

1103

HRES

HB 193,

VERSIONS

-

HB

304

1103

HB

193

VERSIONS OF  
BILL + FISCAL

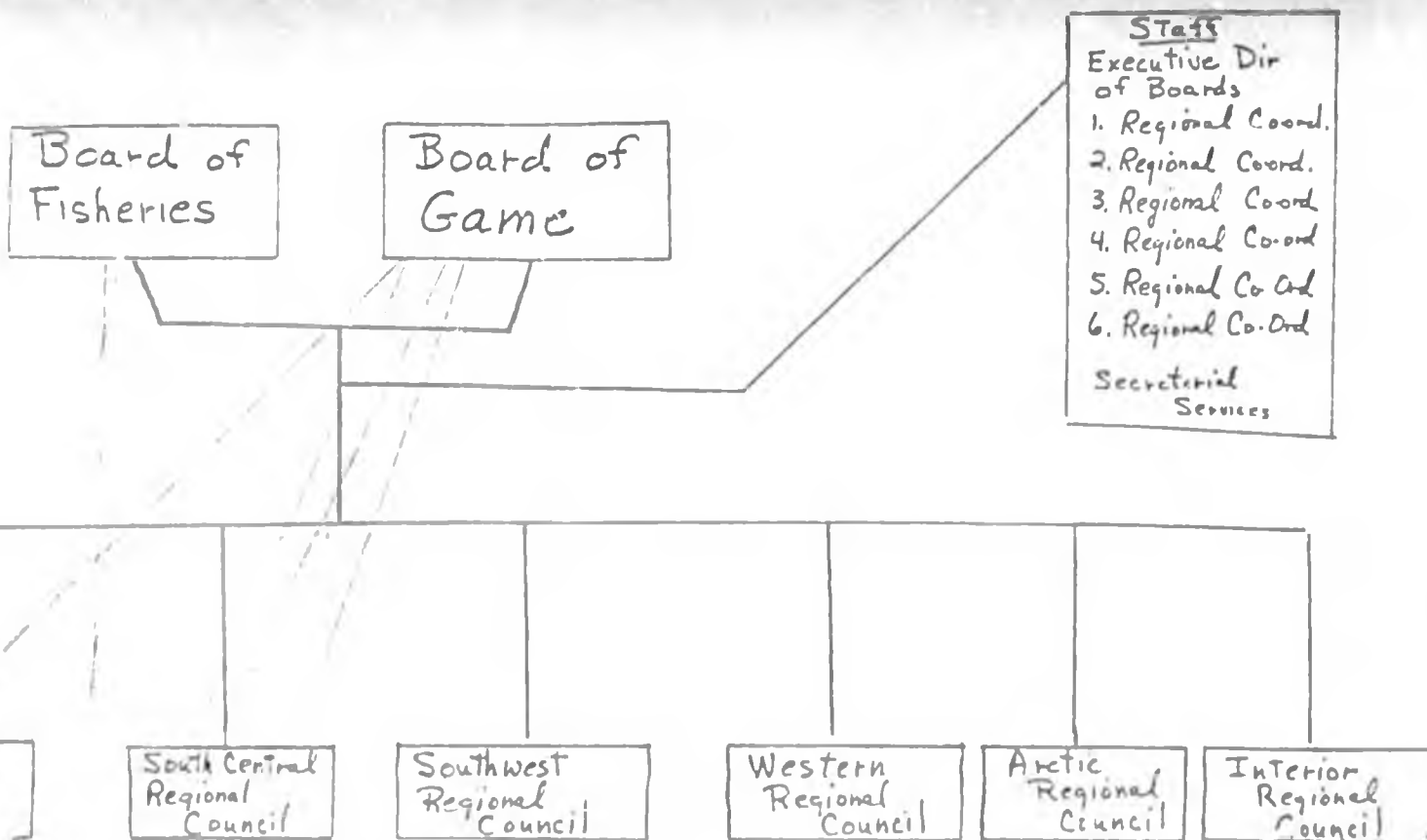
NOTES

House Resouces Passed

CSSSHB193

3/15/79

AGO 126043



*58 Existing Advisory Committees  
 Plus Additional Committees Established  
 Under Regulation Pursuant to Petition  
 of 25 area residents.*

Differences Between Committee Substitute and HB-304

1. Present Advisory Committees Retained in Place.
2. Existing Advisory Committee Emergency Closure Authority Retained.
3. Direct line between Advisory Committees and Boards retained--Input may be through regional councils but does not have to be "force filtered" through Councils.
4. Adds 1 statutory qualification for establishment of new Advisory Committees--Petition of 25 persons.
5. Faster Implementation.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS HB 193  
 Title An act relating to regional fish and game boards.  
 Requested by House Resources Committee Date 3/13/79

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected All

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		476.5				
200 TRAVEL		837.4				
300 CONTRACTUAL		65.8				
400 COMMODITIES		6.0				
500 EQUIPMENT		12.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
ESTIMATED LAW COSTS		250.0				
TOTAL		1,647.7	1,647.7	1,647.7	1,647.7	1,647.7

FUNDING (Thousands of Dollars)

GENERAL FUND		1,647.7	1,647.7	1,647.7	1,647.7	1,647.7
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY		6	6	6	6	6

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

Cost estimate attached to reflect total implementation.  
 No inflation added.

IV. DATE 3/14/79 PREPARED BY Russell H. Clark  
 AGENCY Department of Fish and Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Keith Seeking, Office of the Governor  
 33-00: (Rev. 10/78)  
 file

SPONSOR SUBSTITUTE HB 193

Included in this fiscal note are the Advisory Committee's associated costs, the Regional Board costs, Departmental costs and the reductions to the current Master Board system.

Advisory Committee

Currently there are 26 committees which operate in rural areas that receive reimbursement for travel expenses, but no per diem. To make the process work better a limited amount of per diem should be added to reduce the financial burden to the individual.

Assume

- 26 Committees receive local travel
- 390 possible members (15 x 26 = 390)
- 1/3 would travel 390 - 3 = 130
- \$100.00 average per ticket
- 4 meeting per year, 3 days each
- per diem at the rate of \$55.00 per day

Calculation

travel	130 x 4 x \$100 =	\$52,000	
	130 x 4 x 3 x \$55 =	<u>85,800</u>	
	Subtotal	\$137,800	\$137,800

- miscellaneous \$100.00 expenses for 58 Committees			
	58 x 100 =	<u>5,800</u>	
	Subtotal	5,800	\$ 5,800

- no additional costs for the Department to interface with Advisory Committees (note: current advisory costs backed out later)

Total \$143,600

Regional Boards

All cost detail listed for one region then multiplied by six to reflect total.

Assume

- 1 secretary R-10 for Board =	\$20,800	
9 m/m temporary support for meetings =	<u>13,400</u>	
	Subtotal	\$34,200

- average 9 Chairpersons or designees to Board meetings
- 3 meetings per year (2 required, 1 special)
- 14 days per meeting
- \$200.00 average per ticket
- per diem at the rate of \$55.00 per day

Calculation

travel 9 x 3 x 200 =	\$5,400	
per diem 9 x 3 x 14 x 55 =	<u>20,790</u>	
	Subtotal	\$26,190

\$ 26,190

Assume

- 7 Board members
- 3 meetings per year
- 14 days per board meeting
- \$200.00 per ticket
- \$100.00 each day per diem

Calculation

travel	7 x 3 x \$200 =	\$4,200	
per diem	7 x 3 x 14 x \$100 =	29,400	
	Subtotal	\$33,600	\$ 33,600

- contractual services: printing, leases, legal notices, rent, communications, etc...	\$10,000		
- commodities and supplies	1,000		
- equipment	2,000		
	Subtotal	\$13,000	\$ 13,000
		Subtotal	\$106,990
		extended for 6 regions	x 6
		Total	<u>\$641,940</u>

Departmental Costs

There will be added costs to have staff support at the Regional Board meeting. This will be full regulatory support and staff at all regional meetings.

Assume

- 27 people to each Regional Board meeting
- 3 meetings per year
- 14 days per meeting
- \$200.00 per ticket
- per diem at \$55.00 per day

Calculation

travel	27 x 3 x \$200 =	16,200	
per diem	27 x 3 x 14 x \$55 =	62,370	
	Subtotal	\$78,570	\$ 78,570
		extended for 6 regions	x 6
		Total	<u>\$471,420</u>

New Positions

New positions required to interface with six regulatory authorities in addition to master board. (All positions with benefits)

Assume

- 1 Fisheries Biologis. IV	R-20	39,400	
- 1 Game Biologist III	R-18	34,200	
- 2 Biologist II's	R 16	60,400	
- 2 Administrative Asst.	R-12	45,200	
- 2 Clerk Typists III's	R-8	36,400	
- 2 Clerk II's	R-7	34,800	
- 1 Accounting Clerk III	R-10	20,900	
	Subtotal	\$271,300	\$ 271,300

- preliminary estimate of Department of Law costs (awaiting detail)			250,000
			<u>521,300</u>

Summary

Advisory Committee	\$ 143,600	
Regional Boards	641,940	
Departmental Costs	471,420	
New Positions	521,300	
	Subtotal	\$1,778,260
		\$1,778,260

Master Board would be less expensive

- reduce Boards' cost	(35,100)	
- backout existing Committee	(95,500)	
	Subtotal	(130,600)
		<u>(130,600)</u>

Total \$1,647.660



**THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE**

**FISCAL NOTE**

**I. REQUEST**

Bill/Resolution No. CS HB 193  
 Title An act relating to regional fish and game councils  
 Requested by House Resources Committee Date 3/13/79

**II. FISCAL DETAIL**

Agency Affected Department of Fish and Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected All

**EXPENDITURES** (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		224.7				
200 TRAVEL		223.9				
300 CONTRACTUAL		9.0				
400 COMMODITIES						
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		463.6	463.6	463.6	463.6	463.6

**FUNDING** (Thousands of Dollars)

GENERAL FUND		463.6	463.6	463.6	463.6	463.6
FEDERAL FUNDS						
OTHER (Specify)						

**POSITIONS**

FULL TIME		6	6	6	6	6
PART TIME						
TEMPORARY		6	6	6	6	6

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

Cost estimate attached to reflect total implementation.  
 No inflation added.

*Russell H. Clark*

IV. DATE 3/14/79 PREPARED BY Russell H. Clark  
 AGENCY Department of Fish and Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Keith Specking, Office of the Governor  
 33-001 (Rev. 10/78)  
 file

COMMITTEE SUBSTITUTE HB 193

Costs included in this fiscal note cover support to the Advisory Committees, Regional Councils with staff support, and Board meetings with Council and Committee involvement.

Advisory Committee

Currently there are 26 Committees which operate in rural areas that receive reimbursement for travel expenses, but no per diem. To make the process work better, a limited amount of per diem should be added to reduce the financial burden to the individual.

Assume

- 26 Committees receive local travel
- 390 possible members (15 x 26 = 390)
- 1/3 would travel 390 ÷ 3 = 130
- \$100.00 average per ticket
- 4 meetings per year, 3 days each
- per diem at the rate of \$55.00 per day

Calculation

travel 130 x 4 x \$100 =	\$52,000	
per diem 130 x 4 x 3 x \$55 =	85,800	
Subtotal	\$137,800	\$137,800

- miscellaneous expenses (\$100.00) for 58 Committees		
58 x \$100 =	\$ 5,800	
Subtotal	\$ 5,800	5,800

- less current Committee support costs		(95,500)
Net Increase	\$	<u>48,100</u>

Regional Council

Included here are the costs for the Advisory Committee chairpersons to attend with travel and per diem, the Coordinator with support costs, and the operational costs for the Council.

Assume:

- 58 Advisory Committee Chairpersons
- 2 meetings per year
- 4 days per meeting with travel
- average travel ticket at \$200.00
- per diem rate of \$55.00 per day

Calculation

travel 58 x 2 x \$200 =	\$23,200	
per diem 58 x 2 x 4 x \$55 =	25,520	
Subtotal	\$48,720	\$ 48,720

- 6 Resource Specialists range 16 =	188,850	
- travel and per diem (est.) =	36,000	
- temp. support 30 man/months =	35,850	
- contractual: rent, phone, etc. =	9,000	
- equipment: desks, chairs =	6,000	
	Subtotal	\$275,700
	Total	<u>\$324,420</u>

### Departmental Support Costs

Included in these costs are the additional dollars for travel and per diem to give staff support to Regional Councils and the additional demands on the Boards' current staff.

Assume

- 6 regions
- 10 staff from Department per meeting
- 2 meetings per year
- 4 days per meeting
- \$200.00 per travel ticket
- per diem at \$55.00 per day

Calculation

travel 6 x 10 x 2 x \$200 =	\$24,000	
per diem 6 x 10 x 2 x 4 x \$55 =	26,400	
	Subtotal	\$50,400

Travel and per diem of Executive Director to meet with regions.

Assume

- 2 circuits per year
- 24 days per circuit
- \$1,000.00 per travel ticket per circuit
- per diem at \$55.00 per day

Calculation

travel 2 x \$1,000 =	\$2,000	
per diem 2 x 24 x 55 =	2,640	
	Subtotal	\$4,640
	Total	<u>\$ 4,640</u>
		<u>\$ 55,040</u>

### Board Costs With Regional Chairperson

Included in these costs are travel and per diem for Regional Council chairpersons to Board or special authorized meetings.

Assume

- 6 Council chairpersons
- 5 meetings per year
- 10 days average length per meeting
- \$100.00 per day per diem
- \$200.00 average per travel ticket

Calculation

travel 6 x 5 x \$200 = \$6,000  
per diem 6 x 5 x 10 x \$100 = 30,000  
Subtotal \$36,000

Total \$ 36,000  
\$ 36,000

Note: If all advisory Committee chairpersons attended Board meetings with travel and per diem of \$55.00/day, costs would be calculated as follows:

58 x 5 x \$200 = \$58,000  
58 x 5 x 10 x \$55 = 159,500  
Subtotal \$217,500  
minum above (36,000)  
Total \$181,500

Grand Total \$463,560

FISCAL NOTE

I. REQUEST  
 Bill Resolution No. HB 193  
 Title An Act creating Regional Boards of Fish & Game  
 Requested by House Resources Committee Date 2/23/79

II. FISCAL DETAIL  
 Agency Affected Fish and Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 81
100 PERSONAL SERVICES		411.7	436.4	462.6	490.4	510.8
200 TRAVEL		282.3	299.2	317.2	336.2	356.4
300 CONTRACTUAL		74.0	78.4	83.1	88.1	93.4
400 COMMODITIES		14.5	15.4	16.3	17.3	18.3
500 EQUIPMENT		7.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>789.5</b>	<b>830.4</b>	<b>860.3</b>	<b>933.0</b>	<b>988.9</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		789.5	830.4	860.2	933.0	988.9
FEDERAL FUNDS						
OTHER(SPECIFY)						

POSITIONS

FULL TIME		15	15	15	15	15
PART TIME						
TEMPORARY						

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

SEE ATTACHED

PREPARED BY [Signature]  
 APPROVED BY \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_

10/78

COST OF REGIONAL BOARDS

-	7 Regional Boards		
-	5 members each		
-	2 meetings per year at 9 days each		
-	490 per diem days per year at \$100	=	\$ 63,000
	5 members x 18 days = 90 days		
	90 days per Board x 7 Boards = 630 days		
	630 days x \$100 per day = \$63,000		
-	7 support positions at range 14	=	192,600
	number estimated at Fairbanks level		
-	supplies for Boards 7 at \$1,500	=	10,500
-	contractual services 7 at \$2,000	=	14,000
-	equipment for 7 Board at \$1,000	=	7,000
-	travel at \$100 per member per meeting	=	<u>7,000</u>
	Sub-total	=	\$294,100

MASTER BOARD COST

-	7 members		
-	2 meetings per year at 12 days each		
-	168 per diem days at \$100 each	=	\$ 16,800
-	travel of Board at estimated \$250 per trip	=	1,500
	14 x 250		
-	staff of 1 Executive Assistant	=	31,500
	1 Administrative Assistant	=	24,000
	1 Secretary I	=	27,000
-	contractual services rent & advertise	=	27,000
-	commodities for staff	=	7,000
-	advisory committee costs	=	<u>98,500</u>
	Sub-total	=	\$871,300

DEPARTMENTAL COSTS

-	increased staff coordination estimation		
	1 Special Assistant	=	\$ 41,300
	2 Administrative Assistants	=	49,300
	2 Clerk Typist III's	=	33,500
-	travel of staff and Commissioner with per diem		
	to 14 Regional Boards and 2 Master Boards	=	<u>120,000</u>
	Sub-total	=	\$244,100

TOTAL = \$789,500

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.  
PHONE: 526-2442  
JUNEAU, ALASKA 99802

MAR 28 AM 1 05

02254 NL TDA KODIAK ALASKA 108 03-27 615P AST

PMS REP ALVIN OSTERBACK

JUNEAU AK 99811

REGARDING HB193, WE ARE AGAINST THE REGIONALIZATION OF FISH  
AND GAME. IF WE HAVE TO HAVE REGIONALIZATION WE ARE DEFINATELY  
AGAINST KODIAK ISLAND BEING IN THE ANCHORAGE REGION. IF KODIAK  
AND ANCHORAGE ARE REGIONALIZED TOGETHER REPRESENTATIVE OSTERBACK  
WILL LOSE ALL THE VILLAGES ON KODIAK ISLAND. IF KODIAK IS SEPARATED  
FROM THE SAND POINT WESTWARD REGION THE NEXT STEP WILL BE TO  
SEPARATE THE SAND POINT CHIGNIK REGION FROM THE ALEUTIAN BRISTOL  
BAY REGION. IF SAND POINT CHIGNIK REGION IS SEPARATED FROM THE  
ALEUTIAN BRISTOL BAY REGION, THEN SAND POINT AND CHIGNIK WILL  
LOSE THE .ALSE PASS SALMON FISHERIES. PLEASE DO NOT LET THIS ROLL  
OUT OF YOUR COMMITTEE.

ALVIN BURCH, MANAGER

ALASKA SHRIMP TROLLER ASSOC

# TELEGRAM

BCA ALASKA COMMUNICATIONS

PHONE

JUNEAU, ALASKA 99801

1974 MAR 28 AM 1 05

02257 NL TDA KODIAK ALASKA 122 03-27 615P AST

PMS REP ALVIN OSTERBACK

JUNEAU AK 99811

REGARDING HB193, WE ARE AGAINST THE REGIONALIZATION OF FISH AND GAME. ON FEBRUARY 27TH, 1979 WE SENT A LETTER TO SENATOR BOB MULCAHY OUTLINING IN DETAIL OUR REASONS FOR THIS OPPOSITION. PLEASE CONTACT HIM FOR A COPY OF THIS. IF SOME FORM OF REGIONALIZATION IS FORCED ON US, KODIAK DEFINITELY SHOULD NOT BE INCLUDED WITH ANCHORAGE. THIS WE CANNOT LIVE WITH. OUR NATURAL AREA OF USE IS THE KODIAK ALEUTIAN AREA. AS KODIAK FISHERMEN IT IS ILLEGAL TO GO INTO KACHEMAK BAY, SO REGIONALIZING US WITH THAT AREA WOULD BE ILLOGICAL. WE REQUEST THAT OUR STRONG OPPOSITION TO THIS BILL BE MADE KNOWN.

ALVIN BURCH, MANAGER

ALASKA SHRIMP TROLLER ASSOC



# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.  
PHONE: 586-3442  
JUNEAU, ALASKA 99802

MAR 28 AM 12 52

02251 NL TDA KODIAK ALASKA 57 03 27 517F AST

PMS REP ALVIN OSTERBACK

JUNEAU AK 99811

THE KODIAK CITY COUNCIL OBJECTS STRONGLY TO HB193. REGIONALIZATION  
IN JOINING OF FISH AND GAME ARE UNACCEPTABLE. IF REGIONALIZATION  
MUST BE IMPLEMENTED THEN AT LEAST KODIAK SHOULD BE INCLUDED IN THE  
WESTWARD ALEUTIAN DISTRICT AND NOT WITH ANCHORAGE-KENAI.

CLAIRE HARMONY, CITY MANAGER

# TELEGRAM

HCA ALASKA COMMUNICATIONS, INC.  
PHONE: 586-4442  
JUNEAU, ALASKA 99802

02089 IDA DILLINGHAM ALASKA 111 03-21 1050A AST

PMS HOUSE RULES COMMITTEE

JUNEAU AK

TO; REPRESENTATIVE AL OSTERBACK JUN AK

CY; REP NELS ANDERSON, JUN AK

HOUSE RULES COMMITTEE JUN, AK

HOUSE FINANCE COMMITTEE JUN, AK

I CANNOT AGREE WITH COMMITTEE SUBSTITUTE FOR HB193 WHEN YOU ARE EXCLUDING THE SOUTH PENINSULA FROM BRISTOL BAY. I DO SUPPORT SPONSOR SUBSTITUTE FOR HB193 BECAUSE IT INCLUDES FALSE PASS WITH BRISTOL BAY AND EXCLUDES KODIAK FROM BRISTOL BAY. I DO HOWEVER HAVE PROBLEMS WITH REGIONAL DEFINITION NUMBER 3 BECAUSE IT HINGES ON QUOTE KING SALMON RIVER UNQUOTE. WHICH KING SALMON RIVER? THERE ARE FIVE KING SALMON RIVERS IN BRISTOL BAY. DOES THIS DEFINITION INCLUDE ALL OF THE PENINSULA? IF SO, I SUPPORT IT.

HERMAN SCHROEDER SR - PRESIDENT

DILLINGHAM VILLAGE COUNCIL

MAR 21 PM 1 49

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6442

JUNEAU, ALASKA 99802

02087 TDA DILLINGHAM ALASKA 111 03-21 1050A AST

PMS REP AL OSTERBACK

1979 MAR 21 PM 1 16

JUNEAU AK

TO: REPRESENTATIVE AL OSTERBACK JUN AK

CY; REP NELS ANDERSON, JUN AK

HOUSE RULES COMMITTEE JUN, AK

HOUSE FINANCE COMMITTEE JUN, AK

I CANNOT AGREE WITH COMMITTEE SUBSTITUTE FOR HB193 WHEN YOU ARE EXCLUDING THE SOUTH PENINSULA FROM BRISTOL BAY. I DO SUPPORT SPONSOR SUBSTITUTE FOR HB193 BECAUSE IT INCLUDES FALSE PASS WITH BRISTOL BAY AND EXCLUDES KODIAK FROM BRISTOL BAY. I DO HOWEVER HAVE PROBLEMS WITH REGIONAL DEFINITION NUMBER 3 BECAUSE IT HINGES ON QUOTE KING SALMON RIVER UNQUOTE. WHICH KING SALMON RIVER? THERE ARE FIVE KING SALMON RIVERS IN BRISTOL BAY. DOES THIS DEFINITION INCLUDE ALL OF THE PENINSULA? IF SO, I SUPPORT IT.

HERMAN SCHROEDER SR - PRESIDENT

DILLINGHAM VILLAGE COUNCIL

# TELEGRAM

02090 TDA DILLINGHAM ALASKA 111 03-21 1950

RCA ALASKA COMMUNICATIONS, INC.

P. ONE: 263442

JUNEAU, ALASKA 99802

PMS HOUSE FINANCE COMMITTEE

JUNEAU AK

TO: REPRESENTATIVE AL OSTERBACK JUN AK

CY: REP NELS ANDERSON, JUN AK

HOUSE RULES COMMITTEE JUN, AK

HOUSE FINANCE COMMITTEE JUN, AK

I CANNOT AGREE WITH COMMITTEE SUBSTITUTE FOR HB193 WHEN YOU ARE EXCLUDING THE SOUTH PENINSULA FROM BRISTOL BAY. I DO SUPPORT SPONSOR SUBSTITUTE FOR HB193 BECAUSE IT INCLUDES FALSE PASS WITH BRISTOL BAY AND EXCLUDES KODIAK FROM BRISTOL BAY. I DO HOWEVER HAVE PROBLEMS WITH REGIONAL DEFINITION NUMBER 3 BECAUSE IT HINGES ON QUOTE KING SALMON RIVER UNQUOTE. WHICH KING SALMON RIVER? THERE ARE FIVE KING SALMON RIVERS IN BRISTOL BAY. DOES THIS DEFINITION INCLUDE ALL OF THE PENINSULA? IF SO, I SUPPORT IT.

HERMAN SCHROEDER SR - PRESIDENT

DILLINGHAM VILLAGE COUNCIL

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.  
PHONE: 586-6442  
JUNEAU, ALASKA 99802

1979 MAR 28 AM 11 57

I 2CAFUB AHG

1-3095495737 03/28/79

TX PETER PAN SEA

1 SEATTLE WA 3/28/79

PMS REPRESENTATIVE ALVIN OSTERBACK

ALASKA STATE LEGISLATURE

POUCH V

JUNEAU, AK 99811

WE WISH TO EXPRESS OUR CONCERN REGARDING BILLS 09598193  
AND 09598193 BOTH OF WHICH WOULD SET UP REGIONAL BOARDS OF  
FISH & GAME.

BOTH BILLS PARTICULARLY 09598193 WOULD BE DASTARDOUS FOR EFFICIENT  
EQUITABLE MANAGEMENT OF FISHERIES RESOURCES.

IF ENACTED SUCH A BILL WOULD, ONE, CREATE A HOPELESS BUREAUCRATIC  
MAZE IN THE REGULATION OF FISHERIES. TWO, IN INSTANCES WHERE  
THERE ARE STRONGLY DIVERGENT VIEWS WITHIN THE SAME REGION THE  
MINORITY WOULD LOSE THE PROTECTION OF A MORE BROADLY BASED  
BOARD. AND THIRD, THE EXPENSE OF OPERATING THE SIX BOARDS WOULD  
BE HIGH PARTICULARLY SINCE THE EXISTING SYSTEM IS SUPERIOR TO  
THE ONES PROPOSED.

LAY S. CASE, PRESIDENT  
PETER PAN SEAFOODS, INC.

1457 EST

I 2CAFUB AHG

HB

199

3/8/79 Hearing

Testimony: Nels Anderson, Rep. from Dillingham  
Mr. Lonner, Dir. of Subsistence  
Bert Gist, CPC of RURALCAP

→ Reported out with individual recommendations





# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

February 20, 1979

Date: Mar 28, 1979

Mr. Speaker:

The Committee on RESOURCES has had HB 199

"An Act establishing a division of subsistence hunting & fishing."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

**MEMBERS SIGNING  
DO PASS**

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIPMAN

March 1, 1979

*Copies  
in all  
HB ~~193~~  
199*

Representative Alvin Osterback  
Alaska State House  
Pouch V  
Juneau, AK 99811

RE: HB 193 - Establishing Regional Boards and Areas  
HB 199 - Establishment of a Division Subsistence  
within the Dept. of Fish & Game

Dear Representative Osterback:

I strongly urge that no laws be passed that give a priority use-right of our fish and game resources to a small segment of the State's residents.

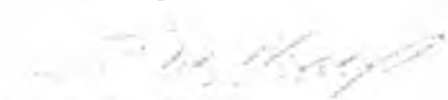
Dividing the State into regions where only residents of the region would qualify for subsistence usage of the resource will do just that and, in reality, disenfranchise the vast majority of Alaskans from a basic lifestyle ingredient--the supplementing of their food needs via hunting and fishing.

I've lived in Alaska for 35 years and raised 4 children from birth to adulthood. Fish and game were a constant major element of our family diet over this entire period even though I have never drawn an unemployment or welfare check in my life.

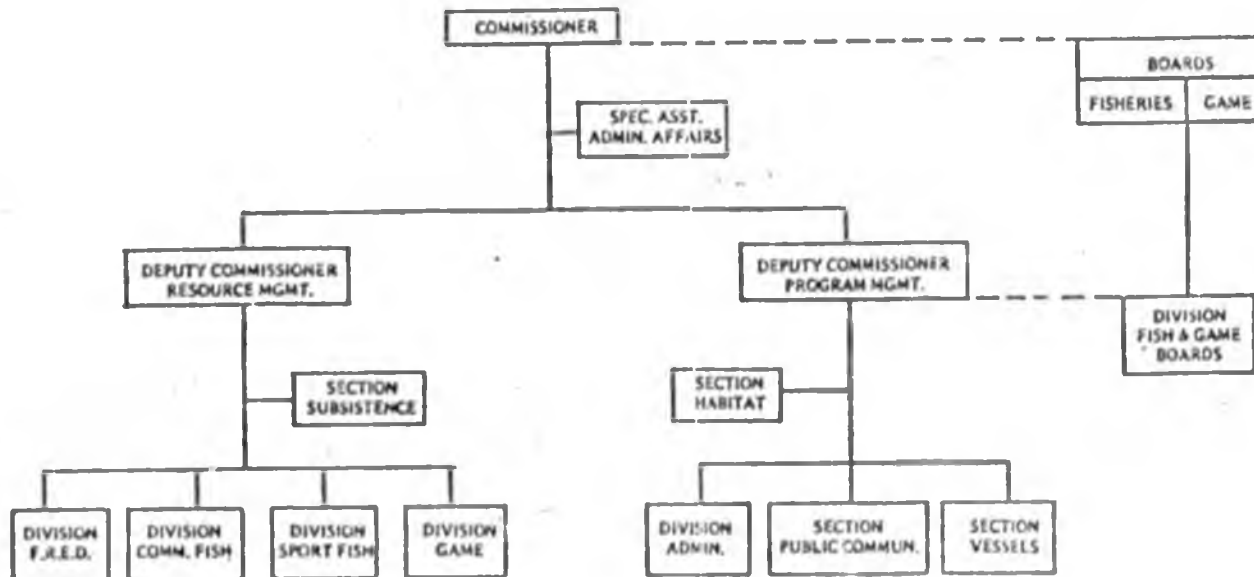
Are we now going to allocate the privilege of utilizing this resource only to those who choose not to enter the mainstream of productive economic life for whatever reason? This resource belongs to all Alaskans--not the 10 to 15% that live in the bush areas.

I urge your support to protect the urban citizens of this State and assure their continued right to utilize the fish and game resources for their own consumption if they so choose.

Sincerely,

  
Bert M. Sharp  
1015 Third Avenue  
Fairbanks, AK 99701

COMMISSIONER'S OFFICE



THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 199  
 Title An Act establishing a Division of Subsistence hunting and fishing  
 Requested by House Resources Committee Date 2/27/79

II. FISCAL DETAIL

Department of Fish & Game  
 Agency Affected  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected Subsistence Section

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	9.1	9.6	10.2	10.8	11.5
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS CLAIMS, ETC.						
TOTAL	-0-	9.1	9.6	10.2	10.8	11.5

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	-0-	9.1	9.6	10.2	10.8	11.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

The impact of this change would raise the pay range of the Section Chief from range 24 to range 26, Division Director and increase the range of the Assistant Chief from range 22 to range 23, Deputy Director.

Range 26 with benefits = \$54.7	Range 23 with benefits = \$45.5
Range 24 with benefits = 48.9	Range 22 with benefits = 42.2
Difference = \$ 5.8	Difference = \$ 3.3

TOTAL change 5.8 + 3.3 = 9.1

IV. DATE March 1, 1979 PREPARED BY *Russell H. Clark* Russell H. Clark  
 AGENCY Department of Fish & Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Bill Coordinator, Office of the Governor  
 33-111 (Rev. 10/78)

March 3 1979 Eilatun Village

We the undersigned people who have depended on subsistence as part of our way and life and are concerned that our historical subsistence rights are being diminished wish to express our view our rights must be protected.

- |                    |                   |
|--------------------|-------------------|
| Billy Alley        | Pauline Chilligan |
| Barbara Nation     |                   |
| Sam B Theodore     | Peter Ezi         |
|                    | Heraldo Wells     |
|                    | Jane Chilligan    |
| Sister Stephen     | Annie S. Epton    |
|                    | Geneva C. Lusk    |
|                    | Max Alex          |
|                    | Lori Munson       |
| Albert Stephan     | Michael Alex      |
| Rosalyn Cook       | Samuel Alex       |
| Mike Yakusoff      |                   |
| Steve Prokopenoff  |                   |
| Andres Yakusoff    |                   |
| Mike W. Hood       |                   |
| Leo Stephen        |                   |
| Lee Stephen        |                   |
| Judy Alex          |                   |
| Laura J. Chilligan |                   |

HB

227

2/26 Tabled after hearing

Held to be considered along with bill being introduced by Revenue Dept. which would raise all processor ~~tax~~ taxation to 6%

3/8 Tabled after hearing





AS 11.75.000 by Bill drafted  
of John Williams  
Legal distinction between  
living and dead-based person  
for taxation purposes  
Make 1% tax on all persons  
(except for the living).

Legal distinction  
between living and dead  
person for taxation purposes  
based on whether the person  
has an estate or not. If  
the person has an estate  
then they are dead for  
taxation purposes. If  
the person does not have  
an estate then they are  
living for taxation purposes.  
This distinction is used to  
determine whether a person  
is subject to estate tax or  
income tax.

This section relates to the license tax imposed on salmon canneries. Territory of Alaska v. Arctic Maid, 16 Alaska 126, 140 F. Supp. 190 (D. Alas. 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961)

Qualifying as taxpayer under duress. — One need not incur the risk of penalties, while the validity of the tax is being ascertained judicially, in order to qualify as a taxpayer under duress. State v. Wakefield Fisheries, Inc., Sup. Ct. Op. No. 779 (File Nos. 1397, 1398), 495 P.2d 166 (1972).

For cases construing former provisions similar to repealed subsection (e), see Territory of Alaska v. Arctic Maid, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska

1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961); Schlothman v. Einstoss, 17 Alas. 253 (1957), aff'd, 276 F.2d 806 (9th Cir.), cert. denied, 362 U.S. 990, 80 S. Ct. 1079, 4 L. Ed. 2d 1022 (1960); Schlothman v. Territory of Alaska, 276 F.2d 806 (9th Cir.), cert. denied, 362 U.S. 990, 80 S. Ct. 1079, 4 L. Ed. 2d 1022 (1960).

Applied in Territory of Alaska v. American Can Co., 14 Alaska 534, 117 F. Supp. 819 (D. Alas. 1954); Territory of Alaska v. Arctic Maid, 15 Alaska 667, 135 F. Supp. 164 (D. Alas. 1955).

Quoted in Territory of Alaska v. Craig Enterprises, Sup. Ct. Op. No. 14 (File No. 3), 355 P.2d 397 (1960).

Sec. 43.75.055. Security for collection of taxes. Each applicant for a license under this chapter shall in or with his application state under oath the amount of each of the products which he expects to produce during the license year. The applicant shall further state the extent of lienable real property owned by the applicant in the state against which the tax may be collected and other information with respect to description, location and value of the property which the department prescribes. If the lienable value of the property is not equal to three times the amount of the tax for which the applicant will probably be liable under this section, the department may not issue the license until the applicant files with the department a surety bond approved by the attorney general in a penal sum equal to twice the probable amount of the tax for which the applicant will be liable, conditioned upon payment of the tax in full when due, with interest if not paid before delinquency. The department may waive the bond requirement if the applicant posts other security in the form of collateral acceptable to the department. (S 4 ch 84 SLA 1967)

Article 2. Cold Storages and Other Fish Processors.

- Section 60 Fisheries business licenses
- 70 License application and fee
- 80. Duty to pay tax and keep records.

- Section 90 Violations and penalties
- 95 Security for collection of taxes

Sec. 43.75.060. Fisheries business licenses. A person engaging or attempting to engage in any of the following lines of business in connection with the state's commercial fisheries shall first obtain a license.

(1) Shore-based cold storages and other fish processors, except salmon canneries, herring processing plants, crab canneries, and clam canneries otherwise licensed shall pay an annual license tax equal to one per cent of the value of the raw halibut, halibut livers and viscera.

HB 227

salmon and bottom fish, shellfish or other fishing resource bought or obtained for processing through freezing, salting, or other method. The value of the raw material under §§ 60 — 90 of this chapter is the actual price paid for it, including indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished. The value applies to the raw material procured in company-owned or subsidized boats operated by employees of the processor or under lease or other arrangement.

(2) Freezer ships and other floating cold storages shall pay an annual license tax equal to four per cent of the value of the raw halibut, halibut livers and viscera, salmon and bottom fish, shellfish, or other fishing resource bought or obtained for processing through freezing, salting, or other method, or the taking of crab for export without such processing. The value of the raw material under §§ 60 — 90 of this chapter is the actual price paid for it including indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished. The value applies to the raw material procured in company-owned or subsidized boats operated by employees of the processor or under lease or other arrangement.

(3) In (1) of this section, "shore-based cold storages and other fish processors" mean those cold storages and processing plants which are permanently attached to the land or have remained in the same location for a period of not less than one calendar year. Any cold storage or processing plant removed from the state is a floating cold storage under (2) of this section from the day of removal.

(4) Cold storages and fish processing plants which are not shore-based under (3) of this section are "floating cold storages" under (2) of this section.

(5) The person, firm, or corporation engaging or attempting to engage in the above lines of business who actually and physically processes the above fishery resources shall be liable for and shall pay to the department the whole tax imposed by this section. In determining this tax liability the person, firm, or corporation may not deduct from the value of the raw fishery resources processed the value of any raw fishery resources processed for other persons, firms, or corporations, but shall include this as a part of the value of the raw product obtained for processing. (S 1 ch 97 SLA 1949; am § 1 ch 116 SLA 1951; am § 1 ch 102 SLA 1955; am § 1 ch 88 SLA 1966; am § 3 ch 84 SLA 1967)

**History of section.** — See *State v Wakefield Fisheries, Inc.*, Sup. Ct. Op. No. 779 (File Nos. 1397, 1398), 495 P.2d 166 (1972); *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

**Effect of 1966 amendment.** — Prior to the 1966 amendment, the legislature

The higher tax was directed at those particular floating processors who could otherwise evade local regulation and taxation, yet exploit a valuable state resource. *State v Wakefield Fisheries, Inc.*, Sup. Ct. Op. No. 779 (File Nos. 1397, 1398), 495 P.2d 166 (1972).

It was the 1966 amendment to the statute

based solely on the movements and locations of the vessels. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

Prior to 1966, the primary distinguishing feature of the "floating" processor was its method of processing its catch, rather than its movement in the waters. At that time, the higher four percent tax was directed only at floating freezer or "cold storage" ships which took crab for export without processing it in Alaska. All other processors, both ashore and afloat, were taxed at the lower rate of one percent. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

**Characterization of legislative intent in State v. Wakefield Fisheries, Inc., no longer meaningful.** — The characterization of the legislative intent in *State v. Wakefield Fisheries, Inc.*, Sup. Ct. Op. No. 779 (File Nos. 1397, 1398), 495 P.2d 166 (1972), which was based on an earlier version of this section, is no longer meaningful since this section was amended to remove the distinction between types of processors and to widen the class of processors to be subject to the higher tax. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

**This section imposes no burden on interstate commerce, or any artificial rigidity on the salmon industry, by requiring the catching of salmon in Alaska and imposing restrictions on the shipment of fish out of Alaska prior to canning.** *Territory of Alaska v Arctic Maid*, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961).

This section, which imposes a higher tax upon "floating" processors than upon "shore-based" processors, is not unconstitutional as applied to floating processors on the ground that it violates the commerce clause of the United States Constitution. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

Since the classification of processing ships as "floating" processors is based not upon their interstate movement, but upon their movement within Alaskan waters, for the purposes of application of this section, there is no interstate movement, and, therefore, there is no burden nor even an incidental impact upon interstate commerce. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

Nor does it affect fish laws of United States. — The imposition by the Alaska legislature of license taxes under this section relating to the commercial fisheries of Alaska to provide revenue does not in any way alter, amend, modify, or repeal the existing fish laws of the United States applicable to Alaska. *Territory of Alaska v Arctic Maid*, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961).

**Classification of section does not deny equal protection.** — The classification which imposes different tax rates on "floating" and "shore-based" processors does not constitute a violation of the federal and state guarantees of equal protection. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

It was not arbitrary for the legislature to conclude that "shore-based" processors, with at least a year's commitment to one location, were to be preferred over floating processors, which distributed economic benefits over several locations. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

The distinction between mobile and stationary processors can easily be characterized as a tax incentive, to encourage "shore-based" processors, and in this light, the tax differential bears a fair and substantial relationship to the goal of encouraging societal contributions of the type made by "shore-based" processors, especially since conversion from "floating" to "shore-based" is a simple matter of remaining in one location for a calendar year. *State v Reefer King Co.*, Sup. Ct. Op. No. 1344 (File Nos. 2605, 2606, 2607), 559 P.2d 56 (1976).

**It is valid legislative classification.** — Imposing a tax of one per cent on the value of fish taken on the line of business of shore-based cold storages, while imposing a four per cent tax on the line of business of freezer ships and other floating cold storages is a valid legislative classification. *Territory of Alaska v Arctic Maid*, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961).

**And there is no discrimination in this section between residents and nonresidents.** *Territory of Alaska v Arctic Maid*, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961).

**Not between freezer ship operators and local canners under AS 43.75.010.** — A

This section relates to the license tax imposed on salmon canneries. Territory of Alaska v. Arctic Maid, 16 Alaska 126, 140 F. Supp. 190 (D. Alas. 1956), aff'd, 366 U.S. 199, 81 S. Ct. 929, 6 L. Ed. 2d 227 (1961).

Qualifying as taxpayer under duress. — One need not incur the risk of penalties, while the validity of the tax is being ascertained judicially, in order to qualify as a taxpayer under duress. State v. Wakefield Fisheries, Inc., Sup. Ct. Op. No. 779 (File Nos. 1397, 1398), 495 P.2d 166 (1972).

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Applied in Territory of Alaska v. American Can Co., 14 Alaska 53, 117 F. Supp. 819 (D. Alas. 1954); Territory of Alaska v. Arctic Maid, 15 Alaska 667, 135 F. Supp. 164 (D. Alas. 1955).

Quoted in Territory of Alaska v. Craig Enterprises, Sup. Ct. Op. No. 14 (File No. 3), 355 P.2d 397 (1960).

**Sec. 43.75.055. Security for collection of taxes.** Each applicant for a license under this chapter shall in or with his application state under oath the amount of each of the products which he expects to produce during the license year. The applicant shall further state the extent of lienable real property owned by the applicant in the state against which the tax may be collected and other information with respect to description, location and value of the property which the department prescribes. If the lienable value of the property is not equal to three times the amount of the tax for which the applicant will probably be liable under this section, the department may not issue the license until the applicant files with the department a surety bond approved by the attorney general in a penal sum equal to twice the probable amount of the tax for which the applicant will be liable, conditioned upon payment of the tax in full when due, with interest if not paid before delinquency. The department may waive the bond requirement if the applicant posts other security in the form of collateral acceptable to the department (§ 4 ch 84 SLA 1967)

**Article 2. Cold Storages and Other Fish Processors.**

Section  
60 Fisheries business licenses  
70 License application and fee  
80 Duty to pay tax and keep records

Section  
90 Violations and penalties  
95 Security for collection of taxes

**Sec. 43.75.060. Fisheries business licenses.** A person engaging or attempting to engage in any of the following lines of business in connection with the state's commercial fisheries shall first obtain a license.

(1) Shore-based cold storages and other fish processors, except salmon canneries, herring processing plants, crab canneries, and clam canneries otherwise licensed shall pay an annual license tax equal to one per cent of the value of the raw halibut, halibut livers and viscera.

HB  
227

salmon and bottom fish, shellfish or other fishing resource bought or obtained for processing through freezing, salting, or other method. The value of the raw material under §§ 60 — 90 of this chapter is the actual price paid for it, including indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished. The value applies to the raw material procured in company-owned or subsidized boats operated by employees of the processor or under lease or other arrangement.

(2) Freezer ships and other floating cold storages shall pay an annual license tax equal to four per cent of the value of the raw halibut, halibut livers and viscera, salmon and bottom fish, shellfish, or other fishing resource bought or obtained for processing through freezing, salting, or other method, or the taking of crab for export without such processing. The value of the raw material under §§ 60 — 90 of this chapter is the actual price paid for it including indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished. The value applies to the raw material procured in company-owned or subsidized boats operated by employees of the processor or under lease or other arrangement.

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(4) Cold storages and fish processing plants which are not shore-based under (3) of this section are "floating cold storages" under (2) of this section.

(5) The person, firm, or corporation engaging or attempting to engage in the above lines of business who actually and physically processes the above fishery resources shall be liable for and shall pay to the department the whole tax imposed by this section. In determining this tax liability the person, firm, or corporation may not deduct from the value of the raw fishery resources processed the value of any raw fishery resources processed for other persons, firms, or corporations. This shall include fish as a part of the value of the raw product obtained from processing (as amended ch 97 SLA 1949, am § 1 ch 116 SLA 1951; am § 1 ch 102 SLA 1955; am § 1 ch 88 SLA 1966, am § 3 ch 84 SLA 1967)

History of section — See State v Wakefield Fisheries Inc, Sup Ct Op No 779 (file Nos 1397, 1398, 495 P.2d 166) and State v Greer King Co, Sup Ct Op No 711 (file Nos 2005, 2006, 2007) 425 P.2d 1107.

History of 1966 amendment — From the 1966 amendment to the statute

The higher tax was directed at those particular floating processors who could otherwise evade local regulation and taxation, yet exploit a valuable state resource. State v Wakefield Fisheries, Inc., Sup Ct Op No 779 (file Nos 1397, 1398), 495 P.2d 166 (7/2).

It was the 1966 amendment to the statute



which the person is liable. If a person fails to file a return by law or by regulation, or makes a fraudulent return, the department may assess a penalty on which it can obtain a return which is good and sufficient for all legal purposes. (AS 103 ch 146 SLA 1962)

362 U.S. 990, 80 S. Ct. 1079, 11 L. Ed. 2d 1022 (1960).

and penalties. (a) Repealed by AS 103 ch 146 SLA 1976.

in the tax is due to fraud with intent to evade the total amount of the deficiency, in addition to the amount assessed and collected.

SLA 1976.

fails to obtain a license, pay a tax, or supply the information at the time required, or supply the information at a later date, in violation of §§ 10 — 55 of this chapter, the penalties provided by law, guilty of a crime which is punishable by a fine of not more than one year, or both.

and subscribes a return which is not correct as to every material matter, upon conviction, is subject to the penalties provided by law.

includes an officer, agent, or employee of a partnership, or member, is under duty to perform the duties of an officer, agent, or employee of a partnership, in violation occurs. (AS 4 ch 82 SLA 1969; am 5 4 ch 55 SLA 1968; am 5 4 ch 94 SLA 1976)

penalty for failure to file a return or for a fraudulent return, or for a return which is not correct as to every material matter, upon conviction, is subject to the penalties provided by law. (AS 103 ch 146 SLA 1962)

Section relates to the license tax on salmon canneries. Territory of Alaska v. Arctic Maid, 16 Alaska 126, 140 F. Supp. 190 (D. Alas. 1956), aff'd, 366 U.S. 929, 6 L. Ed. 2d 227 (1961).  
Engaging as taxpayer under duress. — A taxpayer who does not incur the risk of penalties, and the validity of the tax is being questioned judicially, in order to qualify as a taxpayer under duress. State v. Alaska Fisheries, Inc., Sup. Ct. Op. No. 1397, 1398, 495 P.2d 166 (Alaska 1972).  
Interests construing former provisions of law to repealed subsection (e), see Territory of Alaska v. Arctic Maid, 16 Alaska 126, 140 F. Supp. 190 (D. Alaska

1956), aff'd, 366 U.S. 929, 6 L. Ed. 2d 227 (1961); Schlothman v. Finatosa, 17 Alas. 253 (1957), aff'd, 276 F.2d 806 (9th Cir.), cert. denied, 362 U.S. 990, 80 S. Ct. 1079, 4 L. Ed. 2d 1022 (1960); Schlothman v. Territory of Alaska, 276 F.2d 806 (9th Cir.), cert. denied, 362 U.S. 990, 80 S. Ct. 1079, 4 L. Ed. 2d 1022 (1960).  
Applied in Territory of Alaska v. American Can Co., 14 Alaska 534, 117 F. Supp. 819 (D. Alas. 1954), Territory of Alaska v. Arctic Maid, 15 Alaska 667, 135 F. Supp. 164 (D. Alas. 1955).  
Quoted in Territory of Alaska v. Craig Enterprises, Sup. Ct. Op. No. 14 (File No. 3), 355 P.2d 397 (1960).

§ 13.75.055. Security for collection of taxes. Each applicant for a license under this chapter shall in or with his application state under the amount of each of the products which he expects to produce during the license year. The applicant shall further state the extent of real property owned by the applicant in the state against which the tax may be collected and other information with respect to the description, location and value of the property which the department requires. If the lienable value of the property is not equal to three times the amount of the tax for which the applicant will probably be liable under this section, the department may not issue the license until the applicant files with the department a surety bond approved by the attorney general in a penal sum equal to twice the probable amount of the tax for which the applicant will be liable, conditioned upon payment of the tax in full when due, with interest if not paid before delinquency. The department may waive the bond requirement if the applicant posts other security in the form of collateral acceptable to the department. (AS 103 ch 84 SLA 1967)

Article 2. Cold Storages and Other Fish Processors.

Section	Section
103 ch 84 SLA 1967	90. Violations and penalties
103 ch 84 SLA 1967	95. Security for collection of taxes

§ 13.75.060. Fisheries business licenses. A person engaging or attempting to engage in any of the following lines of business in connection with the state's commercial fisheries shall first obtain a license.

Shore-based cold storages and other fish processors, except salmon canneries, herring processing plants, crab canneries, and clam canneries otherwise licensed shall pay an annual license tax equal to one percent of the value of the raw halibut, halibut livers and viscera,

Title 44  
State Government



# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF REVENUE

STATE OFFICE BUILDING

POUCH SA - JUNEAU 99811

February 26, 1979

The Honorable Alvin Osterback,  
Co-Chairman  
House Resources Committee  
Room 118 - Capitol Building  
Juneau Alaska

Dear Mr. Osterback:

HOUSE BILL NUMBER 227

House Bill number 227, an Act relating to fisheries business licenses, was introduced in the House on February 15, 1979 and was referred to the House Resources and Finance Committees.

For the consideration of the House Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Gary Jenkins, Director, Audit Division, Department of Revenue concerning the proposed legislation.

Sincerely,

R. D. Stevenson  
Special Assistant

cc: The Honorable Bill Miles  
Co-Chairman  
House Resources Committee

The Honorable Russ Meekins  
Chairman  
House Finance Committee

John Messenger  
Acting Commissioner  
Department of Revenue

Gary Jenkins, Director  
Audit Division  
Department of Revenue



THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 227  
 Title Audit Relating to Fisheries Business Licenses  
 Requested by House Resources Committee Date 2/26/79

II. FISCAL DETAIL

Agency Affected Revenue  
 Program Category Affected Fiscal Services  
 BRU, Program, or Subprogram(s) Affected Audit Division  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) - None

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) - None

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS - None

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

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

See attached memo to R.D. Stevenson dated 2/26/79.

IV. DATE 2/26/79

PREPARED BY [Signature]  
 AGENCY Revenue, Audit Division  
 PHONE 465-2124

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


# MEMORANDUM

TO:  R. D. Stevenson  
Special Assistant

DATE February 26, 1979

FILE NO:

TELEPHONE NO

FROM: Gary L. Jenkins   
Director, Audit Division

SUBJECT HB 227

This bill would eliminate the 4 percent rate on fish processors who do not qualify as shore based. Passage of this bill would result in a loss of revenue to the State of approximately \$1,000,000, \$50,000 of which is shared back to communities in which the processing is done.

There will be no additional costs of administration due to this proposed bill.

It should be noted that there is a minor technical error in the bill on lines 16 and 17. The reference to Sec. 60-90 of the code have been modified and the words "of this Chapter" have been omitted. If this was a deliberate change, perhaps the committee will want to show those changes in correct format.

HB

229

DO PASS 2/20/79

with recommendation for further referral to Finance Committee

# COMMITTEE REPORT

## HOUSE

FURTHER:

February 15, 1979

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

Mr. Speaker:

The Committee on RESOURCES has had HB 229

"An Act relating to a fee permit system for king salmon and steelhead trout sport fishing."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

**MEMBERS SIGNING  
DO PASS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN



I. REQUEST  
 Bill/Resolution No. HB 229  
 Title An Act relating to a fee permit for king salmon and steelhead trout  
 Requested by House Resources Committee Date 2/20/79

II. FISCAL DETAIL  
 Agency Affected Department of Fish & Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected Sport Fish

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

REVENUE (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						
Fish & Game Fund		208.8	215.1	221.5	228.2	235.0

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

*Cook Inlet Only*

Assume - Sale of between 40,000 and 50,000 permits  
 Use mean of 45,000 @ \$5,000 = \$225,000.00 revenue  
 minus 5% for vendor share ( 11,250.00)  
 Sub-total \$213,750.00  
 minus cost of printing 50,000 permits ( 5,000.00)  
 TOTAL Revenue \$208,750.00 FY '80  
 Growth of fund straight line at 3% annually

IV. DATE 2/20/79 PREPARED BY  Russell H. Clark  
 AGENCY Fish & Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Keith Specking  
 33 001 (Rev. 10/78)  
 File

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 229  
 Title An Act relating to ... fee permit for king salmon and steelhead trout  
 Requested by House Resources Committee Date 2/20/79

II. FISCAL DETAIL  
 Agency Affected Department of Fish & Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected Sport Fish

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						

REVENUE (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						
Fish & Game Fund		208.8	215.1	221.5	228.2	235.0

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

*Cost Inlet Only*

Assume - Sale of between 40,000 and 50,000 permits  
 Use mean of 45,000 @ \$5,000 = \$225,000.00 revenue  
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 AGENCY Fish & Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (Last Legislator Named)  
 Keith Specking  
 33 001 (Rev. 10/78)  
 File



accounting for and custody of state revenues which are only incidental to the Department's regulation and management of the fish and game resources of the State of Alaska.

THEREFORE IT IS ORDERED

1 All duties, functions and powers relative to the collection, accounting for and custody of state revenues, which are only incidental to the regulation and management of the fish and game resources of the State of Alaska, at present performed by the Department of Fish and Game, are transferred to the Department of Revenue.

2 The Department of Revenue shall be deemed and held to constitute a continuation of the Department of Fish and Game with the same force and effect, as to the transferred functions, powers and duties as if the functions, powers and duties had not been transferred.

All funds appropriated to the Department of Fish and Game prior to the transfer of those functions, powers and duties attributable to the transferred functions, powers and duties are transferred to appropriate line items in the

appropriation of the Department of Revenue.

"4. This order shall become effective at a date hereafter to be designated. "Dated November 24, 1961"

Alaska's fish and game laws are applicable as federal law on military reservations. 1964 Op. Att'y Gen. No. 2

Hunting or fishing at a military reservation must be in accord with Alaska laws regulating seasons, bag limits, methods of taking, etc. 1964 Op. Att'y Gen. No. 2.

But military personnel are not required to comply with licensing requirements while on reservation. 1964 Op. Att'y Gen. No. 2.

Since AS 16.05.94(14) does not grant special resident privileges to military personnel, which is a requisite for requiring them to purchase licenses for use on military reservations under 10 U.S.C. 2671(a)(2), they cannot be required to do so. 1964 Op. Att'y Gen. No. 2

ALR reference. — Applicability of state fishing license laws or other public regulations to fishing in private lake or pond. 13 ALR2d 734

Sec. 16.05.335. Complimentary licenses. The commissioner of revenue shall annually, at the request of the governor, provide him with not to exceed 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to Alaska at his discretion for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the Department of Fish and Game on any complimentary issuances, which information shall be available to the public (§ 1 art II ch 94 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 31 SLA 1963; am § 1 ch 6 SLA 1965)

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license . . . . . \$10
- However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license . . . . . 12
- (3) (A) Resident hunting and trapping license . . . . . 15
- (B) Resident trapping license . . . . . 3
- (4) Resident hunting and sport fishing license . . . . . 22
- (5) Resident hunting, trapping, and sport fishing license . . . . . 25

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant (A) is obtaining or has obtained assistance during the preceding six

For  
HB 229

months under any state or federal welfare program to aid the indigent, or (B) has an annual family gross income of less than \$3,600 for the year preceding application.

(6) Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 10-day license . . . . . 15
- (B) For one-day license . . . . . 5
- (7) Nonresident sport fishing license . . . . . 30
- (8) Nonresident hunting license . . . . . 60
- (9) Nonresident hunting and sport fishing license . . . . . 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported.

- (10) Nonresident hunting and trapping license . . . . . 200
- (11) Repealed by § 2 ch 32 SLA 1968.
- (12) Repealed by § 2 ch 32 SLA 1968

(13) Fur dealers:

- (A) Resident fur dealer license . . . . . 50
- (B) Nonresident fur dealer license . . . . . 200

(14) Taxidermists:

- (A) Resident taxidermy license . . . . . 75
- (B) Nonresident taxidermy license . . . . . 200

(15) Fish, fur or game farming license . . . . . 100

(16) Nonresident big game tags:

- (A) Bear, black, each . . . . . 100
- (B) [deleted]
- (C) Bear, brown or grizzly, each . . . . . 250
- (D) Bear, polar, each . . . . . 250
- (E) Bison, each . . . . . 250
- (F) Caribou, each . . . . . 200
- (G) Deer, each . . . . . 35
- (H) Elk, each . . . . . 125
- (I) Goat, each . . . . . 125
- (J) Moose, each . . . . . 200
- (K) Sheep, each . . . . . 50
- (L) Walrus, each . . . . . 250
- (M) Wolf, each . . . . . 50
- (N) Wolverine, each . . . . . 50

(17) Repealed by § 2 ch 32 SLA 1968.

(18) [deleted] for bear, brown or grizzly, each . . . . . 25

(19) Resident or nonresident permit application fee (all species for which a detailed drawing is conducted, except musk oxen) . . . . . 5

(20) Nonresident permit application fee (all species for which a detailed drawing is not conducted, except musk oxen) . . . . . 5

limitations and  
propagative, c  
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or (2) the reca  
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(d) Member  
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and polar bear  
of the guide:

- (1) polar, b
- (A) for e
- polar, brown
- brown or gri.
- (B) for e
- polar, brown
- brown or griz.
- (C) for e
- polar, brown

(2) moose:

- (A) for e
- per season —
- (B) for e
- \$100;
- (C) for e
- (3) sheep:

§ 16.05.400

ALASKA STATUTES

§ 16.05.407

Effect of amendment. — The 1976 amendment added the third sentence. (SSSSB 335), see 1976 House Journal, p. 910.

Legislative committee report. — For report on ch. 268, SLA 1976 (FCCS HCS

Sec. 16.05.400. Persons exempt from license requirement. (a) A license is not required of a resident or nonresident person under the age of 16 years for sport fishing nor shall a license be required of any resident under the age of 16 for hunting or trapping.

For AB 229

(b) A sport fishing, hunting or trapping license is not required of a resident who is 60 years of age or more and has been a resident for 30 consecutive years or more, as long as he remains a resident. (§ 9 art 11 ch 94 SLA 1959; am § 3 ch 180 SLA 1972)

Sec. 16.05.405. Taking game by proxy for the blind. (a) A resident holding a valid hunting license may take moose, caribou, deer, or elk under a hunting license issued to a blind resident in accordance with (b) of this section if the resident has the license of the blind person in his actual possession.

(b) A resident hunting license indicating that the purchaser is blind may be obtained from the Department of Revenue upon payment of the fee prescribed in § 340 of this chapter and upon presentation of either an affidavit of the applicant stating that he cannot distinguish light from darkness or an affidavit signed by a licensed physician or a licensed optometrist stating that the applicant's central visual acuity does not exceed 20/200 in the better eye with correcting lenses or that his widest diameter of visual field subtends an angle no greater than 20 degrees. (SLA 1967)

Sec. 16.05.407. Nonresident hunting game animals must be accompanied by guides. (a) It is unlawful for a nonresident to hunt, kill or take brown bear, grizzly bear, polar bear or sheep in this state, unless personally accompanied by a person who is licensed as a master guide, registered guide or assistant guide by the department, or who is personally accompanied by a resident Alaskan over 19 years of age who is the spouse of or is related by blood within and including the second degree of kindred. A person who applies for a nonresident big game tag for the taking of an animal specified in this section shall first apply to the state, on a form provided by the state, an affidavit stating that he will be accompanied on his hunt by a person who is qualified under the terms of this section. A person who falsifies the required affidavit is guilty of perjury.

(b) It is unlawful for a nonresident to import polar bear into this state unless personally accompanied by a person who is licensed as a master guide, registered guide or assistant guide by the department.

(c) A nonresident who violates (a) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine or imprisonment for not

§ 16.05.410

more than one (§ 1 ch 86 SLA

Revisor's note. SLA 1967, both designated AS 16.0.

Sec. 16.05.41 a first violation law or regulatory state, the court his license.

(b) Upon sub — 430 of this c protection of th his license.

(c) A person section may not of not less than revocation as d

(d) Repealed

(e) Repealed

§ 17 ch 131 SL 1964; am § 2 cl

Legislative com report on ch 31, S am 1965 Hou

Sec. 16.05.42 in an applicatio person who kn material fact ir

(b) A person issued to him to the one issued

(c) Repealed

(d) Repealed

§ 16 ch 131 SL 1965

Revisor's note originally referred Act which now over § 16 ch the first paragraph or (d) instead of

HB

259

AGD 126047

Hearing on 2/26 - Tabled for a week  
Committee asked Penroyer to get info about how this  
could be accomplished by emergency F&A regulation



Background  
on

info

HB 259

(3) within that portion of the Polly Creek razor clam beach bounded on the north by a line beginning at a beach marker approximately one-half mile (0.8 km) south of the mouth of Polly Creek and extending seaward 135°, and on the south by a line beginning at a beach marker approximately one and one-half miles (2.4 km) south of the mouth of Polly Creek and extending seaward 135°;

(4) on the western Copper River delta and in Orca Inlet in the Prince William Sound area.

(e) Prior to taking clams with hydraulic clam diggers in an area of intended operation a permit shall be obtained from the commissioner. An application for permit shall specify the location of intended operation, the proposed duration of operation, and detailed specifications of the gear. An application shall be refused or a permit restricted or terminated by the commissioner if he finds that the operation of the gear may injure or jeopardize the continued viability of clams and other resources inhabiting the area of intended operation.

Authority: AS 16.05.251(2) and (4)

**5 AAC 38.055. GEAR FOR SCALLOPS.** (a) Scallops may be taken by trawls or scallop dredges.

(b) Scallop dredge rings with less than four-inch (101 mm) inside diameter shall not be carried aboard scallop fishing vessels.

Authority: AS 16.05.251(4)

**5 AAC 38.060. GEAR FOR OCTOPI AND SQUID.** Legal gear as defined in 5 AAC 39.105, including pot gear as described in chs. 31, 32, 34 and 35 of this title, may be used to take octopi and squid.

Authority: AS 16.05.251(4)

**5 AAC 38.061. SEASON FOR OCTOPI AND SQUID.** There is no closed season for octopi and squid.

Authority: AS 16.05.251(2)

**5 AAC 38.062. PERMITS FOR SEA CUCUMBERS, SEA URCHINS AND SEA SNAILS.** Prior to taking sea cucumbers, sea urchins or sea snails, a permit shall be obtained from the commissioner. An application for a permit shall specify the location of the intended

operation, the proposed duration of the operation, detailed specifications of the proposed gear, and an estimate of desired harvest. An application shall be refused, or a permit refused or terminated by the commissioner if he finds that the operation of the gear may injure or jeopardize the continued viability of sea cucumbers, sea urchins or sea snails, or other resources inhabiting the area of intended operation.

Authority: AS 16.05.251(2),(4),(5), (7),(10) and (12)

**5 AAC 38.065. PERMITS FOR OYSTERS.** A permit shall be obtained from the commissioner before any oysters or oyster spat are transported into the state. An affidavit from the supplier of oysters or oyster spat stating that the shipment is free of predaceous or parasitic forms of animal life must accompany the application for permit.

Authority: AS 16.05.250(7),(10) and (14)

**5 AAC 38.068. CORAL HARVESTING.** Coral may be taken under the terms of a permit issued by the commissioner. An application for a permit shall specify the location of intended operation, the proposed duration of operation, and detailed specifications of the gear. An application may be refused or a permit restricted or terminated by the commissioner if he finds that the operation of the gear may jeopardize the continued viability of coral or other resources inhabiting the area of intended operation.

Authority: AS 16.05.251(7),(10) and (12)

**5 AAC 38.070. REGISTRATION DOCUMENTS.** A vessel being registered for miscellaneous shellfish pursuant to sec. 20 of this chapter shall, if properly licensed and otherwise in compliance with regulations, be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

Authority: AS 16.05.250(3),(7) and (14)



MISCELLANEOUS SHELLFISH FISHERY

209. 5 AAC 38.055. GEAR FOR SCALLOPS. (b) Permit the use of scallop dredges with rings less than four inches in diameter for taking scallops in the Bering Sea.

The proposed regulation reads as follows:

5 AAC 38.055. GEAR FOR SCALLOPS.

(b) Scallop dredge rings with less than four inch (101mm) inside diameter may not be used or carried aboard scallop fishing vessels except as follows:

(1) scallop dredges with rings of three inches (76mm) or greater inside diameter may be used from vessels fishing in the Bering Sea;

(2) scallop fishing vessels in the Gulf of Alaska in transit to or from the Bering Sea may carry aboard scallop dredges and scallop dredge rings with three inch (76mm) or greater inside diameter.

Justification: This proposal is presented for the Board's consideration in light of recent interest in this fishery by a commercial catcher-processor.

Proposed by: Staff

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MISCELLANEOUS SHELLFISH FISHERY

210. 5 AAC 38.055. GEAR FOR SCALLOPS. (b) Regulation page 105.  
Provide for smaller than four inch scallop dredge rings west of Sanak  
Island.

The proposed regulation reads as follows:

5 AAC 38.055. GEAR FOR SCALLOPS.

(b) Scallop dredge rings with less than four inch (101 mm) inside  
diameter shall not be used aboard scallop fishing vessels east of Sanak Island.  
[CARRIED ABOARD SCALLOP FISHING VESSELS.]

Justification: There are large resources of scallops west of Sanak  
Island, however they are of the "Calico" type and smaller in size than  
the weathervane scallops. 3 inch rings must be used on this scallop  
because of its smaller size. The 3 inch rings is the size for scallop  
dredges used on the east coast for this same type of scallop.

Proposed by: Northern Aurora Fisheries

123

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Proposed by: Northern Aurora Fisheries

123

(3) within that portion of the Polly Creek razor clam beach bounded on the north by a line beginning at a beach marker approximately one-half mile (0.8 km) south of the mouth of Polly Creek and extending seaward 135°, and on the south by a line beginning at a beach marker approximately one and one-half miles (2.4 km) south of the mouth of Polly Creek and extending seaward 135°;

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Authority: AS 16.05.251(7),(10) and (12)

**5 AAC 38.070. REGISTRATION DOCUMENTS.** A vessel being registered for miscellaneous shellfish pursuant to sec. 20 of this chapter shall, if properly licensed and otherwise in compliance with regulations, be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

Authority: AS 16.05.250(3),(7) and (14)

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dredges used on the east coast for this same type of scallop.

Proposed by: Northern Aurora Fisheries

125

HB

271

# COMMITTEE REPORT HOUSE

FURTHER: FINANCE

February 22, 1979

Date: March 3 1979

Mr. Speaker:

The Committee on RESOURCES has had HB 271

"An Act creating the Creamer's Field Migratory Waterfowl Refuge."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

**MEMBERS SIGNING  
DO PASS**

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN





AGO 126048

3/13 - Passed

HB 271

**Chapter 20. Conservation and Protection of Alaskan Wildlife.**

**Article**

- 1. State Game Refuges (§§ 16.20.010 — 16.20.080)
- 2. Walrus Islands State Game Sanctuary (§§ 16.20.090 — 16.20.140)
- 3. McNeil River State Game Sanctuary (§§ 16.20.160 — 16.20.170)
- 4. Endangered Species (§§ 16.20.180 — 16.20.210)
- 5. Fish and Game Critical Habitat Areas (§§ 16.20.220 — 16.20.270)

**Article 1. State Game Refuges.**

**Section**

- 10. Legislative recognition
- 20. Purpose
- 30. Refuges established
- 32. Palmer Hay Flats State Game Refuge
- 34. Mendenhall Wetlands State Game Refuge
- 36. Susitna Flats State Game Refuge

**Section**

- 38. Trading Bay State Game Refuge
- 40. Regulations
- 50. Multiple land use
- 60. Submission of plans and specifications
- 70. Sections 16.05.870 — 16.05.890 unaffected
- 80. Definitions

**Sec. 16.20.010. Legislative recognition.** The legislature recognizes that

- (1) the state has jurisdiction over all fish and game in the state except in those areas where it has assented to federal control;
- (2) the state has not assented to federal control of fish and game in those areas which were set apart as National Bird and Wildlife Refuges while the state was a United States territory;
- (3) special recognition of the value to the state and the nation of areas of unspoiled habitat and the game characteristic to it will be demonstrated by designating as state game refuges the federal lands which were National Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood. (§ 1 ch 114 SLA 1960)

Am. Jur. reference — 24 Am. Jur. Game, § 10.

**Sec. 16.20.020. Purpose.** The purpose of this chapter is to protect and preserve the natural habitat and game population in certain designated areas of the state. (§ 1 ch 114 SLA 1960)

**Sec. 16.20.030. Refuges established.** (a) Those land areas now included in the National Wildlife Refuge System which are cited in this subsection are designated as state game refuges, and the board shall assign them appropriate refuge names:

- (1) Aleutian Islands Refuge (except Umnak, Unalaska, Akun, Akutan, Sanak, and Tigalda Islands);
- (2) Bering Sea Refuge (St. Matthews and Hall Islands, and Pinnacle Islet in Bering Sea);
- (3) Bogoslof Island Refuge;
- (4) Chamisso Island Refuge;

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST HB 271  
 Bill/Resolution No. HB 271  
 Title An Act creating the Creamer's Field Migratory Waterfowl refuge.  
 Requested by Representative Rogers Date 3/5/79

II. FISCAL DETAIL Department of Fish and Game  
 Agency Affected Department of Fish and Game  
 Program Category Affected Natural Resources  
 Budget Request Unit(s) Affected Game Division

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

This bill has no fiscal impact.

IV. DATE 3/12/79 PREPARED BY Russell H. Clark  
 AGENCY Department of Fish & Game  
 PHONE 465-4120

Original: Legislative Finance  
 cc. Budget and Management  
 Prime Sponsor (First Legislator Named)  
 Keith Specking, Office of the Governor  
 33 001 (Rev. 10/78)  
 File

HB

290



3/15 - Passed CS





HB

304

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

February 27, 1979

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

Mr. Speaker:

The Committee on RESOURCES has had HB 304

"An Act establishing Fish and Game Resource Regions, Local Fish and Game Committees, and Regional Fish and Game Councils; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

HB 304

March 9, 1979

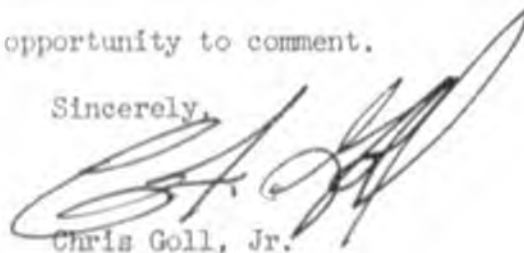
The Honorable Alvin Osterback  
Chairman  
House Resources Committee  
Alaska Legislature, Pouch V  
Juneau, Alaska 99811

Dear Mr. Osterback:

Please be advised that I support HB 304 and the development of regional councils without regulatory authority over HB 193. Increased involvement of Advisory Committees through the regional councils and through funding of travel and per diem for the Advisory Committee Chairmen, will be most beneficial to making good decisions on the fish and wildlife resources of Alaska.

I appreciate the opportunity to comment.

Sincerely,



Chris Goll, Jr.  
Anchorage

March 9, 1979


The Honorable Alvin Osterback  
Chairman, House Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Osterback:

This is to advise you that I support HB 304 and the development of regional councils without regulatory authority over HB 193 establishing regional boards. The strengthening of the Advisory Committee system through the regional councils and through funding of travel and per diem for Advisory Committee Chairmen will be highly beneficial to the management of Alaska fish and wildlife.

Thank you for the opportunity to comment.

Sincerely,



Herman Schroeder  
Dillingham, Alaska

HOUSE BILL NO. 304  
SUGGESTED REVISIONS  
REAL ALASKA COALITION

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For an Act entitled: "An Act establishing Fish and Game Resource Regions, Local Fish and Game Committees, and Regional Fish and Game Council; and providing for an effective date."

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

\* Sec. 1. INTENT. The legislature finds that the proper regulation, protection, and conservation of fish and wildlife and the continuation of the unique lifestyle of Alaska residents require that an administrative structure be established for the purpose of enabling people with personal knowledge of local conditions and requirements to have a more meaningful advisory role in the management of fish and wildlife in Alaska.

\* (1)

\* (2)

\* Sec. 2. AS 16.05 is amended by adding new sections to read:

Sec. 16.05.222. FISH AND GAME RESOURCE REGIONS.

For the purpose of the conservation and management of the fish and wildlife resources of the state, there are created five fish and game resource regions, the exact boundaries of which must be established by the Board of Fisheries and the Board of Game, acting jointly.

\* (3)

\* (4)

\* (5)

\* (6)

(Sec. 16.05.223. LOCAL FISH AND GAME COMMITTEES has been deleted totally.)

Sec. 16.05.224. REGIONAL FISH AND GAME COUNCILS. (a) The Board of Fisheries and the Board of Game, acting jointly, shall establish a regional fish and game council within each fish and

Att: \* is where a revision was made; some revisions were 1 word whereas others were (1) sentences or sections

1 game resource region, composed of the chairpersons of the  
2 local fish and game committees within its region.

3 (b) The Boards of Fish and Game shall assign a coordinator  
4 to each region to distribute all relevant support data and  
5 coordinate activities of Regional Council and Land Advisory  
6 Committees and attend all Fish and Game Board hearings on  
7 behalf of their respective regions.

8 (c) Each regional fish and game council may upon agreement  
9 of the majority of the members and approval of the Boards of  
10 Fisheries and Game:

- 11 (1) hold public meeting on fish and wildlife matters;
- 12 (2) review, make recommendations, and assist the  
13 department, in consultation with its local fish and game com-  
14 mittees and appropriate federal agencies, in developing plans  
15 for the conservations, regulation, management, and use of the  
16 fish and wildlife resources within its region.

17 (3) perform other duties which may be specified by  
18 the boards by regulation.

19 (d) The regional fish and game councils may present recom-  
20 mendations concerning the conservation, regulation, management,  
21 and use of fish and wildlife resources within their respective  
22 regions, and the evidence upon which the recommendations are  
23 based, to the local advisory committees during the course of  
24 their administrative proceedings. The committee, individually  
25 or jointly, may choose not to follow any such recommendation  
which it is determined during the administrative proceedings  
is not supported by substantial evidence, violates recognized  
principles of fish and wildlife conservation, or would be