

**ALASKA LEGISLATURE**

2107

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000**

258

**SB**

**146**

**HFIN**

**FILE**

(11)

# HOUSE COMMITTEE REPORT

Date Referred to Committee: May 4, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/6/99

The FINANCE Committee considered:

CSSB 146(FIN) am

CS FOR SENATE BILL NO. 146(FIN) am

COM. FISH LICENSE/FISHERMEN'S FUND

"An Act relating to the amount and disposition of the commercial fishing license fee and to the fishermen's fund; and providing for an effective date."

recommends it be replaced with the following committee substitute ACS CS SB 146 (FIN)  the same title  a new title

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

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

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

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

fiscal note(s) labin  
fish: game

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

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

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Tom Therniault</u>	X			
<u>John Bunde</u>	X			
<u>John Bunde</u>				✓
<u>John Bunde</u>				X
<u>John Bunde</u>	X			
<u>John Bunde</u>			X	
<u>John Bunde</u>			X	
<u>John Bunde</u>			X	
<u>John Bunde</u>		X		
<u>John Bunde</u>			X	

CHAIR'S SIGNATURE

Tom Therniault John Bunde

THERNIAULT BUNDE

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HCS CSSB 146(FIN)

Revision Date/Time (Note if correction) 5/7/99 Dept. Affected Fish and Game  
 Title Amount and Disposition of Commercial Fishing BRU Administration  
 License Fee \_\_\_\_\_ Component Administration  
 Sponsor Senate Finance Committee  
 Requester House Finance Committee Component Serial No. 479

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	209.0	710.9	710.9	710.9	710.9	710.9
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(105.1)	(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund	105.1	105.1	105.1	105.1	105.1	105.1
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

**Assumption:** The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).

**Fishermen's Fund:** Currently receives 60% of crewmember license fees (\$844.9). During FY2000, a \$6.2 decrease, and during FY2001 and thereafter, a \$3.1 increase is projected as a result of this bill.

**General Fund:** Currently receives 40% of the crewmember license fees (\$563.4) and pays for vendor commission (\$210.4). Starting in FY2000, this portion of the license fees will be allocated to the F&G fund. The \$105.1 allocated in Administration's budget for administering the licensing program will switch from GF/Program Receipts to Fish and Game funds in FY2000.

**Vendor Commission:** During FY2000, a \$1.2 increase and during FY01, a \$7.1 increase is anticipated.

Prepared by Kevin Brooks *Kevin Brooks* Phone 465-5999  
 Division Director Date/Time 5/7/99 9:55 AM  
 Approved by Commissioner Frank Rue *Frank Rue* Date 5/7/99  
 Agency Department of Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO.       CSSB 146(FIN) AM      

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title:       Com. Fish License/Fishermen's Fund        
 \_\_\_\_\_  
 Sponsor:       Senate Finance        
 Requester:       Senate Rules      

Department Affected:       Labor        
 BRU:       Workers' Compensation        
 Component:       Fishermen's Fund        
 \_\_\_\_\_  
 COMPONENT SERIAL NO.       343      

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>						
<b>CHANGE IN REVENUE</b>	<b>2.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>
<b>FUND SOURCE #</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$       None      

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a change to the revenue formula for the Fishermen's Fund and affects the amount of money that is required under law to be deposited into the fund. The change results from a fee increase to both the resident and nonresident commercial fishing licenses and a reduction to the percentage of the receipts for each license category which will be designated for the Fishermen's Fund. This bill's impact will hold harmless the current revenue stream of the Fishermen's Fund with the potential of a slight revenue increase.

Revenue figures are projections only due to the unpredictability of the fishing industry and the level of participants in any given year.

Prepared by:       Paul Grossi, Director       Phone:       465-2790        
 Division:       Workers' Compensation       Date/Time:       4/28/99 2:48 PM        
 Approved by Commissioner:       Ed Flanagan, Commissioner        
 Agency:       Department of Labor       Date:       4/28/99      

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**CS FOR SENATE BILL NO. 146(FIN) am**

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

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Amended: 4/27/99**

**Offered: 4/22/99**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the amount and disposition of the commercial fishing license  
2 fee and to the fishermen's fund; and providing for an effective date."

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

4 \* **Section 1. LEGISLATIVE INTENT.** It is the intent of the legislature that nothing in this  
5 Act either destroys a valid existing dedication of the proceeds of a state tax or license or  
6 creates a new dedication of the proceeds of a state tax or license.

7 \* **Sec. 2.** AS 16.05.470(a) is amended to read:

8 (a) A person appointed by the commissioner to sell licenses under  
9 AS 16.05.440 - 16.05.480, except salaried employees of the state, shall retain the sum  
10 of 10 [15] percent of the fee for the issuance of a license. An agent shall transmit  
11 monthly to the commissioner all license fees collected by the agent, less the authorized  
12 commission, together with a full accounting of the fees. The commissioner shall make  
13 monthly remittances of the fees collected to the proper state official. The  
14 commissioner is not liable for defalcation or failure to account for the fees collected

1 by an agent, but the commissioner shall require a bond in the sum the commissioner  
2 considers adequate, conditioned upon the faithful accounting of money collected.

3 \* Sec. 3. AS 16.05.480(a) is amended to read:

4 (a) A person engaged in commercial fishing shall obtain a commercial fishing  
5 license. The fee for the license is \$60 [\$30] for residents [,] and \$125 [\$90] for  
6 nonresidents. *There is a surcharge of \$3.0 for the residents lis. Fee*  
7 *etc* Except for those that [WHICH] are also entry or interim-use permits,  
8 all commercial fishing licenses are nontransferable. The commercial fishing license  
9 shall be retained in the possession of the licensee, readily accessible for inspection at  
10 all times. No more than one fee may be charged annually against a person. For the  
11 purposes of this section, "commercial fishing license" includes entry permits and  
12 interim-use permits issued under AS 16.43 and crewmember fishing licenses.

12 \* Sec. 4. AS 16.05.480 is amended by adding a new subsection to read:

13 (e) Except as provided under AS 16.05.470 and AS 23.35.060, fees collected *; surcharges*  
14 from the sale of crewmember fishing licenses under this section may be appropriated  
15 into the fish and game fund.

16 \* Sec. 5. AS 23.35.060(a) is amended to read:

17 (a) There is created a fund, designated as the "fishermen's fund." The  
18 Department of Revenue is the custodian of the fund and the Department of Labor shall  
19 administer it. The fund shall be composed of 39 [60] percent of the money derived  
20 by the state from all commercial fishermen's licenses and money appropriated to carry  
21 out the purpose of this chapter.

22 \* Sec. 6. This Act takes effect January 1, 2000.

Senators  
Wilbur

5/6/99

1-LS0800\GA.1  
Utermohle ✓  
5/6/99

adopted - no change -  
AMENDMENT I

OFFERED IN THE HOUSE

TO: CSSB 146(FIN) am

1 Page 2, line 5:

2 Delete "The"

3 Insert "Except as provided in (f) of this section, the [THE]"

4 Page 2, line 12:

5 Delete "a new subsection"

6 Insert "new subsections"

7 Page 2, following line 15:

8 Insert a new subsection to read:

9 "(f) A person engaged in commercial fishing who is less than 11 years of age  
10 shall pay a fee of \$5 for a crewmember fishing license."

[ ]  
~~\$50~~

# FISCAL NOTE

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. HCS CSSB 51 (L&C)**

Revision Date/Time \_\_\_\_\_ Dept. Affected Commerce & Econ Dev.  
 Title An Act relating to barbers, hairdressers, BRU Occupational Licensing  
manicurists and cosmetologists. Component Operations  
 Sponsor Senate Community and Regional Affairs Committee  
 Requester House Finance Component Serial No. 2360

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	8.5	8.5	8.5	8.5	8.5	8.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	9.9	9.9	9.9	9.9	9.9	9.9
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	19.4	19.4	19.4	19.4	19.4	19.4
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>	<b>19.4</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 HCS CSSB 51 (L&C) establishes a licensing category for manicurists to be regulated by the Board of Barbers and Hairdressers. The number of individuals that would be affected by the bill is not known therefore, a number of assumptions are made in this fiscal note. Information obtained from the Business Licensing files indicate there are approximately 295 manicure/pedicure salons licensed to do business. For the purposes of this fiscal note, we have doubled the number (590) assuming that most salons would have more than one manicurist. An explanation of the costs is attached.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144  
 Division Occupational Licensing Date/Time 4/27/99 11:31 AM  
 Approved by Commissioner Deborah B. Sedwick Date 4/27/99  
 Agency Commerce & Economic Development

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HCS CSSB 51 (L&C)

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR HCS CSSB 51 (L&C)

### PERSONAL SERVICES

Funding to add 2.5 months of time to an existing PPT Occupational Licensing Examiner I position, Range 12, GGU \$8.5

The increase time to the existing position will be responsible for the Licensing of manicurists.

TRAVEL \$0.0

### CONTRACTUAL SERVICES

Contractual Services are based on the following costs. \$9.9

Regulations: \$5.2

- One public notice printed in three newspapers, estimated at \$200 per paper x 3 = \$600
- Printing of regulations consisting of 6 pages, back-to-back, at \$12 per 100 x 6 pages = \$72 x 6 (to produce 600 copies) = \$432
- Postage for 600 pieces x .32 = \$192
- Printing and mailing costs to current licensees (3,838) of the New statute and regulation changes, \$4.0

Daily Communication costs: \$1.0

Printing Costs: \$0.7

Applications and other forms will be needed to implement the Licensing requirements. A large supply will be required for the Initial mailing and to have forms available in each division office. Assuming application forms are at least 3 pages, back-to-back, at \$12 per 100 x 3 pages = \$36 x 20 (to produce 2,000 copies) = \$720

HCS CSSB 51(L&C)

Enforcement costs:

\$3.0

This funding is anticipated to fund responsibilities of the Department of Environmental Conservation under Section 28 of the bill via RSA in adopting regulations for sanitary practices.

SUPPLIES

\$1.0

**TOTAL:**

**\$19.4**

**REVENUE/FUND SOURCE:**

AS 08.01.065 requires all licensees to pay the costs of regulating their profession. The general fund program receipts from the licensing of manicurists will be expected to cover the direct costs shown in this fiscal note and a share of administrative indirect costs like other licensing programs.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN) AM

Revision Date/Time (Note if correction):  
Title: Com. Fish License/Fishermen's Fund  
Sponsor: Senate Finance  
Requester: Senate Rules

Department Affected: Labor  
BRU: Workers' Compensation  
Component: Fishermen's Fund

COMPONENT SERIAL NO. 343

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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CHANGE IN REVENUE	2.6	12.6	12.6	12.6	12.6	12.6
FUND SOURCE #	1032	1032	1032	1032	1032	1032

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a change to the revenue formula for the Fishermen's Fund and affects the amount of money that is required under law to be deposited into the fund. The change results from a fee increase to both the resident and nonresident commercial fishing licenses and a reduction to the percentage of the receipts for each license category which will be designated for the Fishermen's Fund. This bill's impact will hold harmless the current revenue stream of the Fishermen's Fund with the potential of a slight revenue increase.

Revenue figures are projections only due to the unpredictability of the fishing industry and the level of participants in any given year.

Prepared by: Paul Grossi, Director Phone: 465-2790  
Division: Workers' Compensation Date/Time: 4/28/99 2:48 PM

Approved by Commissioner: Ed Flanagan, Commissioner  
Agency: Department of Labor Date: 4/28/99

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO.** CSSB 146(FIN) AM

Revision Date/Time (Note if correction): \_\_\_\_\_

Department Affected: Labor

Title: Com. Fish License/Fishermen's Fund

BRU: Workers' Compensation

Sponsor: Senate Finance

Component: Fishermen's Fund

Requester: Senate Rules

**COMPONENT SERIAL NO.** 343

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

Note: Amounts do not include inflation unless other wise noted below.

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE</b>	<b>2.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>
<b>FUND SOURCE #</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>	<b>1032</b>

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a change to the revenue formula for the Fishermen's Fund and affects the amount of money that is required under law to be deposited into the fund. The change results from a fee increase to both the resident and nonresident commercial fishing licenses and a reduction to the percentage of the receipts for each license category which will be designated for the Fishermen's Fund. This bill's impact will hold harmless the current revenue stream of the Fisherman's Fund with the potential of a slight revenue increase.

Revenue figures are projections only due to the unpredictability of the fishing industry and the level of participants in any given year.

Prepared by: Paul Grossi, Director Phone: 465-2790  
 Division: Workers' Compensation Date/Time: 4/28/99 2:48 PM

Approved by Commissioner: Ed Flanagan, Commissioner  
 Agency: Department of Labor Date: 4/28/99

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN) AM

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Com. Fish License/Fishermen's Fund  
 Sponsor: Senate Finance  
 Requester: Senate Rules

Department Affected: Labor  
 BRU: Workers' Compensation  
 Component: Fishermen's Fund

COMPONENT SERIAL NO. 343

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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CHANGE IN REVENUE	2.6	12.6	12.6	12.6	12.6	12.6
FUND SOURCE #	1032	1032	1032	1032	1032	1032

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a change to the revenue formula for the Fishermen's Fund and affects the amount of money that is required under law to be deposited into the fund. The change results from a fee increase to both the resident and nonresident commercial fishing licenses and a reduction to the percentage of the receipts for each license category which will be designated for the Fishermen's Fund. This bill's impact will hold harmless the current revenue stream of the Fishermen's Fund with the potential of a slight revenue increase.

Revenue figures are projections only due to the unpredictability of the fishing industry and the level of participants in any given year.

Prepared by: Paul Grossi, Director Phone: 465-2790  
 Division: Workers' Compensation Date/Time: 4/28/99 2:48 PM  
 Approved by Commissioner: Ed Flanagan, Commissioner  
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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN) AM

Revision Date/Time (Note if correction)	<u>5/4/99</u>	Dept. Affected	<u>Fish and Game</u>
Title	<u>Amount and Disposition of Commercial Fishing</u>	BRU	<u>Administration</u>
License Fee		Component	<u>Administration</u>
Sponsor	<u>Senate Finance Committee</u>	Component Serial No.	<u>479</u>
Requester	<u>House Finance Committee</u>		

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	222.6	724.5	724.5	724.5	724.5	724.5
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**FUND SOURCE** (Thousands of dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund		105.1	105.1	105.1	105.1	105.1
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

**Assumption:** The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).

**Fishermen's Fund:** Currently receives 60% of crewmember license fees (\$844.9). During FY2000, a \$2.5 increase, and during FY2001 and thereafter, a \$11.8 increase is projected as a result of this bill.

**General Fund:** Currently receives 40% of the crewmember license fees (\$563.4) and pays for vendor commission (\$210.4). Starting in FY2000, this portion of the license fees will be allocated to the F&G fund. During FY2000, the \$105.1 allocated in Administration's budget for administering the licensing program will be collected as GF/Program Receipts, and will switch to Fish and Game funds in FY2001.

**Vendor Commission:** During FY2000, a \$3.5 increase and during FY01, a \$9.3 increase is anticipated.

Prepared by	<u>Kevin Brooks</u> <i>Kevin Brooks</i>	Phone	<u>465-5999</u>
Division	<u>Director</u>	Date/Time	<u>5/4/99 2:53 PM</u>
Approved by	<u>Commissioner Frank Rue</u> <i>Frank Rue</i>	Date	<u>5/4/99</u>
Agency	<u>Department of Fish and Game</u>		

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN) AM

Revision Date/Time (Note if correction)	<u>5/4/99</u>	Dept. Affected	<u>Fish and Game</u>
Title	<u>Amount and Disposition of Commercial Fishing</u>	BRU	<u>Administration</u>
License Fee		Component	<u>Administration</u>
Sponsor	<u>Senate Finance Committee</u>	Component Serial No.	<u>479</u>
Requester	<u>House Finance Committee</u>		

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (1024)</b>	<b>222.6</b>	<b>724.5</b>	<b>724.5</b>	<b>724.5</b>	<b>724.5</b>	<b>724.5</b>
----------------------------------	--------------	--------------	--------------	--------------	--------------	--------------

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund		105.1	105.1	105.1	105.1	105.1
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

**Assumption:** The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).

**Fishermen's Fund:** Currently receives 60% of crewmember license fees (\$844.9). During FY2000, a \$2.5 increase, and during FY2001 and thereafter, a \$11.8 increase is projected as a result of this bill.

**General Fund:** Currently receives 40% of the crewmember license fees (\$563.4) and pays for vendor commission (\$210.4). Starting in FY2000, this portion of the license fees will be allocated to the F&G fund. During FY2000, the \$105.1 allocated in Administration's budget for administering the licensing program will be collected as GF/Program Receipts, and will switch to Fish and Game funds in FY2001.

**Vendor Commission:** During FY2000, a \$3.5 increase and during FY01, a \$9.3 increase is anticipated.

Prepared by	<u>Kevin Brooks</u> <i>Kevin Brooks</i>	Phone	<u>465-5999</u>
Division	<u>Director</u>	Date/Time	<u>5/4/99 2:53 PM</u>
Approved by	<u>Commissioner Frank Rue</u> <i>Frank Rue for</i>	Date	<u>5/4/99</u>
Agency	<u>Department of Fish and Game</u>		

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN) AM

Revision Date/Time (Note if correction) 5/4/99 Dept. Affected Fish and Game  
 Title Amount and Disposition of Commercial Fishing BRU Administration  
 License Fee \_\_\_\_\_ Component Administration  
 Sponsor Senate Finance Committee  
 Requester House Finance Committee Component Serial No. 479

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	222.6	724.5	724.5	724.5	724.5	724.5
---------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund		105.1	105.1	105.1	105.1	105.1
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

**Assumption:** The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).

**Fishermen's Fund:** Currently receives 60% of crewmember license fees (\$844.9). During FY2000, a \$2.5 increase, and during FY2001 and thereafter, a \$11.8 increase is projected as a result of this bill.

**General Fund:** Currently receives 40% of the crewmember license fees (\$563.4) and pays for vendor commission (\$210.4). Starting in FY2000, this portion of the license fees will be allocated to the F&G fund. During FY2000, the \$105.1 allocated in Administration's budget for administering the licensing program will be collected as GF/Program Receipts, and will switch to Fish and Game funds in FY2001.

**Vendor Commission:** During FY2000, a \$3.5 increase and during FY01, a \$9.3 increase is anticipated.

Prepared by Kevin Brooks *Kevin Brooks* Phone 465-5999  
 Division Director Date/Time 5/4/99 2:53 PM  
 Approved by Commissioner Frank Rue *Frank Rue for* Date 5/4/99  
 Agency Department of Fish and Game

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STATE OF ALASKA

05 APR 1999

TONY KNOWLES, GOVERNOR

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FAIRBANKS, ALASKA 99701-4670  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 485-8600  
FAX: (907) 485-6765 2520

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 19, 1999

Senator John Torgerson, Chair  
Senate Finance Committee  
State Capitol, Room 516  
Juneau, Alaska 99801

Re: SB 146 - Alaska Fishermen's Fund;  
legal issues

Dear Senator Torgerson:

In keeping with my agreement not to surprise you with legal issues that might arise concerning SB 146, I am providing you with this letter which will set out some matters for consideration by the committee. SB 146 proposes to increase the fees for commercial fishing licenses and to make a proportional reduction in the percentage of those fees that are dedicated to the fishermen's fund (AS 23.35.060). The balance of the fees not dedicated to the fishermen's fund would be deposited in the fish and game fund for further appropriation by the legislature.

I advised you in our telephone conversation that the Department of Law will take the same position regarding this bill as it did regarding the change in dedication for tobacco tax receipts. For the change in the rate of dedication of the tobacco tax, we reaffirmed our earlier advice that any change in the rate of dedication threatens the continuance of the dedicated fund. However, at that time we acknowledged the history in the Minutes of the Constitutional Convention which appears to support the argument that a change in rate does not trigger an end to a pre-existing dedication. I have also attached a memorandum written to former Representative Gardner concerning legislative action which raised many of the dedicated fund issues present in SB 146. In that memorandum we cautioned Representative Gardner that a change in the rate of dedication, even though proportional with an increase in the amount of the fee, would pose a serious threat to the continuance of the dedication to the fishermen's fund.

There is an additional legal issue raised in SB 146. It is believed that your bill is intended to only direct a part of the fees paid for crewmember licenses to the Fish and Game Fund. However, section 4 of the bill provides that "[e]xcept as provided in AS 16.04.470 and AS 23.35.060, fees collected from the sale of commercial fishing licenses" would be deposited in the fish and game fund. This may apply to more receipts than you intended, as it could include fees paid for limited entry and interim use permits as well as crew member licenses. That would eliminate the general fund program receipts upon which the CFEC's budget is based and reduce contributions to the general fund by approximately \$2.5 million. This would send the revenue now generated by the CFEC to the fish and game fund rather than to the general fund as provided

Sen. John Torgerson  
Re: SB 146

April 19, 1999  
Page 2

in existing law. If this is not your intent, we recommend that you consider changing section 4 to make it clear that only the balance collected from crewmember licenses will be deposited in the fish and game fund.

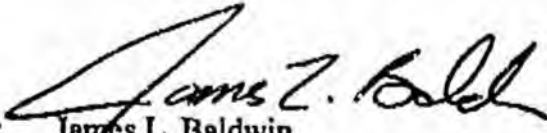
An additional amendment is suggested to the provisions in the bill appearing at page 2, lines 10 - 12. This provision appears to require the automatic deposit of a part of the commercial license fees into the fish and game fund. The fish and game fund receives revenues dedicated under federal law. The bill should be amended to add a provision that makes it clear that license fees are deposited in the fish and game fund only if the legislature appropriates the money there. This approach would be similar to the treatment given oil conservation surcharge receipts. See AS 46.08.020.

Finally, we believe you can achieve your intent in a way that avoids the dedicated fund issue involving the fishermen's fund. This issue remains a matter of concern even if the committee accepts the previously suggested amendments. You may consider another approach in lieu of changing the rate of dedication. Under this approach, the bill would leave existing law intact and would impose an additional crewmember fishing license fee generating revenue for the state general fund. The new fee provision would state that the legislature may appropriate the new revenues derived to the fish and game fund. This approach would be similar to the method used to increase the tobacco tax in AS 43.50.190. This method accomplishes your intent while avoiding the dedicated fund issue discussed above.

Let me know if we can assist you further in the committee's consideration of SB 146.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
James L. Baldwin  
Assistant Attorney General

JLB:jn  
Enclosure

cc: Pat Pourchot, Legislative Director  
Office of the Governor

Chrystal Smith, Legal Administrator  
Deborah Behr, Assistant Attorney General  
Department of Law



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Sponsor Statement

#### Senate Bill 146

#### "The Crew Fishing License Fee"

Senate Bill 146 increases the cost of a crew-member's fishing license from \$30 per resident and \$90 per non-resident to \$60 for a resident and \$125 for a non-resident license. At the current time, 60% of the crew-member license fees goes into the Fisherman's Fund.

Senate Bill 146 reduces the percentage of license fees that goes into the fund from 60% to 39%. At the 39% level, the Fisherman's Fund will have the same amount of funding it receives now. The current balance of the fund is over \$9 million.

Senate Bill 146 directs 61% of the crew license fees to the Fish & Game Fund to be made available for appropriation to Commercial Fisheries Management in the FY 00 operating budget.

The intent is to direct the crew license fees to benefit the commercial fisheries industry.

# FISCAL NOTE

No. 1  
 Bill Version: CSSB 146 (FIN)  
 (S) Publish Date: 4-22-99

STATE OF ALASKA  
 1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Amount and Disposition of Commercial Fishing BRU Administration  
 License Fee \_\_\_\_\_ Component Administration  
 Sponsor Senate Finance Committee  
 Requester Senate Finance Committee Component Serial No. 479

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission	3.4	9.3	9.3	9.3	9.3	9.3
<b>TOTAL OPERATING</b>	<b>3.4</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )	361.4	905.8	905.8	905.8	905.8	905.8
------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund	3.4	114.4	114.4	114.4	114.4	114.4
<b>TOTAL</b>	<b>3.4</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>

Estimate of any current year (FY99) cost: 210.4

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Assumption: The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).  
 Fishermen's Fund: During FY00, a \$73.9 increase is anticipated, and during FY01 and therefore, a \$40.6 increase is projected.  
 Currently, the General Fund receives \$500.1 which is 40% of the crewmember license fees. Starting in FY00, the fees will be allocated to the F&G Fund. During FY00, the \$105.1 allocated in Administration's budget for administratering the licensing program will be collected as GF/Program Receipts, and will switch to Fish and Game funds in FY2001.

Prepared by Kevin Brooks *Kevin Brooks*  
 Division Director  
 Approved by Commissioner Frank Rue *Commissioner Frank Rue*  
 Agency Department of Fish and Game

Phone 465-5999  
 Date/Time 4/21/99 2:06 PM  
 Date 4/19/99

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# FISCAL NOTE

No. 2

BIL Bill Version: CSSB 146 (FIN)

(S) Publish Date: 4-27-99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Com. Fish License/Fishermen's Fund  
 \_\_\_\_\_  
 Sponsor: Senate Finance  
 Requester: Senate Rules

Department Affected: Labor  
 BRU: Workers' Compensation  
 Component: Fishermen's Fund  
 \_\_\_\_\_  
 COMPONENT SERIAL NO. 343

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUE	(20.9)	(53.3)	(53.3)	(53.3)	(53.3)	(53.3)
FUND SOURCE #	1032	1032	1032	1032	1032	1032

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY99) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a change to the revenue formula and affects the amount of money that is required under law to be deposited into the Fishermen's Fund. The impact to the Fishermen's Fund is that designated revenue from the sale of commercial fishing licenses will be reduced. While the increase to the resident license fee combined with a reduction to the percentage designated for the Fishermen's Fund results in an increase of approximately \$3.60 per license, the same is not true for nonresidents. Nonresident licenses will increase from \$90.00 to \$125.00, however, with the percentage of the funds designated as Fishermen's Fund being reduced from 60% to 36%, this translates into a reduction per nonresident license of \$9.00. Revenue figures are projections only, due to the unpredictability of the fishing industry and the level of participants in any given year.

Prepared by: Paul Grossi, Director *Paul Grossi*  
 Division: Workers' Compensation

Phone: 465-2790  
 Date/Time: 4/22/99 2:44 PM

Approved by Commissioner: Ed Flanagan, Commissioner *Ed Flanagan*  
 Agency: Department of Labor

Date: 4/22/99

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**SB**

**146**

**SFIN**

**FILE**

4/21/99

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/15/99

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/22/99

Finance Committee considered

SENATE BILL NO. 146

"An Act relating to the amount and disposition of the commercial fishing license fee and to the fishermen's fund; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 146 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
  - same title
  - new title
- House Bill:
  - same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	X		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair:			

### NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
F&G / Admin	4/19/99		361.4

### PREVIOUS FISCAL NOTE(S):\*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

REPORTED OUT OF  
SFC 4/21/99

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 146(FIN)

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Amount and Disposition of Commercial Fishing BRU Administration  
 License Fee \_\_\_\_\_ Component Administration  
 Sponsor Senate Finance Committee  
 Requester Senate Finance Committee Component Serial No. 479

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous - Vendor Commission	3.4	9.3	9.3	9.3	9.3	9.3
<b>TOTAL OPERATING</b>	<b>3.4</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )	361.4	905.8	905.8	905.8	905.8	905.8
------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		(105.1)	(105.1)	(105.1)	(105.1)	(105.1)
1037 GF/Mental Health						
Other 1024 Fish & Game Fund	3.4	114.4	114.4	114.4	114.4	114.4
<b>TOTAL</b>	<b>3.4</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>	<b>9.3</b>

Estimate of any current year (FY99) cost: 210.4

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Assumption: The number of licenses sold annually will remain constant and approximately the same number as sold during FY98 (25,273).  
 Fishermen's Fund: During FY00, a \$73.9 increase is anticipated, and during FY01 and therefore, a \$40.6 increase is projected.  
 Currently, the General Fund receives \$500.1 which is 40% of the crewmember license fees. Starting in FY00, the fees will be allocated to the F&G Fund. During FY00, the \$105.1 allocated in Administration's budget for administratering the licensing program will be collected as GF/Program Receipts, and will switch to Fish and Game funds in FY2001.

Prepared by Kevin Brooks *Kevin Brooks* Phone 465-5999  
 Division Director Date/Time 4/21/99 2:06 PM  
 Approved by Commissioner Frank Rue *Commissioner Frank Rue* Date 4/19/99  
 Agency Department of Fish and Game

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**CS FOR SENATE BILL NO. 146(FIN)**

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

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the amount and disposition of the commercial fishing license  
2 fee and to the fishermen's fund; and providing for an effective date."

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

4 \* **Section 1.** LEGISLATIVE INTENT. It is the intent of the legislature that nothing in this  
5 Act either destroys a valid existing dedication of the proceeds of a state tax or license or  
6 creates a new dedication of the proceeds of a state tax or license.

7 \* **Sec. 2.** AS 16.05.470(a) is amended to read:

8 (a) A person appointed by the commissioner to sell licenses under  
9 AS 16.05.440 - 16.05.480, except salaried employees of the state, shall retain the sum  
10 of 10 [15] percent of the fee for the issuance of a license. An agent shall transmit  
11 monthly to the commissioner all license fees collected by the agent, less the authorized  
12 commission, together with a full accounting of the fees. The commissioner shall make  
13 monthly remittances of the fees collected to the proper state official. The  
14 commissioner is not liable for defalcation or failure to account for the fees collected

1 by an agent, but the commissioner shall require a bond in the sum the commissioner  
2 considers adequate, conditioned upon the faithful accounting of money collected.

3 \* Sec. 3. AS 16.05.480(a) is amended to read:

4 (a) A person engaged in commercial fishing shall obtain a commercial fishing  
5 license. The fee for the license is \$60 [\$30] for residents [,] and \$125 [\$90] for  
6 nonresidents. Except for those that [WHICH] are also entry or interim-use permits,  
7 all commercial fishing licenses are nontransferable. The commercial fishing license  
8 shall be retained in the possession of the licensee, readily accessible for inspection at  
9 all times. No more than one fee may be charged annually against a person. For the  
10 purposes of this section, "commercial fishing license" includes entry permits and  
11 interim-use permits issued under AS 16.43 and crewmember fishing licenses.

12 \* Sec. 4. AS 16.05.480 is amended by adding a new subsection to read:

13 (e) Except as provided under AS 16.05.470 and AS 23.35.060, fees collected  
14 from the sale of crewmember fishing licenses under this section may be appropriated  
15 into the fish and game fund.

16 \* Sec. 5. AS 23.35.060(a) is amended to read:

17 (a) There is created a fund, designated as the "fishermen's fund." The  
18 Department of Revenue is the custodian of the fund and the Department of Labor shall  
19 administer it. The fund shall be composed of 36 [60] percent of the money derived  
20 by the state from all commercial fishermen's licenses and money appropriated to carry  
21 out the purpose of this chapter.

22 \* Sec. 6. This Act takes effect January 1, 2000.

SENATE FINANCE  
COMMITTEE

ADOPTED

Amendment Number: 1

Bill Number: SB 146

Sponsor: Torgerson Date: 4/20/99

Logged In By: Mindy

I-LS0800ND.1 ✓

Utermohle

4/20/99

AMENDMENT

OFFERED IN THE SENATE

TO: SB 146

BY SENATOR TORGERSON

Adams - moved  
no objection

- 1 Page 2, line 12:
- 2 Delete "commercial"
- 3 Insert "crewmember"
  
- 4 Page 2, line 24:
- 5 Delete "commercial"
- 6 Insert "crewmember"

Leman

# amendment #2

SENATE FINANCE  
COMMITTEE  
Amendment Number: 2  
Bill Number: SB 146  
Sponsor: Leman Date: 4/21  
Logged In By: Mindy

See ?

amend # 2

conceptual change

16.05.470 a

relating to fees paid to  
vendors for issuance of licenses

change 15%

to 10%

line 24

delete deposited  
add appointed



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### **Sponsor Statement** **Senate Bill 146** **"The Crew Fishing License Fee"**

Senate Bill 146 increases the cost of a crew-member's fishing license from \$30 per resident and \$90 per non-resident to \$60 for a resident and \$125 for a non-resident license. At the current time, 60% of the crew-member license fees goes into the Fisherman's Fund which is a dedicated fund that provides emergency treatment, transportation to the nearest approved medical facility, medical care and hospitalization to commercial crew members if they are disabled in Alaska waters.

Senate Bill 146 reduces the percentage of license fees that goes into the fund from 60% to 36%. At the 36% level, the Fisherman's Fund will have the same amount of funding it receives now. The current balance of the fund is over \$9 million.

Senate Bill 146 directs 64% of the crew license fees to the Fish & Game Fund to be made available for appropriation to Commercial Fisheries Management. The intent is to direct the crew license fees to benefit the commercial fisheries industry.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

0094

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

April 1, 1999

**SUBJECT:** Draft bill relating to the commercial fishing license and the fishermen's fund (Work Order No. 21-I.S0800A)

**TO:** Senator John Torgerson  
Attn: Llewellyn Lutchansky

**FROM:** George Utermohle  
Legislative Counsel

Enclosed is a draft of a bill relating to the commercial fishing license and to the fishermen's fund as you requested. The bill raises the amount of the commercial fishing license for residents and nonresidents and changes the portion of commercial fishing license fee that is deposited into the fishermen's fund. Each of these matters comes with its own constitutional issue.

**COMMERCIAL FISHING LICENSE FEE.** Section 1 of the bill amends AS 16.05.480(a) to increase the commercial fishing license fee for residents from \$30 to \$50 and for nonresidents from \$90 to \$150. The proposed increase in license fees is consistent with the archaic rule of 1 to 3 resident to nonresident fee differential for commercial fishing and hunting license fees. However, the 1 to 3 differential is no longer a valid measure of a constitutional nonresident fee for commercial fishing licenses.

In a continuing series of opinions relating to differential fees for commercial fishing permits, the Alaska Supreme Court has determined that the fees paid by a nonresident commercial fisherman may not exceed the total of the fee paid by a resident plus the per capita amount of instate taxes used by the state to support state management of commercial fishing. Carlson v. State, 798 P.2d 1269 (Alaska 1990) and Carlson v. State, 919 P.2d 1337 (Alaska 1996). The Carlson cases interpret the privileges and immunities clause (art. IV, sec. 2) of the federal constitution. The privileges and immunities clause allows a person to pursue a livelihood in any state without unjust discrimination based on the person's state of residence.

The actual amount of the differential that the state may charge a nonresident is equal to the difference between the fee paid by a resident and the total per capita cost of commercial fisheries programs in the state. The per capita cost of state commercial fisheries programs is determined by dividing the total amount of state expenditures for commercial fisheries programs by the number of residents in the state. Funds received and expended by the state from federal programs should be excluded from the amount of state expenditures for commercial fisheries programs.

Senator John Torgerson

April 1, 1999

Page 2

The courts have not addressed whether the state must recalculate nonresident differentials annually. The amount of the differential will vary each year with state expenditures for commercial fisheries programs and the population of the state. I expect the courts would permit the legislature to establish nonresident license fees in statute provided that the deviation from the precise amount of the differential on a year to year is reasonable and not biased against nonresidents.

I expect that the Legislative Research section or the Legislative Finance Division could provide you with an estimate of state expenditures for commercial fisheries programs in the state and an estimate of the amount of the appropriate nonresident differential for nonresident commercial fishing licenses based on the standards set out in the Carlson case.

**DEDICATION OF LICENSE FEES TO THE FISHERMEN'S FUND.** The fishermen's fund, created in 1951 is a grandfathered dedicated fund, that is, one existing at the time of ratification of the Constitution. It fits within the language of Article IX Sec. 7 that "This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification..." (emphasis added). Because it is a grandfathered dedicated fund, this fund is able to continue receiving its funding through the percentage dedication of the commercial fishing license fees provided for in AS 23.35.060(a).

The enclosed bill proposes to alter the dedication of commercial fishing license fees to the fishermen's fund in two ways: first, section 1 of the bill amends AS 16.05.480(a) to increase the amount of the commercial fishing license fee; second, section 2 of the bill amends AS 23.35.060(a) to reduce the proportion of commercial fishing license fee that is dedicated to the fishermen's fund.

The Department of Law has traditionally taken a firm position that any alteration of the amount or portion of revenue allocated to a dedicated fund had the effect of destroying the dedication. The department took this position in regard to the fishermen's fund in 1978, when it said:

There can be no question that the framers of the constitution fully intended, with only the exceptions expressly stated, to bar for all time the additional dedication of any new or different state revenues for special purposes. 3, 4, and 5 MINUTES, ALASKA CONSTITUTIONAL CONVENTION 2297-2301, 2361-2390, 2401-2416, 3415-3420. The reasons for their doing this were many, but basically the reasons came down to the proposition that neither the chief executive (as the State's chief budget officer) nor the legislature (as the State's only appropriating body) should have its hands tied financially by a myriad of dedicated funds for a myriad of diverse programs and that each program must compete annually with all others for its fair share of available money. *Id.*

The prohibition, however, is against new dedications, i.e., those dedications of revenues which did not exist on April 24, 1956, the date of the

Senator John Torgerson

April 1, 1999

Page 3

constitution's ratification. The dedication of license fees for the Fishermen's Fund was first made in 1951 and later amended in 1955. § 4, ch. 100, SLA 1951; am § 1, ch. 99, SLA 1955; now codified as AS 23.35.060. Hence, when the constitution was ratified there existed a dedication of

60 percent of the money derived by the state from all commercial fishermen's licenses, including clam diggers' licenses . . . .

"[T]he continuation of any dedication . . . existing" is not prohibited. In an early opinion by this office, we opined that the legislature could neither increase the percentage of the dedication nor the amount of the levy so as to increase the amount to be dedicated. 1959 Op. Atty. Gen. No. 7. To do so would alter the dedication, not continue it. To do so would also increase the dedication, i.e., dedicate still more of the source of revenue and thereby constitute still another dedication in violation of the constitution. Nor, of course, could a new source of revenue be tapped if the dedicated source were lost or abandoned. Amendments which could have allowed such alterations were expressly rejected by the framers. 4 MINUTES 2378-2390, 2401-2411. In sum, it was concluded that, with respect to dedicated funds, the only power left to the legislature is the power to repeal the existing dedications. *Id.*

. . . .

The exception from the prohibition against dedicated funds is for the "continuance" of "existing" dedications. Reducing a dedication makes it different from that which existed, i.e., an existing dedication is not continued when it is reduced any more than it is when it is increased. Under the plain language of the constitution, any change is prohibited. The prior opinion referred to above, 1959 Op. Atty. Gen. No. 7, basing its conclusion on the framers' rejection of a proposed amendment which would have allowed for reductions in existing dedications, concluded that any alteration was a nullity. That conclusion is logically sound. There is some contradictory material in the Convention minutes, however. 4 MINUTES 2405 (dialogue between delegates V. Rivers and White, the latter acting as spokesman for the committee). How the courts would rule is uncertain, but they will give some weight to remarks of committee spokesmen. Walters v. Cease, 388 P.2d 263, 265-266 (Alaska 1964).

Here there was no reduction in the amount to be dedicated, i.e., 60 percent of a certain source, but rather an alteration -- partial elimination -- in the source. The license fees for commercial fishermen were changed to exempt persons who hold permits. Thus, the present dedication is not a "continuance" of an "existing" dedication. This office issued still another opinion soon after Statehood in which we opined that the reduction of the source invalidates the

remaining dedication. 1959 Op. Atty. Gen. No. 14. A reduction of the source was deemed to be, in effect, a repeal of the entire dedication.

This result is admittedly drastic, but there can be no question that it is logically correct. The framers rejected every effort to amend the exception language so as to allow a dedication to be altered. 4 MINUTES 2401-2405 (Rivers amendment), 2409-2412 (Kilcher amendment). Delegate White, however, acting as a spokesman for the committee, assured the delegates that, despite the logical implications of the constitution's language, an existing allocation of funds from a given source could be raised or lowered, i.e., say, from 3 percent to 6 percent, that the "continuance" did not apply to rates. He also specified that it did apply so as to prevent the legislature from discontinuing an allocation and then starting it up again sometime in the future. And he said, "The committee intends that this apply to the allocation of particular taxes to a particular purpose and no more than that." *Id.*, at 2405. How much of his remarks, if any, will be judicially accepted is unknown. But we are inclined to the view that the dedication is not repealed in its entirety by the partial elimination of its source but rather that it is reduced to provide for a dedication solely from crewmember commercial licenses -- all that is left of the source.

1978 Inf. Alaska Atty. Gen. Op. (File No. J-66-580-78) June 2 (emphasis added; footnotes omitted).

In a subsequent opinion, regarding a proposed increase in the commercial fishing license fee, the Department of Law had softened its stance on changes to dedicated funds to the extent that a change to the amount of a dedicated license fee such as the commercial fishing license fee was not clearly unconstitutional. "While it is a reasonable inference from the minutes [of the constitutional convention] that the intent of the framers was to prevent any increase in the percentage allotted to existing dedicated funds, it is not clear that the framers contemplated that an increase in the actual tax or license would constitute a new dedication. This office will, therefore, no longer take the position that an increase or decrease in the tax or license amounts to an unconstitutional act." 1981 Inf. Alaska Atty. Gen. Op., addressed to Elaine VanderSande, Administrator of the Fishermen's Fund, from Kathryn Kolkhorst, Ass't Atty. Gen., dated June 30.

In the year following the 1981 informal opinion from the Department of Law, the legislature raised the amount of the commercial license for residents and nonresidents to their current levels. Sec. 1, ch. 79, SLA 1982. Also, at that time it was the opinion of this office that the legislature could increase the amount of the commercial fishing license fee and the percentage of the fee that could be deposited into the fishermen's fund.

The Department of Law's long-standing opinion that the "legislature has no power to raise or lower the dedication by increasing or decreasing the tax or license fee or the rate thereof which is set aside" (1959 Alaska Attorney General's Opinion No. 7, page 5) seems to be

contradicted by the minutes of the constitutional convention. In discussing the language in Article IX, sec. 7, at the constitutional convention, the question arose as to the effect of this section regarding a change to the rate of taxation in a dedicated fund. The committee with the responsibility for writing Article IX was the committee on Finance and Taxation. The spokesman for that committee was delegate Barric M. White. The following discussion with Delegate White and other delegates illustrates the intent of the framers of the Alaska Constitution:

R. RIVERS: May I make a correction? When I was illustrating the gas tax about the going up to six, no that would be wrong, because absolutely allowing allocations as exist at the time this constitution is ratified would fix the ceiling, I am sure, as to how high they could go. I'll call this the closing, if you wish, Mr. McCutcheon. But certainly they could go through. Now, when Mr. Taylor read my proposed amendment, he said "allocations allowed at the time this goes into effect" and he may have inadvertently omitted "continuance of". All I'm objecting to is this "continuance of". I'm in accord with their idea of not letting any more allocations come along, but when you say "continuance of" allocations I immediately think of the rate of allocations as well as the subject matter. Now if they are only going to allow allocations on particular subjects that are now covered by allocations then I have no quarrel with them whatsoever but I am sure that's not the intent of the Committee. The Committee intends to allow such rates of allocations as will exist when this constitution is ratified but no one may go beyond those rates in the future and if they ever drop down, this continuance business does not allow them to re-enact.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, if as Mr. Rivers deduces, the terminology of this sentence means that the rates are frozen. The principle behind this sentence is not that the rates are frozen, it is the principle of allocating earmarked funds. It is not a matter of percentage wise, it is a theory of earmarked funds and I can't see his argument in this by striking out "continuance". He proposes that this is going to cure the proposition of a freeze. He thinks it is a freeze. It is not a freeze in any respect of the word as far as I can see; it is a matter of a theory of earmarked funds and doesn't have anything to do with dollar and cents or percentages.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I would like to ask the Committee what their intent was on that. I would like to hear what they say.

PRESIDENT EGAN: Do you wish to answer that, Mr. White?

Senator John Torgerson

April 1, 1999

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WHITE: I think I can answer for all the Committee on that, Mr. Rivers. It is not the intent of the Committee that this be interpreted to mean a freeze in any way, shape, or form. The Committee feels that the objections raised by Mr. Rivers are covered by the existing language. The reason the Committee resists the deletion of the words "continuance of" is that it would then mean that the legislature could discontinue a presently earmarked fund next year and then 50 years from now bring it back into being. We do not intend that that be the case.

V. RIVERS: If you are not freezing an amount, could they raise an existing allocation under this? On the gasoline tax could they raise that to six per cent according to your thinking on this?

WHITE: Certainly they could.

V. RIVERS. If they lowered it down to three could they then re-enact two more after that?

WHITE: The Committee intends that this not have any reference to rates at all. The Committee intends that this apply to the allocation of particular taxes to a particular propose and no more than that.

V. RIVERS: I just wanted this in the record. Now if they wipe it out altogether, discontinue it, it's gone forever, is that right?

WHITE: That is right.

V. RIVERS: But if you discontinue half of it, you can raise it back up?

WHITE: That would mean that.

Alaska Constitutional Convention Proceedings, pp. 2404-05 (emphasis added). This discussion indicates a clear intent on the part of the delegates to allow a change to the amount of a license fee without affecting the status of a dedication of the proceeds of the license fee. While the intent of the constitutional framers has weight, the final decision on interpretation of the Alaska Constitution rests with the Alaska Supreme Court. It is possible that the court would disagree with the intent expressed in the constitutional minutes and find that any change to the amount of the commercial fishing license or the proportion of the license fee deposited into the fishermen's fund destroys the status of the fishermen's fund as a valid dedicated fund. Nonetheless, comments by delegates to the constitutional convention do have some bearing on the decision-making process of the Alaska Supreme Court. In Starr v. Hagglund, 374 P.2d 316, 319 (Alaska 1962), the court stated (emphasis added) that

opinions of individual members of the constitutional convention are not considered to be a safe guide in ascertaining the purpose of a majority of the

Senator John Torgerson  
April 1, 1999  
Page 7

convention when adopting a particular provision. But reports of committees and statements of chairmen of such committees stand on more solid footing and may be resorted to in determining the intent of the enacting body.

Therefore, the comments of Mr. White, as chairman of the committee on finance and taxation, may be persuasive to the court as to the legislature's ability to raise or lower the amount or rate of a dedicated license fee without destroying the dedication.

If I may be of further assistance, please advise.

GU:jdr  
99-179.jdr

Enclosure

STATE OF ALASKA

**DEPARTMENT OF LAW**

**OFFICE OF THE ATTORNEY GENERAL**

April 19, 1999

Senator John Torgerson, Chair  
Senate Finance Committee  
State Capitol, Room 516  
Juneau, Alaska 99801

Re: SB 146 - Alaska Fishermen's Fund;  
legal issues

Dear Senator Torgerson:

In keeping with my agreement not to surprise you with legal issues that might arise concerning SB 146, I am providing you with this letter which will set out some matters for consideration by the committee. SB 146 proposes to increase the fees for commercial fishing licenses and to make a proportional reduction in the percentage of those fees that are dedicated to the fishermen's fund (AS 23.35.060). The balance of the fees not dedicated to the fishermen's fund would be deposited in the fish and game fund for further appropriation by the legislature.

I advised you in our telephone conversation that the Department of Law will take the same position regarding this bill as it did regarding the change in dedication for tobacco tax receipts. For the change in the rate of dedication of the tobacco tax, we reaffirmed our earlier advice that any change in the rate of dedication threatens the continuance of the dedicated fund. However, at that time we acknowledged the history in the Minutes of the Constitutional Convention which appears to support the argument that a change in rate does not trigger an end to a pre-existing dedication. I have also attached a memorandum written to former Representative Gardner concerning legislative action which raised many of the dedicated fund issues present in SB 146. In that memorandum we cautioned Representative Gardner that a change in the rate of dedication, even though proportional with an increase in the amount of the fee, would pose a serious threat to the continuance of the dedication to the fishermen's fund.

There is an additional legal issue raised in SB 146. It is believed that your bill is intended to only direct a part of the fees paid for crewmember licenses to the Fish and Game Fund. However, section 4 of the bill provides that "[e]xcept as provided in AS 16.04.470 and AS 23.35.060, fees collected from the sale of commercial fishing licenses" would be deposited in the fish and game fund. This may apply to more receipts than you intended, as it could include fees paid for limited entry and interim use permits as well as crew member licenses. That would eliminate the general fund program receipts upon which the CFEC's budget is based and reduce contributions to the general fund by approximately \$2.5 million. This would send the revenue now generated by the CFEC to the fish and game fund rather than to the general fund as provided

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

1031 WEST 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1654  
PHONE: (907) 269-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-8800  
FAX: (907) 465-8795 2520

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU 99511

MY S. HAMMOND, GOVERNOR

June 2, 1978

Honorable Terry Gardiner  
Chairman, House Judiciary Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: Legislation on Fisher-  
men's Fund  
Our File: J-66-580-78

Dear Chairman Gardiner:

This responds to your inquiry of May 3, 1978, with respect to the legislation enacted last year based on advice from this office which we now believe to have been in error. \*/

In brief, one of our attorneys who was relatively unfamiliar with the nuances of the prohibition against dedicated funds, Alaska Const., art. IX, §7, worked with your committee last year to develop legislation which would eliminate the double fee paid by commercial fishermen who are also holders of limited entry permits. The results are contained in sections 8 and 14, chapter 105, SLA 1977. In effect, they exempted permit holders from license fees and

---

\*/ You also requested advice on the proper disposition of interest earned from the Fishermen's Fund. We have not yet reached a conclusion on that point but we are now convinced that no legislation is required on it, i.e., either the interest is already a part of the dedication or it is not. When our researches lead us to a conclusion, we will advise.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 19, 1999

Senator John Torgerson, Chair  
Senate Finance Committee  
State Capitol, Room 516  
Juneau, Alaska 99801

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I advised you in our telephone conversation that the Department of Law will take the same position regarding this bill as it did regarding the change in dedication for tobacco tax receipts. For the change in the rate of dedication of the tobacco tax, we reaffirmed our earlier advice that any change in the rate of dedication threatens the continuance of the dedicated fund. However, at that time we acknowledged the history in the Minutes of the Constitutional Convention which appears to support the argument that a change in rate does not trigger an end to a pre-existing dedication. I have also attached a memorandum written to former Representative Gardner concerning legislative action which raised many of the dedicated fund issues present in SB 146. In that memorandum we cautioned Representative Gardner that a change in the rate of dedication, even though proportional with an increase in the amount of the fee, would pose a serious threat to the continuance of the dedication to the fishermen's fund.

There is an additional legal issue raised in SB 146. It is believed that your bill is intended to only direct a part of the fees paid for crewmember licenses to the Fish and Game Fund. However, section 4 of the bill provides that "[e]xcept as provided in AS 16.04.470 and AS 23.35.060, fees collected from the sale of commercial fishing licenses" would be deposited in the fish and game fund. This may apply to more receipts than you intended, as it could include fees paid for limited entry and interim use permits as well as crew member licenses. That would eliminate the general fund program receipts upon which the CFEC's budget is based and reduce contributions to the general fund by approximately \$2.5 million. This would send the revenue now generated by the CFEC to the fish and game fund rather than to the general fund as provided

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PHONE: (907) 269-5100  
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☐ KEY BANK BUILDING  
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FAX: (907) 485-8795 2520

Sen. John Torgerson  
Re: SB 146

April 19, 1999  
Page 2

in existing law. If this is not your intent, we recommend that you consider changing section 4 to make it clear that only the balance collected from crewmember licenses will be deposited in the fish and game fund.

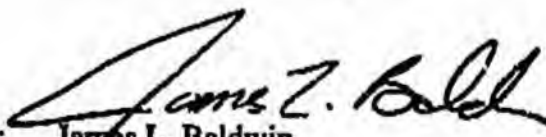
An additional amendment is suggested to the provisions in the bill appearing at page 2, lines 10 - 12. This provision appears to require the automatic deposit of a part of the commercial license fees into the fish and game fund. The fish and game fund receives revenues dedicated under federal law. The bill should be amended to add a provision that makes it clear that license fees are deposited in the fish and game fund only if the legislature appropriates the money there. This approach would be similar to the treatment given oil conservation surcharge receipts. See AS 46.08.020.

Finally, we believe you can achieve your intent in a way that avoids the dedicated fund issue involving the fishermen's fund. This issue remains a matter of concern even if the committee accepts the previously suggested amendments. You may consider another approach in lieu of changing the rate of dedication. Under this approach, the bill would leave existing law intact and would impose an additional crewmember fishing license fee generating revenue for the state general fund. The new fee provision would state that the legislature may appropriate the new revenues derived to the fish and game fund. This approach would be similar to the method used to increase the tobacco tax in AS 43.50.190. This method accomplishes your intent while avoiding the dedicated fund issue discussed above.

Let me know if we can assist you further in the committee's consideration of SB 146.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

  
By: James L. Baldwin  
Assistant Attorney General

JLB:jn  
Enclosure

cc: Pat Pouchot, Legislative Director  
Office of the Governor

Chrystal Smith, Legal Administrator  
Deborah Behr, Assistant Attorney General  
Department of Law

## STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K - STATE CAPITOL  
JUNEAU 99511

June 2, 1978

Honorable Terry Gardiner  
Chairman, House Judiciary Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

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\*/ You also requested advice on the proper disposition of interest earned from the Fishermen's Fund. We have not yet reached a conclusion on that point but we are now convinced that no legislation is required on it, i.e., either the interest is already a part of the dedication or it is not. When our researches lead us to a conclusion, we will advise.

Hon. Terry Gardiner  
June 2, 1978  
Page #2

provided for payment into the Fishermen's Fund from monies collected for permit fees of an amount equal to the amount which would have been paid into the fund from collections for commercial licenses. It was then believed that this arrangement would not offend the constitutional prohibition. We now conclude otherwise.

The Alaska Constitution, art. IX, §7, provides in relevant part as follows:

The proceeds of any state tax or license shall not be dedicated to any special purpose [with exceptions not here relevant]. . . . This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of the ratification of this section [1956] by the people of Alaska.

There can be no question that the framers of the constitution fully intended, with only the exceptions expressly stated, to bar for all time the additional dedication of any new or different state revenues for special purposes. 3, 4, and 5 MINUTES, ALASKA CONSTITUTIONAL CONVENTION 2297-2301, 2361-2390, 2401-2416, 3415-3420. The reasons for their doing this were many, but basically the reasons came down to the proposition that neither the chief executive (as the State's chief budget officer) nor the legislature (as the State's only appropriating body) should have its hands tied financially by a myriad of dedicated funds for a myriad of

Hon. Terry Gardiner  
June 2, 1978  
Page #3

diverse programs and that each program must compete annually with all others for its fair share of available money. Id.

The prohibition, however, is against new dedications, i.e., those dedications of revenues which did not exist on April 24, 1956, the date of the constitution's ratification. The dedication of license fees for the Fishermen's Fund was first made in 1951 and later amended in 1955. §4, ch. 100, SLA 1951; am §1, ch. 99, SLA 1955; now codified as AS 23.35.060. Hence, when the constitution was ratified there existed a dedication of

60 percent of the money derived by the state from all commercial fishermen's licenses, including clam diggers' licenses. . . .

"[T]he continuation of any dedication . . . existing" is not prohibited. In an early opinion by this office, we opined that the legislature could neither increase the percentage of the dedication nor the amount of the levy so as to increase the amount to be dedicated. 1959 Op. Atty. Gen. No. 7. To do so would alter the dedication, not continue it. To do so would also increase the dedication, i.e., dedicate still more of the source of revenue and thereby constitute still another dedication in violation of the constitution. Nor, of course, could a new source of revenue be tapped if the dedicated source were lost or abandoned.

Hon. Terry Gardiner  
June 2, 1978  
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Amendments which could have allowed such alterations were expressly rejected by the framers. 4 MINUTES 2378-2390, 2401-2411. In sum, it was concluded that, with respect to dedicated funds, the only power left to the legislature is the power to repeal the existing dedications. Id. \*/

In 1977, AS 23.35.060, which provides for the Fishermen's Fund dedication, was amended to read, in relevant part, as follows:

60 percent of the money derived by the state from each crewmember fishing license issued under AS 16.05.480, an equal amount of the money derived by the state from each commercial fisherman who is issued a permit under AS 16.43 [the Limited Entry Act]. . . .

The effect of the amendment is to add a dedication of a new and different revenue source, i.e., the annual fee for a commercial fisheries entry permit. It does not continue an existing dedication. \*\*/

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\*/ It goes without saying that this lack of power to alter does not apply to the other exceptions, the permanent fund and dedications required under federal law.

\*\*/ Arguably, the Buy-Back Fund established under AS 16.43.-310-320 is also a new and prohibited dedication. However, the wording of the constitution's prohibition was designed to exclude certain kinds of dedications, e.g., sinking funds, retirement funds, employment security funds. 4 MINUTES 2363 (dialogue between delegates Davis and White). The Buy-Back Fund might fall into this excepted class. We are inclined to think not, but the answer is uncertain.

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It can be argued that the annual fee for a commercial fisheries entry permit supplants the annual fee for a commercial fisheries license for gear operators. That is, those persons no longer pay the latter, AS 16.05.480 as amended by §8, ch. 105, SLA 1977, effective January 1, 1978, but rather only the former. AS 16.43.160; 20 AAC §05.220. Not only is this argument essentially the same as those resoundingly rejected by the framers of our constitution, 4 MINUTES 2378-2390, 2401-2412, but it is simply not correct. The 1977 amendment to AS 23.35.060 unquestionably makes a dedication from a new and different source of revenue. It does not matter that the amount is the same.

When the license fee for gear operators was eliminated, the dedication for the Fishermen's Fund was reduced to 60 percent of the money received thereafter under AS 16.05.480 from crewmen's license sales. The purported dedication from fees collected from permit sales and renewals is a nullity -- without any force or effect.

The exception from the prohibition against dedicated funds is for the "continuance" of "existing" dedications. Reducing a dedication makes it different from that which existed, i.e., an existing dedication is not continued when it is reduced any more than it is when it is increased. Under the plain language of the constitution, any change is

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prohibited. The prior opinion referred to above, 1959 Op. Atty. Gen. No. 7, basing its conclusion on the framers' rejection of a proposed amendment which would have allowed for reductions in existing dedications, concluded that any alteration was a nullity. That conclusion is logically sound. There is some contradictory material in the Convention minutes, however. 4 MINUTES 2405 (dialogue between delegates V. Rivers and White, the latter acting as spokesman for the committee). How the courts would rule is uncertain, but they will give some weight to remarks of committee spokesmen. Walters v. Cease, 388 P.2d 263, 265-266 (Alaska 1964).

Here there was no reduction in the amount to be dedicated, i.e., 60 percent of a certain source, but rather an alteration -- partial elimination -- in the source. The license fees for commercial fishermen were changed to exempt persons who hold permits. Thus, the present dedication is not a "continuance" of an "existing" dedication. This office issued still another opinion soon after Statehood in which we opined that the reduction of the source invalidates the remaining dedication. 1959 Op. Atty. Gen. No. 14. A reduction of the source was deemed to be, in effect, a repeal of the entire dedication.

This result is admittedly drastic, but there can be no question that it is logically correct. The framers

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rejected every effort to amend the exception language so as to allow a dedication to be altered. 4 MINUTES 2401-2405 (Rivers amendment), 2409-2412 (Kilcher amendment). Delegate White, however, acting as a spokesman for the committee, assured the delegates that, despite the logical implications of the constitution's language, an existing allocation of funds from a given source could be raised or lowered, i.e., say, from 3 percent to 6 percent, that the "continuance" did not apply to rates. He also specified that it did apply so as to prevent the legislature from discontinuing an allocation and then starting it up again sometime in the future. And he said, "The committee intends that this apply to the allocation of particular taxes to a particular purpose and no more than that." Id., at 2405. How much of his remarks, if any, will be judicially accepted is unknown. But we are inclined to the view that the dedication is not repealed in its entirety by the partial elimination of its source but rather that it is reduced to provide for a dedication solely from crewmember commercial licenses -- all that is left of the source. \*/

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\*/ The convention expressly rejected an amendment that said, "but discontinuance shall not preclude reinstatement," and therefore, reinstatement of a commercial license fee for operators would not ordinarily allow reinstatement of that dedication. 4 MINUTES 2409-2412 (Kilcher amendment).

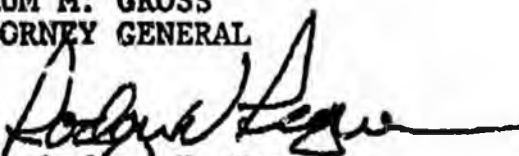
Hon. Terry Gardiner  
June 2, 1978  
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The problem now is whether the legislature's mistaken action last year, which resulted from our incorrect advice, can be cured. We believe that legislation retroactive to the first of this year -- the effective date of the applicable amendments from last year -- will supersede last year's legislation and cure the mistaken action. We have prepared legislation to accomplish this. It can, as you have suggested, be added to CSSB 428 am. A copy is enclosed. Last year's discontinuance of a portion of the source of the dedication was so obviously based on a mistake as to its legal effect, and its purpose could so easily have been accomplished in the manner we have proposed here that the courts should give this curative legislation its effect.

We hope this answers the committee's questions.

Sincerely yours,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Rodger W. Pegues  
Assistant Attorney General

RWP/pjg

Enc: Proposed Legislation

SENATE FINANCE COMMITTEE

SIGN-IN

SB 146-COM. FISH LICENSE/FISHERMEN'S FUND

NAME: Kevin Brooks Subject/Bill No: SB 146  
Co./Dept./Title: ADFG - Admin Svcs Director Phone: 405-5999  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Jim Baldwin Subject/Bill No: SB 146  
Co./Dept./Title: LACU Phone: 2129  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Paul Grossi Subject/Bill No: SB 146  
Co./Dept./Title: Labor / Director in Camp Phone: 415-2796  
Address: Dept. of Labor Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

**SB**

**147**

**SFIN**

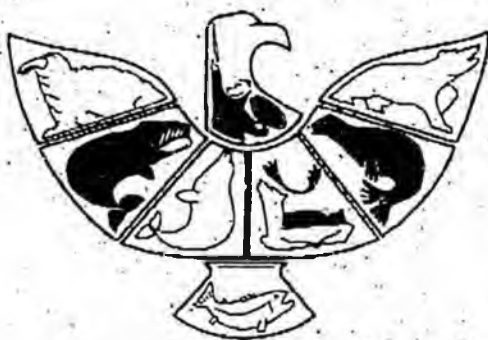
**FILE**

SB 147

was referred to the  
Senate Finance  
Committee

Hearing(s) were held

The bill did not move  
from Committee



# Alaska Native Health Board

4201 Tudor Centre Dr., Suite 105  
Anchorage, Alaska 99508

Phone: (907) 562-6006  
FAX: (907) 563-2001

Testimony to the Alaska State Legislature Senate Finance Committee  
RE: SBI47 "An Act relating to local contributions under the village safe water program; and providing for an effective date."

April 21, 1999

Hello, my name is Tina Long, Coordinator for the Rural Alaska Sanitation Coalition. Today, I will be testifying on behalf of the Alaska Native Health Board and the Rural Alaska Sanitation Coalition and as an individual who has worked with rural communities and residents for most of my adult life. Both the Alaska Native Health Board and the Rural Alaska Sanitation Coalition are members of the Governor's Council on Rural Sanitation.

The Alaska Native Health Board (ANHB) is a non-profit organization established in 1968 for the purpose of "promoting the spiritual, physical, mental, social, and cultural well-being and pride of Alaska Native People," and is a legally established statewide organization representing Alaska Natives on public health policy issues.

Since 1992 the Alaska Native Health Board adopted as its legislative priority the improvement of safe water and sanitation services in rural villages of Alaska and has consistently identified rural sanitation as one of its highest public health priorities.

The Rural Alaska Sanitation Coalition was conceived and created from the Alaska Native Health Board's concern for improving Alaska's rural sanitation conditions.

The mission of the Rural Alaska Sanitation Coalition is to bring about positive, long term change in the substandard water, sewer, and solid waste conditions existing in Alaska villages.

The Rural Alaska Sanitation Coalition is a group of rural sanitation technicians and village residents from every region of the state who collectively discuss water, sewer, and solid waste issues and develop solutions by working through and improving existing or proposed federal and state mechanisms.

The Rural Alaska Sanitation Coalition is recognized as an advocate for the continuing improvement of rural water and sewer and sanitation facilities and programs.

ALEUTIAN/PRIIBOLOF ISLANDS ASSOCIATION  
BRISTOL BAY AREA HEALTH CORPORATION  
CHUGACHMIUT  
COPPER RIVER NATIVE ASSOCIATION  
EPALELE INDIAN TRIBES  
KODIAK AREA NATIVE ASSOCIATION  
MANILAQ ASSOCIATION

METLAKATLA INDIAN COMMUNITY  
MT SANFORD TRIBAL CONSORTIUM  
NATIVE VILLAGE OF EKLUTNA  
NATIVE VILLAGE OF TYONEK  
NINILCHIK TRADITIONAL COUNCIL  
NORTH SLOPE BOROUGH

NORTON SOUND HEALTH CORPORATION  
SELDOVIA VILLAGE TRIBE  
SOUTH CENTRAL FOUNDATION  
SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM  
TANANA CONFERENCE  
YUKON-KUSKOKWIM HEALTH CORPORATION  
VALDEZ NATIVE TRIBE

*Testimony re: SB147 "An Act relating to local contributions under the village safe water program; and providing for an effective date."*

*Alaska Native Health Board/Rural Alaska Sanitation Coalition*

*Page 2 of 2*

04/21/99

The Rural Alaska Sanitation Coalition has actively participated in the development of the Governor's Council on Rural Sanitation Rural Sanitation 2005 Action Plan and is identified within that document to assist in federal and state agency's development of each year's village sanitation construction projects' baseline performance criteria and priority list guidelines.

The Alaska Native Health Board and the Rural Alaska Sanitation Coalition oppose Senate Bill 147 which would require local contributions under the Village Safe Water Program, for the following reasons:

- The overall purpose of constructing water and sewer facilities is to improve the public health of the communities.
- Alaskans living in rural communities throughout the state have substandard and inadequate water and sewer facilities. This lack of standard facilities forces many rural Alaskans to drink untreated or inadequately treated water from ponds, creeks, or rivers, and it results in buckets being used for toilets and outhouses being used for restrooms. Under these circumstances, the same water sources often become indirectly contaminated by leaching sewage and children can become directly exposed to raw sewage pooling near their homes. This undermines every attempt to improve the public health of rural Alaska and creates an acceptance of on-going and potentially life-threatening diseases.
- The availability of safe drinking water and sanitary sewer facilities is vital to good health. Lack of water and exposure to human waste leads to high risk of poor hygiene and widespread incidence of sicknesses like hepatitis, food poisoning, dysentery, and other diarrhea illnesses caused by other bacterial and viral agents,
- It is unclear why this Legislation has been proposed in the first place and what the purpose of the match would be. If passed, however, it will have a devastating impact on village economies. Poor communities are those with the highest need. Communities can not afford the match requirement. A community with a \$1.3 million much needed water and sewer project would have to come up with a \$65,000 match. This particular piece of legislation would result in unfair treatment for communities who were unable to provide a match. This would disenfranchise poor communities.
- Additionally, documentation for both the community as well as the Village Safe Water program would be an accounting nightmare. And, there is a great potential for subjectivity being used to qualify matching contributions.
- Burdens placed upon rural communities are already hard, especially with the likelihood of other State funding being reduced. Communities are already partnering with State and Federal agencies to get their projects accomplished. They are already putting their time and expenses and available resources in projects. They already have the significant burden for operating and maintaining the systems once constructed.
- 71 Village Safe Water Projects are ready to go and would be significantly delayed, reduced, or eliminated if Senate Bill 147 passes and takes effect July 1, 1999. Additionally, this bill puts \$20 million in FY2000 Federal sanitation project funding at risk.

The Alaska Native Health Board and the Rural Alaska Sanitation Coalition urge the committee to oppose the passage of SB 147.

EVANSVILLE TRIBAL COUNCIL  
P.O. BOX 26087  
BETTLES FIELD, ALASKA 99726  
PHONE: (907) 592-5005  
FAX: (907) 692-5006

Sent by way of facsimile transmission

April 20, 1999

Senator John Torgerson  
State Capital, Room 512  
Juneau, AK 99801-1182

Dear Senator Torgerson,

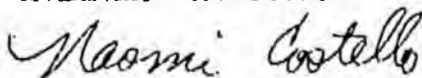
We are in opposition to Senate Bill No. 147 that will require a five percent (5%) local match for unincorporated communities that receive funding through the State Village Safe Water Program.

This bill will harm the ability of our unincorporated community to provide needed water and sewer projects to improve the health and well being. Most of the federal funding available from Bureau of Indian Affairs, Department of Agriculture, and Indian Health Service are competitive or fund only up to 75% of total project costs. For example if our community submitted a request of just \$300,000, the 5% will require our small community to find an additional \$15,000. This is a substantial amount for this small request.

We can see the detriment not only to our community that is more likely to request less than one million and see how the effect of the match on larger communities that need a project. To impose a local match can only prolong the inadequate water and sewer facilities in our community and in other rural villages.

We thank you for your consideration of our request to see that Senate Bill No. 147 does not pass.

Sincerely,  
Evansville Tribal Council



Naomi Costello  
Tribal Administrator

**Summary of Federal Authority and Appropriations**  
for  
**EPA Grants to Alaska for Small Community Sanitation Systems**

**Federal Authorization**

Authorization for the grant program is found in Section 303 of the amended Safe Drinking Water Act (P.L. 104-182 section 303):

"(a) In General.--The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of-

- (1) the development and construction of public water systems and wastewater systems to improve the health and sanitation conditions in the villages; and
- (2) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

(b) Federal Share.--The Federal share of the cost of the activities described in subsection (a) shall be 50 percent. *(Superceded by appropriations language. See below.)*

(c) Administrative Expenses.--The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in subsection (a). *(See also appropriations language below.)*

(d) Consultation With the State of Alaska.--The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under subsection (a) according to the needs of, and relative health and sanitation conditions in, each eligible village.

(e. Authorization of Appropriations..." *(See appropriation language below.)*

**FFY 1999 Federal Appropriation**

The language in federal law (Title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999) making the FFY 1999 appropriation (the appropriation for the SFY 2000 capital budget) includes the following:

"For environmental programs and infrastructure assistance, including ... \$30,000,000 for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages..."

Senate Committee Report: "\$30 million for rural and Alaskan Native villages to address the special water and wastewater treatment needs of thousands of households that lack basic sanitation, including \$2,000,000 for training and technical assistance. The State of Alaska will provide a match of \$15,000,000."

**State FY 2000 Budget**

The State's FY 2000 budget request distributes the \$30 million in federal funding as follows:

Total EPA Funding	\$30,000.0
Capital Budget Projects	(\$28,000.0)
Balance Available for Program Administration, Training, Tech Asst	\$2,000.0
DEC Operating Budget (Training, Tech Asst, Program Admin)	(\$1,208.0)
DCRA Operating Budget (Training, Tech Asst)	(\$792.0)
Balance	\$0.0

**Summary of Federal Authority and Appropriations**  
for  
**USDA-RD Grants to Alaska for Small Community Sanitation Systems**

**Federal Authorization**

Authorization for the grant program is found in Section 306D of the amended Consolidated Farm and Rural Development Act (P.L. 104-127) as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act (P.L. 105-277):

"(a) IN GENERAL- The Secretary may make grants to the State of Alaska for the benefit of rural or Native villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those villages.

(b) MATCHING FUNDS- To be eligible to receive a grant under subsection (a), the State of Alaska shall provide twenty-five percent matching funds from non-Federal sources.

(c) CONSULTATION WITH THE STATE OF ALASKA- The Secretary shall consult with the State of Alaska on a method of prioritizing the allocation of grants under subsection (a) according to the needs of, and relative health and sanitation conditions in, each village.

(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 1996 through 2002."

**FFY 1999 Federal Appropriation**

None. USDA is allocating \$20 million in agency discretionary funds.

**State FY 2000 Budget**

USDA-RD funds are granted directly to communities. As in years past, only the state match is included in the SFY 2000 Capital Budget. No USDA funds or state match are included in the operating budget. All but a small portion of the USDA-RD funds are allocated to Village Safe Water projects for SFY 2000:

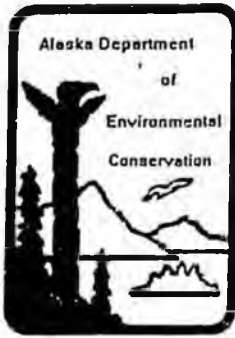
Total USDA-RD Funding	\$20,000.0
Capital Budget Projects	(\$19,934.8)
Balance (Carry-Forward to FY 2001 Capital Projects)	<u>\$65.2</u>

**CRITERIA SYSTEM  
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CAPITAL BUDGET  
SFY 2000**

**VILLAGE SAFE WATER PROGRAM**

<b>I. Problem Addressed</b>		
A. Public Health		
1.	An existing human disease event exists (documented by a recognized public health organization and reviewed by ADEC). Construction of the requested capital project <u>will correct</u> the <u>existing</u> problem.	300
2.	Current conditions are sufficiently severe that a disease event could occur but it has not been reported.	200
3.	Conditions are not probable for a disease event to take place. The capital project is required to prevent or minimize the possibility of future public health problems.	100
B. Environmental		
1.	A documented pollution event has taken place and construction of this facility will correct the existing problem.	200
2.	Current conditions are sufficiently severe that a pollution event could occur but it has not been reported.	100
3.	Conditions are not probable for a pollution event to take place. The capital project is required to prevent or minimize the possibility of future pollution events.	50
<b>II. Project Development Status</b>		
A.	Engineering plans and specifications have been prepared.	100
B.	Feasibility study or facility plan has been prepared.	50
C.	Comprehensive study or master plan has been prepared which compares the need for the project with other community needs.	25
D.	No documentation has been prepared.	0

<b>III. Other Funds</b>		
A.	Confirmed federal funding available to match or complete project.	100
<b>IV. Operation and Maintenance Capabilities</b>		
A.	Trained operator or utility manager employed: Name and training. and/or	75
B.	1. State certified <u>primary</u> operator employed: Name and certification number.	150
	2. State certified <u>backup</u> operator employed: Name and certification number.	100
C.	Rules, Fee Schedules or User fee ordinance adopted: Copy submitted.	50
D.	O&M costs and funding identified.	50
E.	Compliance with State Drinking Water program turbidity and bacti sample submittal requirements for at least 9 of 12 months.	75
<b>V. Relationship to Other Project Phases</b>		
A.	This project is needed to make the initial project phase functional.	150
B.	This project is needed to promote economic development and local employment opportunities. <u>Specific</u> economic development potential must be identified or explanation of how project fits into long range utility plan.	100
C.	Project construction coordinated with other projects and funding sources to promote cost efficiencies. Projects/funding such as ISTEPA and AEA should be identified.	50
D.	Village and school facility consolidation.	150
<b>VI. Resolution signed by council quorum submitted identifying project as the number one community priority.</b>		50



ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION

DIVISION OF FACILITY CONSTRUCTION AND OPERATION

SFY 00 CAPITAL PROJECTS SCORING CRITERIA

MUNICIPAL MATCHING GRANTS

I. Problem Addressed

Projects score the highest from either Public Health or Environmental criteria.

A. Public Health (One of the following)

- |   |     |
|---|-----|
| 1. A human disease event exists, documented by a recognized public health organization or reviewed by ADEC. Construction of this project will correct the existing problem. | 300 |
| 2. Current conditions are severe enough that a disease event can occur, or a drinking water standard could be exceeded, but neither has happened or been reported yet.      | 200 |
| 3. Conditions are not probable that a disease event will occur. However, this project will prevent or minimize potential public health problems.                            | 100 |

B. Environmental (One of the following)

- |   |     |
|---|-----|
| 1. A pollution event has occurred, documented by a recognized public health organization or reviewed by ADEC. Construction of this project will correct the existing problem. | 200 |
| 2. Current conditions are severe enough that a pollution event can occur, but it has not happened or has not been reported yet.   | 100 |
| 3. Conditions are not probable that a pollution event will occur. However, this project will prevent or minimize potential future pollution events.                           | 50  |

**II. Project Development Status (One of the following)**

- |   |     |
|---|-----|
| 1. Engineering plans and specifications have been approved by ADEC or the appropriate regulatory authority.   | 125 |
| 2. Engineering plans and specifications have been prepared and provided to ADEC.  | 100 |
| 3. A feasibility study or facility plan has been prepared and has been provided to ADEC.  | 50  |
| 4. A comprehensive study or master plan has been prepared which compares the need for the project with other community needs and has been provided to ADEC. | 25  |

**III. Operation, Maintenance and Management Capabilities (Any or all of the following)**

- |  |     |
|--|-----|
| A. Facilities are operated by the correct level of State certified operators required by State law or, where facilities are not required to be operated by certified operators, the operators are qualified and trained. | 100 |
| B. Drinking Water System complies with the testing and sample submittal requirements.  | 75  |
| C. Treatment facilities comply with permit requirements.   | 75  |
| D. Operation and Maintenance costs have been estimated for this project.   | 50  |
| E. The community has conducted a rate analysis within the last five years, copy attached or on file with ADEC.   | 50  |
| F. A user fee ordinance is adopted. The most recent version of the ordinance is on file with ADEC or a copy is attached.   | 50  |

**IV. Relationship to other Project Phases (Any or all of the following)**

Phased projects are projects identified as phased for purposes of funding.

- |  |     |
|--|-----|
| A. This project will make the initial project phase functional or complete construction. | 100 |
|--|-----|

- |            |  |     |
|------------|--|-----|
| B.         | This project needs to be constructed in conjunction with another project to reduce overall costs to the State. Schedule must be identified.  | 50  |
| <br>       |  |     |
| <b>V.</b>  | <b><u>Local Project Commitment</u></b> (Any or all of the following)   |     |
| A.         | The source, amount and year of matching funds have been identified and are available now. This does not include any <u>anticipated</u> funds such as future year State, legislative, or federal funds or appropriations. | 100 |
| B.         | This project will capture federal funds. Federal funds are available for use on the project.   | 75  |
| C.         | The local governing body has submitted a resolution or priority list identifying this project as the top priority in the community's overall list of capital projects for this fiscal year.                              | 50  |
| <br>       |  |     |
| <b>VI.</b> | <b><u>Economic Development</u></b>   |     |
| 1.         | This project is needed to promote economic development or local hiring opportunities. Specific economic development potential must be identified.  | 100 |

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF FACILITY CONSTRUCTION & OPERATION

TONY KNOWLES, GOVERNOR

410 Willoughby Ave., Ste 105  
Juneau, AK 99801-1795  
PHONE: (907) 465-5135  
FAX: (907) 465-5177  
<http://www.state.ak.us/dec>  
[deaston@envircon.state.ak.us](mailto:deaston@envircon.state.ak.us)

April 14, 1999

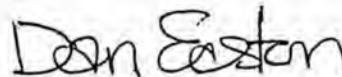
The Honorable Dave Donley, Chair  
Senate Finance Capital Budget Subcommittee  
Alaska State Senate  
State Capitol, Rm. 508  
Juneau, AK 99801-1182

Dear Senator Donley:

During the subcommittee hearing on the Division of Facility Construction and Operation Fiscal Year 2000 capital budget request, you asked that we provide you with summaries of the federal statutes pertaining to the two Village Safe Water program federal funding sources and where that funding goes in the state budget. We also promised to provide you with copies of the criteria we use to rank projects for funding under the Village Safe Water program and the Municipal Water, Sewer and Solid Waste Matching Grant program. The requested items are enclosed.

We would be happy to provide the subcommittee with further information on, or explanation of these or other topics.

Sincerely,



Dan Easton, P.E.  
Director

Enclosures (4)

cc: Senator Al Adams  
Senator John Torgerson  
Senator Gary Wilken  
Joan Brown, Office of Management and Budget

◀◀Building Community Sanitation Systems>>>

LTN1100-R01  
04/21/99

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
08:03:29

TCN: 90620

DATE & TIME: 04/21/99 08:00 TO 11:00 STATUS:5 IN PROG.

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: SFIN SENATE FINANCE

CHAIRS: PARNELL

PURPOSE: PUB PUBLIC HEARING

LEGISLATIVE

TORGERSON

CONTACT: DARWIN

TEL#: (907)465-2138

CHAIRING SITE: JUNEAU

CAPITOL

CAP532

TOLL FREE: (800)368-8772

DIAL-UP:

LIO: (907)258-8772

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED

3 MINUTE LIMIT

TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.

SEE COMMITTEE SCHEDULE IN BASIS

SPONSOR REMARKS(LIO): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES:25

OTHER SITES MAY ADD.

MEETING ID IS 7346. BACKUP = HOM

TCN REQUESTED ON 04/21/99 AND HAS 9 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 SB 146 COM. FISH LICENSE/FISHERMEN'S FUND
- 2 SB 147 VILLAGE SAFE WATER ACT
- 3 SB 148 AIRPORT LANDING FEES
- 4 SB 10 UNDERGROUND UTILITIES
- 5 SB 29 REQUIREMENTS FOR PHYSICIAN'S LICENSE
- 6 SB 123 PUBLIC INTEREST LITIGANT: FEES
- 7 SB 73 ASSISTED LIVING FACILITIES
- 8 SB 106 REMAND OF HEALTH FACILITY PAYMNT DECISION
- 9 SB 107 ABOLISH TOURISM MARKETING COUNCIL
- 10 SB 132 TRANSFERRING CERTAIN DEC FUNCTIONS

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

ANC ANCHORAGE	716 W 4TH, #200	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
COR CORDOVA	705 2ND STREET	LOCATION STAFF
DLG DILLINGHAM	KANGIIQUTAQ BLDG	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
HOM HOMER	345 W STERLING	LOCATION STAFF
* JNU JUNEAU	CAPITOL	CAP532 LOCATION STAFF
KEN KENAI LIO	145 MAIN ST LOOP	LOCATION STAFF
KOD KODIAK	112 MILL BAY RD.	LOCATION STAFF
MAT MATSU	600 E RAILROAD	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF
WRG WRANGELL LTC	LONGSHORMEN'S	LOCATION STAFF

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

ZZZ OF1 OFFNET 1	ANCHORAGE	MORT PLUMB	(907)266-2548
ZZZ OF2 OFFNET 2	METLAKATLA	TIM GILMARTIN	(907)886-4441
ZZZ OF3 OFFNET 3	KLAWOCK	DONNA WILLIAMS	(907)755-2261
ZZZ OF4 OFFNET 4	THORN BAY	JENNY TIERNEY	(907)828-3908
ZZZ OF5 OFFNET 5	TANANA	PAUL ERHART	(907)366-7160
ZZZ OF6 OFFNET 6	MCGRATH	BRENT URSEL	(907)524-3299
ZZZ OF7 OFFNET 7	KOYIKUK	MAYOR LOLNITZ	(907)927-2214
ZZZ OF8 OFFNET 8	EAGLE VILLAGE	JOANNE BECK	(907)547-2271
ZZZ OF9 OFFNET 9	CHALKYITSIK	JAMES NATHANIEL	(907)848-8295

PARTICIPANTS IN:CORDOVA

COR

04/21/99  
10:01:13

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:90620 SCHEDULED FOR:04/21/99 08:00 TO 11:00  
PUBLIC HEARING SENATE FINANCE

LTN1150  
BY:JNU  
FOR:ALL

LOCATION:ANCHORAGE

SB 147	✓TOM	COLLIDGE	AANHS	TESTIFY	
SB 147	✓TINA	LONG	RS AK N HEALTH B	TESTIFY	
SB 147	✓SHEILA	SELKREGG	USDA RURAL DEV	TESTIFY	
SB 148	✓BUTCH	HALLFORD	N AIR CARGO	TESTIFY	
SB 148	JOHN	STEINER		TESTIFY	
SB 148	✓STEVE	FARISH _____	ANS ?S	DOT PF	TESTIFY
SB 123	THEDA	PITTMAN		TESTIFY	
SB 123	HUGH	FLEISCHER		TESTIFY	
SB 123	LES	GARA		TESTIFY	
SB 123	ROBIN	SMITH		TESTIFY	
SB 73	DWIGHT	BECKER (ANS ?'S)	SENIOR SERVICES	TESTIFY	
SB 106	DAN	HOUGHTON	AK REGIONAL HOSP	TESTIFY	

LOCATION:CORDOVA

LOCATION:KENAI LIO

LOCATION:MATSU

SB 132	MR	ROB	WELLS	TESTIFY
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LOCATION:VALDEZ

SB 107	MS	LISA	VONBARGEN	VCVB	TESTIFY
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LOCATION:WRANGELL LTC

SB 146	MR.	OTTO	FLORSCHUTZ	TESTIFY
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SENATE FINANCE COMMITTEE

SIGN-IN

SB 147-VILLAGE SAFE WATER ACT

NAME: Dan Easton Subject/Bill No: SB 147

Co./Dept./Title: Director, Facility Const, DEC Phone: 465-5135

Address: 410 Willoughby Ave Zip: 99201

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

**SB**

**148**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/15/99

FURTHER: SC 42199

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 21 April 99

Finance Committee considered

SENATE BILL NO. 148

"An Act imposing landing fees at state owned and operated airports; and providing for an effective date."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

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

Senate Bill:

- same title
- new title
- House Bill:
- same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Hall &amp; Co</i>	✓		
		<i>John P. Over</i>	✓		
		<i>Ch. ...</i>	✓		
		<i>Al ...</i>		X	
		<i>Pete ...</i>	NR		✓
		<i>...</i>	✓		
Co-Chair: <i>[Signature]</i>		Co-Chair:			
Co-Chair:		Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>FN forthcoming</i>			

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

4/22/99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 148

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected DOT&PF  
 Title Airport Landing Fees BRU Commissioners Office  
 Component \_\_\_\_\_  
 Sponsor Senate Finance  
 Requester (S) FIN Component Serial No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	90.0	90.0	90.0	90.0	90.0	90.0
Travel	0.0	3.0	3.0	3.0	3.0	3.0
Contractual	0.0	20.0	20.0	20.0	20.0	20.0
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	15.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>107.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>1,500.0</b>	<b>1,500.0</b>	<b>1,500.0</b>	<b>1,500.0</b>	<b>1,500.0</b>	<b>1,500.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	107.0	115.0	115.0	115.0	115.0	115.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>107.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>	<b>115.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

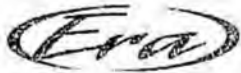
**ANALYSIS:** (Attach a separate page if necessary)

The \$90.0 in Personal Services would cover two Accounting Technicians for collecting landing fees.  
 The \$15.0 cost in FY2000 is for computers and office equipment to support the Accounting Technicians  
 The \$20.0 for Contractual and \$3.0 for Travel in FY2001 - FY2005 is to cover the cost of auditing landing reports and fees. Audits would not be done in the start-up year (FY2000).

Prepared by Dennis Poshard, Legislative Liaison Phone 465-3904  
 Division Office of the Commissioner Date/Time 4/22/99 12:21 PM  
 Approved by Commissioner [Signature] Date 4/22/99  
 Agency Department of Transportation and Public Facilities

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

**Era Aviation, Inc.**

6160 Carl Brady Drive  
Anchorage, Alaska  
99502

April 21, 1999

To Members of the Senate Finance Committee:

Please accept the following written testimony into the record on SB 148. The tax proposed in SB 148 is not well thought out for the following reasons.

**Economics**

Foremost, the air carrier industry is one of the most heavily taxed and regulated in the state. Both regulations and taxes shave our margins and challenge our business acumen. The challenge – to create a significant enough return on investment to justify being in business at all.

The proposed tax would conservatively cost Era Aviation \$130,000 each year. This is a significant percentage of our current margins. I would caution the Committee in confusing national air carriers' recent good fortune with the profit margins experienced by Alaska air carriers. Our industry has struggled with dramatic decreases in fish harvests and oil development activity. Tourism has somewhat made up for this decreased business, but do not underestimate the challenge of utilizing multi-million dollar assets for a visitor season which lasts only three months each year.

Claims by many that airfares in Alaska have steadily risen despite low fuel prices just do not hold water at Era Aviation. Our highest fare charged in the Kenai market was \$50 in 1990, and is currently \$55. Our lowest Kenai fare charged in 1990 was \$41, and today is \$36. Maintenance and personnel costs, our two largest cost centers, have risen steadily since 1990.

My final argument on the economic impact of this tax is that fuel prices, other taxes, and additional regulations are rapidly on the rise. For example, fuel has risen 20 cents in the last three weeks, and Era Aviation appears to be the only regional airline targeted for a \$3 per passenger head tax – the so called Passenger Facility Charge. Hopefully these arguments persuade you that we are neither in "fat city," nor undertaxed.

**Overhead**

The second reason for tabling this proposal is the high cost of collecting the tax. During the last go around of this tax in the early 1990's, collection costs exceeded 50 cents for each dollar collected. Little else needs to be said.

Senate Finance Committee  
April 21, 1999  
Page 2 of 2

### Discriminatory

The 6,000 pound exemption segregates the commercial industry unfairly. At a minimum, this exemption should be removed.

### Accountability

Finally, the air carrier industry has watched closely state appropriations associated with rural airports. Clearly, increased taxation has seldom resulted in improved service at those airports. In fact, recently the Legislature exempted foreign carriers from the state's aviation fuel tax, increasing the tax burden on home-grown carriers.

We are a major taxpayer to the international airport system, and actively participate in the management of those tax dollars. However, if the Legislature's intention is to make rural airports resemble the international system of user-pay, then air carriers' participation in resource management will need to increase.

### Essential Transportation

Rural airports comprise the main transportation mode for rural Alaska. If the Legislature moves to a user-pay system for this mode, then, correspondingly, tolls on Southcentral highways would also be in order. Until the Legislature engages in a broader debate about equitable taxation of essential transportation modes, we oppose a move to a user-pay system at rural airports.

Should you have any questions regarding this testimony, please call me at 248-4422.

Sincerely,

*Paul Landis*  
Paul Landis *BT K. Kuder*



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### SPONSOR STATEMENT

SB 148

“An Act imposing landing fees at state owned and operated airports; and providing for an effective date.”

Senate Bill 148 was introduced to require commercial aircraft using state owned and operated airports to assist in providing a small portion of the funding necessary to maintain these airports. The bill does so by creating a revenue generating landing fee of 50 cents per 1,000 pounds of an aircraft's certificated maximum gross takeoff weight. This fee will be imposed each time an airplane weighing 6,000 pounds or more lands at a state owned and operated airport certified by the FAA under 14 C.F.R. Part 139. Presently there are 22 airports state-wide that fall under the category of airports that would be required to impose a landing fee with the passage of this bill. SB 148 also provides for exclusions from this fee for certain types of aircraft and aircraft activities.

## AIRPORT MANAGER LISTING

NAME	PHONE	FAX	ADDRESS	MANAGER
Anchorage Int'l.	266-2529	243-0663	Box 190649/Anchorage - 99519	Mort Plumb
Anc. Int'l Safety	266-2407	266-2470	Box 190628/Anchorage - 99519	Chief, Tim Foster
Barrow	852-6199	852-3073	Box 367 Barrow, AK 99723	Dan Swords Danc Bollman
Bethel	543-2485	543-4442	Box 505/Bethel, AK 99559	L. J. Davis
Cold Bay	532-5000	532-2416	Box 97/Cold Bay, AK 99571	Gerry Dias
Cordova	424-3202	424-3240	Box 598/Cordova, AK 99574	Tom Justice
Deadhorse	659-2553	659-2216	Pouch 340002 Prudhoe Bay, AK 996734	Sam Schyler
Dillingham	442-5511	842-3011	Box 250/Dillingham, AK 99576	Norman Heyano
Fairbanks Int'l	474-2538	474-2544	6450 Airport Way, Suite 1 Fairbanks, AK 99709	Doyle Ruff Dale Chronkhite
FAI Int'l Safety	474-2538	474-2544		Chuck Grandy
Gustavus	697-2251	697-2465	P.O. Box 239/Gustavus, AK 99826-0239	Gary Morgan/Ed Bond
Homer	235-8872	235-2498	2156 Kachemak Bay Drive Homer, AK 99603	Mike Morowitz
Iliamna	571-1261	571-1298	Box 187/Iliamna, AK 99606	John Adcox
King Salmon	246-3325	248-3023	Box 65/King Salmon, AK 99813	John Fundeen
Kodiak	487-4952	487-4913	1500 Anton Larson Road Kodiak, AK 99615	John Chya
Kotzebue	442-3147	442-2127	Box 55/Kotzebue, AK 99752	Kenneth Gallahorn
Nome	443-3431	443-2618	Box 1048/Nome, AK 99762	Jerry Oliver
Petersburg	772-4624	772-3641	Box 1108, Petersburg, AK 99833	Jerry Kvernvick
Port Heiden	246-3325	246-3023	Box 85/King Salmon, AK 99613	John Fundeen
Sand Point	632-5000	532-2416	Box 97/Cold Bay, AK 99571	Gerry Dias
Sitka	966-2960	966-2961	304 Lake Street/Sitka, AK 99835	Ron Kenman
St. Paul	532-5000	532-2416	Box 97/Cold Bay, AK 99571	Norman Heyano
Unalaska	581-1786	581-1850	P.O. Box 820525/Dutch Harbor, AK 99692	Gordon Macmillan
Valdez	835-5658	835-5849	Box 507/Valdez, AK 99686	Gary Kennedy
Wrangell	874-3107	874-3994	Box 1351/Wrangell, AK 99929	Pat Taylor
Yakutat	784-3293	784-3536	Box 186/Yakutat, AK 99689	Mike Hills

## STATE OWNED AND LEASED, CERTIFICATED AIRPORTS:

Ketchikan	225-6800	225-2939	344 Front Street/Ketchikan, AK 99901 Ketchikan Gateway Borough	Don Chanell
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## MUNICIPALLY OWNED, CERTIFICATED AIRPORTS:

Juneau Int'l.	789-7821	789-1227	1873 Shell Simmons Drive Juneau, AK 99801	David C. Miller
Kenai Municipal	283-7951	283-3014	210 Fidalgo Ave., St. 200 Kenai, AK 99611-7794	Steve Atha

SENATE FINANCE COMMITTEE

SIGN-IN

SB 148-AIRPORT LANDING FEES

NAME: Kim Ross Subject/Bill No: SB148  
Co./Dept./Title: AK Air Carriers Assn. Phone: 270071  
Address: 929 E. 81<sup>st</sup> #108 Anchorage Zip: 99518  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Kurt Parkan Subject/Bill No: SB148  
Co./Dept./Title: Dept of Trans/ PF Phone: 6977  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: DOM EHERIDGE Subject/Bill No: SB148  
Co./Dept./Title: AK Labor Phone: 5863707  
Address: 710 W 9TH ST JUNEAU Zip: 99801  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

SENATE FINANCE COMMITTEE  
1999 COMMITTEE ACTION

Bill Number	SB 148
Amendment	
Motion	Report out
<u>Motion by</u>	Wilken
Objection	
<u>Objection by</u>	Adams
Removed	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Dave Donley	Y
Senator Loren Leman	Y
Senator Al Adams	N
Senator Gary Wilken	Y
Senator Pete Kelly	Y
Senator Lyda Green	Y
Senator Randy Phillips	Y
Co-Chair Sean Parnell	Y
Co-Chair John Torgerson	Y
<u>Tally</u>	
Yea	0 6
Nay	0 1
Absent	0 2
<u>MOTION</u>	Passed