriate board, that allows a subsistence user to
19 participate in a subsistence hunt or fishery that provides a normally diligent participant
20 with a reasonable expectation of success of taking of fish or game.

21 * Sec. 3. AS 16.05.258 is repealed and reenacted to read:

22 Sec. 16.05.258. SUBSISTENCE USE AND ALLOCATION OF FISH AND
23 GAME. (a) The Board of Fisheries and the Board of Game shall identify the fish
24 stocks and game populations, or portions of stocks and populations, that are
25 customarily and traditionally used for subsistence in each rural area identified by the
26 boards.

27 (b) The boards shall determine

28 (1) what portion, if any, of the stocks and populations identified under
29 (a) of this section can be harvested consistent with sustained yield; and

30 (2) how much of the harvestable portion is needed to provide a
31 reasonable opportunity to satisfy the subsistence uses of those stocks and populations.

1 (c) The boards shall adopt subsistence fishing and subsistence hunting
2 regulations for each stock and population for which a harvestable portion is
3 determined to exist under (b)(1) of this section. If the harvestable portion is not
4 sufficient to accommodate all consumptive uses of the stock or population, but is
5 sufficient to accommodate subsistence uses of the stock or population, then
6 nonwasteful subsistence uses shall be accorded a preference over other consumptive
7 uses, and the regulations shall provide a reasonable opportunity to satisfy the
8 subsistence uses. If the harvestable portion is sufficient to accommodate the
9 subsistence uses of the stock or population, then the boards may provide for other
10 consumptive uses of the remainder of the harvestable portion. If it is necessary to
11 restrict subsistence fishing or subsistence hunting in order to assure sustained yield
12 or continue subsistence uses, then the preference shall be limited, and the boards shall
13 distinguish among subsistence users, by applying the following criteria:

14 (1) customary and direct dependence on the fish stock or game
15 population as the mainstay of livelihood;

16 (2) local residency; and

17 (3) availability of alternative resources.

18 (d) The boards may adopt regulations consistent with this section that
19 authorize taking for nonsubsistence uses a stock or population identified under (a) of
20 this section.

21 (e) Fish stocks and game populations, including bison, or portions of fish
22 stocks and game populations, not identified under (a) of this section may be taken
23 only under nonsubsistence regulations.

24 (f) Takings authorized under this section are subject to reasonable regulation
25 of seasons, catch or bag limits, and methods and means. Takings and uses of
26 resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

27 * Sec. 4. AS 16.05.940 is amended by adding new paragraphs to read:

28 (36) "customary and traditional" means the noncommercial, long-term,
29 and consistent taking of, use of, and reliance upon fish or game in a specific area and
30 the use patterns of that fish or game that have been established over a reasonable
31 period of time taking into consideration the availability of the fish or game;

1 (37) "customary trade" means the limited noncommercial exchange,
2 for minimal amounts of cash, as restricted by the appropriate board, of fish or game
3 resources; the terms of this paragraph do not restrict money sales of furs and
4 furbearers.

5 * Sec. 5. AS 16.05.940(36) and 16.05.940(37) are repealed.

6 * Sec. 6. REGULATIONS. Notwithstanding the provisions of AS 16.05.258, as in effect
7 on the day before the effective date of sec. 2 of this Act, the Board of Fisheries, Board of
8 Game, and Department of Fish and Game shall adopt regulations necessary to implement the
9 provisions of secs. 1, 2, and 4 of this Act.

10 * Sec. 7. TRANSITION. (a) It is the intent of the legislature that the Board of Fisheries
11 and the Board of Game expeditiously adopt regulations necessary to implement secs. 1, 2, and
12 4 of this Act.

13 (b) Regulations adopted by the Board of Fisheries, Board of Game, or Department
14 of Fish and Game after July 1, 1992, may not be inconsistent with the provisions of secs. 1,
15 2, and 4 of this Act.

16 (c) Regardless of whether regulations in effect on July 1, 1992, and adopted under
17 the authority of AS 16.05.251, 16.05.255, or 16.05.258, as that statute read on the day before
18 the effective date of sec. 2 of this Act, are inconsistent with the provisions of secs. 1, 2, or
19 4 of this Act, they may continue to be implemented and enforced until the effective date of
20 sec. 2 of this Act.

21 * Sec. 8. TRANSITION. After January 1, 1995, the Board of Fisheries, Board of Game,
22 and Department of Fish and Game may adopt regulations to implement AS 16.05.258, as
23 amended by sec. 3 of this Act. Regulations adopted under this section may not take effect
24 before the effective date of sec. 3 of this Act.

25 * Sec. 9. REVIEW. (a) The legislature acknowledges and recognizes that this Act deals
26 with a subject of vital concern and that the subject merits review. Therefore, it is the intent
27 of the legislature that the operation of this Act and the regulations adopted under this Act be
28 fully reviewed by the governor no later than June 1, 1994.

29 (b) This review period is intended to allow for further research and to gain experience
30 in implementing this Act and regulations adopted under secs. 6 and 7 of this Act. It is the
31 intent of the legislature that the governor convene a representative group to provide

1 recommendations to the governor before the end of the review period. It is the intent of the
2 legislature that representatives of the legislature and persons with a history in the formulation
3 of subsistence legislation in this state participate in the group.

4 (c) It is the intent of the legislature that the review under this section occur with
5 public input and participation.

6 (d) No later than September 1, 1994, the governor shall provide a report to the
7 legislature on the results of the review and proposed recommendations for statutory
8 amendments.

9 * Sec. 10. Sections 6 - 8 of this Act take effect immediately under AS 01.10.070(c).

10 * Sec. 11. Sections 1, 2, 4, and 9 of this Act take effect on the effective date of
11 regulations first adopted under sec. 6 of this Act by the Board of Fisheries and the Board of
12 Game.

13 * Sec. 12. Sections 3 and 5 of this Act take effect October 1, 1995.

SENATE FINANCE COMMITTEE REPORT

DATE: 6/19/92

FURTHER: *Ne June*

DATE TURNED INTO OFFICE: 6/20/92

The Finance Committee considered CS HB 601 (JUDICIARY) am (efd fld)

"An Act relating to the taking of fish and game."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous 5 CS CS HB 601 (SCW)
- attaches amendment(s) *& rpts it bha plus*

- 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

*2 for 1's
3 of FRT
total 4*

NEW FISCAL NOTES: Dept/Date

zero fiscal notes DPS 9 # 6
FIA # 7

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes FIA 9 # 2

fiscal notes FIA 365.0 # 4
LAW 62.7 # 5
~~_____ # 6~~

fiscal notes Courts 7.5 # 1
~~_____ # 2~~

appropriation--no fiscal note

DO PASS:

OTHER RECOMMENDATIONS:

3 Dick Shultz
[Signature]
[Signature]
[Signature]

2 John Duncan - DO NOT PASS
3 Al Adams - DO NOT PASS
2 Steve Hoffman - DO NOT PASS
1 Rich. Kelly NO REC
1 Keith... No Rec

Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

REPORTED OUT OF
SFC 6/20/92
FISCAL NOTE

No. 1
 Bill Version: CSHB 601 (RES)
 (H) Publish Date: 6/18/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the taking of fish BRU: Trial Courts
 and game Components: _____
 Sponsor: Lincoln
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	7.5	12.5	7.5	2.5	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.5	12.5	7.5	2.5	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	7.5	12.5	7.5	2.5	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	7.5	12.5	7.5	2.5	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 06/16/92

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 06/16/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System

HB 601

Analysis

ANALYSIS

This legislation provides a statutory priority for subsistence use of fish and game, relative to other consumptive uses of the state's fish and game resources.

Because of the continuing controversies surrounding this issue, it can be anticipated that the bill will face a vigorous legal challenge if it is enacted. It can also be anticipated that regulations adopted to implement this legislation will face legal challenge. These challenges will likely occur notwithstanding the passage of an underlying constitutional amendment.

The fiscal note reflects pro tem judge costs that will be incurred in handling these matters expeditiously.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF

BILL NO. SCS HB 601(SCW)

SFC 6/20/92

Revision Date: 6/19/92 Department Affected: Fish and Game

Title: An act relating to the taking of BRU: Subsistence

fish and game Component: Subsistence

Sponsor: Senate Committee of the Whole

Requestor: Senate Finance Committee COMPONENT SERIAL NO.

4	8	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	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	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	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: Rob Bosworth Phone: 465-4147

Division: Subsistence Division Date: 6/20/92

Approved by Commissioner: *Carol A. Pasier*

Agency: Department of Fish and Game Date: 6/20/92

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

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
SFC 4/20/92

No. 4

Bill Version: SCB HB 601 SCW

(S) Publish Date: 6-20-92

Revision Date: 6/19/92

Department Affected: Fish and Game

Title: An Act relating to the taking
of fish and game for subsistence:

BRU: Boards

Component: Board Services

Sponsor: Senate Comm. of the Whole

Requestor: Senate

COMPONENT SERIAL NO.

4	8	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	115.0	120.0	125.0	125.0	125.0	125.0
TRAVEL	170.0	160.0	50.0	50.0	50.0	50.0
CONTRACTUAL	75.0	70.0	25.0	25.0	25.0	25.0
SUPPLIES	5.0	4.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	365.0	354.0	201.0	201.0	201.0	201.0

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

GENERAL FUND	365.0	354.0	201.0	201.0	201.0	201.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	365.0	354.0	201.0	201.0	201.0	201.0

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

Estimate of current year impact: no FY92 fiscal impact

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared By: Beverly Reaume *Beverly Reaume*

Phone: 465-4110

Division: Boards of Fisheries and Game

Date: 6/20/92

Approved by Commissioner: *Carl L. Rosen*

Agency: Department of Fish and Game

Date: 6/20/92

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

**DIVISION OF BOARDS
FISCAL ANALYSIS - SCSHB 601**

ANALYSIS

The Board of Fisheries and the Board of Game meeting individually and together as the Joint Board would require approximately forty-five days of meetings over a two year period to implement the SCSHB601. In future years, the new bill would add approximately five days to the schedule of both boards. The overall estimate is based on board consideration of rural designations and customary and traditional use during the 1980s. It is important to note that since 1989 both boards have deferred most proposals dealing with subsistence in anticipation of legislation that would allow for a defensible approach to proposals. Over this same time period there have been reductions in the Division of Boards budget that have reduced the capability of the boards to meet. With the advent of new subsistence legislation, the boards will have to deal with subsistence issues as well as maintaining a full workload in other regulatory areas.

The items in the proposed legislation requiring the greatest effort on the part of the boards are:

I. "Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications."

25 DAYS

II. "The boards, acting, jointly, shall identify by regulation the boundaries of nonsubsistence areas...."

20 DAYS

Other items affecting cost estimates:

(1) With the loss of federal funding, Boards Division has eliminated two regional coordinators in the FY93 budget. The cost estimates include reactivation of these two coordinators. The regional coordinators are essential to provide for increased advisory committee meetings. Implementation will add at least one more meeting for each advisory committee. The increased activity of advisory committees and increased board meeting days are beyond staff's capability to provide adequate support.

(2) If the bill were to bring the state into compliance with ANILCA, we could anticipate that a portion and perhaps all of the estimated costs could come from the federal government.

COSTS - FY93

<u>Personal Services:</u>	115.0
overtime for existing staff	
two regional coordinators	
<u>Travel:</u>	170.0
travel and per diem for board members,	
Boards staff, and advisory committee	
meetings	
<u>Contractual:</u>	75.0
meeting space, printing and postage for	
proposal books, telephone and legal	
notice of meetings	
<u>Supplies:</u>	5.0
office supplies	
TOTAL	<u>365.0</u>

COSTS - FY94:

Personal Services	120.0
Travel	160.0
Contractual	7.0
Supplies	7.0
TOTAL	<u>354.0</u>

COSTS - FUTURE YEARS

Personal Services	125.0
Travel	50.0
Contractual	25.0
Supplies	1.0
TOTAL	<u>201.0</u>

FISCAL NOTE

No. 5

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF

Bill Version: SCSB 601 (Saw)

SFC 6/20/92

(S) Publish Date: 6-20-92

Revision Date: JUNE 20, 1992 Department Affected: DEPARTMENT OF LAW

Title: "An Act RELATING to BRU: LEGAL SERVICES

the taking of Fish & Game..." Component: OPERATIONS

Sponsor: SENATE Committee of the Whole

Requestor: SENATE FINANCE COMPONENT SERIAL NO.

		9	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	42.5	42.5	42.5	42.5	42.5	
TRAVEL	5.0	5.0	5.0	5.0	5.0	
CONTRACTUAL	7.5	7.5	7.5	7.5	7.5	
SUPPLIES	1.2	1.2	1.2	1.2	1.2	
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	62.7	56.2	56.2	56.2	56.2	

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	62.7	56.2	56.2	56.2	56.2	
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	62.7	56.2	56.2	56.2	56.2	

POSITIONS:

FULL-TIME						
PART-TIME	1	1	1	1	1	
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) The senate committee substitute for HB 601 removes the constitutional problems from the earlier versions of the bill. Consequently, there will be less litigation. However, some litigation can still be expected when the bill is implemented, particularly in respect to boards of Fisheries and game subsistence determinations. Our costs have been reduced accordingly.

Prepared By: Richard L. Plant Phone: 465-3672

Division: ADMINISTRATIVE SERVICES Date: JUNE 20, 1992

Approved by Commissioner: RICHARD L. PLANT, Attorney General

Agency: DEPARTMENT OF LAW Date: JUNE 20, 1992

REQUEST:

Revision Date: 6/20/92 Affected Agency: Public Safety
Title: An Act relating to BRU: Fish & Wildlife
the taking of fish and game for subsistence Protection
Sponsor: Lincoln Components: Enforcement and ISU
Requestor: Senate Finance

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

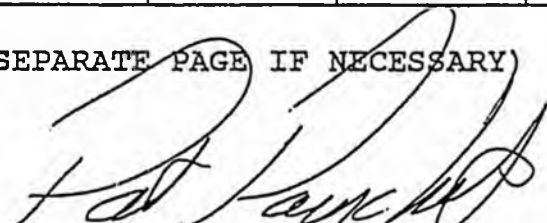
General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By:


Senator Pat Pourchot, Co-chairman
Senate Finance Committee

Date: 6/20/92
Phone: 465-3879

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT AND BUDGET
AGENCY (IES)

REPORTED OUT OF
SFC 6/20/92 ~~FISCAL~~ NOTE

REQUEST:

Revision Date: 6/20/92 Affected Agency: Fish and Game
 Title: An Act relating to BRU: Wildlife Conservation
the taking of fish and game for subsistence
 Sponsor: Lincoln Components: Wildlife Conservation
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

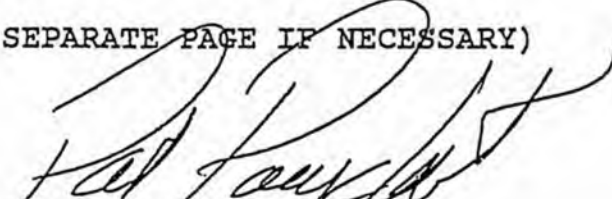
General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By:


 Senator Pat Pourchot, Co-chairman
 Senate Finance Committee

Date: 6/20/92
 Phone: 465-3879

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR
 OFFICE OF MANAGEMENT AND BUDGET
 AGENCY (IES)

SENATE CS FOR CS FOR HOUSE BILL NO. 601 (SCW)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SPECIAL SESSION

BY THE SENATE COMMITTEE OF THE WHOLE

Offered: 6/19/92
 Referred: Finance

Sponsor(s): REPRESENTATIVES LINCOLN, Mackie, MacLean, Jacko, Davidson, Ivan, Foster

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish and game; and providing for an effective
 2 date."

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

4 * Section 1. FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that

5 (1) there are Alaskans, both Native and non-Native, who have a traditional,
 6 social, or cultural relationship to and dependence upon the wild renewable resources produced
 7 by Alaska's land and water; the harvest and use of fish and game for personal and group
 8 consumption is an integral part of those relationships;

9 (2) although customs, traditions, and beliefs vary, these Alaskans share ideals
 10 of respect for nature, the importance of using resources wisely, and the value and dignity of
 11 a way of life in which they use Alaska's fish and game for a substantial portion of their
 12 sustenance; this way of life is recognized as "subsistence";

13 (3) customary and traditional uses of Alaska's fish and game originated with
 14 Alaska Natives, and have been adopted and supplemented by many non-Native Alaskans as

1 well; these uses, among others, are culturally, socially, spiritually, and nutritionally important
2 and provide a sense of identity for many subsistence users;

3 (4) while Alaska's fish and game are generally still plentiful, these resources
4 are not unlimited and cannot provide for every desired use, now or in the future; competition
5 for and the level of effort on these resources have required the legislature and the Board of
6 Fisheries and Board of Game to establish a preference for subsistence among the various
7 beneficial uses of fish and game in the state; and

8 (5) in most areas of the state, a preference for subsistence can be provided
9 without an overly burdensome intrusion upon other consumptive uses of fish and game.

10 (b) It is the purpose of this Act

11 (1) to develop and maintain healthy fish stocks and game populations through
12 management based on the sustained yield principle; and

13 (2) to provide for a preference for subsistence uses over other consumptive
14 uses of fish and game resources.

15 (c) It is the intent of the legislature that

16 (1) subsistence uses of Alaska's fish and game resources are given the highest
17 preference, in order to accommodate and perpetuate those uses; and

18 (2) this Act not result in significant reallocations of fish and game in Alaska.

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

20 Sec. 16.05.268. SUBSISTENCE USE AND ALLOCATION OF FISH AND
21 GAME. (a) Except in nonsubsistence areas, the Board of Fisheries and the Board
22 of Game shall identify the fish stocks and game populations, or portions of stocks or
23 populations, that are customarily and traditionally taken for subsistence. The
24 commissioner shall provide recommendations to the boards concerning the stock and
25 population identifications. The boards shall make identifications required under this
26 subsection after receipt of the commissioner's recommendations.

27 (b) The appropriate board shall determine whether a portion of a fish stock
28 or game population identified under (a) of this section can be harvested consistent
29 with sustained yield, and

30 (1) if the harvestable portion of the stock or population is sufficient
31 to provide for all consumptive uses, the appropriate board