

558

SRES

SB 393

-

SB

511

SRES

SB

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SRES

SB

511

Occupational Safety and Health Administration could not constitutionally conduct routine warrantless searches of regulated premises. The same reasoning may or may not limit the breadth of inspection authority in the water pollution control field. The bill meets the current federal requirement. If it is subsequently determined that the department cannot impose such an inspection requirement in permits, I am confident that EPA will not revoke its delegation simply on the basis of unavoidable constitutional constraints.

Sincerely,

S/ JSH

Jay S. Hammond  
Governor

FISCAL ANALYSIS

ASSUMPTION OF NPDES PERMITS

The subject bill modifies existing statutes to allow the State's adoption of the Federal National Pollution Discharge Elimination System (NPDES) Permit Program. There are about 800 Federal NPDES permits issued in Alaska. The U. S. Environmental Protection Agency (EPA) currently has about four employees assigned to operate this program in Alaska.

The difficulty in preparing a fiscal analysis of this bill stems from the unspecified level of service which this program requires and the amount of man hours that EPA devotes to its operation which aren't charged directly to the NPDES Program. Currently, the Federal government appears to be devoting a minimum amount of effort to this program with uncertain benefit to the environment of the State.

This Fiscal Note assumes a level of service above that currently maintained by the Federal government but much less than maximum/optimum effort. It is anticipated that a short term contract will be developed in the near future to better define costs involved. This contract and eventual funding to support this program is to come from the Federal government. Without full Federal funding, Alaska should probably not adopt the program.

1. AS 46.03.095 permits the department to adopt by regulation effluent limitations previously promulgated by EPA, modify effluent limitations and/or adopt new limitations. This may require up to one year of effort to develop a complete set of Alaskan modifications. However, the initial preliminary adoption could be achieved almost immediately.

One Environmental Engineer First Year only:

<u>Object Code</u>	<u>Cost</u>
100	32.0
200	4.0
300	3.0
400	.5
500	.5
<u>TOTAL</u>	<u>40.0</u>

2. AS 46.03.100 adopts Federal permits as State permits, specifies Federal violations as State violations, establishes application schedules and allows general permits. No specific costs are incurred by this section.
3. AS 46.03.105 establishes guidelines by which to issue or deny permits. No costs are incurred through the provisions of this section.
4. AS 46.03.110 permits the Department to adopt permit regulations. Because the Department is already adopting similar regulations, no additional costs are incurred by its provisions.

5. AS 46.03.120 provides guidelines for permit termination, specifies permit conditions and additionally requires a departmental response to permit applications within 60 days. Other than the staffing level necessary to attain this level of service (addressed later) no specific costs are incurred by the provisions of this section.
6. AS 46.03.107 defines monitoring and inspection requirements. This section may be construed to generate a cost to the permittee. However, in that the Federal government requires self monitoring now, no additional cost to the permittee is forseen.
7. AS 46.03.715 discusses Solid Waste permits. However because the substance of this section has already been adopted into law, this section has no effect.

AS 46.03.865 discusses confidentiality of industrial processes and generates no costs to the State.

AS 46.03.900 establishes definitions.

8. Should the Department adopt the NPDES program. We would be required to service between 800 to 1,000 permits. Most of the permits expire every five years. Additionally, general permits may be issued. For the major permittees (50) annual inspections are required. For the remainder, inspections would probably be scheduled every three to five years. Additionally, general permits may be issued. For the major permittees (50) annual inspections are required. For the remainder, inspections would probably be scheduled every three to five years. Work load which this entails includes:

- a. Receive and route about 200-250 permit applications per year through the permit function in Program Coordination.

One Administrative Assistant:

<u>Object Code</u>	<u>Cost</u>
100	22.2
200	1.0
300	4.0
400	1.0
<u>500</u>	<u>1.0</u>
TOTAL	29.2

- b. Review and approve or reject about 200-250 permits/year in Water Programs Division.

One Engineer/Ecologist:

<u>Object Code</u>	<u>Cost</u>
100	32.0
200	4.0
300	3.0
400	.5
<u>500</u>	<u>.5</u>
TOTAL	40.0

- c. Mail responses, handle inquiries, perform logging, tracking and filing activities, mail permits to applicants and Regional Offices;

One Clerk Typist III

<u>Object Code</u>	<u>Cost</u>
100	15.1
200	.5
300	4.0
400	1.0
<u>500</u>	<u>1.0</u>
TOTAL	21.6

- d. Perform about 50 inspections per year at major facilities assuming each inspection requires 3 days + office, travel, and onsite inspection time.

About 1/2 Environmental Field Officer (Fairbanks schedule)

<u>Object Code</u>	<u>Cost</u>
100	16.0
200	4.0
300	6.0
400	1.0
<u>500</u>	<u>1.0</u>
TOTAL	28.0

- e. Perform about 750 to 950 field inspections each 5-year period. Annual rate becomes 150-200 + inspections per year. Assume each inspection requires about 3 days office travel and on-site inspection time. Each man year results in about 250 man days available. Therefore, 200 inspections X 3 days + 250 = 2 1/2 man days per year.

2 1/2 Environmental Field Officers

<u>Object Code</u>	<u>Cost</u>
100	140.0
200	20.0
300	30.0
400	5.0
<u>500</u>	<u>5.0</u>
TOTAL	200.0

- f. Laboratory Analysis of an estimated three to five parameters/sample 100 X 4 parameters average = 4,000 analyses.

Chemist/Biologist

<u>Object Code</u>	<u>Cost</u>
100	23.8
200	1.0
300	6.0
400	5.0
500	1.0
<u>TOTAL</u>	<u>36.8</u>

- g. Additionally, a minimum of one additional lawyer will be required to the Attorney General's staff.

One lawyer on A.G.'s staff

<u>Object Code</u>	<u>Cost</u>
100	46.3
200	6.0
300	6.0
400	1.0
500	1.0
<u>TOTAL</u>	<u>60.3</u>

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
Title Assumption of NPDES Permit System  
Requested by Governor Date 12/8/77

II. FISCAL DETAIL

Agency Affected Environmental Conservation, Law  
Program Category Affected NRM & EC, Justice  
Budget Request Unit(s) Affected Water Programs, Program Coordination, Field, Law

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			327.4	306.6	322.9	342.2
200 TRAVEL			40.5	38.7	41.0	43.4
300 CONTRACTUAL			62.0	62.5	66.2	70.2
400 COMMODITIES			15.0	15.3	16.2	17.3
500 EQUIPMENT			11.0	11.1	11.8	12.5
600 LAND & STRUCTURES						
700 GRANTS, C. AIMS, ETC.						
TOTAL			455.9	432.2	458.1	485.6

FUNDING (Thousands of Dollars)

GENERAL FUND			-0-	-0-	-0-	-0-
FEDERAL FUNDS			455.9	432.2	458.1	485.6
OTHER (Specify)						

POSITIONS

FULL TIME			9	8	8	8
PART TIME						
TEMPORARY						

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

See attached detailed analysis.

Inflation taken at 6%

IV. DATE 12/8/77

PREPARED BY C. C. Egle  
AGENCY Environmental Conservation  
PHONE 465-2604

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

S

B

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9

COMMITTEE REPORT  
SENATE

1/11/78

FURTHER: FINANCE

Date: \_\_\_\_\_

Mr. President:

The Committee on RESOURCES has had SB 399  
supplemental appropriation to Dept. of Fish & Game

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass                       recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for \_\_\_\_\_
- and \_\_\_\_\_  new title               same title
- AND attaches a Letter of Intent               New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*Handwritten signatures:*  
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\_\_\_\_\_  
Chairman

AMENDMENT

OFFERED IN THE SENATE:

BY: Wm. C. C. [unclear]

To: \_\_\_\_\_ SENATE BILL No. 724

HOUSE BILL No. \_\_\_\_\_

PAGE: 7

LINE: 60

*[Faint handwritten notes and markings, possibly including the number 111]*

SUMMARY - CS FOR SENATE BILL 399

"AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME, (d)(2) TRAVEL, AND SALMON TRANSPORTATION."

SECTION (1) OF THE BILL APPROPRIATES \$41,800 FROM THE GENERAL FUND TO THE DEPARTMENT OF FISH AND GAME TO COVER EXPENSES RELATING TO (d)(2) PROPOSALS WHICH WERE NOT INCLUDED IN THE FY 78 BUDGET.

THE FUNDS HAVE BEEN AND WILL BE USED FOR:

- (1) PRESENTING THE STATE'S (d)(2) POSITION
- (2) PREPARING MAPS, BOOKLETS, OVERLAYS, ETC.
- (3) ASSISTING THE CONGRESSIONAL DELEGATION
- (4) ANALYZING (d)(2) LEGISLATION
- (5) PUBLIC INFORMATION
- (6) TRAVEL

SECTION (2) APPROPRIATES \$68,700 TO THE DEPARTMENT OF FISH AND GAME FOR EXPENSES INCURRED IN AN EMERGENCY FISH LIFT ON THE RUSSIAN RIVER LAST SUMMER. THE LIFT WAS NECESSARY BECAUSE OF UNUSUALLY HIGH RAINFALL WHICH PREVENTED SOCKEYE SALMON FROM PASSING THE FALLS TO THEIR SPAWNING GROUNDS. LIFTS OCCURRED DURING THE PERIOD OF JULY 7-19 & AUGUST 13-18. THE RUSSIAN RIVER SYSTEM ANNUALLY CONTRIBUTES AN ESTIMATED 30 PERCENT OF THE COMMERCIAL SOCKEYE HARVEST IN COOK INLET, AND CONTRIBUTES 8,000-12,000 FISH EACH YEAR TO THE SPORT FISHERY.

OF THE TOTAL APPROPRIATION, \$41,600 IS FROM THE GENERAL FUND WITH THE REMAINDER FROM OTHER FISH AND GAME FUNDS.

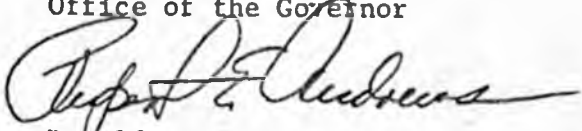

STATE  
of ALASKA

## MEMORANDUM

SB 399

TO:  Ron Lind, Director  
Division of Budget and Management  
Office of the Governor

DATE : January 27, 1978

FROM:   
Ronald O. Skoog  
Commissioner  
 Department of Fish and GameSUBJECT: FY'78 Supplemental, (d)(2)  
Support Activities

The Department of Fish and Game, Division of Game, requests a supplemental in the amount of \$47,800. This supplemental covers projected expenses and expenses incurred to date in the Department's support of the State's (d)(2) position in Congress. This supplemental includes the \$11,000 already approved by the Governor on page 4 of the Executive budget document.

At the time that the Department's representative on (d)(2), Mr. Ron Somerville, was detailed to assist the Governor's Office in its efforts in Congress, it was agreed that the Department would assume most costs until June 30, 1977. After that date, the Department would pay only Mr. Somerville's salary and the additional support costs would be provided either by the Department of Natural Resources or the Office of the Governor. In FY 78, the Department has incurred total costs (excluding Mr. Somerville's salary) of \$36,845 through December 31, 1977. A detail sheet is attached. These costs have been charged to the headquarters investigations component (codes 11-41-2-403 and 410). All the costs were made under the assumption that they would be reimbursed. Unless this reimbursement takes place, the activities planned for FY 78 in the headquarters investigations component will need to be reduced drastically.

Mr. Somerville has been working closely with Commissioner LeResche in his support of the State's (d)(2) position. By copy hereof, Commissioner LeResche is requested to support this supplemental request.

## Attachment:

cc: Commissioner LeResche  
Ron Sommerville  
Bob Rausch  
Jeff Morrison  
John Stewart

# MEMORANDUM

State of Alaska

RECEIVED

DEC 5 1977

BUDGET & MANAGEMENT

TO: Ron Lind  
Director  
Office of Budget & Management  
Department of Administration

DATE: December 5, 1977

FILE NO:

TELEPHONE NO:

FROM: Ronald J. Somerville *RJS*  
Alaska Department of  
Fish and Game  
Anchorage

SUBJECT: Supplemental - (d)(2)

Because of the time crunch expressed by Mr. Chuck Taylor, I am corresponding directly.

I believe my September 8, 1977 memo to Commissioner LeResche was routed to your office. At that point, I projected (d)(2) expenditures in my area of responsibility at:

F.Y. 1978 - \$94,593                      and                      F.Y. 1979 - \$47,790

This excluded my salary which was apparently being picked up by my Department.

As I'm sure you are aware, my present position was established solely for the purpose of assisting in preparing, presenting and selling the State's (d)(2) position. Although I'm located in the Commissioner of Fish and Game's office, I am assigned to assist Commissioner LeResche in many aspects of the (d)(2) issue.

Initially, it was agreed that all expenses associated with my assignment would be carried by either the Department of Natural Resources or the Governor's office. From July 1, 1977 to November 30, 1977, my Department has paid and is still holding the following (d)(2) expenses:

Line Item

100 - Temporaries	\$15,703.64
200 - Travel and per diem	6,358.13
300 - Contractual services (photo processing, mapping, printing, etc.)	10,453.11
400 - Commodities	<u>4,708.15</u>
Total	\$37,223.03

Most of the above expenses were for:

1. Designing and printing of maps, summary booklets, overlays and visual support material.
2. Preparation of statewide resource maps for use at Congressional hearings and workshops.
3. Travel and per diem in-state and out-of-state primarily to provide technical staff support.

December 5, 1977

4. Detailed staff analysis of legislative impacts.
5. Distribution of material to organizations and individuals.

If even the minimal effort we are putting forth on (d)(2) is to continue, we must be willing to finance it. I still believe my estimates of \$94,000 for F.Y. 1978 and \$48,000 for F.Y. 1979 are accurate. In analyzing my priorities and expenditures, however, I would alter some items.

In addition to the \$37,223.03 which should be AV'd to the Department of Fish and Game, we should obligate a minimum of the following amounts:

<u>Line Item</u>	<u>F.Y. 1978</u> <u>Dec. 1 - June 30</u>	<u>F.Y. 1979</u>
100 - Temporaries	\$23,000	\$25,000
200 - Travel & per diem	12,000	10,000
300 - Contractual services (Dropping request for office space)	12,000	10,000
400 - Commodities	<u>7,000</u>	<u>3,000</u>
Totals	\$54,000	\$48,000

These funds will be used for the following:

1. Presenting State's (d)(2) position.
2. Assisting Congressional delegations with logistic and staff support.
3. Preparing maps, booklets, overlays and other material.
4. Maintaining liaison with and providing material for supportive organizations.
5. Legislative analysis (primarily in analysis of resource use impacts and proposal comparisons).
6. Assisting in Congressional workshops.
7. Preparation of alternatives with supporting information.
8. Coordinating Departmental input.
9. Keeping the public informed on progress of (d)(2) legislation.

Mr. Ron Lind

-3-

December 5, 1977

10. Soliciting support for State's position.
11. Illustrating and justifyi.    overnor's Cooperative Management  
concept.

I hope the above material is satisfactory. If you need additional justification, please let me know.

cc: Commissioner Skoog  
Commissioner LeResche

STATE  
of ALASKA

## MEMORANDUM

TO: [ Ron Lind, Director  
Division of Budget and Management  
Office of the Governor

DATE: December 6, 1977

FILE NO:

TELEPHONE NO:

FROM: *for* Ronald O. Skoog  
Commissioner  
Department of Fish and Game

SUBJECT: FY'78 Supplemental Request,  
Russian River Fish Lift

The Department of Fish and Game is requesting a total supplemental appropriation of \$68,700 to pay for unexpected expenses incurred with the transportation of spawning red salmon up the Russian River. Since both sport fishermen and commercial fishermen will benefit from the action taken, the supplemental request would provide funding for both the Divisions of Sport Fish and Commercial Fish. The Division of Commercial Fish projected deficit without the supplemental is \$41,600 in General Funds. The Division of Sport Fish projected deficit without the supplemental is \$27,100 in Fish and Game Funds.

The Russian River fish lift was necessitated by the inability of the spawning red salmon to negotiate the Russian River falls. Heavy rains and run-off in the Russian River watershed this summer resulted in very high water runoff over the Russian River falls. The volume and velocity of water at the falls was such that the migrating red salmon were unable to negotiate the falls as they are able to do during a normal year. Since the spawning and rearing area for most of the red salmon in the Russian River system is above the falls, the Department felt that it was mandatory to provide whatever assistance was necessary to enable the fish to negotiate the falls successfully. This particular situation occurred twice this year as the Russian River system has both an early and a late Sockeye run.

The Russian River system annually contributes an estimated 30 percent of the commercial Sockeye harvest in Cook Inlet and 8000 to 12,000 fish to the sport fishery. This fish lift during the early run occurred from July 7 through July 19 and resulted in the helicopter transportation of 8,477 fish from below to above the falls. The second run of Russian River fish occurred about one month after the first run. From the period of August 13 through August 18, the Department lifted 7,436 fish above the Russian River. For purposes of administrative convenience the Division of Sport Fish was charged with the expenses of the first fish lift and the Division of Commercial Fish was charged with the expenses of the second fish lift. All of the activity undertaken in the fish lift was necessary in order to preserve the biological and economic viability of the Russian River Sockeye Salmon.

Failure to approve the supplemental request will seriously impact both the Division of Commercial Fish and Sport Fish. It will be necessary to make program reductions in the amount of the supplementals in both these Divisions. In Sport Fish the program reductions will eliminate all of

the restoration efforts planned by the Division of Sport Fish during FY'78. Even though actual expenditures in the Sport Fish restoration component were relatively minimal during FY'76 and FY'77 as a result of the draw down on the Fish and Game Fund and a general shortage of toxicant, the plans for FY'78 included the following:

- 1) purchase of toxicant for use in lake rehabilitation work on five selected waters.
- 2) implementation of the postponed recreational fishery lake management programs requiring needed maintenance on five lake water control structures, lake rehabilitation and supplemental studies to provide the required evaluation.
- 3) the implementation of toxicant rehabilitation on five lakes.
- 4) expansion and development of additional egg take sites.

These plans will need to be terminated if the supplemental is not approved.

In the Commercial Fisheries Division the Cook Inlet Management Budget will be forced to reduce considerable effort in gathering and assessing the information for proper management of the fisheries in this area. The significant cutbacks will greatly decrease the information base upon which to make management decisions. As the risk of management error increases an economic impact could occur if the management decisions result in underharvest of any particular fishery resource in Cook Inlet. Similarly, an overharvest undetected by the Cook Inlet fishery managers until after the fact would decrease the number of fish required for reproduction. To supplement the funds needed in Cook Inlet from other areas of the existing Commercial Fisheries Division budget would only serve to shift the risk of management error to another priority fishery.

Attached is a copy of a report to the Board of Fisheries on the Russian River helicopter fish lift. In addition, a summary of expenditures of the Russian River fish lifts is also attached. Your favorable consideration of this supplemental request will be most appreciated.

cc: Carl Rosier, Director  
Division of Commercial Fisheries

Rupe Andrews, Director  
Division of Sport Fish

Jeff Morrison, Director  
Division of Administration

DETAIL OF FISH AND GAME (d)(2) EXPENSES

7/1/77 - 12/31/77

	11-41-2-403	11-41-2-410
Personal Services	-0-	\$17,037
Travel & Per Diem	\$2,574	\$ 4,332
Contractual Services (Photo processing, mapping, printing, etc.)	-0-	\$ 8,147
Commodities	-0-	\$ 4,755
TOTAL	<u>\$2,574</u>	<u>\$34,271</u>
GRAND TOTAL	\$36,845	

All Charges in code 11-41-2-403 will be AV'd to code 410. Specific items prepared in support of the State's (d)(2) position include 1) summary booklet on (d)(2) lands and S.1787 (Senator Steven's bill); 2) printing of 8½ X 11 color maps depicting the effect of S.1787; 3) photocopying expenses for numerous copies of HR39 and other back-up material; 4) 3 sets of 6 maps each (Series E) with approximately 200 mylar overlays for each set depicting resources on Alaskan lands (One set each for Somerville, Stevens, and Young). Most of the temporary time (estimated 80%) and commodities expenses were spent in the preparation of item 4. The remainder of the temporary time was spent on clerical and other miscellaneous duties. Travel expenses were primarily for the Department's representative, Mr. Somerville, to provide technical support in Washington, D. C. A few other trips were made in-state for the same purpose.

1/1/78 - 6/30/79

An estimated \$11,000 in travel expenses will be needed from the present through FY'79. This travel will be for Mr. Somerville to continue to provide his technical support to the Congressional delegation in Washington, D. C. .



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ALASKA AREA OFFICE  
813 D STREET  
ANCHORAGE, ALASKA 99501

COMMISSIONER'S OFFICE  
**RECEIVED**  
JAN 17 1978

DEPARTMENT OF FISH AND GAME  
JAN 12 1978

Dr. Ronald Skoog, Commissioner  
Alaska State Dept of Fish and Game  
Subport Building  
Juneau, Alaska 99801

Dear Dr. Skoog:

I have been informed by Jim Frates, Refuge Manager of the Kenai National Moose Range, that ADF&G is proceeding with drawings and bid specifications for the Russian River fish bypass with the intent to issue bid invitations by January 17.

Jim advised members of your engineering staff in Anchorage that the EIA has not been completed. In addition we have not had the opportunity to develop a complete set of construction stipulations that should be a part of the information available to potential bidders.

We do consider it ill advised to solicit bids prior to the completion of the EIA and the issuance of a special use permit or the development of a cooperative agreement as may be appropriate.

We certainly appreciate the concern of ADF&G in trying to get this project into the construction stage, and we would hope that you can appreciate our position on this matter. We will certainly work with your staff to expedite the process, but this is just one of several matters, all of which seem to demand immediate attention. I bring this to your attention in an attempt to avoid any misunderstanding as to our responsibilities and our actions on this issue.

Sincerely yours,

*Gordon W. Watson*  
Area Director

cc: Jerry Gilliland  
Bob Palmer  
Kenai NMR

*By gwin  
to SF  
CF + Juv*



Save Energy and You Serve America!

SB

428

# COMMITTEE REPORT

## SENATE

FURTHER: None

1/19/78

Date: \_\_\_\_\_

Mr. President:

The Committee on RESOURCES has had SB 425  
commercial fishing interim-use permits, entry permits, & vessel licenses

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass                       recommends it do not pass  
 recommends it do pass with attached amendment(s)  
 recommends it be replaced with CS for \_\_\_\_\_

- and \_\_\_\_\_  new title                       same title  
 AND attaches a Letter of Intent                       New Fiscal Note  
 reports it back without recommendation  
 and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Tom Tillman  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
Chairman

A M E N D M E N T

Offered in the SENATE

By \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL NO. \_\_\_\_\_

\_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

AMENDMENT: Page \_\_\_\_\_ Line \_\_\_\_\_

## STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH KB - JUNEAU 99801

February 3, 1978

The Honorable Kay Poland  
Chairman, Senate Resources Committee  
Alaska State Senate Pouch V  
Juneau, Alaska 99811

Dear Senator Poland:

Re: SB 428

Regarding Senator Tillion's question regarding the term "willfully" as it appears in Sec. 3 of SB 428 at page 3 line 13 and page 4 line 2, we have contacted Dan Hickey at the Department of Law. Mr. Hickey indicated that the term "willfully" appearing at page 3 line 13 should be omitted. The term "willfully" as used at page 4 lines 2 and 6 should be deleted and the word "knowingly" substituted in its place. A letter from Ann Carpinetti of Mr. Hickey's office confirming the above-mentioned amendments should be received by your committee shortly, if it has not been received already.

The propriety of the term "other unavoidable hardship" appearing at page 1 line 12 has been addressed by Pete Froehlich, the Commission's Assistant Attorney General. His statements regarding this wording should have been received by you by now. If not, his letter will be forthcoming shortly.

The Commission will be happy to send a representative to the Monday, February 6, Committee meeting to answer any questions. The Commission has also requested that Pete Froehlich attend the meeting to answer any legal questions the Committee may wish to advance.

If there are any further questions or other service you may require, please feel free to contact me at the Commission. Your assistance in this matter is greatly appreciated. The Commissioners are presently out of town holding previously scheduled public hearings or I'm sure one of them would have

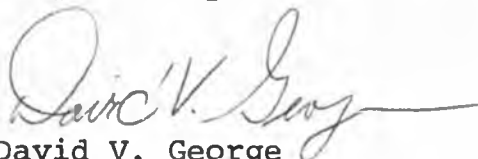
Senator Poland

-2-

February 3, 1978

responded personally to the Committee's inquiries.

Respectfully,

A handwritten signature in cursive script, appearing to read "David V. George", with a long horizontal flourish extending to the right.

David V. George  
Legal Advisor

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL  
JUNEAU, ALASKA 99811

February 6, 1978

The Honorable Kay Poland  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

Re: SB 428

Dear Senator Poland:

It is my understanding, after discussing Senate Bill 428 with a representative from the Commercial Entries Fisheries Commission, that your committee desired some comment from the Criminal Division of the Department of Law regarding the level of culpability under proposed amendments which would be required to be proven for conviction of certain prohibited acts under AS 16.43, which regulates entry into Alaska commercial fisheries.

Section 3 of Senate Bill 428 amends AS 16.43.360(a) in part by adding the requirement that a person be proved to have acted wilfully before he may be convicted of a statutory or regulatory violation of the chapter. (p.3, line 13). Presently no proof of the violator's state of mind is necessary under the language of the statute to establish a violation under AS 16.43.360(a). I would recommend deleting this portion of the amendment from the bill. It is difficult to establish a wilfull state of mind in prosecuting violations of regulatory provisions, and generally no conscious state of mind is constitutionally required for regulatory violations. Unless there is some other purpose for the amendment, I see no reason to make enforcement of AS 16.43 more difficult for the state.

Section 4 of the bill amends AS 16.43.360(b), which prohibits making a false statement of fact in an application

February 6, 1978

for renewal of an interim use or entry permit. The proposed amendment in part adds the requirement that a person be proved to have acted wilfully (p. 4, lines 2 and 6) before he may be convicted of violating the subsection. Apparently the purpose of this amendment is to avoid the prosecution under the sub-section of persons who mistakenly mistate facts on an application or renewal form. I would recommend substituting "knowingly" for "wilfully" on page 11, lines 2 and 6. While both terms are similar and indicate a state of mind where the offender is aware that he or she is making a false statement, the use of "knowingly" is suggested because it is more precise and additionally, complies with the efforts by the Criminal Code Revision Subcommittee to clarify and limit the terms used to define culpable mental states for criminal offenses. The proposed criminal code employs four mental states: intentional, knowing, reckless, and criminal negligence. If criminal prohibitions in other titles of the Alaska Statutes also use these states of mind, our statute will be easier for people to understand and for the courts to interpret.

Thank you for the opportunity to comment on Senate Bill 428.

Very truly yours,

AVRUM M. GROSS  
ATTORNEY GENERAL

DANIEL W. HICKEY  
CHIEF PROSECUTOR

By: Anne Carpeneti  
Anne Carpeneti  
Assistant Attorney General

AC:lw

cc: Art Peterson  
Assistant Attorney General

"An Act relating to commercial fishing interim-use permits, entry permits, and vessel licenses."

SB 428 as amended by the Resources Committee, would liberalize the conditions under which limited entry permits may be transferred on an emergency basis, authorizing the Commercial Fisheries Entry Commission to revoke permits for falsification of information, and strengthening the penalty provisions of the Limited Entry Act.

Section I of the bill would liberalize the conditions under which the Commission may authorize temporary emergency transfers of permits. Also, interim-use permits issued pending final action on an application could be transferred to alleviate hardships pending final action. Special attention was given to the definition of "hardships" to prevent abuse of permit transfer.

Section 2 of the bill would authorize the Commission to revoke a permit when the holder had falsified information to the Commission. The revocation would be only after a hearing, at which the holder would have the opportunity to present evidence to refute the Commission's proposed action. The Resources Committee debated at considerable length, the judicial recourse of the permit holder.

Sections 3 and 4 of the bill would strengthen the penalties for violation of the Limited Entry Act, and would enable courts to order forfeiture of permits upon conviction of first or second offenses. Currently forfeiture is only possible on third convictions. The bill also allows for possible imposition of a fine not to exceed \$5,000 for making a false statement(s) in a permit application or renewal. The Committee has offered minor amendments to Sections 3 & 4 upon the advice of the Commission's legal counsel and the Attorney General's office.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU 99811

February 1, 1978

The Honorable Kay Poland  
Chairman, Senate Resources  
Committee  
Alaska State Legislature  
Pouch V, Capitol Building  
Juneau, Alaska 99811

Re: SB 428, relating to com-  
mercial fishing permits

Dear Senator Poland:

It has come to my attention that a question arose at the January 31, 1978 hearing on this bill before your committee concerning the words "other unavoidable hardship" as used on page 1, line 12 of the bill. I am writing to share with you and the committee my thoughts on this language.

In my opinion, it is possible for the Commercial Fisheries Entry Commission to administer this criteria for temporary emergency transfer of permits both fairly and restrictively. The entire sentence containing the language at issue reads:

The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim use permits when illness, disability, death, or other unavoidable hardship prevents the permit holder from participating in the fisher." (Emphasis added).

In accordance with the well-established principle of statutory construction of ejusdem generis, where general words follow a listing of specific words, the general words are construed to embrace only circumstances similar in nature to those enumerated by the previous specific words. (See 2A Sands, Sutherland Statutory Construction, § 47.17, 4th Ed. 1973). Thus, "other unavoidable hardship" includes only circumstances similar in nature and gravity to illness, disability and death.

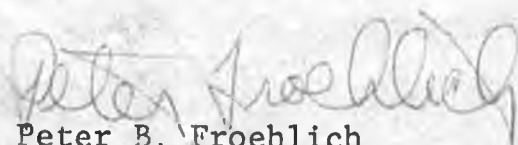
The phrase "unavoidable circumstances" is used in the Commission's regulations at 20 AAC 05.630(a)(5). In that context, the Commission has interpreted the phrase to mean circumstances (1) beyond one's control which prevent his participation in a fishery, (2) in frustration of his specific definite intent to do so, (3) despite all reasonably possible efforts. Applying the same meaning to "unavoidable hardship," along with the principle of ejusdem generis, results in the interpretation that only serious hardship beyond one's control which frustrates his specific and definite intent to participate in a fishery despite all reasonably possible efforts would be included within the scope of those words.

This seems to be a sufficiently narrow criteria for emergency transfers, while at the same time allowing for the myriad of possible types of unavoidable hardship which may properly justify such a transfer.

I hope this letter is of some help in your further consideration of this bill. Please contact me if any questions on this matter remain.

Sincerely,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Peter B. Froehlich  
Assistant Attorney General

PBF:bvd

cc: Allan Adasiak

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

# 43

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-461-3800

MEMORANDUM

February 10, 1978

SUBJECT: Senate Bill 428 am  
TO: Senator John Huber  
FROM: Billy G. Berrier *BGB*  
Director  
Division of Legal Services

As I told you verbally, the hearing procedures in this bill differ from the hearing procedures in the Administrative Procedure Act. The reference to the Administrative Procedure Act in subsection (h) on Page 3, lines 10 and 11, incorporate the appeal procedures of the Administrative Adjudicative Act only. You, therefore, asked for an amendment which would allow a de nova appeal as of right and which would require that false information used as a basis for revoking an entry permit be material. Amendments to that effect are attached.

BGB:jpd

Enclosures

A M E N D M E N T #4

Offered in the SENATE

By Huber

TO: SENATE BILL NO. 428 am

Page 1, line 21:

Following the word "correct" add the word "materially". #3

Page 3, lines 10 and 11:

Delete all material and substitute:

(h) The permit holder may appeal to the superior court for, and is entitled to, trial de nova of the board's action. Either party to the appeal may demand a jury trial.

See #3

STATE  
of ALASKA

# MEMORANDUM

S. Huber

TO: [ The Honorable Kay Poland  
Chairman, Senate Resources Committee  
Alaska State Senate

DATE : February 3, 1978

FROM: David V. George *dv*  
Commission Legal Advisor  
Commercial Fisheries Entry  
Commission

SUBJECT: Letter of Explanation of  
SB 428 re cost of proceeding under  
proposed section relating to  
administrative revocation of permit

Senator Huber has raised the question of whether judicial review under the Administrative Procedure Act (APA) as provided in Section 2 of SB 428, would act as a defacto financial prohibition to the permit holder's judicial review of the administrative agency's action. The sections of the APA brought into issue are AS 44.62.560 and 570. Copies of these sections are appended to this reply.

SB 428 Section 2 of the Administrative Level:

Due process requires that the proposed revocation of a permit be preceded by notice of the proposed action, and that the permit holder be afforded an opportunity to be heard prior to a resolution of the issues.

SB 428 Section 2 proposes a mechanism for administrative revocation of a permit by the Commercial Fisheries Entry Commission. This power does not presently exist. SB 428 could have stopped there and left the Commission with the obligation to adopt regulations regarding the procedure to be employed which were consistent with due process. However, because of the gravity of the potential consequences of permit revocation, the Commission felt it was appropriate for the Legislature to provide for an administrative revocation procedure which ensured the respect of the permit holder's due process rights. This legislative statement in effect says: "If you cheat you'll be punished, but we are going to make sure that the State plays by the rules so that it doesn't cheat you."

Before any administrative hearing then, the State must give notice of the proposed action. The permit holder is given the opportunity to appear at the hearing, with or without counsel, and give his side of the story. The responsibility of the permit holder at the hearing is no greater than that required at any administrative hearing--he may, if he wishes, show up and contest the proposed action.

Section 2(b)(2) imposes a greater burden on the State, however. Section 2(b)(2) requires that before the Commission acts it must have received an affidavit setting forth facts warranting permit revocation. The notice requirements of Section 2(b)(2-6) were drafted requiring specificity on everything reasonably necessary to apprise the permit holder of the potential loss involved and the basis of the proposed action. This specificity will help guarantee a meaningful hearing.

Under SB 428, the State is also required, when holding the hearing, to provide a hearing officer who will act as the presiding officer of the hearing. The hearing officer is at the expense of the State, but will employ his legal background to aid both the permit holder and the Commission in the presentation of necessary facts. It is believed that use of a hearing officer will help insure greater impartiality as well as a more concise record.

In review, the formal hearing procedures required by SB 428 at the administrative level impose additional burdens only upon the State and not upon the party against whom the action is proposed.

SB 428 Section 2 and the Judicial Level:

Senator Huber has expressed concern that affording judicial review of the Commission's decision pursuant to AS 44.62.560-570 might be financially unfeasible for the permit holder to pursue. It was apparently Senator Huber's concern that a "de novo" judicial review might lower the cost of this review were a less formal administrative hearing held at the outset.

Due process requires the right of judicial review of the Commission's decision, whether the administrative hearing is formal or informal. The nature of the review would ultimately dictate the amount of expense to the permit holder. The proper forum for review is the Superior Court. [AS 22.10.020, 22.15.050, 44.62.560]

Were the Superior Court to hold a "trial de novo", cost to the litigant would be greatly increased. Evidence submitted at the administrative hearing, whether it was formal or informal, would have to be reintroduced at a "trial de novo" subject to all appropriate objections and cross-examination rights of the State. Witnesses would have to appear, perhaps for the second time, and the litigant himself would be making a second appearance thus increasing travel expenses.

Pre-trial discovery may be in order requiring additional costs. Since a trial of three or four days is much more difficult to schedule on the court calendar than a half-day argument (as would be the case were there not a "trial de novo"), greater delay could be anticipated than if the case were one of simple appellate review. All told, an informal administrative hearing followed by a trial "de novo" at the judicial level would substantially increase, rather than decrease, the direct cost to the permit holder.

Review under AS 44.62.560 generally amounts to a review of the record of the administrative hearing to determine the propriety of the administrative action taken. An appellant is required to transmit the record of the administrative agency hearing to the Superior Court at his own cost and provide a cost bond on appeal. In the Commission's experience, for cases involving permit decisions, this is usually no more than \$350.00. The Superior Court may, in its discretion, order additional evidence or require a hearing "de novo." [570(d)] Therefore, Sections 560 and 570 of AS 44.62 do provide for the possibility of a "de novo" hearing where justice requires.

### Conclusion

Section 2 of SB 428 as proposed will increase the responsiveness of State government at the administrative level, while imposing no greater burden upon the permit holder than would a less formal administrative hearing procedure.

Judicial review of an administrative determination under AS 44.62.560 and 570 provides a much less costly avenue of review than would a mandatory trial "de novo." Notwithstanding, Sections 560 and 570 do allow sufficient discretion whereby the Superior Court may order a trial "de novo" where justice dictates.

It would therefore appear that SB 428 provides a fair method of civil revocation of an entry permit, which is also the least costly alternative available.

DVG:eb

requires the agency to make findings of fact regarding conditions which have changed since the imposition of the penalty at least one year previous. 1963 Ops. Att'y Gen., No. 10.

**Sec. 44.62.560. Judicial review.** (a) Judicial review by the superior court of a final administrative order may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. Except as otherwise provided in this section, the notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered, and served on each party to the proceeding. The right to appeal is not affected by the failure to seek reconsideration before the agency.

(b) The complete record of the proceedings, or the parts of it which the appellant designates, shall be prepared by the agency. A copy shall be delivered to all parties participating in the appeal. The original shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

(c) The complete record includes (1) the pleadings, (2) all notices and orders issued by the agency, (3) the proposed decision by a hearing officer, (4) the final decision, (5) a transcript of all testimony and proceedings, (6) the exhibits admitted or rejected, (7) the written evidence, and (8) all other documents in the case.

(d) Upon order of the superior court, appeals may be taken on the original record or parts of it. The record may be typewritten or duplicated by any standard process. Analogous rules of court governing appeals in civil matters shall be followed where this chapter is silent, and when not in conflict with this chapter.

(e) The superior court may enjoin agency action in excess of constitutional or statutory authority at any stage of an agency proceeding. If agency action is unlawfully withheld or unreasonably withheld, the superior court may compel the agency to initiate action. (§ 24 (ch 2) ch 143 SLA 1959)

**Cross reference.** — See note to AS 44.62.570.

**This section and AS 44.62.570 prescribe the manner and scope of judicial review.** *Mobil Oil Corp. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

**But they do not address the form of an agency's determinations.** *Mobil Oil Corp. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

**When review is proper.** — Review is proper where postponement of appellate review until a final judgment is entered by the superior court may result in injustice because of impairment of a legal right and where the order sought to be reviewed is of

such substance and importance as to justify deviation from the normal appellate procedure by way of appeal and to require the immediate attention of this court. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

**When order is final.** — An order by the trial court as a general rule is said to be final if it completely and finally disposes of the contested claims on their merits. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

**The term "finality" is subject to several definitions.** *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

the superior court to assert jurisdiction and grant preliminary relief in a case where an agency has established a permanent rate. *A.J. Industries, Inc. v. Alaska Pub. Serv. Comm'n*, Sup. Ct. Op. No. 622 (File No. 1173), 470 P.2d 537 (1970), rev'd on other grounds on rehearing, 483 P.2d 198 (1971).

**Appeal to court to obtain review and return to court to continue litigation are separate processes.** — Appealing to a court for the purpose of obtaining review of an inferior tribunal's order and returning to a court with retained jurisdiction for the purpose of continuing litigation are separate and distinct legal processes. *Greater Anchorage Area Borough v. City of Anchorage*, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972).

**Court apprising parties of right to seek review did not retain jurisdiction.** — A lower court which merely apprised the parties of their rights to seek judicial review of an administrative adjudication under this chapter did not retain jurisdiction. *Greater Anchorage Area Borough v. City of Anchorage*, Sup. Ct. Op.

No. 856 (File No. 1569), 504 P.2d 1027 (1972).

**Applied in** *Wilson v. Employment Security Comm'n*, 6 Alaska L.J. No. 3, p. 93 (March, 1968); *Jager v. State*, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975); *Moore v. State*, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

**Stated in** *Alaska Transp. Comm'n v. Alaska Airlines, Inc.*, Sup. Ct. Op. No. 429 (File No. 881), 431 P.2d 510 (1967); *Matanuska-Susitna Borough v. Lum*, Sup. Ct. Op. No. 1179 (File Nos. 2241, 2250), 538 P.2d 994 (1975).

**Cited in** *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963); *R.C.A. Serv. Co. v. Liggett*, 2 Alaska L.J. No. 1, p. 7 (Jan., 1964); *King v. Alaska State Housing Auth.*, Sup. Ct. Op. No. 917 (File No. 1613), 512 P.2d 887 (1973); *Alaska Pub. Util. Comm'n v. Greater Anchorage Area Borough*, Sup. Ct. Op. No. 1139 (File No. 2314), 534 P.2d 549 (1975).

**Am. Jur. reference.** — 42 Am. Jur., *Public Administrative Law*, § 185.

**Sec. 44.62.570. Scope of review.** (a) An appeal shall be heard by the superior court sitting without a jury.

(b) Inquiry in an appeal extends to the following questions: (1) whether the agency has proceeded without, or in excess of jurisdiction; (2) whether there was a fair hearing; and (3) whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) The court may exercise its independent judgment on the evidence. If it is claimed that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by (1) the weight of the evidence, or (2) substantial evidence in the light of the whole record.

(d) The court may augment the agency record in whole or in part, or hold a hearing de novo. If the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing, the court may (1) enter judgment as provided in (e) of this section and remand the case to be reconsidered in the light of that evidence; or (2) admit the evidence at the appellate hearing without remanding the case.

(e) The court shall enter judgment setting aside, modifying, remanding, or affirming the order or decision, without limiting or controlling in any way the discretion legally vested in the agency.

(f) The court in which proceedings under this section are started may stay the operation of the administrative order or decision until (1) the

court enters judgment, (2) a notice of further appeal from the judgment is filed, or (3) the time for filing the notice of appeal expires.

(g) No stay may be imposed or continued if the court is satisfied that it is against the public interest.

(h) If further appeal is taken, the supreme court may, in its discretion, stay the superior court judgment or agency order.

(i) If a final administrative order or decision is the subject of a proceeding under this section, and the appeal is filed while the penalty imposed is in effect, finishing or complying with the penalty imposed by the administrative agency during the pendency of the proceeding does not make the determination moot. (§ 25 (ch 2) ch 143 SLA 1959)

**This section and AS 44.62.560 prescribe the manner and scope of judicial review.** Mobil Oil Corp. v. Local Boundary Comm'n, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

But they do not address the form of an agency's determinations. Mobil Oil Corp. v. Local Boundary Comm'n, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

**Questions for review.** — One type of administrative decision on questions of law involves questions in which the particularized experience and knowledge of the administrative personnel goes into the determination. When this type of question is presented to the court for review, deference should be given to the administrative interpretation, since the expertise of the agency would be of material assistance to the court. The other kind of case presents questions of law in which knowledge and experience in the industry affords little guidance toward a proper consideration of the legal issues. These cases usually concern statutory interpretation or other analysis of legal relationships about which courts have specialized knowledge and experience. Consequently, courts are at least as capable of deciding this kind of question as an administrative agency. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

**Leasing decisions** of the division of lands and Department of Natural Resources are subject to judicial review. Such judicial review would be governed by the relevant provisions of the Administrative Procedure Act (AS 44.62). Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

**Four principal standards of review.** — In interpreting this section the supreme court has recognized at least four principal standards of review of administrative decisions. These are the "substantial

evidence test" for questions of fact; the "reasonable basis test" for questions of law involving agency expertise; the "substitution of judgment test" for questions of law where no expertise is involved; and the "reasonable and not arbitrary test" for review of administrative regulations. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

**The reasonable basis approach** should be used for the most part in cases concerning administrative expertise as to either complex subject matter or fundamental policy formulations. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

Application of the reasonable basis test is extremely useful where the administrative action under review resembles executive as opposed to legislative or judicial activity, where the decision under review clearly has nothing to do with the agency's rule making function. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

**This section is made applicable to review of final orders of the Public Utilities Commission** by AS 42.05.551. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

**Whether proposed utility rates were designed to and could meet competition, shift sales of gas from winter to summer, and achieve interruptibility,** are all questions of fact of the type traditionally reviewed under a substantial evidence standard. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

**Public Utilities Commission's decision whether to conduct a rate investigation** is similar to the type of decision involving agency expertise in a mixed law and fact setting subject to the "reasonable basis" standard of review. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

March 6, 1978

The Honorable Alvin Osterback  
Chairman, House Resources Committee  
Alaska State House of Representatives  
Capitol Bldg. - Room 112  
Juneau, Alaska 99801

Dear Representative Osterback:

You have requested the comments of the Commercial Fisheries Entry Commission SB 428 am, which is currently before the House Resources Committee.

Upon second reading in the Senate, SB 428 was amended by several floor motions, about which we would submit the following for your committee's consideration:

The first amendment offered appears at page 2, line 5, beginning with the words "The hearing place..." (Senate Journal page 241). The purpose of this amendment is to provide that the revocation hearing take place at or near the place of residence of the permit holder. The Commission anticipates few revocation hearings and therefore it does not feel that these provisions are unduly oppressive. However, it may well be that the permit holder would desire to have a hearing at a place other than the Judicial District in which he resides. Inasmuch as the referenced section of SB 428 mandates a hearing within the permit holder's Judicial District, the Commission would suggest that the language of that section be amended to allow the permit holder to waive the mandatory requirements appearing on page 2, line 5-7. In this regard, the following language is offered:

"Unless waived in writing, the hearing place shall be held within the Judicial District in which the permit holder resides for those residing in the State of Alaska. The hearing place shall be at the discretion of the Commission for those permit holders residing outside the State of Alaska;"

While this amendment will undoubtedly have some impact on the Commission's budget because of the added requirement for Commission and staff travel, possible transportation of records, etc., the exact magnitude cannot be determined at this time. The Commission would expect revocation hearings to be rare, and if that is the case attendant costs could probably be absorbed without a specific budgetary increase. Consequently, we recommend no change in the fiscal note accompanying this bill.

The second amendment offered is of two parts (Senate Journal pp. 241-2). Part I appears at page 1, line 21 of SB 428. That amendment added the word "materially" after the word "correct" appearing at line 21. The Senate Resource Committee version of SB 428 did not contain the word "materially." Inasmuch as the word "knowingly" appears in the language of section 16.43.355(a), it is felt by the Commission, that if a person intentionally submitted false information knowing of the falsehood, the use of the modifier "materially" served a superfluous purpose. In effect, what Part I of the amendment accomplishes is to attach culpability to big lies while protecting those lies which are small. A problem also exists in defining the term "materially" as it is necessarily vague. The Commission feels that where proscribed action can result in the revocation of a person's entry permit, the statute should be drawn without words of vagueness. In light of the gravity of permit revocation, it is only fair that a person be specifically apprised of the prohibited conduct.

The second portion of this floor amendment appears at page 3, line 14-16 of SB 428. SB 428 as passed by the Senate Resources Committee provided for an appeal of a Commission permit revocation decision pursuant to the Administrative Procedure Act. A discussion of the scope of that appeal process appears in the House Resource Committee file on SB 428. The floor amendment offered provides that all appeals of a Commission decision to revoke a permit shall be in the scope of a trial de novo. In reference to section (h) appearing at page 3, lines 14-16, Peter Froehlich of the Department of Law will attend the Tuesday committee meeting and offer testimony on those provisions.

While this amendment does not directly affect the Commission's function, it does place what may be excessive burdens upon the permit holder. A full trial over matters previously presented at an administrative hearing will result in added and repetitive costs to the permit holder due to the formal and extended nature of court trials. A

March 6, 1978

full trial, as opposed to oral arguments, would be more difficult to accommodate on the court calendar due to the amount of time a trial requires. This could result in delays of the resolution of the permit holder's case. It should also be noted that the appeal is from the "Commission's" decision rather than the "board's" decision.

In light of the foregoing, it is respectfully submitted that the interest of the fisherman would be furthered by reinstatement of the language originally appearing in the bill as passed out by the Senate Resource Committee:

"Judicial review of a commission determination under this section may be had in accordance with AS 44.62.560-44.62.570." (SB 428 as passed by the Senate Resources Committee page 3, lines 10-12.)

This would provide the fisherman with the option of an appeal to the courts at a lower cost and consuming less time than a full scale trial de novo, with or without a jury.

A third floor amendment was offered as section 5 of SB 428 and relates to the transfer of a permit after court ordered suspension of use privileges thereunder (Senate Journal pp. 242-3). The Commission supports this amendment.

The Commission concurs with the remainder of SB 428 as in the form in which it is now before you.

Thank you for the opportunity to comment on this bill. A member of the Commercial Fisheries Commission will be present when SB 428 am comes before the House Resources Committee, Tuesday March 7, 1978 at 1:30 p.m. to answer any questions.

Sincerely,

Allan Adasiak  
Chairman

AA:DG:eb

March 9, 1978

The Honorable Alvin Osterback  
House Resource Committee Chairman  
Alaska State House of Representatives  
Capitol Building - Room 118  
Juneau, Alaska 99811

Dear Representative Osterback:

Re: Questions raised at Committee Hearing of SB  
428 am held on March 8, 1978

In response to questions raised regarding Section 2 (h)  
appearing at page 3 lines 14 through 16, the following  
language is offered:

"Judicial review of commission determinations  
under this section shall be in accordance with AS  
44.62.560-44.62.570 provided that a hearing de novo  
granted under AS 44.62.570(d) may in the discretion of  
the court be had with a jury sitting if application  
therefore is filed with the court no later than 10 days  
after service of the notice of appeal."

This language provides for a hearing by jury at the discretion  
of the superior court.

A question was also raised regarding the imposition of  
culpability on one who assists in the violation of a provision  
of chapter 43 or regulations promulgated thereunder (SB 428  
am, Section 3). It should first be noted that including  
those who assist in the stated violations under Section 3,  
does not increase the potential penalties to permit holders,  
but only extends culpability to persons not previously  
covered by that section. While most violations would come  
within the proscribed acts of Section 4 of SB 428 am, there  
are events of possible concern not covered by that section.  
For example, a misstatement of monies collected by agents of  
the Department of Revenue (20 AAC 05.980 eff. 1/1/78) would  
only be covered by Section 3 of SB 428, and the act proscribed  
may be accomplished by two or more persons requiring prosecution

Alvin Osterback

-2-

March 9, 1973

under the "assisting" provision of Section 3. So might the situation exist for the improper release of confidential information in violation of 20 AAC 05.930 or the fraudulent representation of one improperly asserting himself as an authorized agent of a permit holder (see 20 AAC 05.960). From the above examples, it appears that reliance solely on Section 4 is insufficient to adequately guard against all situations of improper conduct. Therefore, it is respectfully submitted that Section 3 of SB 428 am be retained.

Sincerely,

Allan Adasiak  
Chairman

AA:DG:eb

*Jolen Garner*

*Ken Vassar*

Introduced: 1/19/78  
Referred: Resources

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 428

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to commercial fishing interim-use  
7 permits, entry permits, and vessel licenses."

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

9 \* Section 1. AS 16.43.180(a) is repealed and re-enacted to read:

10 ( ) The commission shall adopt regulation providing for the  
11 temporary emergency transfer of entry permits and interim-use permits  
12 when illness, disability, death, or other unavoidable hardship prevents  
13 the permit holder from participating in the fishery. To alleviate  
14 hardship pending a final determination of the permit holder's eligibil-  
15 ity for an entry permit, the commission shall adopt regulations provid-  
16 ing for the temporary emergency transfer of an interim-use permit under  
17 sec. 210(b) of this chapter.

18 \* Sec. 2. AS 16.43 is amended by adding a new section to read:

19 Sec. 16.43.355. COMMISSION REVOCATION OF ENTRY PERMITS. (a) The  
20 commission may revoke an entry permit if a person knowingly supplies,  
21 assists in supplying, or fails to correct false information provided to  
22 the commission for the purpose of

23 (1) permit application; or

24 (2) permit transfer.

25 (b) Before revocation, the commission shall serve the permit  
26 holder personally or by certified or registered mail with a notice to  
27 show cause why the proposed action should not take place. The notice to  
28 show cause must

29 (1) be supported by an affidavit which may be made on infor-

*National Guard  
starts 3*

*Interim  
for person  
going to  
permit*

*Don't see no section with to for  
Commission - not examined*

1 mation or belief setting out the facts which are the basis of the pro-  
2 posed action;

3 (2) provide for at least 30 days notice of the place, date,  
4 and time of the hearing where the permit holder may present evidence in  
5 opposition to the proposed action;

6 (3) specify the statutes or regulations violated;

7 (4) state with particularity the action proposed to be taken;

8 (5) indicate to the permit holder that his ability to per-  
9 manently transfer the permit which is the subject of the revocation  
10 proceedings has been suspended as of the date of the notice and will  
11 continue to be suspended until the exhaustion of all administrative and  
12 judicial remedies; and

13 (6) other information the commission considers proper.

14 (c) A permit subject to revocation proceedings under this section  
15 may not be permanently transferred after the date of the notice in (b)  
16 of this section pending exhaustion of all administrative and judicial  
17 remedies arising from action taken under this section.

18 (d) The revocation hearing shall be conducted before a quorum of  
19 commissioners and shall be presided over by a properly appointed hearing  
20 officer who shall rule on the presentation of evidence and other pro-  
21 cedural matters. Within a reasonable time after the conclusion of the  
22 hearing, the hearing officer shall submit to the attending commissioners  
23 a proposed decision based on the record of the hearing and containing  
24 findings of fact, conclusions of law, and recommended action. The  
25 attending commissioners shall then review the hearing officer's proposed  
26 decision and adopt or amend or reject the contents of the proposed  
27 decision in the written decision of the commission. A copy of the  
28 commission decision shall be mailed to each party or his attorney by  
29 certified or registered mail.

1 (e) The failure of a permit holder properly served under (b) of  
2 this section to appear at the hearing is not grounds for setting aside  
3 any commission action taken. However, the commission may in its discre-  
4 tion order a continuance or second hearing.

5 (f) The effective date of the commission decision under this  
6 section is the date of the notice to show cause first served upon the  
7 permit holder.

8 (g) The provisions of this section do not apply to the permit of  
9 a person who is a bona fide purchaser.

10 (h) Judicial review of a commission determination under this  
11 section may be had in accordance with AS 44.62.560 - 44.62.570.

12 \* Sec. 3. AS 16.43.360(a) is amended to read:

13 (a) A person who ~~willfully~~ <sup>permanently</sup> violates or assists in the violation of  
14 a provision of this chapter or a regulation promulgated under this  
15 chapter is, upon conviction, [IS] guilty of a misdemeanor and is punish-  
16 able by a fine of not more than \$5,000 for a first conviction, and  
17 [;] a fine of not more than \$10,000 for a second or third conviction [;  
18 AND, FOR A THIRD CONVICTION, A FINE OF NOT MORE THAN \$10,000 AS WELL AS  
19 FORFEITURE OF ALL INTERIM-USE PERMITS AND ENTRY PERMITS HELD BY HIM AND  
20 PERMANENT LOSS OF ELIGIBILITY FOR INTERIM-USE PERMITS OR FOR ENTRY  
21 PERMITS]. Upon a third conviction, the person shall forfeit all interim-  
22 use and entry permits held by him and loses eligibility for future  
23 issuance or transfer of interim-use or entry permits. Upon a first or  
24 second conviction under this section, the court may in its discretion  
25 order a forfeiture of interim-use or entry permits held by him as well  
26 as a loss of eligibility for future issuance or transfer of interim-use  
27 or entry permits or order a suspension of fishing rights under interim-  
28 use or entry permits held or to be held by him for a period of not more  
29 than three years.

1 \* Sec. 4. AS 16.43.360(b) is amended to read:

2 (b) A person who ~~wilfully~~<sup>knowingly</sup> makes a false statement of [A MATERIAL]  
3 fact in the application for or renewal of an interim-use permit or an  
4 entry permit or vessel license application or renewal or in the appli-  
5 cation for a transfer under secs. 170 - 180 of this chapter, or a person  
6 who assists another by ~~wilfully~~<sup>knowingly</sup> making a false statement of [A MATERIAL]  
7 fact in support of the other person's application for issuance or re-  
8 newal of an interim-use permit or an entry permit or vessel license  
9 [TRANSFER OF AN ENTRY PERMIT, UPON CONVICTION,] is guilty of a misde-  
10 meanor and shall forfeit all interim-use permits and entry permits held  
11 by him and shall lose eligibility for interim-use permits and for entry  
12 permits for a period of five years and is punishable by a fine of not  
13 more than \$5,000.

*Person who has no permit*

AMENDMENT

#4

OFFERED IN THE SENATE:

By: RAY

To: \_\_\_\_\_ SENATE BILL No. 428 amended

HOUSE BILL No. \_\_\_\_\_

PAGE: 4

LINE: 1

Section 4. AS 16.43.360 is amended by adding a new subsection to read:

- (e) Notwithstanding any other provision of this section, no interim-use or entry permit may be transferred while under suspension, without the consent of the Commission.

A M E N D M E N T      N O . 2

OFFERED IN THE SENATE:

BY: FERGUSON

To: \_\_\_\_\_ SENATE BILL No. 428

HOUSE BILL No. \_\_\_\_\_

PAGE: 2

LINE: 5

Delete ";", insert a period, and add:

"The hearing place shall be held within the  
Judicial District in which the permit holder  
resides for those residing in the state of  
Alaska. The hearing place shall be at the discretion  
of the commission for those permit holders residing  
outside the state of Alaska."

SB

440

# COMMITTEE REPORT

## SENATE

1/26/78

FURTHER: FINANCE

Date: \_\_\_\_\_

Mr. President:

The Committee on RESOURCES has had SB 445  
sped. appropriation to Dept. of Fish & Game to Alas a Eskimo Whaling Commission

under consideration and (a majority of the committee) (the committee reports it back as follows)

( ) recommends it do pass ( ) recommends it do not pass

( ) recommends it do pass with attached amendment(s)

( ) recommends it be replaced with CS for \_\_\_\_\_

and \_\_\_\_\_ ( ) new title ( ) same title

( ) AND attaches a Letter of Intent ( ) New Fiscal Note

( ) reports it back without recommendation

( ) and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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

\_\_\_\_\_  
Chairman

A M E N D M E N T

Offered in the SENATE

By \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL NO. 440

\_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

AMENDMENT: Page 1 Line 20

*Change July 1, 1978 to MARCH 1, 1978*

January 30, 1978

*law not len  
file*

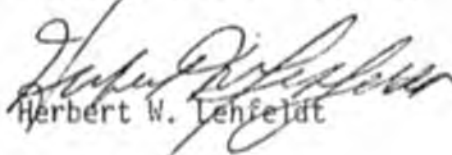
Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

SUBJECT: SB #440 by Ferguson

Dear Bill:

The subject bill proposes a special appropriation of State funds to the Department of Fish and Game so that the Department can transfer these funds to a specific organization regardless of the ability of that organization to perform. If indeed studies are needed to "ensure whale stock viability", then those studies should be performed by the best qualified persons available. The Department should be allowed to manage the funds, not be directed to spend them where the legislature dictates.

Highest Personal Regards,

  
Herbert W. Lenfeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

SUBJECT: House Joint Resolution #48 by Rules Committee

Dear Bill:

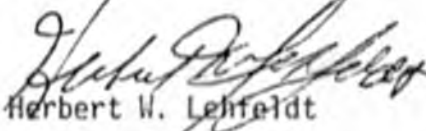
This Resolution advocating the legal hunting of migratory birds in the Spring is not worthy of your support.

The Spring time is the mating and rearing season for all birds. If you kill off the parents, the eggs won't hatch and the young won't survive. The perpetuation of the species is in danger.

Ridged controls of seasons in the principal cause for the comeback experienced by our migratory birds following the disasters of the early thirty's.

I urge you to vote against this Resolution.

Highest Personal Regards,

  
Herbert W. Lehfeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

SUBJECT: House Bill 674 By Rules Committee

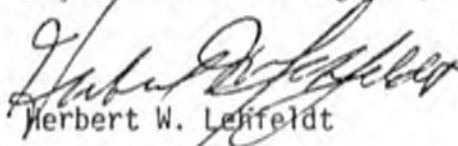
Dear Bill:

This bill proposed to regionalize the Board of Fisheries and the Board of Game. This bill is the most destructive thing that can happen to our Game Management Programs in the State. The fish and wildlife belong to all citizens of the State and should be controlled on a uniform basis throughout the State.

With the free flow of people across the State for hunting and fishing purposes, the regulations should be promogated from one central source.

I urge you to vote against this bill when it is up.

Highest Personal Regards,

  
Herbert W. Leifeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

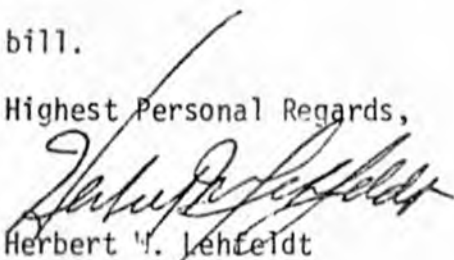
SUBJECT: HB #673 by Rules Committee

Dear Bill:

The subject bill creating a division of subsistence hunting and fishing is probably going to be one of the most significant bills you will be asked to vote on this year. I feel the question of subsistence has long been neglected and abused.

I urge your support of this bill.

Highest Personal Regards,



Herbert W. Lehfeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

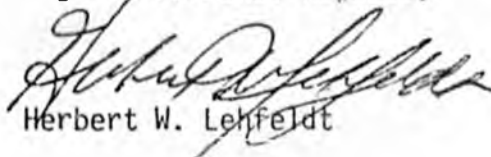
SUBJECT: House Concurrent Resolution #93  
by Rules Committee

Dear Bill:

The subject Concurrent Resolution advocating a subsistence committee concerns probably one of the most sensitive areas of game management. Alaska is the only State that I know of where wildlife and fish are allowed to be taken for subsistence purposes. We need better and complete control of this segment of our wildlife management.

I urge you to support this resolution.

Highest Personal Regards,



Herbert W. Lehfeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

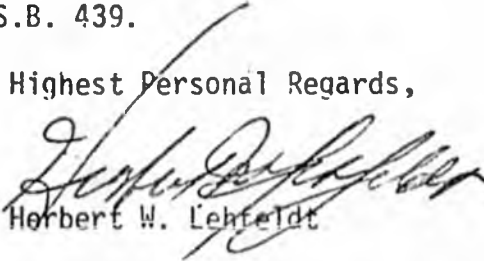
SUBJECT: Senate Bill #439 by Ferguson

Dear Bill:

I urge you to oppose this bill. If the State funds are to be used to "ensure whale stock viability" as advocated by the bill, they should be used to enhance our State Department of Fish and Game so that adequate staff can perform the proposed studies, etal. Any program of this kind should be coordinated by State staff, not private groups grinding their own axes. The State Department has legislative authority to contract for specialist services when needed. This should be adequate.

I urge you to vote against S.B. 439.

Highest Personal Regards,

  
Herbert W. Lehtfeldt

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

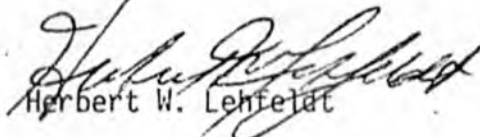
SUBJECT: HB #687 by Buchholdt, etal.

Dear Bill:

I urge you to vote against this bill. To direct the Department of Fish and Game to employ a specific group, without any evaluation of that group's ability to perform is improper. If the legislature wants to give money to this group, do it direct. Don't handcuff our fishery's people by dictating this type of action.

If a study is needed, the best qualified persons should be hired.

Highest Personal Regards,

  
Herbert W. Lehtel

January 30, 1978

Honorable Bill Sumner  
Senator  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

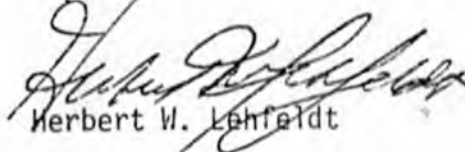
SUBJECT: HB #686 by Buchholdt, etal.

Dear Bill:

This bill authorizes grants to private organizations engaged in efforts to ensure whale stock viability. If such "efforts" are to serve a legitimate State purpose, these grants should be made to the State Department of Fish and Game. This is the only way to assure that the interest of all citizens are protected.

I urge your opposition to the subject bill.

Highest Personal Regards,



Herbert W. Lehfeldt

SB

4 7 7

COMMITTEE REPORT  
SENATE

2/9/78

FURTHER: None

Date: \_\_\_\_\_

Mr. President:

The Committee on RESOURCES has had SB 477  
licensing of sport fishing and hunting

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass                       recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for \_\_\_\_\_
- and \_\_\_\_\_  new title               same title
- AND attaches a Letter of Intent               New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

*[Handwritten signatures]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OTHER RECOMMENDATIONS:

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Chairman

POSITION PAPER

SENATE BILL NO. 477

"An Act relating to licensing of sport fishing and hunting."

This legislation would place responsibility with the Department of Health and Social Services for administration of the \$24.75 hunting and fishing license fee credit for persons who are living a subsistence lifestyle, or who are receiving welfare.

The effect would be to establish a new program in the Division of Public Assistance, similar to current welfare programs which would require the following:

- (1) staff to determine applicants' eligibility for the program based on financial need;
- (2) administrative support in the form of promulgation of income regulations; administrative code entries; policy development; budgeting; accounting; implementation of appropriate procedures; and training of staff; and
- (3) allocation of funds which would allow for payment of the license subsidies to the Department of Revenue.

Available information relating to this program consists of the following:

- (1) Over the past 10 years, an average of 5,556 such credits have been provided annually (through sales of \$25 licenses by the Department of Revenue for 25¢).
- (2) It is estimated that a trained, qualified person could process 40 such applications and licenses per day;
- (3) 6,000 such licenses could reasonably be expected to be issued in FY 79 based upon the activity over the past three years;
- (4) This workload would require 139 work days to complete; or 9 days per month per region;
- (5) Applications would be evenly distributed among the five regional offices of the Division of Public Assistance and;
- (6) This would result in the need for one part-time eligibility worker in each of the five regions. The Division of Public Assistance normally budgets staff based on a legislative formula which applies caseloads to positions required. Under that formula, the Division is understaffed by 7 workers at this time, so this new program could not be absorbed by current staff.

In developing a position and budget related to this bill, the following assumptions were made:

- (1) that the legislature intends for this program to be treated as a state welfare program by the Department;
- (2) that a turnaround time of two weeks is acceptable for applications processed through the mail;
- (3) that Department fee agents would be used to provide applications and forward them to regional offices of the Division of Public Assistance for processing;
- (4) That Division of Public Assistance eligibility workers would become license agents for Department of Revenue in order to facilitate processing of such licenses.

Under the above conditions, the cost of establishing and administering this program would be \$263,489 for FY 79, of which \$148,500 would be for the subsidies (or welfare grants) themselves.

This results in administrative overhead of 77%.

The impact of this legislation would be to eliminate the immediate access to such licenses which is now provided by the licensing agents of the Department of Revenue.

The benefit accruing to the program would be to eliminate participation by persons who falsely claim eligibility based on receipt of welfare assistance. It is not known whether or not a significant number of persons are so involved, however, the number of persons who are sportsmen and who are also welfare clients would be small.

It is the position of this department that the bill would not be beneficial based on the reduction in service levels and the high cost to benefit ratio therefore the following alternative is presented for consideration:

Amend the signature block on the current application form to authorize release to the Department of Revenue of welfare information on all applicants who claim eligibility based on receipt of welfare.

As the number of persons desiring the 25¢ hunting and fishing license would include very few welfare recipients, no additional costs would be incurred by this agency in verifying this for those applicants who indicate they are or have been on welfare within six months of the date of application (this is the current time frame in the Department of Revenue procedure).

POSITION PAPER/Department of Health and Social Services

POSITION PAPER / Department of Health and Social Services

As it is not feasible to verify income for families or individuals over a period of a calendar year, it would appear that the limited advantages of having this agency determine eligibility could be served at no additional cost by the above action, without disruption of current systems.

Recommended by: Richard R. Wilson 3-3-78  
Richard R. Wilson, Director Date  
Division of Public Assistance

Approved by: Helen D. Beirne 3-5-78  
Helen D. Beirne, Commissioner Date  
Department of Health & Social Services

FISCAL NOTE

## I. REQUEST

Bill/Resolution No. SENATE BILL NO. 477Title "An Act relating to licensing of sport fishing and hunting."Requested by \_\_\_\_\_ Date 3/3/78

## II. FISCAL DETAIL

Agency Affected DEPARTMENT OF HEALTH AND SOCIAL SERVICESProgram Category Affected SOCIAL AND ECONOMICS ASSISTANCE TO THE GENERAL POPULATIONBudget Request Unit(s) Affected ELIGIBILITY DETERMINATIONEXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		94,689	104,157	114,572	126,029	138,632
200 TRAVEL		3,200	3,520	3,872	4,259	4,685
300 CONTRACTUAL		11,200	12,320	13,552	14,907	16,398
400 COMMODITIES		1,400	1,540	1,694	1,863	2,049
500 EQUIPMENT		4,500	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		148,500	148,500	148,500	148,500	148,500
TOTAL		263,489	270,037	282,190	295,558	310,264

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		263,489	270,037	282,190	295,558	310,264
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME	2	2	2	2	2	2
PART TIME	5	5	5	5	5	5
TEMPORARY						

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

Inflation factor of 10% used for line items 100-400. No increase anticipated in cost or number of licenses processed.

Staffing includes: One full-time Administrator at range 19  
 One full-time Accounting Clerk II, range 9  
 Five part-time Eligibility Workers, range 11  
 (to be stationed in Kotzebue, Bethel, Anchorage,  
 Fairbanks and Juneau.)

IV. DATE MARCH 3, 1978PREPARED BY ERIC HANSEN, TRAINING SPECIALISTAGENCY DISS/DIVISION OF PUBLIC ASSISTANCE

Original: Legislative Finance

PHONE 465-3347

cc: Budget and Management

Prime Sponsor (First Legislator Named)

### 1973 Twenty-five Cent License Survey Estimates

A random sample of 511 of 6,658 was selected.

141 (27.6%) of the sample responded.

2,412 (36.2%) of the 6,658 did not fish.

### 1973 Annual Income of 25¢ Licenses

<u>Income (dollars)</u>	<u>Number</u>	<u>Percentage</u>
Less than 5000	5,715	85.8
5,000 - 10,000	577	8.7
10,000 - 15,000	262	3.9
15,000 - 20,000	52	0.8
20,000 - 25,000	52	0.8
More than 25,000	0	0.0
Total	6,658	100.0

14.2% had annual incomes exceeding \$5,000

1973 Expenditures (Dollars) or 25¢ Licensees

<u>Type of Expenditure</u>	<u>Amount</u>	<u>Mean Per Licensee</u>	<u>Percentage</u>
Gear	195,207	29.32	10.7
Boat	1,215,045	182.49	66.9
Food	234,447	35.21	12.9
Transportation	94,189	14.15	5.2
Lodging	28,993	4.35	1.6
Miscellaneous	46,417	6.97	2.6
Licenses	<u>1,665*</u>	<u>.25</u>	<u>0.1</u>
Total	1,815,963	272.75	100.0

\*Includes expenditures for 25¢ licenses only.  
 \$12,702 (a mean of \$1.90 per licensee) was spent on other  
 licenses (commercial and 25¢ replacements).

Residences of 25¢ Licensees<sup>1</sup>

	1973		1974		1975		Total	
	No.	%	No.	%	No.	%	No.	%
Anchorage	844	18.3	1017	18.1	809	16.9	2670	17.8
<sup>2</sup> Fairbanks	487	10.6	446	7.9	204	4.5	1137	7.6
<sup>3</sup> Juneau	126	2.7	191	3.4	159	3.3	476	3.2
Palmer	84	1.8	165	2.9	150	3.1	399	2.7
Kenai	109	2.4	169	3.0	97	2.0	375	2.5
Nome	114	2.5	136	2.4	123	2.6	373	2.5
Homer	86	1.9	134	2.4	139	2.9	359	2.4
Bethel	50	1.1	87	1.5	117	2.4	254	1.7
Seward	98	2.1	98	1.7	41	.9	237	1.6
Ketchikan	66	1.4	74	1.3	95	2.0	235	1.6
Fort Yukon	80	1.7	74	1.3	77	1.6	231	1.5
Willow	66	1.4	85	1.5	78	1.6	229	1.5
Wasilla	63	1.4	88	1.6	66	1.4	217	1.4
Soldotna	55	1.2	63	1.1	51	1.1	169	1.1
Talkeetna	49	1.1	65	1.2	52	1.1	166	1.1
Elsewhere	2234	48.5	2735	48.6	2536	52.9	7505	49.9
Total	4611	100.1	5627	99.9	4794	100.1	15032	100.1

1. Fifteen residences with highest three year totals.
2. Includes College, Alaska
3. Includes Auke Bay, Alaska

1974\* Ages of 25+ Licensees

<u>Age Category</u>	<u>Number</u>	<u>Percentage</u>
16-20	656	9.8
21-25	1513	22.7
26-30	1211	18.2
31-35	605	9.1
36-40	555	8.3
41-45	403	6.1
46-50	454	6.8
51-55	151	2.3
56-60	151	2.3
61-65	404	6.1
Over 65	555	8.3
Total	6,658	100.0

Mean Age = 36.6

\*There was a mean delay of about one year between purchase of license (1973) and receipt of questionnaire (1974). No respondents indicated they were 16 years of age. An estimated 50 fishermen were 17 years of age at the time they received the questionnaire.

## STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5 - JUNEAU 99011

February 10, 1978

The Honorable Kay Poland  
Chairman  
Senate Resources Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska

Dear Senator Poland:

For the information of the Senate Resources Committee, I am enclosing seven copies of statements prepared by the Fish and Game Licensing Section of the Department of Revenue concerning sport fishing and hunting license fees and commercial fishing gear and license fees as follows:

1. Sport fish and game receipts for the calendar year 1977 by type and number of licenses and tags.
2. Commercial fish license receipts for the calendar year 1977 by type and number of licenses and gear.
3. Gross commercial fishing gear and license receipts for the calendar years 1968 through 1977 by type of gear and license.

Very truly yours,



R. D. Stevenson  
Special Assistant

Enclosures

Calendar Year 1977  
SPORT FISH AND GAME RECEIPTS

CODE	TYPE OF LICENSE	NUMBER	GROSS	NET	NET/SPORT	NET/GAME	NET/GENERAL
201	R. Sport Fishing	76892	763,250.00	725,012.91	725,012.91	-----	-----
202	R. Hunting	21470	250,110.00	237,620.26	-----	237,620.26	-----
203A	R. Hunt/Trap	2063	30,300.00	28,744.61	-----	22,812.71	5,931.90
204	R. Spt. Fish/Hunt	30403	665,406.00	632,304.48	287,276.22	345,028.26	-----
205	R. Fish/Hunt/Trap	9153	227,555.00	215,983.22	86,275.49	103,648.35	26,059.38
206	NR Sport Fishing	23564	349,080.00	329,249.17	329,249.17	-----	-----
207	NR Sport Fishing	12766	380,480.00	360,440.86	360,440.86	-----	-----
208	NR Hunting	3656	206,680.00	195,721.74	-----	195,721.74	-----
209	NR Fish/Hunt	803	70,670.00	66,792.99	22,455.18	44,337.81	-----
210	NR Hunt/Trap	52	10,400.00	9,926.22	-----	2,839.09	7,087.13
211	NR 1-Day Spt. Fish	11174	55,870.00	53,178.53	53,178.53	-----	-----
212	NR Military Spt. Fish	6527	65,270.00	61,998.90	61,998.90	-----	-----
213	NR Military Small Hunt	841	10,092.00	9,573.09	-----	9,573.09	-----
214	NR Military Spt./Hunt	987	21,714.00	20,641.97	9,382.72	11,259.25	-----
217 3B	R. Trap	1589	4,767.00	4,542.14	-----	-----	4,542.14
218	Duplicate License	2748	5,496.00	5,223.01	-----	-----	5,223.01
120	Fish/Fur/Game Farm	2	100.00	95.65	-----	-----	95.65
121	R. Fur Dealer	107	5,320.00	5,296.35	-----	-----	5,296.35
122	NR Fur Dealer	4	800.00	790.39	-----	-----	790.39
123	R. Taxidermy	45	3,375.00	3,299.64	-----	-----	3,299.64
124	NR Taxidermy	1	200.00	191.01	-----	-----	191.01
200	Permit Fees	218	1,090.00	1,026.64	-----	1,026.64	-----
201 B	R. Blind Spt. Fish	2	.50	.49	.49	-----	-----
205 A	R. 25c Hunt/Fish/Trap	5463	1,365.75	1,293.07	430.92	603.49	258.66
SUBTOTAL		210530	3,129,391.25	2,968,947.34	1,935,701.39	974,470.69	58,775.26
215	R. Tag	2937	89,575.00	85,444.75	-----	85,444.75	-----
216	NR Big Game Tags	5775	999,945.00	946,768.14	-----	946,768.14	-----
TOTAL		219242	4,218,911.25	4,001,160.23	1,935,701.39	2,006,683.58	58,775.26
RESIDENT B/G # 2903	GROSS	72,575.00	MUSKOX	28	28,000.00		
RESIDENT MUSKOX 34		17,000.00	B/G	876	214,900.00		
2937		89,575.00	BLACK BEAR	877	86,550.00		
			DEER	425	13,445.00		
	GROSS	4,218,911.25	MOOSE	1438	277,900.00		
	COST	217,751.02	SHEEP	649	161,350.00		
	NET	4,001,160.23	5.16%	GOAT	320	37,850.00	
				CARIBOU	875	164,350.00	
				WOLF	202	10,100.00	
				WOLVERINE	63	2,700.00	
				WALRUS	4	1,000.00	
				ELK	18	1,800.00	
				TOTAL	5775	999,945.00	

COMMERCIAL FISH LICENSE RECEIPTS

Final Calendar Year  
January 1, 1977 thru December 31, 1977

Prepared January 30, 1977

RECEIPT CODE NO.	TYPE OF LICENSE RECEIPT	NUMBER SOLD	GROSS	COST	NET
126	Vessel	13,189	\$179,142.00	\$6,564.09	\$172,577.91
127	Troll Line	3,524	61,756.00	2,187.84	59,568.16
128	Long Line	2,409	64,303.00	2,203.35	62,099.65
129	Drift Gill Net	4,638	106,455.00	4,114.46	102,340.54
130	Set Gill Net	3,230	40,960.00	1,522.66	39,437.34
131	Beach Seine	52	845.00	27.62	817.38
132	Purse & Hand Purse Seine	1,339	128,410.00	3,931.40	124,478.60
133	Beam Trawl	45	2,450.00	60.60	2,389.40
134	Otter Trawl	153	12,250.00	217.19	12,032.81
135	Shellfish Pots	1,225	39,690.00	971.39	38,718.61
136)	Clam Digger's	158	368.00	30.58	337.42
137) 40%	Res. Comm. Fisherman	20,603	82,412.00	7,750.00	74,662.00
138)	Non-Res. Comm. Fisherman	7,965	95,556.00	8,638.69	86,917.31
139	Scallop Dredge	2	100.00	3.40	96.60
140	Comm. Fish Ext. Fee	---	7,965.00	---	7,965.00
<b>SUBTOTAL</b>	<b>To General Fund</b>	<b>58,532</b>	<b>822,662.00</b>	<b>38,223.27</b>	<b>784,438.73</b>
843)	Clam Digger's	---	552.00	---	552.00
844) 60%	Res. Comm. Fisherman	---	123,618.00	---	123,618.00
845)	Non-Res. Comm. Fisherman	---	143,334.00	---	143,334.00
<b>SUBTOTAL</b>	<b>To Fishermen's Fund</b>	<b>---</b>	<b>267,504.00</b>	<b>---</b>	<b>267,504.00</b>
<b>TOTAL</b>		<b>\$58,532</b>	<b>\$1,090,166.00</b>	<b>\$38,223.27</b>	<b>\$1,051,942.73</b>

GROSS SALES	\$1,090,166.00	
COST OF SALES	- 38,223.27	3.50%
NET RECEIPTS	\$1,051,942.73	

STATE OF ALASKA, DEPT. OF REVENUE  
 FISH AND GAME LICENSES  
 240 S. FRANKLIN; JUNEAU, AK 99801

GROSS COMFISH RECEIPTS 1968 THROUGH 1977

RECEIPT CODE	TYPE OF LICENSE	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
		RESTRICTED SALMON NET	MORATORIUM POSSIBLE RESTRICTED SALMON NET	ANTICIPATED RESTRICTION NET GEAR	1971 GEAR ELIGIBILITY REQUIREMENT REMOVED	1972 REGISTRA- TION IN AREA	1973 BRISTOL BAY SLIDING GEAR SCALE	1974 LEC INTERIM- USE PERMIT REQUIRED	1975 PERMITS REQUIRED	1976 PERMITS REQUIRED	1977 PERMITS REQUIRED
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
126	Vessel	143,955.00	146,898.00	161,863.00	156,490.00	156,624.00	164,194.00	152,486.00	158,704.00	163,180.00	179,142.00
127	Troll Line	36,605.00	42,740.00	48,450.00	42,965.00	43,185.00	56,910.00	59,780.00	49,920.00	47,835.00	61,756.00
128	Long Line	9,620.00	18,530.00	29,740.00	29,260.00	33,075.00	52,005.00	40,540.00	37,290.00	54,330.00	64,303.00
129	Drift Gill Net	93,820.00	107,100.00	125,800.00	116,490.00	117,100.00	142,075.00	100,655.00	106,210.00	104,275.00	106,455.00
130	Set Gill Net	30,995.00	33,950.00	37,355.00	34,460.00	35,600.00	38,720.00	36,145.00	35,900.00	37,910.00	40,960.00
131	Beach Seine	600.00	975.00	1,075.00	1,210.00	1,175.00	1,385.00	1,120.00	400.00	455.00	845.00
132	Purse Seine	135,080.00	118,790.00	131,150.00	126,160.00	119,290.00	128,590.00	131,700.00	121,180.00	123,795.00	128,410.00
133	Beam Trawl	675.00	650.00	750.00	1,100.00	1,600.00	2,900.00	4,750.00	3,150.00	2,250.00	2,450.00
134	Otter Trawl	1,700.00	1,650.00	2,550.00	4,550.00	5,850.00	7,900.00	14,050.00	14,100.00	12,800.00	12,250.00
135	shellfish Pots	14,970.00	17,430.00	18,225.00	14,415.00	17,685.00	29,025.00	35,445.00	28,875.00	31,410.00	39,690.00
136-40%	Clam Digger's	336.00	290.00	382.00	670.00	928.00	904.00	652.00	452.00	296.00	368.00
137-40%	Res. Commercial	59,488.00	50,436.00	57,480.00	56,704.00	57,476.00	66,500.00	62,796.00	64,252.00	70,988.00	82,412.00
138-40%	Nonres. Commercial	77,844.00	75,816.00	92,616.00	76,656.00	81,132.00	76,752.00	67,212.00	69,552.00	85,632.00	95,556.00
139	Scallop Dredge	.00	2,500.00	900.00	350.00	350.00	250.00	450.00	300.00	250.00	100.00
140	Comfish Ext. Fees	.00	.00	1,665.00	2,925.00	2,970.00	6,750.00	7,920.00	945.00	12,195.00	7,965.00
SUBTOTAL		605,688.00	617,755.00	710,001.00	664,405.00	674,040.00	774,860.00	715,701.00	691,230.00	747,601.00	822,662.00
843-60%	Clam Digger's	504.00	435.00	573.00	1,005.00	1,392.00	1,356.00	978.00	678.00	444.00	52.00
844-60%	Res. Commercial	89,232.00	75,654.00	86,220.00	85,056.00	86,214.00	99,750.00	94,194.00	96,378.00	106,482.00	123,618.00
845-60%	Nonres. Commercial	116,766.00	111,724.00	138,924.00	114,984.00	121,698.00	115,128.00	100,818.00	104,328.00	128,448.00	143,334.00
SUBTOTAL		206,502.00	189,813.00	225,717.00	201,045.00	209,304.00	216,234.00	195,990.00	201,384.00	235,174.00	267,504.00
TOTAL		812,190.00	807,568.00	935,718.00	865,450.00	883,344.00	991,094.00	911,691.00	892,614.00	982,975.00	1,090,166.00

NUMBER OF LICENSES SOLD EACH YEAR

		1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
126	Vessel	9,926	9,972	10,877	10,710	10,791	11,777	11,338	11,630	11,813	13,189
127	Troll Line	2,103	2,303	2,567	2,353	2,413	3,190	3,238	2,810	2,683	3,524
128	Long Line	342	700	1,109	1,074	1,221	1,918	1,503	1,393	1,988	2,409
129	Drift Gill Net	4,050	4,374	4,710	4,779	4,611	6,425	4,248	4,511	4,457	4,638
130	Set Gill Net	2,708	3,011	3,053	3,062	3,112	3,504	3,137	3,139	3,178	3,230
131	Beach Seine	38	64	77	86	81	91	76	30	35	52
132	Purse Seine	1,291	1,207	1,311	1,323	1,147	1,341	1,372	1,265	1,289	1,339
133	Beam Trawl	18	13	13	16	32	54	79	57	45	45
134	Otter Trawl	26	30	41	67	87	106	167	172	158	153
135	Shellfish Pots	524	593	617	576	605	959	1,170	936	909	1,225
136	Clam Digger's	148	135	149	237	336	356	262	168	126	158
137	Res. Commercial	14,872	12,609	14,370	14,176	14,369	16,625	15,699	16,064	17,747	20,603
138	Nonres. Commercial	6,487	6,318	7,718	6,388	6,761	6,396	5,601	5,796	7,136	7,965
139	Scallop Dredge	0	18	8	7	5	5	7	6	3	2
TOTAL		42,533	41,347	46,620	44,854	45,571	52,747	47,897	47,277	51,647	58,532

## STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH S - JUNEAU 99811

February 21, 1978

The Honorable Kay Poland  
Chairman  
Senate Resources Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska

Dear Senator Poland:

For the information of the Senate Resources Committee, I am enclosing seven copies of a report prepared by the Fish and Game Licensing Section of the Department of Revenue concerning gross sport fish and game license receipts.

The report covers the calendar years 1968 through 1977 and discloses gross dollar receipts and number and type of licenses sold for the ten year period.

Very truly yours,



R. D. Stevenson  
Special Assistant

Enclosures

STATE OF ALASKA, DEPT. REVENUE  
FISH & GAME LICENSES  
240 S. FRANKLIN, JUNEAU, AK

GROSS SPORT FISH AND GAME LICENSES RECEIPTS 1968 THROUGH 1977

CODE	TYPE OF LICENSE	1968 \$	1969 \$	1970 \$	1971 \$	1972 \$	1973 \$	1974 \$	1975 \$	1976 \$	1977 \$
201	R. Sport Fishing	167,555	177,905	197,210	202,515	220,695	239,415	252,765	272,805	332,045.00	763,250.00
202	R. Hunting	135,366	146,475	155,036	150,171	139,699	167,125	137,893	113,435	119,021.00	250,110.00
203A	R. Hunt/Trap	7,280	9,090	10,420	8,540	8,420	10,590	11,090	11,810	13,280.00	30,300.00
204	R. Spt. Fish/Hunt	210,252	227,328	275,412	308,232	331,500	359,244	388,728	417,348	448,560.00	665,406.00
205	R. Fish/Hunt/Trap	35,850	44,025	59,325	62,505	65,805	80,145	93,585	113,265	144,090.00	227,555.00
206	NR 10-Day Fish	70,155	82,495	86,935	88,310	97,430	221,660	217,020	242,280	267,060.00	349,080.00
207	NR Sport Fishing	158,200	175,530	207,900	184,050	192,690	287,480	320,180	399,060	415,540.00	380,480.00
208	NR Hunting	68,150	78,170	90,040	80,330	80,670	141,320	132,720	108,740	107,800.00	206,680.00
209	NR Fish/Hunt	47,400	54,500	70,120	69,520	71,840	65,560	67,200	65,600	68,440.00	70,670.00
210	NR Hunt/Trap	1,400	1,800	900	1,600	1,000	4,600	4,800	5,200	7,400.00	10,400.00
211	NR 1-Day Fish	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	55,870.00
212	NR Milt. Fish	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	65,270.00
213	NR Milt. Small Hunt	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	10,092.00
214	NR Milt. Fish/Hunt	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	21,714.00
217 3B	R. Trap	1,988	2,571	2,445	2,016	2,466	3,411	2,670	2,277	3,630.00	4,767.00
218	Duplicate License	-0-	-0-	-0-	-0-	2,308	3,074	3,222	2,974	4,436.00	5,496.00
120	Fish/Fur/Game Farm	35	40	80	105	90	400	500	100	200.00	100.00
121	R. Fur Dealer	-0-	-0-	-0-	-0-	-0-	2,520	2,720	2,420	2,720.00	5,320.00
122	NR Fur Dealer	-0-	-0-	-0-	-0-	-0-	200	300	400	300.00	800.00
123	R. Taxidermy	-0-	-0-	-0-	-0-	-0-	2,700	2,100	1,800	2,050.00	3,375.00
124	NR Taxidermy	-0-	-0-	-0-	-0-	-0-	450	300	-0-	-0-	200.00
	R. Fur Dealer-Taxid.	2,740	3,020	3,180	3,320	3,420	-0-	-0-	-0-	-0-	-0-
	NR Fur Dealer-Taxid.	600	1,000	1,300	700	600	-0-	-0-	-0-	-0-	-0-
	Reg. & Master Guides	17,950	17,250	17,300	17,600	18,950	11,650	-0-	-0-	-0-	-0-
	Ass't Guides	1,945	2,215	2,290	2,775	2,475	330	-0-	-0-	-0-	-0-
	Class "A" Ass't Guide	-0-	-0-	520	650	790	180	-0-	-0-	-0-	-0-
200	Permit Fees	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	1,090.00
201B	R. Blind Spt. Fish	3	1	4	1	1	2	3	5	3.00	.50
205A	R. 25c Hunt/Fish/Trap	1,229	1,271	1,339	1,398	1,484	1,664	1,564	1,251	1,320.25	1,365.75
SUBTOTAL		928,098	1,024,686	1,181,756	1,184,338	1,242,333	1,603,720	1,639,260	1,761,070	1,937,895.25	3,129,391.25
215	R. Tag	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	89,575.00
216	NR Big Game	346,350	384,975	424,415	393,840	404,410	753,625	744,950	617,025	698,075.00	999,945.00
TOTAL		1,274,448	1,409,661	1,606,171	1,578,178	1,646,743	2,357,345	2,384,210	2,378,095	2,635,970.25	4,218,911.25

NUMBER SOLD EACH  
YEAR BY CLASS

201	R. Sport Fishing	33,511	35,581	39,442	40,503	44,139	47,883	50,593	54,561	66,409	76,892
202	R. Hunting	19,338	20,925	22,148	21,453	19,957	23,875	19,699	16,205	17,003	21,470
203A	R. Hunt/Trap	728	909	1,042	854	842	1,059	1,109	1,181	1,328	2,063
204	R. Spt. Fish/Hunt	17,521	18,944	22,951	25,686	27,625	29,937	32,394	34,779	37,380	30,403
205	R. Fish/Hunt/Trap	2,390	2,935	3,955	4,167	4,387	5,343	6,239	7,551	9,606	9,153
206	NR 10-Day Fish	14,031	16,499	17,387	17,662	19,486	22,166	21,702	24,228	26,706	23,564
207	NR Sport Fishing	15,820	17,553	20,790	18,405	19,269	14,374	16,009	19,953	20,777	12,766
208	NR Hunting	6,815	7,817	9,004	8,033	8,067	7,066	6,636	5,437	5,390	3,656
209	NR Fish/Hunt	2,370	2,725	3,506	3,476	3,592	1,639	1,680	1,640	1,711	803
210	NR Hunt/Trap	14	18	9	16	10	23	24	26	37	52
211	NR 1-Day Fish	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	11,174
212	NR Milt. Fish	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	6,527
213	NR Milt. Small Hunt	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	841
214	NR Milt. Fish/Hunt	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	987
217 3B	R. Trap	638	857	815	672	822	1,137	890	759	1,210	1,589
218	Duplicate License	-0-	-0-	-0-	-0-	1,154	1,537	1,611	1,487	2,218	2,748
120	Fish/Fur/Game Farm	7	8	16	21	18	4	5	1	2	2
121	R. Fur Dealer	-0-	-0-	-0-	-0-	-0-	126	136	121	136	107
122	NR Fur Dealer	-0-	-0-	-0-	-0-	-0-	2	3	4	3	4
123	R. Taxidermy	-0-	-0-	-0-	-0-	-0-	54	42	36	41	45
124	NR Taxidermy	-0-	-0-	-0-	-0-	-0-	3	-0-	2	-0-	1
	R. Fur Dealer-Taxid.	137	151	159	166	171	-0-	-0-	-0-	-0-	-0-
	NR Fur Dealer-Taxid.	6	10	13	7	6	-0-	-0-	-0-	-0-	-0-
	Reg. & Master Guides	359	345	346	352	379	233	-0-	-0-	-0-	-0-
	Ass't Guides	389	443	458	555	495	66	-0-	-0-	-0-	-0-
	Class "A" Ass't Guide	-0-	-0-	52	65	79	18	-0-	-0-	-0-	-0-
200	Permit Fees	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	218
201B	R. Blind Spt. Fish	3	1	4	1	1	2	3	5	3	2
205A	R. 25c Hunt/Fish/Trap	1,919	5,085	5,359	5,595	5,936	6,658	6,256	5,004	5,281	5,463
215	R. Tag	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	2,937
216	NR Big Game	9,814	11,055	12,607	11,955	11,866	8,339	8,331	6,956	7,415	5,775
TOTAL		128,810	141,861	160,058	159,644	168,301	171,544	173,362	179,936	202,656	219,242

SB

5/11

# COMMITTEE REPORT

## SENATE

FURTHER: FINANCE

2/15/78

Date: 5/1/78

Mr. President:

The Committee on RESOURCES has had SB 511  
creating division of energy & power development:

under consideration and (a majority of the committee) (the committee reports it back as follows)

( ) recommends it do pass ( ) recommends it do not pass

( ) recommends it do pass with attached amendment(s)

( ) recommends it be replaced with CS for \_\_\_\_\_

and \_\_\_\_\_ ( ) new title ( ) same title

( ) AND attaches a Letter of Intent ( ) New Fiscal Note

reports it back without recommendation

( ) and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

\_\_\_\_\_  
\_\_\_\_\_  
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OTHER RECOMMENDATIONS:

W. J. ...  
\_\_\_\_\_  
\_\_\_\_\_  
...  
\_\_\_\_\_  
\_\_\_\_\_

R. P. ...  
Chairman

# ALASKA POWER AUTHORITY

333 WEST 4th - SUITE 31 - ANCHORAGE ALASKA 99501

March 30, 1978

The Honorable Kay Poland  
Alaska State Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Poland:

Attached per your request is our legal review of S.B. 511 which would eliminate the Alaska Power Authority and assimilate its functions into the Division of Energy and Power Development.

As I indicated at your committee meeting on March 22, 1978, I am somewhat reluctant to make my views known in that testimony from an agency which is being considered for abolishment might be considered biased. However, since your committee appears interested in my opinions, I am most happy to provide you with my thoughts.

First, as S.B. 511 is written, there is doubt about the ability of the Division of Energy and Power Development to actually fulfill the functions of the Power Authority. This is a technical matter, however, which can certainly be resolved by any scribe. In short, the Division of Energy and Power Development, here-in-after called the Division, could neither provide for long term project financing nor for front end community loans for feasibility studies. Without these abilities, the Division would be quite ineffectual in providing for energy development. Moral support would certainly not get the job done. Realizing, however, that these technical matters can be overcome, the real issue entails the selection of the optimum administrative means of providing for lower cost power development.

Under the present division of responsibility, the Division provides for conservation, research, alternative energy inventories, and regional planning. The Power Authority is responsible for project development by financing or a combination of financing, developing, owning and operating power projects. Division of these responsibilities provides a healthy checks and balances. Since the Power Authority is a facilitating agency, moreover, one with a singular purpose, it is best suited to "getting the job done". With its financial and legal advisors and its present efforts to develop a professional staff consisting of engineers and economists, it is gaining the nucleus needed for its statutory mandate. Absorption into the Division could only dilute the Authority's ability to function effectively.

The Power Authority has been established to operate as a Corpo-

ration (public) of the State of Alaska. Its status as such has made it quite palatable to the various utilities and communities that need assistance in power development. The power generation industry in Alaska is actually looking to the Authority as an entity that can provide coordination and development needed to preclude the energy problems which loom ahead. I would question the ability of an energy agency conglomerate, hamstrung by its bureaucratic shroud, to fulfill the same function. Since its corporate nature will require the Power Authority to remain fiscally solvent (or default in the face of the financial market) it will be forced into the role of prudent planning and development. Its state counterpart, with its access to the general fund, may not be similarly inclined.

There is also a philosophical question to be resolved. Should the State actually assume the posture of providing electricity for its citizens? Or should this best remain in the hands of the local entities and a State Corporation. State government is already growing at an alarming rate. If Susitna and other large power projects such as a Southeastern intertie or an AVEC intertie are developed, the agency that owns, operates and markets the energy from these projects will obviously require a sizable staff. Maintenance of such a staff under State government could only serve to further bloat our public sector and its attendant tax requirement and lobbying power.

Finally, one should compare the relative merits by which policy would be established under the two philosophies of power development administration. On the one hand, the Division policy would be established solely by the Director, with final concurrence from the Executive and Legislature. Under the Authority concept, policy matters are established by a Board of Directors which must be viewed as a non-partisan decision making entity from throughout the State. The perspective to be gained from such a diversification is invaluable. The present Board of the Power Authority consists of a Native Corporation Director, a banker, a business executive, a previous federal energy administrator, and a State Commissioner.

Given the opportunity to operate as envisioned in its enacting legislation, the Alaska Power Authority, in concert with the policies of the Division of Energy and Power Development and the Legislative and Executive branches, will provide a significant contribution to the social well being of the people of Alaska. While certainly well intended, S.B. 511 would not appear capable of providing the same level of service.

Sincerely,



Eric P. Yould  
Executive Director

EPY/mgf  
Attach:

MEMORANDUM

TO: Mr. Eric Yould  
Executive Director  
ALASKA POWER AUTHORITY

FROM: Wohlforth & Flint

DATE: March 6, 1978

RE: Senate Bill 511 "An Act Creating The  
Division of Energy and Power Development;  
and Providing For an Effective Date" and  
S.B. 429 both introduced by the Senate  
Special Committee on the Alaska Permanent Fund.

As you know, Senate Bill 429 introduced on January 19, 1978, wipes out or curtails the activities of the Alaska Housing Finance Corporation, the Alaska Municipal Bond Bank Authority and the Alaska Industrial Development Authority. The bill does not deal with the Alaska Power Authority although it provides in Section 250(8) for loans to investor owner utilities for hydroelectric projects and in Section 300 for loans to municipalities by authorizing bidding on their revenue bonds. S.B. 429 does not provide, however, for loans to the Division of Energy and Power Development- or to the Alaska Power Authority by name for that matter.

Apart from the policy question of repealing the statutory authority for the Alaska Power Authority which S.B. 511 does totally, the bill does not transfer to the Division of Energy and Power Development the powers to borrow money or to own or operate power projects. The nearest the subject bill comes to accomplishing this is in Section .035(a)(2) which authorizes contracts with others for the construction, acquisition, operation and maintenance of power projects. In addition, subsection (a) of .035 re-states the statutory purpose of the Alaska Power Authority (AS 44.56.070) as a power of the division. However, none of the typical borrowing powers are given to the division and the division would not be able to issue revenue bonds for power projects or otherwise borrow money on public markets to construct or acquire power projects. In this connection, existing AS 44.33.040 should

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Mr. Eric Yould  
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be examined. The duties of the division as specified in this section do not include the power to borrow money or to own projects or to buy or sell power.

In summary, S.B. 511 does not integrate the Division of Energy and Power Development into the Alaska Loan Programs Fund as is being attempted with other agencies dealt with in S.B. 429. At the same time the bill fails to permit borrowing independently by the Division for power purposes. It should also be noted that S.B. 511 in repealing the Alaska Power Authority Act repeals the Power Project Revolving Fund while, at the same time, S.B. 429 repeals the Water Resources Revolving Loan Fund.