

ALASKA LEGISLATIVE COMMITTEE FILES 1901-1902 8672

1843 HRES HB 460. - HB 535

✓ 8672

The bank is fully capitalized at this time, the State has purchased \$32 million worth of Class C stock in CFAR so that this section is no longer needed.

Section 12. Transition. This needs to be amended and the proposed amendments are attached.

HL 472

This amends AS 16.10.520(a).

PRESENT LAW: Provides for a maximum loan for a private non-profit hatchery or enhancement rehabilitation activity to be limited to \$6 million. This amendment increases the loan limit to \$10 million and also provides that the \$10 million can be exceeded if there is a approval by the legislature by concurrent resolution.

HB 479

This bill amends AS 16.10.375, the regional salmon plan provisions. The original language in the section instructed that a comprehensive salmon plan for each region be developed. At the present time the word comprehensive has been interpreted to mean- private non-profit hatcheries.

These amendments would expand the scope of the regional planning team to include plans for the management of natural stocks and the enhanced and rehabilitated stocks.

HB 480

This is a new section into Title 16 and its effect is to prohibit the construction or operation of a salmon hatchery which is to operate for profit. There is a proposed amendment to that bill and that will be attached.

APPROPRIATION BILLS:

HB 471

This bill provides for the appropriation of \$25 million to the fishery enhancement revolving loan fund, AS 16.10 505. This is an existing loan program which is created in the 1976 legislature and amended in the 1977 legislature. Periodically, each legislative session has appropriated a given amount of money to the loan fund to be utilized in the construction and operation of fisheries rehabilitation and enhancement projects by the private non-profit hatcheries. Last year, \$6.9 million dollars was appropriated to the loan fund, all of which has been loaned or is committed for loans at this time. It is estimated that approximately \$25 million

will be needed in the next year to take care of the anticipated loan demand.

HB 389

This is an appropriation for a sum of money to the Department of Fish & Game to be paid as a grant to the Lower Yukon/Kuskokwim Aquaculture Association for hatchery site investigations.

HB 390

This is an appropriation of \$115 thousand to the Alaska Department of Fish & Game as a grant to the Lower Yukon/Kuskokwim Aquaculture Association for a scientific and educational hatchery program which is going on in Bethel.

RESOLUTIONS:

HCR 16

This resolution states the issues and provides for direction to the Department of Fish & Game, the Board of Fisheries, and the Governor's office regarding the allocation of fisheries for brood stock purposes for fisheries rehabilitation and enhancement projects. Specifically, that the agencies and the Board of Fish consider providing brood stocks from already depressed fish stocks if certain circumstances were deemed to be necessary and advisable.

LETTERS OF RECOMMENDATION:

Letter #1: A letter to the Finance Committee recommending that the sum of \$1,650,000 be included in the development budget to be paid through to the regional aquaculture associations which have enacted the enhancement taxes. The amount of money has been developed by estimating the anticipated salmon returns this year and the anticipated prices to arrive at a total value number, then 3% of that number has been taken for the two regions in Southeast Alaska and 2% of that number for the Cook Inlet region based upon the assessment votes which they have taken in the last year.

Letter #2: Relates to the recommendation regarding the planning moneys. \$600,000 is recommended. \$400,000 is presently in the Governor's budget request.

Letter #3: Deals with the fish tag recovery and evaluation program, addition to the Governor's budget request.

Letter #4: A letter to the Finance Committee in general support for grants for the non-cash generating projects. Most of the projects that are being recommended for inclusion in the budget by representatives from the various regions.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 460

Title An Act relating to the fisheries and salmon enhancement taxes

Requested by House Resources Committee Date April 13, 1981

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection and Management

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 80	FY 81	FY 82	FY 83	FY 84	FY 85
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 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

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

See attached memo to R.D. Stevenson dated April 13, 1981.

IV. DATE April 13, 1981

PREPARED BY Gary L. Jenkins

AGENCY Audit Division

PHONE 465-2320

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

# MEMORANDUM

# State of Alaska

TO: R. D. Stevenson  
Legislative Assistant

DATE: April 13, 1981

FILE NO

TELEPHONE NO

FROM: Gary L. Jenkins  
Director  
Audit Division

SUBJECT: HB 460

This bill would make some much needed clarifications to the Fisheries Business Tax Act and the Salmon Enhancement Tax Act, along with a change in the revenue sharing provisions of the Fisheries Business Tax.

With regard to the specific provisions of the bill, I would suggest the legislature give consideration to clarifying a few of the proposed provisions. First, Sec. 3 of the bill establishes an exclusion from the Fisheries Business Tax provided certain conditions are met. For purposes of effective administration, I recommend one additional condition be added, which is:

(4) the fishery resource is sold by the person claiming the exclusion from tax to a fisheries business licensed under AS 43.75.

This provision will insure our ability to reasonably enforce the law because the tax will be reportable by taxpayers with whom we are already dealing and we will not be required to go out and try to find other persons who might buy the fishery resource and who would then be required to pay the tax.

When the need for the provisions of this bill were discussed previously with some members of the House Resources Committee, it was suggested that the Salmon Enhancement Tax law be clarified regarding whether the taxable event was the act of catching salmon in one of the established regions or was the act of selling salmon in the region regardless of where caught. It was our original understanding that the taxable event was the act of catching salmon in a region, however, during the course of discussions with various legislators, it has become clear that there is a divergence of opinion as to which event is the taxable event. I would strongly urge the legislature to clarify that point by amending AS 43.76.010 and AS 43.75.011. The issue is further confused by the fact that sections 5, 6 and 10 of the bill include provisions that are predicated on the catching of salmon as being the taxable event. Those provisions refer to the imposition of the tax on the person catching the salmon when the salmon are removed from the state by that person without the tax being paid. These concepts were originally suggested when we were still thinking the legislature meant the taxable event to be the catching of

the salmon. Those provisions should be deleted if the legislature intends to keep the tax on a sales basis only.

With regard to section 14 of the bill, which is the effective date clause for the changes in the revenue bearing section in the fisheries business tax, I would suggest that consideration be given to changing the effective date to either January 1, 1982 or July 1, 1982. Either date would seem to be more consistent with the provisions of section 12 of the bill.

Finally, I would also recommend an additional section be added to the bill for the purpose of defining the term "buyer" as it applies in the proposed revisions to the Salmon Enhancement Tax. Please consider the following:

"Buyer" means any person who acquires possession of salmon from the person who caught the salmon regardless of whether there is an actual sale of the salmon but excluding any transfer to a person engaged solely in interstate transportation of goods for hire.

This broad language is being proposed to insure that deliveries of salmon to a cooperative would be included. This would preclude an argument that a delivery to a cooperative was not an actual sale upon which the tax would not apply.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 460  
 Title Relating to the Fisheries and Salmon Enhancement Taxes  
 Requested by House Resources Date April 3, 1981

II. FISCAL DETAIL

Agency Affected Revenue  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Administration and Support, Management Services  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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)

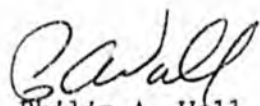
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

HB 460 increases the percentage of tax paid. The Bill will also cause a small increase in Returns which report the tax paid on certain frozen fishery resources and upon salmon removed from the State. The Bill will cause a substantial increase in the amount refunded to local governments. However, it appears that the additional cost can be handled within the present and requested budgets.

IV. DATE April 7, 1981 PREPARED BY  Phillip A. Wall  
 AGENCY Revenue  
 PHONE 465-2313  
 Original: Legislative Finance  
 cc. Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 460  
 Title Relating to the fisheries and salmon enhancement taxes  
 Requested by House Resources Committee Date 4/13/81

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No change in revenues.

IV. DATE 4/13/81 PREPARED BY Robert W. Elliott  
 AGENCY Revenue  
 Original: Legislative Finance PHONE 465-2309  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST CSHR 460 (Resources)  
 Bill/Resolution No. \_\_\_\_\_  
 Title An Act relating to the fisheries and salmon enhancement taxes.  
 Requested by House Resources Committee Date April 22, 1981

II. FISCAL DETAIL  
 Agency Affected Department of Revenue  
 Program Category Affected Revenue Collection and Management  
 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 81	FY 82	FY 83	FY 84	FY 85	FY 86
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 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

See attached memo to R.D. Stevenson dated April 22, 1981.

IV. DATE April 22, 1981 PREPARED BY Gary I. Jenkins  
 AGENCY Audit Division  
 PHONE 465-2320  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) \_\_\_\_\_

# MEMORANDUM

# State of Alaska

TO: R. D. Stevenson  
Legislative Assistant

DATE: April 22, 1981

FILE NO:

TELEPHONE NO:

FROM: Gary L. Jenkins  
Director  
Audit Division

SUBJECT: CSHB 460 (Resources)

The committee substitute for HB 460 is basically the same language as that in the original bill except that several sections have been deleted. Those deleted sections would have solved some serious problems which exist in the present fisheries enhancement tax regarding who is responsible for the collection of the tax.

As recommended in my comments on the initial draft of the bill, I would suggest the legislature give consideration to clarifying a few of the proposed provisions. First, Sec. 3 of the bill establishes an exclusion from the Fisheries Business Tax provided certain conditions are met. For purposes of effective administration, I recommend one additional condition be added to AS 43.75.017(a), which is:

(4) the fishery resource is sold by the person claiming the exclusion from tax to a fisheries business licensed under AS 43.75.

This provision will insure our ability to reasonably enforce the law because the tax will be reportable by taxpayers with whom we are already dealing and we will not be required to go out and try to find other persons who might buy the fishery resource and who would then be required to pay the tax.

When the need for the provisions of this bill were discussed previously with some members of the House Resources Committee, it was suggested that the Salmon Enhancement Tax law be clarified regarding whether the taxable event was the act of catching salmon in one of the established regions or was the act of selling salmon in the region regardless of where caught. It was our original understanding that the taxable event was the act of catching salmon in a region, however, during the course of discussions with various legislators, it has become clear that there is a divergence of opinion as to which event is the taxable event. I would strongly urge the legislature to clarify that point by amending AS 43.76.010 and AS 43.76.011.

Finally, I would also recommend that if this bill is amended to require any buyer to collect the tax, an additional section be added to the bill for the purpose of defining the term "buyer". The following language is suggested for the Legislature's consideration:

"Buyer" means any person who acquires possession of salmon from the person who caught the salmon regardless of whether there is an actual sale of the salmon but excluding any transfer to a person engaged solely in interstate transportation of goods for hire.

This broad language is being proposed to insure that deliveries of salmon to a cooperative would be included. This would preclude an argument that a delivery to a cooperative was not an actual sale upon which the tax would not apply.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Resources)  
 Title Fisheries & Salmon Enhancement Taxes  
 Requested by House Resources Date April 3, 1981

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ General Government \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected Administration & Support, Management Services  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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)


GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

CSHB 460 (Resources) increases the percentage of refund to local governments.  
 There is no additional administrative cost associated with this bill.

IV. DATE April 27, 1981 PREPARED BY   
 AGENCY Revenue  
 PHONE 465-2313  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Resources)  
 Title Relating to the fisheries and salmon enhancement taxes  
 Requested by House Finance Committee Date 4/22/81

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No change in revenues.

*Robert W. Elliott*  
 Robert W. Elliott

IV. DATE 4/22/81 PREPARED BY Revenue  
 AGENCY Revenue  
 PHONE 465-2309  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) \_\_\_\_\_



# Alaska State Legislature

## House of Representatives

### Committee on Resources

Terry Gardiner, Co-Chairman  
Fred F. Zharoff, Co-Chairman  
465-3715

April 10, 1981

Pouch V  
State Capitol  
Juneau, Alaska 99811

The Honorable Sam Cotten  
Chairman House Finance Committee  
Capital Building  
Juneau, Alaska 99811

Dear Representative Cotten:

The House Resources Committee held hearings regarding the status of the fisheries enhancement and rehabilitation program in the State. Based on the testimony presented during the hearings, it is Resource Committee's request that the following matters be included in the FY 82 budget.

The State has established two basic programs to assist in the rehabilitation and enhancement of the salmon resources. One is the Fisheries Rehabilitation and Enhancement Division of the Department of Fish and Game; the second is the private-not-for-profit aquaculture associations. The hatchery program established for the PNP program is funded through loans which are to be repaid from receipts received from selling fish which return to a designated terminal harvest area.

There are several types of rehabilitation and enhancement activities which result in a benefit to the common property fishery but which do not produce fish which return to a specific place where they can be generating projects; they do generate cash to the party performing the rehabilitation or enhancement project. Although all projects relating to the fishery resource are subject to the approval and permission of the Commissioner of the Department of Fish and Game many times it is much more economic and efficient for the aquaculture associations to perform the work.

It is the recommendation of the House Resource Committee, that these type of activities be funded by the State both through the Department of Fish and Game and by grants to the appropriate regional aquaculture association.

There are several activities proposed for funding in this years budget which are 'non cash generating' which should be funded. The projects include lake fertilization, habitat improvement, lake stocking and rearing, stream planting and many others.



# Alaska State Legislature

## House of Representatives

### Committee on Resources

Terry Gardiner, Co-Chairman  
Fred F. Zharoff, Co-Chairman  
465-3715

April 13, 1981

Pouch V  
State Capitol  
Juneau, Alaska 99811

The Honorable Sam Cotten  
Chairman House Finance Committee  
Capital Building  
Juneau, Alaska 99811

Dear Representative Cotten:

The House Resources Committee has held hearings on the status of the fisheries rehabilitation and enhancement program; both the public effort through the Department of Fish and Game and Private-Not-For-Profit program set up in AS 16.10.375-600.

It is the recommendation of the House Resources Committee that the following budgetary matters be included in the FY 82 budget:

1.0 Appropriation of \$1,650,000 to the Department of Commerce and Economic Development for transfer to the Regional Aquaculture Associations. The money is a result of the Fisheries Enhancement Tax that the appropriate regional associations has elected to impose on themselves. At the time that tax law was passed in 1980 and an election was held in each region, the legislature and governor committed to passing at least the total amount collected back to the regions. The total should be allocated as follows:

- .1 Southern Southeast Regional Aquaculture Association. \$800,000
- .2 Northern Southeast Regional Aquaculture Association. \$500,000
- .3 Cook Inlet Aquaculture Association. \$350,000

The appropriation should not be tied to the collection of the receipts from the enhancement tax. The programs must be assured of continuity of funding. Although the appropriation is based upon a anticipated collections any discrepancy can be compensated in next years budget.

Thank you for your consideration of this matter.

Sincerely,

Fred Zharoff  
Co-Chairman

Terry Gardiner  
Co-Chairman



# Alaska State Legislature

## House of Representatives

### Committee on Resources

Terry Gardiner, Co-Chairman  
Fred F. Zharoff, Co-Chairman  
465-3715

April 15, 1981

Pouch V  
State Capitol  
Juneau, Alaska 99811

The Honorable Sam Cotten  
Chairman, House Finance Committee  
Capital Building  
Juneau, Alaska 99811

Dear Representative Cotten:

The House Resource Committee held hearings regarding the status of the fisheries enhancement and rehabilitation program in the State. Based on testimony presented during the hearings it is the Resources Committee request that the following matters be included in the FY 82 budget.

Planning is not free but pays for itself by involving all of the major participants. The purpose is to assist in making good decisions and prevent the disasters from occurring. The regional planning concept has been very successful. The regional teams are made up of three (3) members of the Department of Fish and Game and three (3) members of the regional association in the area. In some areas the overall strategic plan has been drafted and work in continuing on the implementation issues, in others the overall plan is still being formulated.

The costs for the regional planning teams have been paid by the State. The estimated costs have been arrived at and divided between the department and the appropriate regional association. Experience has proved that the process works very well when there are incentives for each party to participate and each party has the money within their own control.

The House Resources Committee recommends that a total of \$600,000 be appropriated to the Department of Fish and Game for the planning efforts and that amount be allocated one half to the department and the other half divided between the following regional associations.

Department of Fish and Game	\$300,000
Southern Southeast Regional Association	50,000
Northern Southeast Regional Association	50,000
Prince William Sound Aquaculture Assoc.	50,000
Cook Inlet Aquaculture Association	50,000
Lower Yukon/Kuskokwim Aquaculture Assoc.	50,000
Imarpik	50,000
TOTAL:	\$600,000

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Resources)  
 Title Fisheries & Salmon Enhancement Taxes  
 Requested by House Resources Date April 3, 1981

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ General Government  
 BRU, Program, or Subprogram(s) Affected Administration & Support, Management Services  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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)

GENERAL FUND		(5,907.0)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						


POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

CSHB 460 (Resources) increases the percentage of refund to local governments by 150 percent or 5,907.0. This is in addition to the 3,938.0 requested in the FY 82 budget.

There is no additional administrative cost associated with this bill.

IV. DATE May 8, 1981 PREPARED BY  Philip A. Wall  
 AGENCY Revenue  
 Original: Legislative Finance PHONE 465-2313  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Finance) (efd failed)  
 Title An Act relating to the fisheries and salmon enhancement taxes  
 Requested by Senate Resources Committee Date 6/2/81

II. FISCAL DETAIL

Agency Affected Department of Revenue  
 Program Category Affected Revenue Collection And Management  
 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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

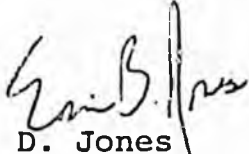
See attached memorandum to R. D. Stevenson dated June 2, 1981.

IV. DATE June 2, 1981 PREPARED BY Ervin B. Jones  
 AGENCY Audit Division  
 Original: Legislative Finance PHONE 465-2320  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

# MEMORANDUM

TO: R.D. Stevenson  
Legislative Assistant

DATE: June 2, 1981

  
FROM: Ervin D. Jones  
Acting Director,  
Audit Division

FILE NO:

SUBJECT: CSHB460 (Finance)

We strongly urge the committee to reconsider Section 2, which is designed to relieve custom processors from paying the Fisheries Business Tax. This would create problems for both the administration and for the taxpayers, since the myriad owners of the fishery resources will now fall under the provisions of AS 43.75.100 upon shipment of the resources out of Alaska. The custom processor, who if that is his only activity, will not even be required to license as a fisheries business would still be required to file reports with the department. Gary strongly suggests leaving in the prohibition against deducting the value of the resources that are processed for others.

As suggested in Gary's memo dated April 22, 1981, Sec. 3 needs revision. The fourth condition suggested in that memo was adopted in part but should be further amended to read:

- (4) the fishery resource is sold by the person who claims an exclusion under this section to a fisheries business licensed under AS 43.75.

This change is particularly important if the intent is to pass the tax liability on to the next person who purchases the fishery resource. As Gary pointed out in the referenced memo, this change is necessary to insure our ability to reasonably enforce the law because then the tax would be reportable by taxpayers with whom we are already dealing and we will not be required to go out and try to find other persons who might buy the fishery resource and who would then be required to pay the tax. Gary believes this was merely a transcription error, since he verbally read the ammendment into the record at the committee's request.

Finally, it is important that sections 5 and 6 of this Act also be made retroactive to January 1, 1981, and that they apply to tax years beginning after December 31, 1980. Otherwise the resulting "split-year" situation would be cumbersome to administer and would work an extra hardship on the taxpayers that the bill attempts to assist.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Finance) (efo failed)  
 Title The Fisheries & Salmon Enhancement Taxes  
 Requested by Senate Resources Committee Date 5-28-81

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ Community Development \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected Shared Taxes - Fisheries Tax

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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)

GENERAL FUND	0	(1,969.0)	(5,907.0)			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The bill provides for a two-step increase in the sharing of fisheries taxes to boroughs and cities.

There is no additional administrative cost effect upon the General Government Administration and Support BRU.

IV. DATE 6-1-81

PREPARED BY \_\_\_\_\_

  
Philip A. Wall

AGENCY \_\_\_\_\_

Revenue

PHONE \_\_\_\_\_

465-2313

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 460 (Finance) (efd failed)  
 Title An Act Relating to the Fisheries and Salmon Enhancement Taxes  
 Requested by Senate Resources Committee Date June 2, 1981

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE June 2, 1981 PREPARED BY Robert W. Elliott  
 AGENCY Revenue  
 PHONE 465-2309  
 Original: Legislative Finance  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCS CSHB 460(Res)  
 Title Relating to taxes  
 Requested by Senate Finance Committee Date 6/19/81

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ Community Development \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected Shared Taxes - Fisheries Tax  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING (Thousands of Dollars)

GENERAL FUND	Ø	(1,969.0)	(5,907.0)			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The bill provides for a 150% increase in the sharing of fisheries taxes with 50% of the increase beginning in FY82 and full increase beginning in FY83

There is no additional administrative cost effect upon the General Government Administration and Support BRU.

IV. DATE Jun 22, 1981

*Philip A. Wall*  
 PREPARED BY Philip A. Wall  
 AGENCY Revenue  
 PHONE 465-2313

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

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S CSCSHB 460 (Resources)  
 Title An Act relating to fisheries and salmon enhancement taxes  
 Requested by Senate Finance Committee Date 6/19/81

II. FISCAL DETAIL

Agency Affected Department of Revenue  
 Program Category Affected Revenue Collection And Management  
 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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		111.0	62.2	62.2	62.2	62.2
200 TRAVEL		10.0	10.0	10.0	10.0	10.0
300 CONTRACTUAL		4.0	4.0	4.0	4.0	4.0
400 COMMODITIES		1.6	1.6	1.6	1.6	1.6
500 EQUIPMENT		3.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>129.8</b>	<b>77.8</b>	<b>77.8</b>	<b>77.8</b>	<b>77.8</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		129.8	77.8	77.8	77.8	77.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		4	3	3	3	3
PART TIME						
TEMPORARY						

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

The modifications to and new retroactive provisions of the Investment Tax Credit will result in additional increased workload in FY 82 as well as a continuing impact in subsequent fiscal years on our audit program. It is anticipated that we will receive 5,000 to 6,000 claims for refund during FY 82 because of the significant tax benefit which this represents. Also, because of the change whereby the credit will be applicable to property placed in service in Alaska only, our audits of the claims and of returns filed in subsequent years will be made much more difficult because of having to verify the location of the property for all multistate corporations. We now apportion the credit for all multistate corporations, which is very simple. The positions requested are two tax examiners and two revenue auditors. The tax examiners are for

IV. DATE June 22, 1981 PREPARED BY Gary L. Johnson  
 AGENCY Audit Division  
 PHONE 465-2320  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCS CS HB 460 (Fin)

Title An Act relating to taxes

Requested by Resources Committee

Date June 22, 1981

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		(15,530.00)	(7,000)	(7,500.00)	(7,930.00)	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

This investment credit provisions of this bill will primarily benefit multistate/multinational corporations as well as larger domestic corporations. The estimated loss of revenue for the credit is 5 to 7 million dollars of corporate income tax per year. The effect is so large in FY 82 because of the retroactive provision back to 1/1/79.

The total includes what the state would have obtained if the property exempted under this bill is taxed under AS 43.56. The lost revenue constitutes 2% of assessed value of the property less that amount (about 16%) which is credited for municipal levies. Municipalities could tax the exempted property under local law.

IV. DATE June 22, 1981

PREPARED BY Gary L. Jenkins

AGENCY Department of Revenue

PHONE 465-2320

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 461

Title An Act Relating to Development of Alternative Energy Sources & Energy Conservation.

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development.

Program Category Affected Development.

BRU, Program, or Subprogram(s) Affected Division of Business Loans.

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		253.0	278.3	306.1	336.7	370.4
200 TRAVEL		15.8	17.4	19.1	21.0	23.1
300 CONTRACTUAL		42.3	46.5	51.2	56.3	61.9
400 COMMODITIES		2.1	2.3	2.5	2.8	3.1
500 EQUIPMENT		13.6	15.0	16.5	18.1	19.9
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	326.8	359.5	404.3	434.9	478.4

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	326.8	359.5	404.3	434.9	478.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	7	7	7	7	7
PART TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

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

Staff required to process loans. Fiscal note detail attached.

IV. DATE April 9, 1981

PREPARED BY David Masev, Deputy Director

AGENCY Division of Business Loans, Dept. of Commerce

PHONE 465-2510 and Economic Development

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (If Legislator Named)

Fiscal Note Detail  
 HB 461 - Alternative Energy Sources & Energy Conservation

100 -	2 Loan Examiner III's @ \$2,837/mo. each	68.0
	1 Loan Examiner III @ #3,260/mo.	39.1
	1 Loan Examiner I/II @ \$2,455/mo.	29.5
	1 Loan Closer I @ \$1,564/mo.	18.8
	1 Documents Processing Clerk III @ 1,761/mo. (Fairb.)	21.1
	1 Accounting Technician I @ \$1,761/mo.	<u>21.1</u>
	Total Wages	197.6
	Standard Benefits (Wages x .1555)	30.7
	Supplemental Benefits (Wages x .0613)	12.1
	Health Insurance (Man Months x \$150)	<u>12.6</u>
	Total Personal Services	<u>253.0</u>
200 -	Travel to Close Loans:	
	36 Trips @ \$300	10.8
	72 Days @ \$70/day	5.0
		<u>15.8</u>
300 -	Telephone and Postage	23.1
	Printing of Applications and Advertising	7.7
	Office Space, Anchorage (2 x \$2,700)	5.4
	Office Space, Fairbanks (2 x \$3,067)	<u>6.1</u>
		<u>42.3</u>
400 -	Office Supplies	<u>2.1</u>
500 -	Equipment	
	7 Desks @ \$330	2.3
	5 Credenzas @ \$470	2.4
	2 Typists Extensions @ \$455	.9
	4 Executive Chairs @ \$190	.8
	3 Secretarial Chairs @ \$150	.5
	7 Sidechairs @ \$100	.7
	7 File Cabinets @ \$325	2.3
	7 Calculators @ \$200	1.4
	2 Typewriters @ \$1,000	2.0
	7 Wastebaskets @ \$25	.2
	1 Coat Rack @ \$70	<u>.1</u>
		<u>13.6</u>
		<u>326.8</u>

10% Inflation for Succeeding Years

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. HB 462 -- An act making special appropriations to provide financing for  
Title alternative energy loans and residential energy conservation.  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
Agency Affected Commerce and Economic Development  
Program Category Affected Development  
BRU, Program, or Subprogram(s) Affected Division of Business Loans  
(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)  
See Fiscal Note to HB 461

IV. DATE 4/9/81 PREPARED BY Sharon Traylor, Director  
AGENCY Commerce & Economic Dev., Division of Business Loans  
PHONE 465-2510  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 471 -- An act making a special appropriation for the fisheries

Title enhancement revolving loan fund.

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Business Loans

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

No fiscal impact.

IV. DATE 4/9/81

PREPARED BY Sharon Traylor, Director  
AGENCY Commerce & Economic Dev., Division of Business Loans  
PHONE 465-2510

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

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 472 -- An act relating to the maximum amounts which may be loaned  
Title under the fisheries enhancement loan program.

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Business Loans

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The additional loans to be generated by the increased limits can be processed and serviced by the existing staff.

IV. DATE 4/9/81

PREPARED BY Sharon Traylor, Director  
AGENCY Commerce & Economic Dev., Division of Business Loans  
PHONE 465-2510

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

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 420

Title An Act relating to charter fishing vessels and operators.

Requested by Freeman

Date 4-9-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; Administration &

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.) Investigations

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		40.3	43.1	46.1	49.3	52.7
200 TRAVEL		4.0	4.5	5.0	5.6	6.3
300 CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
400 COMMODITIES		0	0	0	0	0
500 EQUIPMENT		1.0	0	0	0	0
600 LAND & STRUCTURES		2.7	2.7	2.7	2.7	2.7
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>49.0</b>	<b>51.3</b>	<b>54.8</b>	<b>58.6</b>	<b>62.7</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		49.0	51.3	54.8	58.6	62.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

PERSONAL SERVICES - FY'82 salary schedule, 7% inflation factor used	
1 investigator, Range 18, gen.govt., 12 mos.	\$ 40,348.00
TRAVEL - 12% inflation factor used	
Investigation, all harbors	4,000.00
CONTRACTUAL	
Duplicating, postage and renewal forms costs	1,000.00
EQUIPMENT - one time costs in FY'82	
1 desk, double pedestal(60x30)	426.92
1 chair, exec. swivel with arms	235.54
1 file cabinet, 5 drawer legal with lock	308.83
LAND & STRUCTURES - 1.50 x 150sq.ft = 2,700 per year	2,700.00
	<b>\$ 49,019.29</b>

\*Registration and administrative support functions could be absorbed by present admin. staff budgeted for in FY'82.

IV. DATE 4-9-81

PREPARED BY Marjorie Odland, Regulations Specialist

AGENCY Division of Occupational Licensing

PHONE 465-2535

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

A M E N D M E N T

Offered in the HOUSE RESOURCES COMMITTEE

TO: HOUSE BILL NO. 461

Page 6, lines 22 -- 24:

After "audit" delete:

"to obtain financing for a loan or grant under AS 45.88 and AS 45.89 is entitled to be reimbursed 90"

and insert the following new material in its place:

"of a residence shall pay a fee of 10"

Page 7, between lines 1 and 2:

Insert the following new material:

\* Sec. 12. AS 46.11.030(e) is amended to read:

(e) The department shall reimburse a person [PERSONS] performing an energy audit [AUDITS] in the state on a residence for the cost, in excess of fees received, of performing the energy audit [AUDITS]. In this subsection "cost" includes administrative cost.

Page 7, line 2: Renumber "sec. 12" to read "sec. 13"

Page 7, line 2:

After "1979", delete "and AS 46.11.030(e) are" and insert "is" in its place

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H.B. 461

Title "An Act relating to development of alternative energy sources and energy..."

Requested by Rules Committee by request of the Governor Date 4/2/81

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Energy and Power Development

(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)

	FY 81	FY 82	*** FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		1,211.833	1,320.897	1,439.778	1,569.358	1,710.601
200 TRAVEL		116.000	126.440	137.819	150.222	163.743
300 CONTRACTUAL		5,802,751	5,142.354	5,605.165	6,109.630	6,659.497
400 COMMODITIES		38.000	41.420	45.147	49.210	53.639
500 EQUIPMENT		51.016	4.000	5.180	5.376	5.590
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		19,057.000	20,772.130	22,641.621	24,679.367	26,900.510
TOTAL		26,276.600	27,107.241	29,877.710	32,488.163	35,493.580

\*\*\* Figures for FY 83-85 are based upon an inflation rate of 9%

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		26,101.116	27,407.241	29,877.710	32,488.163	35,493.580
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		38-2/3	38-2/3	38-2/3	38-2/3	38-2/3
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

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

STATE PROGRAM OFFICE		REGIONAL OFFICES	
100	744.647	100	467.186
200	60.000	200	56.000
300	5,672.151	300	130.600
400	23.000	400	15.000
500	26.737	500	24.279
600	19,057.000		
TOTAL	25,583.535	TOTAL	693.065

*Clarissa Quinlan*

IV. DATE 4/22/81

PREPARED BY Clarissa Quinlan  
AGENCY Division of Energy and Power Development  
PHONE 276-0508

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

STATE PROGRAM OFFICE  
Residential Energy Conservation Fund

100 Personal Services

\$744,647

1	Energy Specialist III (21A) \$3,318 x 12 mos. + 25.5% payroll burden	= \$49,969
1	Administrative Officer (19A) \$2,837 x 12 mos. + 25.5% payroll burden	= \$42,725
1	Systems Analyst (18A) \$2,692 x 12 mos. + 25.5% payroll burden	= \$40,541
1	Accountant Supervisor (16A) \$2,291 x 12 mos. + 25.5% payroll burden	= \$34,502
2	Energy Specialist I (16A) 2 x \$2,291 x 12 mos. + 25.5% payroll burden	= \$69,004
1	Administrative Assistant II (14A) \$1,995 x 12 mos. + 25.5% payroll burden	= \$30,044
2	Administrative Assistant I (12A) 2 x \$1,761 x 12 mos. + 25.5% payroll burden	= \$53,040
4	Clerk Typist III (08A) 4 x \$1,393 x 12 mos. + 30% payroll burden	= \$86,923
1	Clerk Typist II (07A) \$1,319 x 12 mos. + 30% payroll burden	= \$20,576
* 1	Switchboard Operator (07A) \$1,319 x 12 mos. + 30% payroll burden	= \$20,576
** 1	Energy Specialist III (21B) \$3,441 x 12 mos. + 25.5% payroll burden	= \$51,821
** 2/3	Energy Specialist III (21B) \$3,441 x 08 mos. + 25.5% payroll burden	= \$34,547
** 1	Clerk Typist III (08B) \$1,433 x 12 mos. + 30% payroll burden	= \$22,354
2	Accounting Clerk III (10A) 2 x \$1,564 x 12 mos. + 30% payroll burden	= \$48,796

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H.B. 461

Title "An Act relating to development of alternative energy sources and energy "

Requested by Rules Committee by request of the Governor Date 4/2/81

STATE PROGRAM OFFICE

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Energy and Power Development

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		744.647	811.665	884.715	964.339	1,051.130
200 TRAVEL		60.000	65.400	71.286	77.701	84.695
300 CONTRACTUAL		5,672.151	5,000.000	5,450.000	5,940.500	6,475.145
400 COMMODITIES		23.000	25.070	27.326	29.785	32.466
500 EQUIPMENT		26.737	2.000	3.000	3.000	3.000
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		19,057.000	20,772.130	22,641.621	24,679.367	26,900.510
TOTAL		25,583.535	26,676.265	29,080.948	31,619.692	34,546.946

\*\*\* Figures for FY 83-85 are based upon an inflation rate of 9%.

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	25,583.535	26,676.265	29,080.948	31,619.692	34,546.946	
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		23-2/3	23-2/3	23-2/3	23-2/3	23-2/3
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

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

The budget presented provides sufficient support for the division to provide and administer a comprehensive program of energy audits, grants and refunds for energy conservation improvements and low income assistance.

*Clarissa Quintan*

IV. DATE 4/22/81

PREPARED BY Clarissa Quintan

AGENCY Division of Energy and Power Development

PHONE 276-0508

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

STATE PROGRAM OFFICE (Personal Serv. Cont.)

1	Personnel Technician (12A)		
	\$1,761 x 12 mos. + 30% payroll burden	=	\$27,471
** 1	Grants Administrator (17B)		
	\$2,548 x 12 mos. + 25.5% payroll burden	=	\$38,372
** 1	Energy Specialist II (18B)		
	\$2,736 x 12 mos. + 25.5% payroll burden	=	\$41,204
** 1	Accounting Technician II (14B)		
	\$2,063 x 12 mos. + 30% payroll burden	=	\$32,182

NOTE: \* Existing State position not in FY'82 budget  
\*\* Existing federally funded positions for which no FY'82 federal money is anticipated.

200 Travel \$ 60,000

300 Contractual \$5,672,151

Printing of audit forms, homeowners and training manuals, water flow restrictors, outlet gaskets = \$ 305,000

Office expenses - space rental, copying, equipment rental, phones, etc. = \$ 195,109

Monitoring, evaluation, statistical analysis = \$ 275,000

Bill stuffers, quarterly newsletter, PSA production, newspaper ads, homeowner workshops (10 communities) = \$ 140,496

Energy auditor training and upgrading = \$ 150,000

Audit contracts - 31,290 audits @ \$100 = \$3,129,000

Rural village and community education and technical assistance practice production = \$ 132,000

Weatherization contracts administrative costs = \$1,117,600

\*\*\* Supplemental administrative and accounting support = \$ 227,946

NOTE: \*\*\* A management study providing recommendations regarding program structure and the extent to which routine accounting functions may be contracted has been initiated. Pending results, it is possible these funds could be applied to personal services.

STATE PROGRAM OFFICE (Cont.)

400 Supplies \$ 23,000

500 Equipment \$ 26,737

5 Typing Desks @ \$433	= \$2,165
8 Regular Desks @ \$353	= \$2,824
5 Credenzas @ \$353	= \$1,765
10 Book Cases @ \$103	= \$1,030
8 Posturetilt Chairs @ \$205	= \$1,640
5 Executive Swivel Chairs @ \$177	= \$ 885
5 Calculators @ \$274	= \$1,370
1 Programmable Calculator @ \$650	= \$ 650
15 Side Chairs @ \$88	= \$1,320
16 Filing Cabinets @ \$252	= \$4,032
4 Storage Cabinets @ \$185	= \$ 740
1 Transcriber @ \$814	= \$ 814
6 Dictaphones @ \$200	= \$1,200
4 Tables @ \$165	= \$ 660
10 Dividers @ \$300	= \$3,000
3 Regular Desks @ \$353	= \$1,059
3 Chairs @ \$177	= \$ 531
2 Calculators @ \$274	= \$ 548
2 Files with Locks @ \$252	= \$ 504

700 Grants \$19,057,000

26,270 grants/refunds @ \$300	= \$ 7,881,000
5,080 residences weatherized @ \$2,200	= \$11,176,000

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TOTAL \$25,583,535

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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H.B. 461

Title "An Act relating to development of alternative energy sources and energy conservation"

Requested by Rules Committee by request of the Governor Date 4/2/81

REGIONAL OFFICES

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Division of Energy and Power Development

(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)

	FY 81	FY 82 <sup>***</sup>	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		467.186	507.232	555.063	605.019	659.471
200 TRAVEL		56.000	61.040	66.533	72.521	79.048
300 CONTRACTUAL		130.600	142.354	155.165	169.130	184.352
400 COMMODITIES		15.000	16.350	17.821	19.425	21.173
500 EQUIPMENT		24.279	2.000	2.180	2.376	2.590
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-	-0-	-0-
TOTAL		693.065	730.976	796.762	868.471	946.634

\*\*\* Figures for FY 83-86 are based upon an inflation rate of 9%

FUNDING (Thousands of Dollars)

	693.065	730.976	796.762	868.471	946.634
GENERAL FUND					
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-

POSITIONS

	15	15	15	15	15
FULL TIME					
PART TIME	0	0	0	0	0
TEMPORARY	0	0	0	0	0

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

The budget presented provides sufficient support for the division to establish regional offices for the regional coordination and support for the residential energy conservation program.

*Clarissa Quinlan*

IV. DATE 4/22/81

PREPARED BY Clarissa Quinlan

AGENCY Division of Energy and Power Development

PHONE 276-0508

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

RESIDENTIAL ENERGY CONSERVATION PROGRAM  
Regional Offices (Northwest/Arctic, Southwest, Interior,  
Southcentral, Kodiak, Southeast)

100 Personal Services \$467,186

- 5 Energy Specialist II (18)  
5 x \$2,640 x 12 mos. + 25.5% payroll burden = \$198,792
- \*\* 2 Energy Specialist I (16)  
2 x \$2,291 x 12 mos. + 25.5% payroll burden = \$ 69,005
- 2 Energy Specialist I (16)  
2 x \$2,291 x 12 mos. + 25.5% payroll burden = \$ 69,005
- 6 Clerk Typist III (08)  
6 x \$1,393 x 12 mos. + 30% payroll burden = \$130,384

200 Travel \$ 56,000

300 Contractual \$130,600

Space rental, phones, copying, equipment rental

400 Supplies \$ 15,000

500 Equipment \$ 24,279

(Southwest, Northwest/Arctic, Kodiak & Interior Offices)

- 4 Typing Desks @ \$609 = \$2,436
- 5 Regular Desks @ \$441 = \$2,205
- 5 Book Cases @ \$129 = \$ 645
- 4 Calculators @ \$342 = \$1,368
- 9 Chairs @ \$221 = \$1,989
- 8 Side Chairs @ \$101 = \$ 808
- 5 Files with Locks @ \$315 = \$1,575
- 4 Storage Cabinets @ \$231 = \$ 924
- 4 Tables @ \$206 = \$ 824
- 4 Selectric Typewriters @ \$1,100 = \$4,400

NOTE: \*\* Existing federally funded positions for which no FY'82 federal money is anticipated.

RES. ENERGY CONSERVATION PROGRAM (Equipment Cont.)

(Southeast and Southcentral)

2 Typing Desks @ \$433	= \$ 866
4 Regular Desks @ \$353	= \$1,412
3 Book Cases @ \$103	= \$ 309
2 Calculators @ \$274	= \$ 548
5 Chairs @ \$177	= \$1,062
4 Side Chairs @ \$88	= \$ 352
3 Files with Locks @ \$252	= \$ 756
2 Storage Cabinets @ \$185	= \$ 370
2 Tables @ \$165	= \$ 330
1 Selectric Typewriter @ \$1,100	= \$1,100

TOTAL

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\$693,065

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H B

472

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

4/3/81

(11)

Date:

4/30/81

Mr. Speaker:

The Committee on RESOURCES has had HB 472

"An Act relating to the maximum amounts which may be loaned under the fisheries enhancement loan program."

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 DO PASS
- 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:

Terry Audonis

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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\_\_\_\_\_

\_\_\_\_\_

Terry Audonis  
for CHAIRMAN

[Signature]



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
ALASKA FISHERIES COUNCIL  
MEMORANDUM

TO: The Honorable Terry Gardiner  
Member, Alaska Fisheries Council

FROM: Curt Kerns, Chairman *K*  
Alaska Fisheries Council

SUBJ: Activities of the Alaska Fisheries Council

DATE: March 31, 1981

AFC Mtg. 1980 Hatch. Stat. On March 18, 1981, a meeting of the Alaska Fisheries Council was held in order to discuss several topics of concern to the Alaska Salmon Resources Development Program. Reports were given on the dramatic increases in hatchery performance: 10,000 salmon were produced by hatcheries in 1975 and 2.5 million in 1980. In addition, this last season, over 300 million eggs were taken; an achievement that will insure the continued rapid but reasoned growth of hatchery production.

Enhancement Tax Vote The three regional associations affected by the adverse ruling on the mandatory assessment vote all reported that the vote on the salmon enhancement tax developed by the Speaker of the House and the Alaska Fisheries Council in 1980, was favorable. The election has been officially certified. No court challenges have surfaced to date although that possibility does exist.

Loan Limit The present limit on the amount regional associations may borrow, secured by either the enhancement tax or voluntary assessment, is insufficient in some instances to construct a facility that achieves all the economic efficiency possible. Remote site major facilities presently cost \$8 - \$10 million if a hydro-electric power plant is included. It was stressed that the Department of Commerce and Economic Development already requires that all projects are evaluated on their individual economic feasibility. It was resolved by a unanimous vote of the Council that the Governor of the State of Alaska and the Alaska State Legislature be advised that legislation removing the loan limit for salmon enhancement tax or assessment for secured loans be removed.

Coordinate Mark/tag Program Alaska currently has 2 federal, 22 state and 13 permitted private hatcheries, many of which are marking salmon in order to better assess common property fishery contribution and fish cultural techniques. In addition, the Commercial Fisheries Division of the Alaska Department of Fish and Game, has several programs to mark native runs and tag returning adults. Marking, tagging and the necessary recovery efforts are not providing all the information that could be garnered to management and hatchery biologists. A coordination of efforts would offer benefits to all concerned entities, especially the resource.

March 31, 1981

Resolu- It was resolved by a unanimous vote of the Alaska Fisheries Council  
tion that the Governor of Alaska and the Alaska State Legislature be ad-  
vised that legislation creating a coordinated mark/tag and recovery  
program be supported and passed.

Lake Fertil- The central discussion of the meeting continued around the lake fer-  
ization tilization programs of British Columbia and Alaska. Dr. John Stock-  
ner, the head of the Canadian project for the past four of its eleven  
years, reported on his program. While cautioning us that as we are  
dealing with the vagaries of nature and, consequently, may never  
know as much as we would like to, Dr. Stockner did express continued  
optimism. The objective of the Canadian program is to develop, within  
5 years, a "handbook" on lake fertilization that can be used by the  
equivalent of our Area Management Biologists. The manual would enable  
the local fisheries managers to decide, and where warranted, order  
fertilization of sockeye producing lakes. The central program will then  
be dissolved. Dr. Jeff Koenings of the F.R.E.D. Division, A.D.F. & G.  
reported on the Alaska program. While only one lake has been fertilized  
as yet, several more will be treated in the near future.

It was concluded that lake fertilization, especially when used in  
conjunction with other methods such as fry stocking, barrier fall re-  
moval etc., etc., offers significant promise in some instances to re-  
store Alaska's generally depressed (outside of Bristol Bay) sockeye  
fisheries.

A.O. Recently a film depicting Alaska's investment and progress in agri-  
Film culture development was produced and shown. The widespread favorable  
response the film has generated has prompted the Alaska Fisheries Coun-  
cil to proceed on an analogous film on Alaska's Salmon Resource Devel-  
Resolu- opment Program. It was moved by a unanimous vote that a Request for  
tion Proposal be drawn up and issued to produce a film depicting Alaska's  
need for investment in its salmon industry. Assistance from several  
Council members was volunteered and will be coordinated through the  
Special Projects Office, Office of the Governor. Costs for the pro-  
duction of the film are unknown, but it was felt that the Alaska Fish-  
eries Council FY 80/81 budget would cover the majority of the expenses.

A.O. On March 19 and 20, 1981, a workshop on Salmon Ranching was conducted  
Work- at the University of Alaska, Juneau. Over 30 persons, twice the ex-  
shop pected number, attended the meetings which were sponsored by the Alaska  
Fisheries Council and the Alaska Sea Grant College Program. The objec-  
tives of the workshop were to bring PNP program members up to date in  
PNP program changes, hatchery loans, new fish disease regulations,  
broodstock maturation and remote site egg take successes of 1980, incu-  
bation and fry feeding techniques, estuarian monitoring, the proposed  
coordinated mark/tag and recovery program. A second objective was to  
acquaint PNP program members with each other as they had previously  
not gathered together. Two Juneau hatcheries were also toured.

Judging by the very favorable comments made, the high level of inter-  
action that occurred and the absence of just two permit applicants, (all  
permit hatchery operators were present), the workshop met its objectives.

H

B

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Henry Muth  
M. 1413 1/2 Ak. Hwy.  
Delta Jct., Ak . 99737

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TO: Rep. Zharoff, Gardiner, Chukowuk, Barnes, Pettisworth, Grussendorf, Halford, Bulbert,  
Smith, Sutcliffe, Vaska  
RE: HB 496

Respectfully ask your support for HB 496. This bill is extremely important for the  
success of all agriculture programs in the future.

H B

507

COMMITTEE REPORT

HOUSE

4/16/81

FURTHER: FINANCE

(11)

Date: 4/30/81

Mr. Speaker:

The Committee on RESOURCES has had HR 507

"An Act relating to the fishermen's mortgage and note program under AS 16.10.650 - 16.10.720; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING  
DO PASS

[Signature]

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Signature]

CHAIRMAN

FISCAL NOTE  
 (Revised)

I. REQUEST  
 Bill/Resolution No. CSHB 507 (Res) am  
 Title An Act Relating to the Fishermen's Mortgage and Note Program  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected Department of Commerce & Economic Development  
 Program Category Affected Development  
 BRU, Program, or Subprogram(s) Affected Division of Business Loans  
 (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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		67.8	74.6	82.0	90.2	99.3
200 TRAVEL		-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL		8.8	9.7	10.6	11.7	12.9
400 COMMODITIES		.1	.1	.1	.1	.1
500 EQUIPMENT		4.0	4.4	4.8	5.3	5.9
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-	-0-	-0-
TOTAL		80.7	88.8	97.5	107.3	118.2

FUNDING (Thousands of Dollars)

GENERAL FUND		80.7	88.8	97.5	107.3	118.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

Staffing required to process loans based on the \$1,800,000 funding level of the Governor's budget request.

Fiscal Note Detail is attached.

IV. DATE May 20, 1981 PREPARED BY D. A. Hostak, Acting Director  
 AGENCY Division of Business Loans, Department of Commerce & Economic Development  
 Original: Legislative Finance PHONE 465-2510  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE DETAIL  
(Revised)

100	1 Loan Examiner III @\$2,837/mo.	34.0	
	1 Documents Processing Clerk III @\$1,564/mo.	<u>18.8</u>	
	Total Wages	52.8	
	Standard Benefits (Wages x .1555)	8.2	
	Supplemental Benefits (Wages x .0613)	3.2	
	Health Insurance (Man Months x \$150)	<u>3.6</u>	
	Total Benefits	15.0	
	TOTAL PERSONAL SERVICES		67.8
200	Travel		-0-
300	Telephone & Postage	6.6	
	Printing of Applications & Advertising	<u>2.2</u>	
	TOTAL CONTRACTUAL		8.8
400	Office Supplies	.1	
	TOTAL COMMODITIES		.1
500	Equipment		
	2 Desks @\$330	.6	
	1 Credenza @\$470	.5	
	1 Typist Extension @\$455	.5	
	1 Executive Chair @\$190	.2	
	1 Secretarial Chair @\$150	.2	
	2 Side Chairs @\$100	.2	
	2 Filing Cabinets @\$200	.4	
	2 Calculators @\$200	.4	
	1 Typewriter @\$1,000	1.0	
	2 Waste Baskets @\$25	<u>.0</u>	
	TOTAL EQUIPMENT		<u>4.0</u>
			<u><u>80.7</u></u>

10% inflation for succeeding years

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 507

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fishermen's mortgage and note  
7 program under AS 16.10.650 - 16.10.720; and providing  
8 for an effective date."

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

10 \* Section 1. AS 16.10.660(a) is amended by adding a new paragraph to  
11 read:

12 (7) develop procedures for precommitting to the purchase of  
13 notes and mortgages securing loans under ~~with~~ (b) of this section;

14 \* Sec. 2. AS 16.10.680(a)(2) is amended to read:

15 (2) does not qualify for a loan for the purposes described  
16 in AS 16.10.670 under a state [OR FEDERAL] loan program;

17 \* Sec. 3. AS 16.10.680(a)(3) is amended to read:

18 (3) has not previously participated in the loan program  
19 established in AS 16.10.650 - 16.10.720 or in any other state [OR  
20 FEDERAL] loan program for the purposes described in AS 16.10.670; and

21 \* Sec. 4. AS 16.10.680(a)(4) is amended to read:

22 (4) meets the guidelines established by the commissioner ~~and~~  
23 being [DEMONSTRATES TO THE SATISFACTION OF THE PRIVATE FINANCIAL INSTI-  
24 TUTION WHICH MADE THE LOAN THAT HE IS] <sup>That the applicant is</sup> reasonably likely to succeed as  
25 a commercial fisherman and ~~to be~~ able to repay the loan.

26 \* Sec. 5. AS 16.10.680(b) is amended to read:

27 (b) In addition to the requirements of (a)(1) - (4) of this sec-  
28 tion, the commissioner may purchase a mortgage or note under AS 16.10.-  
29 660(b) only if it secures a loan to an individual who demonstrates

1 under guidelines established by the commissioner [DEMONSTRATED TO THE  
2 SATISFACTION OF THE PRIVATE FINANCIAL INSTITUTION WHICH MADE THE LOAN]  
3 that

4 (1) because of his lack of training or the lack of employ-  
5 ment opportunities in the area in which he resides, he does not have  
6 occupational opportunities available to him other than commercial  
7 fishing; or

8 (2) he is economically dependent on commercial fishing for a  
9 livelihood and commercial fishing is a cultural and traditional way of  
10 life for him.

11 \* Sec. 6. AS 16.10.690(a)(1) is amended to read:

12 (1) exceeds \$100,000 [\$200,000];

13 \* Sec. 7. AS 16.10.690(b) is amended to read:

14 (b) The commissioner may not purchase a mortgage or note under  
15 AS 16.10.660(b) if it secures a loan which results in an outstanding  
16 debt of the borrower in excess of \$100,000 [\$200,000]. For purposes of  
17 this subsection a loan to an associate of the borrower is considered to  
18 be a loan to the borrower. For the purposes of this subsection, "asso-  
19 ciate of the borrower" means

20 (1) a corporation or other organization of which the borrower  
21 is an officer, director or partner, or is, directly or indirectly, the  
22 beneficial owner of 10 percent or more of any class of equity securi-  
23 ties;

24 (2) a person who is, directly or indirectly, the beneficial  
25 owner of 10 percent or more of any class of equity securities of the  
26 borrower;

27 (3) a trust or other estate in which the borrower has a  
28 substantial beneficial interest or as to which the borrower serves as  
29 trustee or in a similar fiduciary capacity.

1 \* Sec. 8. AS 16.01.710 is repealed and reenacted to read:

2           Sec. 16.10.710. PREQUALIFICATION FOR LOANS. The commissioner may  
3 not purchase mortgages and notes under AS 16.10.660(b) unless the  
4 private financial institution agrees to make preliminary determinations  
5 of applicant eligibility for loans under AS 16.10.650 - 16.10.720. The  
6 commissioner shall develop, in cooperation with private financial  
7 institutions, guidelines and procedures for making preliminary deter-  
8 minations of eligibility.

9 \* Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).

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HB

522

## ENERGY EMERGENCIES: LEGISLATIVE OPTIONS

### ALASKA ENERGY EMERGENCIES ACT--DRAFT

#### A BILL

For an Act Entitled: "An act requiring an energy contingency plan; providing for the declaration of an energy emergency; granting necessary energy emergency powers to the governor; defining conditions under which such powers are to be exercised; providing penalties; providing a period of effectiveness; and amending the state disaster act and the public utilities commission act."

#### Section 1: Legislative findings and intent:

The legislature recognizes that the people of Alaska are highly dependent upon available energy resources for their health, safety, and well-being; that energy in various forms is increasingly subject to shortages and disruptions; and that only with adequate information systems and a comprehensive emergency response plan for reducing and allocating energy use, can a severe impact on our state's citizens be avoided in an energy emergency. The legislature finds that prevention or mitigation of the effects of such shortages or disruptions is necessary for preservation of the general health and welfare of the citizens of this state.

(2) It is the intent of this act to:

- (a) grant necessary planning, information gathering, energy emergency powers to the governor and the Division of Energy and Power Development, and define the conditions under which such powers are to be exercised.

Be it therefore enacted that:

1. AS 44.33 is amended by adding a new section to read:

Section 2: Definitions:

For the purposes of this act:

(1) "Energy" means all forms of energy or power used in Alaska, including but not limited to oil, gasoline and other petroleum products; natural or manufactured gas; electricity in all forms and from all sources; and other fuels of any description.

(2) "Energy emergency" means an existing or imminent domestic, regional, national or international shortage of energy which threatens curtailment of essential services or production of essential goods, or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved, or to allocate available energy supplies among users.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, or any other entity, public or private, however organized.

(4) "Energy supplier" means a person who furnishes energy in the state, or any part of the state, as determined by the Division.

(5) "Director" means the director of the Division of Energy and Power Development.

(6) "the Division" means the Division of Energy and Power Development in the Department of Commerce and Economic Development.

Section 3. Energy contingency plan.

(1) Within    months after the effective date of this act, the Division shall prepare and issue a comprehensive plan specifying actions to be taken in the event of an energy emergency in the manner set forth in subdivision (2).

(2) Such plan shall describe in detail a variety of strategies and energy conservation measures to be implemented in a phased response to an energy emergency, and shall establish guidelines and criteria for the emergency allocation of energy to priority energy users as defined in the plan. The plan shall contain alternative conservation actions and allocation plans designed to meet various foreseeable shortage circumstances and allow a choice of appropriate responses. The plan shall be consistent with relevant federal laws and regulations and shall:

(a) seek to employ voluntary measures before mandatory measures;

(b) prevent unnecessary hardship and threats to public health and safety;

(c) minimize economic and environmental impacts of emergency response;

(d) establish programs, controls, standards, priorities or quotas for the allocation, conservation and consumption of energy; and for the suspension and modification of existing standards affecting or affected by the use of energy, including but not limited to those related to the type and composition of energy sources to be used and to the hours and days of operation of public buildings, commercial and industrial establishments, and other energy consuming facilities;

(e) establish programs to control the use, sale, or distribution of commodities, materials, goods or services;

(f) establish programs and agreements for the purpose of coordinating the energy contingency actions of the state with those of the federal government, local governments, other states, Canadian provinces, and their localities;

(g) determine at what level or phase of an energy emergency the governor shall petition the president for a temporary emergency suspension of air quality standards as required by the Clean Air Act, 42 U.S.C., Section 110(f);

(h) establish procedures for fair and equitable review of complaints and requests for exemptions from emergency conservation measures and allocations.

(3) In developing the plan, the director shall seek the advice and assistance of:

(a) the Office of the Governor;

(b) the Division of Emergency Services in the Department of Military Affairs;

(c) the Division of Community Planning and the Division of Local Government Assistance in the Department of Community and Regional Affairs;

(d) the Public Utilities Commission;

(e) electric and natural gas utilities;

(f) local governments;

(g) energy suppliers;

(h) business, industry, and labor.

(4) All agencies and political subdivisions of this state shall cooperate with the Division in developing the energy contingency plan.

The directors of the Division of Energy and Power Development and the Division of Emergency Services in the Department of Military Affairs shall exchange letters of understanding describing their respective duties and responsibilities during an energy emergency. The director may exchange such letters of understanding with any other persons as deemed appropriate. Such letters shall be incorporated into the state energy contingency plan.

In developing the plan, the Division shall seek to assign specific responsibilities to local governments, and shall report to the legislature any additional authorities to be delegated to local governments as required by the plan.

When requested to do so by the chief executive of a local government, the Division shall render assistance with energy contingency planning to such local government.

(5) The governor shall submit an approved energy contingency plan within    months after the effective date of this act to the legislature for ratification. Ratification shall be by joint resolution of the legislature.

(6) The energy contingency plan shall be reviewed annually as part of the Long-term Energy Plan, as set forth in Section 44.56.224.

(7) In addition to preparation of the state energy contingency plan, the state, in order to reduce the state's vulnerability to energy emergencies, shall institute measures including but not limited to: energy conservation

measures, stockpiling of energy supplies, and increasing energy storage facilities.

In accordance with the aims of this subsection, the Division shall:

- (a) take appropriate measures within its jurisdiction;
- (b) recommend measures which other state agencies and political subdivisions may take to reduce the risk or impact of an energy emergency; and
- (c) report to the legislature any additional authorities that are needed to fulfill the intent of this subsection.

Section 4. Energy emergency declaration.

(1) The governor, after making a written determination setting forth the basis for his decision that an energy emergency exists, and providing such basis to the presiding officer of each house of the legislature, may issue a declaration that such an emergency exists. Upon the issuance and publication of such a declaration, the governor shall issue such orders and take such steps as are necessary to activate the ratified state energy contingency plan.

The governor's extraordinary powers in an energy emergency shall be limited to those described in the energy contingency plan ratified by the legislature.

(2) The governor may make temporary revisions to the energy contingency plan if he finds that an emergency situation so requires. All such findings and temporary revisions to the plan shall be provided to the legislature in writing concurrently with their issuance. All temporary revisions of the energy contingency plan shall cease to be in force if not ratified by the

legislature within 15 calendar days after their issuance. All temporary revisions of the energy contingency plan shall become void 30 calendar days after their issuance.

(3) An energy emergency declared under this section and any rule or order issued as a result thereof shall remain in effect until 30 days from the date of the declaration, unless the governor rescinds it and declares the emergency ended prior to expiration of this 30-day period. No energy emergency remains in effect longer than 30 days unless renewed by the legislature; the legislature may terminate an energy emergency at any time by concurrent resolution.

(4) If the legislature is not in session when a declaration is issued, the legislature shall be called by the governor into a special session concurrently with the issuance of the declaration to consider ratification of the declaration. Such special session may be cancelled by unanimous agreement of the presiding officers of the Senate and House of Representatives and the governor before actual convening of the special session. If a special session is held, actions taken by the governor under this chapter which are not ratified by the legislature within 15 days of its convening shall be void.

(5) Each person shall carry out the responsibilities specified in the ratified energy contingency plan; violation of any provision of such plan or order pursuant thereto shall be deemed a violation of this act for purposes of enforcement under Section 6 hereof.

Section 5: Information obtainable by the Division of Energy and Power

Development:

Authority to obtain information relating to an energy emergency is granted to the Division under Section 44.33.070.

Section 6: Penalties and enforcement:

Any person who violates any provision of this act or any provision of a rule, regulation, or order issued thereunder is, upon conviction, guilty of a \_\_\_\_\_, and punished as provided in \_\_\_\_\_.

Section 7: Severability.

If a part of this act is invalid, all valid parts that are severable from the invalid parts remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 8: Amending Alaska Disaster Act.

(1) Powers of the governor under an energy emergency shall be distinguished from those granted under a disaster emergency by striking from the definition of "disaster" in the Alaska Disaster Act the word "fuel."

Section 26.23.230(1), shall be amended to read:

Sec. 26.23.230. Definitions. As used in this chapter (1) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or nonmilitary man-made cause including, but not limited to, fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, equipment failure, or shortage of food, water, fuel, or clothing;

Section 9: Amending Public Utilities Commission Act:

The Public Utilities Commission Act, AS 42.05, is amended by adding a new section to read:

Sec. 42.05.700. Energy contingency planning requirements for public utilities:

- (1) In order to insure continuity of service to customers of Alaska's electric and natural gas utilities, the Commission shall require, by rule, each such utility to:
- (a) report promptly to the Commission any anticipated shortage of electric or natural gas supply or capacity which would affect such utility's capability to serve its customers,
  - (b) submit to the Commission, and periodically revise, contingency plans respecting shortages of electrical or natural gas supply or capacity, and circumstances which may result in such shortages, and
  - (c) accommodate any such shortages or circumstances in a manner which shall give due consideration to the public health, safety, and welfare, and provide that all persons served directly or indirectly by such public utility will be treated without undue prejudice or disadvantage.

(2) The Commission shall cooperate with the Division of Energy and Power Development within the Department of Commerce and Economic Development in incorporating plans required by this section into the state energy contingency plan.

Section 10. Period of effectiveness:

This act shall become effective immediately in accordance with AS 01.10.070(c), and shall terminate on March 1, 1985.

The Department of Military Affairs and Division of Emergency Services have no objection to and concur in the basic intent of HB 522 in so far as it amends AS 44.33 and 42.05. However ADES-DMA objects to the amendment of AS 26.23 as purposed in HB 522.

The existing statute the ----- Ak. Disaster Act ----- has been in use since June 1977 and has been tested numerous times ranging from minor stream glaciation to large disaster events such as the Anchorage Windstorm of last year.

We feel the current language is adequate and need not be changed until proven inadequate.

Establishing a "special" category for "Energy Emergency" declarations will undoubtedly lead to other special categories i.e. stream glaciation, drought's or even trees falling on a loggers hut. Def of "disaster" from Pg. 18 AS 26.23  
A 10 Mar 81 memo to Dir. Div. Energy and Power Development indicates AG's office should review energy plan to see if current State laws are adequate.

Cart is before horse

ADES would prefer to be involved along the way---Dec 82 target for publication of Energy Emergency Plan / Bottom line

ADES not involved in HB 522 ADES is responsible Agency in AS 26.23 to respond and administer Governors Disaster Emergency declarations.

If changes in AS 26.23 are deemed necessary after development of Ak. Energy Emergency Plan and review by Atty Gov's opinion then ADES and Energy and Power Development should work out legislative changes needed to have the most effective Statute.

Separate declaration category is emergency vs disaster similar to FED law may be appropriate.

DMA recommends that proposed amendments to AS 26.23 contained in HB 522 be ~~deleted~~ <sup>deleted</sup> and rewritten if necessary following AG's analysis of the Energy Emergency Plan to be developed NLT Dec 31 1982.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 522

Title An Act relating to energy emergencies"

Requested by Resources Committee

Date April 22, 1981

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected DIVISION of Energy & Power Development

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		56.414				
200 TRAVEL		10.000				
300 CONTRACTUAL		215.000				
400 COMMODITIES		5.000				
500 EQUIPMENT		1.765				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>\$288,179</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		\$288,179				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The budget presented provides sufficient support for the division to prepare a comprehensive Statewide Energy contingency Plan and provide assistance to municipalities in developing and implementing local energy contingency plans.

IV. DATE May 29, 1981

PREPARED BY *Clara M. Dunbar*

AGENCY Division of Energy & Power Development

PHONE 276-0508

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

House Bill 522

<u>100 Personal Services</u>		<u>\$56,414</u>
1 - Operation Research Analysis (23A)		
3746 x 12 months plus 25.5% payroll burden=		\$56,414
<u>200 Travel</u>		<u>\$10,000</u>
<u>300 Contractual</u>		<u>\$215,000</u>
Office expenses - space rental, copying, equipment rental, phones, etc.		\$15,000
Professional Services Preparation of Statewide Energy Contingency Plan		\$200,000
<u>400 Supplies</u>		<u>\$5,000</u>
<u>500 Equipment</u>		<u>\$1,765</u>
1 Regular Desk @ \$353 =	\$353.00	
1 Credenza @ \$353 =	\$353.00	
1 Book Case @ \$103 =	\$103.00	
1 Executive Swivel Chair @ \$177 =	\$177.00	
1 Calculator @ \$274 =	\$274.00	
2 Side Chairs @ \$ 88 =	\$ 88.00	
1 Filing Cabinet @ \$252 =	\$252.00	
1 Table @ \$165 =	\$165.00	
<u>TOTAL</u>		<u>\$288,172</u>

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8

COMMITTEE REPORT

HOUSE

4/24/81

FURTHER:

(11)

Date:

March 12, 1982

Mr. Speaker:

The Committee on RESOURCES has had HR 528

"An Act making miscellaneous amendments to the fish and game code (AS 16)."

under consideration and reports it back as follows:

do pass [ ] do not pass

[ ] do pass with attached amendments(s)

replace with CS for HR 528 RESOURCES  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:

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
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[Signature]  
CHAIRMAN

## SECTION-BY-SECTION ANALYSIS

Sections 1, 3, 5, 6, and 24 would change the word "chapter" to read "title", where appropriate, so that the powers and duties of the boards, commissioner and department, and definitions, apply to the entire title. The legislature first enacted AS 16.05 in 1959 and at that time it was the entire fish and game code. When AS 16.10 -- AS 16.40 were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover the new chapters. This oversight has left gaps in the statutes which need to be corrected.

Section 2 would expressly authorize the commissioner of fish and game to conduct research and enter into cooperative agreements and contracts.

In addition to cooperative agreements, it is also appropriate for the department to enter into contracts or to make grants for specific projects. Section 2 also would require the commissioner to establish criteria governing department grants and contracts to insure that those expenditures are a wise investment of public money.

Sections 4 and 5 would authorize peace officers to arrest persons violating the fish and game title and permit the officers to execute warrants. The word "chapter" is changed to "title" so that uniform enforcement procedures will apply to all of Title 16. In addition, the requirement that offenders be brought before a magistrate "immediately" is, in this amendment, dropped. This would delete an unnecessary burden imposed on protection officers. Also, the mandatory requirement that deputies arrest all offenders is stricken because an arrest for certain minor violations may not be appropriate and could result in unnecessary expenditures for enforcement and prosecution.

*Brown  
intent*

Section 7 would delete the requirement that fish and game enforcement officers provide an "intent to search" statement before conducting a warrantless search. This requirement is not necessary to make a warrantless search valid under art. I, sec. 14, of the Alaska Constitution, and can cause an otherwise valid search to be considered invalid.

Section 8 changes the purposes of board regulations from "conservation and development of the resource" to "conservation or development" of the resource which would recognize that not all board regulations need to serve both a conservation and a development function (e.g., gear restrictions, closed areas and other clearly conservation provisions). This section also expresses

the purpose, implicit in "development," of benefiting the interest of the economy or general welfare of the state ( e.g., allocations among user groups and subsistence provisions). This change is consistent with art. VIII of the Alaska Constitution and with AS 16.05.020(2).

Sections 9 and 11 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quotas and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers. This authority should be made express as a legal safeguard.

Sections 10 and 13 would clarify the appropriate authority of the boards to engage in biological research, which is a departmental function.

The Board of Game does not adopt regulations regarding investigation of predators, which is an administrative function of the department. It does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations. Section 12 would amend existing law to reflect this fact.

Section 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 10-day and one-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Vendors have been unable to distinguish between classes of nonresidents. The proposed change is fair and will be more efficient to administer.

Sections 15 and 16 would make technical amendments to AS 16.05.340(a)(9), and AS 16.05.340(b) to clarify the meaning of existing law.

AS 16.05.390 currently requires license vendors to monthly transmit revenues to the Department of Revenue. Section 17 would provide flexibility in the law, so that vendors who sell many licenses could be required by the department to submit transmittals more frequently than once per month; conversely, vendors who sell few licenses can be allowed to submit transmittals less frequently, perhaps two or three times per year. This will provide for the collection of revenue as needed for management and enforcement purposes and permit the timely investment of revenues.

In section 18, existing law which describes areas no longer used in the management of king crab would be deleted.

In 1975, AS 16.05.831(a) was enacted to prohibit the waste of salmon. However, that section contains an ambiguity that could nullify the law's effectiveness. Section 19 would clarify the scope of the law and make it enforceable by expressly providing that any salmon for sale, whether to a private individual or a commercial buyer, may not be wasted.

Section 20 would make grammatical changes in the anadromous fish protection statute to correct an apparent deficiency. Currently, only a person or agency desiring to use, divert, obstruct, pollute or change the flow or bed of an anadromous fish stream must first notify the commissioner. In order to make AS 16.05.870 enforceable, notification would be required before any activity which may change the stream or pollute the stream.

Section 21 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870 -- 16.05.895, relating to anadromous fish protection. The basic penalty section for Title 16 would be moved to a new section (AS 16.05.925 contained in section 23 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 22 and 23. The basic prohibition contained in Title 16 is that it is unlawful to possess fish and game unless permitted by statute or a regulation of the boards. This prohibition and accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 23 would set out the general penalty section separately in AS 16.05.925. Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. Proposed AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. Also, section 22 changes "made" to "adopted," with regard to regulations, for the sake of consistent terminology. Section 23 makes the penalty a class A misdemeanor to conform with sentencing under AS 12.55.035 and 12.55.135.

Section 24. This section is the basic definition section for AS 16. Three of the definitions contained in this section would be amended as follows:

- (1) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(2) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state;

(3) in AS 16.05.940(11), "rules and regulations promulgated" would be changed to "regulations adopted" for the sake of consistent terminology and to remove a redundant use of terms; and

(4) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors.

Section 25 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 26. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually "certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible; consequently, this section would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved.

Section 27 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 28 would add a criminal sanction for possession of raw horns or antlers of wild food animals without the edible meat. Existing law fails to specify the appropriate criminal penalty.

AS 16.35.200 requires consent in writing, from the board for deployment of poisons. Section 29 would transfer this function to the department through regulations to be adopted by the board.

Section 30 would repeal the following laws:

(1) AS 16.05.25(a)(9) and 16.05.255(a)(8). These provisions empower the boards to adopt regulations for cooperative agreements to promote research, education and to train persons for management. These are administrative functions and do not require board regulations. The repeal of these sections will permit the separation of the rule-making functions of the boards from the administrative functions of the commissioner.

(2) AS 16.05.632. This section requires the issuance of identification tags for king crab pots or buoys in areas where king crab pot limits are in effect. I propose the repeal of these requirements because these requirements impose a substantial and unnecessary burden upon fishermen who must obtain and display the tags, as well as upon the state which must issue the tags and enforce the requirements. In addition, there appears to be little biological justification for king crab pot limits and law enforcement officers have often presented evidence to the board demonstrating that the use limits are not enforceable. Because this statute does not enhance enforcement, and has no identifiable conservation and development purpose, it should be repealed.

AB400  
(3) AS 16.05.835 and AS 16.10.120. These sections establish a maximum length for salmon seine vessels and prohibit the use of drum seines, respectively. The two prohibitions are essentially duplicated by regulations of the Board of Fisheries (5 AAC 39.160 and 5 AAC 39.155, respectively). After the introduction of limited entry in the salmon net fisheries, there has been increasing interest in removing the prohibitions in some seine fishing areas. The statutes are inflexible; they should be repealed which would enable the Board of Fisheries to determine vessel limits by reasonable regulations based on conservation and development considerations for each area of the state under AS 16.05.251(a)(4).

(4) AS 16.05.903. Legislation creating the Alaska Big Game Photo Contest was enacted in 1975. The original intent was that revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short -- less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of the taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

(5) AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the Board of Fisheries. The International Pacific Salmon Fisheries Commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the exemptions

set out in the statute obsolete; therefore, this subsection should be repealed.

(6) AS 16.15.101 - 16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory which no longer exists.

(7) AS 16.35.010 - 16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder of these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

Proposed amendments to HB 528

Page 2, line 28: Delete Section 7

Page 3, line 13: Delete Section 8

Page 5, line 16: Delete Section 17, or alternatively:

line 22: Delete: "as directed by the commissioner of revenue"  
and replace with:  
"soon as practicable after the last day of each  
calendar month or quarter, as directed by the  
commissioner of revenue"

Page 6, line 19: Delete: "who constructs"  
and replace with:  
"which intends to construct"

line 26: after "activity", insert:  
"set out in this subsection"

Page 13, line 13: Delete: "16.05.835,"

line 14: Delete: "16.10.120"

# MEMORANDUM

# State of Alaska

TO: Legislative File  
Paul Conger  
Department of Public Safety  
Juneau

DATE: February 11, 1982

FILE NO:

TELEPHONE NO:

FROM: Lt. Colonel Tetzlaff  
Deputy Director  
Fish & Wildlife Protection  
Anchorage

SUBJECT: HB 528

On February 4, 1982 at 2:00 p.m., an informal meeting was held with the House Resource Sub-Committee in reference to the revision of Title 16 as per HB 528. Present were Sutcliffe, Crussendorf, Vaske, three legislative aides and myself.

Prior to this meeting I met with Larry Edfelt of ADF&G who briefed me on the bill and where this sub-committee was hung up and/or had some enforcement questions that were raised at previous committee meetings.

Their questions were focused primarily on Section 16.05.180 power to search without warrant. And particularly that part that requests deleting the written receipt, page 3, lines 5 through 12.

I explained what is required of 16.05.180 as written today in that not only does the officer have to have probable cause to search under this section but must submit to the person he is going to search or to the person in control of the property a signed, written statement that he is going to search. I explained that this is strictly an additional administrative step required of any officer that enforces Title 16 and that it does not make an invalid search valid and/or does it give the officer any more or less authority. But it may invalidate an otherwise valid search if not complied with.

In other words it is strictly an additional administrative requirement of any officer that enforces Title 16 and in particular conducts a warrantless search. In 1959 Attorney General Opinion No. 15 says:

Requirement of written signed statement objectionable but valid. --The amendment requiring a written signed statement of the reason for the search is objectionable but valid. It is objectionable because it unnecessarily ties the hands of the field agents charged with enforcement of the fish and game laws, and is a provision which is quite uncommon, if not unique.

I could not explain the intent of this part of 16.05.180. Although later Judge Williams provided me with the attached. A copy was given to Sutcliffe.

February 11, 1982

The bottom line is I personally feel the committee or a part thereof feels by eliminating this requirement they would be giving us more authority and/or to search at random.

OT/rt  
attachments

cc: Colonel Stickles  
Lt. Mills



District Court

State of Alaska

JUNEAU COURT and OFFICE BUILDING

POUCH U

JUNEAU, ALASKA

99811

CHAMBERS OF  
GERALD O. WILLIAMS, JUDGE

February 4, 1982

Resources Committee  
Alaska State Legislature  
Juneau, Alaska

In re: AS 16.05.180 "Intent to Search"

Gentlemen:

Colonel Tetzlaff indicated to me that your Committee has expressed some interest in the above section, its history, and its present impact and effect upon Fish and Wildlife Enforcement operations. I am pleased to provide the following information.

I am familiar with the statute when it was originally drafted by the Legislative Affairs Agency in 1959 as a part of the basic legislative program for the re-organization of the State Government programs following Statehood. As a Staff Officer of the Department of Territorial Police at the time, I worked with the Legislative Affairs Agency in the original drafting of the Fish and Game Law Enforcement Provisions.

It was the intent of the Legislative Affairs Agency to draft a statutory authority which would provide a basic legal framework for wildlife law enforcement which was at least analogous to the statutory authority provided to the U.S. Fish and Wildlife Service which provided these services before Statehood. The USD&WS had broad powers in conducting searches and seizures incidental to wildlife enforcement and used this authority regularly during their operations in Alaska.

We incorporated substantially the same statutory language. However, the Legislative Committee was prevailed upon by their attorney members, particularly Mr. Wendell Kay, as I recall to seriously dilute the search and seizure authority which the bill was intended to provide. Some members of the Legislature felt that a broader search and seizure should be allowed for fish and game enforcement, and a compromise was suggested by Mr. Kay wherein the present language was incorporated. This language did not

Resources Committee

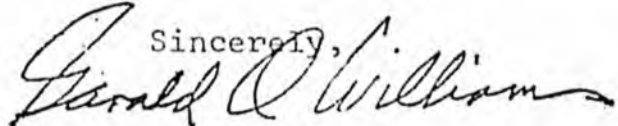
Page Two

February 4, 1982

broaden their authority, it has the opposite effect, but restricts it even more than the common-law authority which peace officers have to conduct search and seizures in every other area of criminal law enforcement.

This provision serves no legal purpose, is confusing and at the very least imposes a constricting effect on Fish and Wildlife Enforcement Officers. I say it has no legal effect, because if the issue were ever reviewed by the Alaska Supreme Court, I am convinced in my own mind that they would rule that it is merely "administrative" and should be dispensed with. Unfortunately, it is confusing to the officers themselves, to the public, and provides a touchstone for argument to defense attorneys and a confusing requirement which legally untrained Magistrate's frequently feel is fundamental to the entire issue of the search and seizure involved. I would suggest that from what Col. Tetzlaff has relayed to me concerning the Committee's own review of this section, that you too wonder what the hell it is supposed to mean. I would submit, that it represents nothing other than a well known defense attorneys ploy to confuse his fellow legislators and confound the law and law enforcement.

Sincerely,



Gerald O. Williams  
District Court Judge

GOW/kw



HB 528

District Court

State of Alaska

JUNEAU COURT and OFFICE BUILDING

POUCH U

JUNEAU, ALASKA

99811

February 4, 1982

CHAMBERS OF  
GERALD D. WILLIAMS, JUDGE

Resources Committee  
Alaska State Legislature  
Juneau, Alaska

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Resources Committee

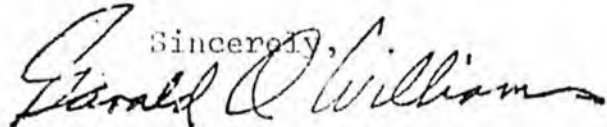
Page Two

February 4, 1982

broaden their authority, it has the opposite effect, but restricts it even more than the common-law authority which peace officers have to conduct search and seizures in every other area of criminal law enforcement.

This provision serves no legal purpose, is confusing and at the very least imposes a constricting effect on Fish and Wildlife Enforcement Officers. I say it has no legal effect, because if the issue were ever reviewed by the Alaska Supreme Court, I am convinced in my own mind that they would rule that it is merely "administrative" and should be dispensed with. Unfortunately, it is confusing to the officers themselves, to the public, and provides a touchstone for argument to defense attorneys and a confusing requirement which legally untrained Magistrate's frequently feel is fundamental to the entire issue of the search and seizure involved. I would suggest that from what Col. Tetzlaff has relayed to me concerning the Committee's own review of this section, that you too wonder what the hell it is supposed to mean. I would submit, that it represents nothing other than a well known defense attorneys ploy to confuse his fellow legislators and confound the law and law enforcement.

Sincerely,



Gerald O. Williams  
District Court Judge

GOW/kw

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. House Bill 528  
 Title Act making miscellaneous amendments to Fish & Game code (AS16)  
 Requested by House Resources Committee Date 2-5-82

II. FISCAL DETAIL  
 Agency Affected Department of Public Safety  
 Program Category Affected NRMEC  
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection  
 (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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
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)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No Fiscal Impact

IV. DATE 2-5-82 PREPARED BY *Don Tezloff*  
 AGENCY Department of Public Safety  
 PHONE 269-5534  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) *Auto*  
 33-001 (Rev. 12/81)

ENTERED FEB 0 4 1982

H

B

535

# COMMITTEE REPORT

## HOUSE

4/28/81

FURTHER:

(11)

Date: MAY 6, 1981

Mr. Speaker:

The Committee on RESOURCES has had HB 535

"An Act relating to the Alaska Agricultural Action Council; and providing for an effective date."

under consideration and reports it back as follows:

- 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

Tony Anderson  
Paul P. [unclear]  
Elia C. [unclear]  
[unclear]  
[unclear]  
[unclear]  
[unclear]

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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

Tony Anderson  
CHAIRMAN  
[unclear]

NOTE: ORIGINAL FORM  
ENLARGED PRIOR TO  
MICROFILMING TO HELP  
INSURE CLARITY.

ORIGINAL DOCUMENT IS  
ON FILE IN THE ALASKA  
STATE ARCHIVES

12-504

ALASKA DEPT. OF FISH & GAME

STATEMENT OF INTENTION TO SEARCH PROPERTY

IN ACCORDANCE WITH PROVISIONS OF SEC. 16.05 180 ALASKA STATUTES,  
NOTICE IS HEREBY GIVEN OF INTENTION TO SEARCH THE FOLLOWING  
DESCRIBED PROPERTY.

WHICH AT THE TIME OF THE SEARCH WILL BE LOCATED AT

AND WILL AT THAT TIME BE UNDER THE CONTROL

OF

NAME

OF

WHO HAS STATED THAT (HE) (SHE) IS THE OWNER OR LESSEE OR LEGAL  
OPERATOR OF SUCH PROPERTY. SEARCH OF THE ABOVE DESCRIBED  
PROPERTY IS CONDUCTED FOR THE PURPOSE OF DISCOVERING OR  
ATTEMPTING TO DISCOVER,

WHICH MAY BE USED, POSSESSED OR MAINTAINED IN VIOLATION OF STATE  
LAW OR REGULATIONS OF THE ALASKA BOARD OF FISH AND GAME.

THE SEARCH WILL COMMENCE AT APPROXIMATELY \_\_\_\_\_  
HOURS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 19 \_\_\_\_\_

NAME OF OFFICER

TITLE

WITNESSES

NAME

ADDRESS

NAME

ADDRESS

(11-76)