

ALASKA LEGISLATIVE JOURNAL

1899

SRES

SB 84

-

SB 111

119

DETAILED WRITTEN COMMENTS
OF THE
ALASKA OIL AND GAS ASSOCIATION
ON
UNIFORM PROCEDURES FOR PERMITS,
CONSISTENCY DETERMINATIONS AND APPEALS
FEBRUARY 6, 1981

22 aac 10.020(a)(4)--Delete this subsection. This should not be justification for extending deadlines because any memorandum of understanding entered into prior to or pursuant to these regulations should not contain conflicting approval schedules, but rather should provide for approvals within the time frame contained in these regulations.

22 aac 10.020(b)--Change to read: "(b) A certification under (a) (1) of this section will only be made on a finding of extraordinary circumstances and will specify...". As proposed this provision is open-ended. We believe such certification should be made only under unusual or extraordinary circumstances.

22 AAC 10.030(a)--Change first sentence to read: "...the agency will notify the applicant within 15 days of receipt of a completed application for a Class I or Class II permit." Strike remainder of sentence. Fifteen days is sufficient for both classes of permits.

22 AAC 10.040(1)--Strike "responsible for the overall management of the project or operation". As is the case in (4) any duly authorized employee should be allowed to sign applications.

22 AAC 10.050(a)--Change to read "An oral public hearing on a Class I or Class II permit application will be held if:".

22 AAC 10.050(a)(1)--Change to read: "required by statute; or for Class II permits;".

22 AAC 10.050(b)(1)--Delete "or for Class I permits, likely".

Hearings on Class I permits should be held only if required by statute.

22 AAC 10.060(a)(2)--Delete this subsection. Include a new (2) which would read: "(2) If at the end of the applicable time period the deciding officer has taken no action, the application is deemed approved and the permit granted pursuant to this chapter."

Notwithstanding the comment in the Executive Summary, this section should include a provision for automatic approval if the deciding officer does not act within the specified time period. Existing regulations on surface use permits provide for such automatic approval.

22 AAC 10.510--Change first sentence to read: "When a direct federal activity or a federal permit or license requiring a State consistency determination necessitates preparation of an Environmental Impact Statement under 42 U.S.C. § 4332, except pertaining to state oil and gas leases, the Office of the Governor, Division...". At the end of the second sentence, add "excluding oil and gas activities".

22 AAC 10.520--Change first sentence to read: "Consistency determinations on disposals of an interest in state land will be performed by the Department of Natural Resources, including a joint state/federal oil and gas lease sale where an EIS is required." At the end of the second sentence, add "including associated federal permits requiring an EIS."

The changes suggested in .510 and .520 are intended to make clear that the Department of Natural Resources is responsible for consistency determinations associated with disposals of interest in state lands, including any EIS or Federal permits requiring an EIS.

Add new sentence to read: "The Department will conduct the consistency determination on oil and gas activities occurring in the Outer Continental Shelf adjacent to Alaska."

22 AAC 10.550--Delete (a) and (b); Change title to read: ACTIVITIES NOT REQUIRING A CONSISTENCY DETERMINATION. As proposed, this section would require that two consistency determinations be made for activities not covered by previous sections. This is not in keeping with the intent of these regulations.

22 AAC 10.570(b)--Delete this subsection. Including a coastal resource district with an approved CZM plan in the description of a resource agency adds another layer to the approval process and authorizes a local district to veto a project which is in the best interests of the State. See also our comments on .920(12).

22 AAC 10.580--Change this section to read: "When an activity requires more than one permit, the applicant, in order to obtain a conclusive determination under secs. 510-540 of this chapter, should apply for the appropriate permit under those sections prior to or contemporaneous with application for any other necessary federal permit or license. If an applicant applies for a federal license or permit prior to applying for a state permit which would provide the proper forum for a conclusive consistency determination under secs. 510-540 of this chapter, the designated lead agency may render a consistency determination which is limited to the scope of the activity contemplated by the federal license or permit and contingent upon the issuance of an ultimate conclusive consistency determination. Thereafter, an applicant may either submit application for additional federal licenses or permits and obtain further non-conclusive consistency determinations, or may apply for the appropriate state permit under secs. 510-540 and obtain a conclusive consistency determination."

As proposed, this section could require an applicant to submit all applications simultaneously, which would be cumbersome, if not impossible in some cases.

84

PERMIT REFORM REGULATIONS

January 27, 1981
2:30 p.m.

Beitz Room
211 Capitol

SENATORS PRESENT

Senator Fahrenkamp
Senator Bennettt
Senator Parr

An informal meeting with Deming Cowles, Deputy Commissioner of Department of Environmental Conservation, William Condon, Attorney Generals Office.

Mr. Condon indicated that within the next day or so a letter from the Governor will be going to Legislators outlining the Administration's permit reform regulations which has been a joint effort by the Department of Natural Resources, Fish and Game, Environmental Conservation and the Office of Coastal Management. These regulations are the result of Senator Bennetts bill last year. He indicated that there is a range of permitting problems with: oil, timber, cabins, gravel, trapping and firewood.

It had been recommended to the Governor that they would try to come up with a workable set of regulation, similar to the bill originally offered by Senator Bennett. Personnel was assigned full time in an attempt to solve the problem on an Administrative level. The permit and land use (casual uses) regulations are out of DNR. If adopted the regulations would tell you how to go about doing whatever you wanted, and by following the regulations would constitute obtaining the permit. The more complicated industrial uses (oil, timber) regulations would apply to the procedures, time deadlines, appeal procedures where the application had been unfavorably acted upon, and a determination if the application is consistent with the State's Coastal plan. Part of this type of permit is if it is consistent with the States Coastal Plan. Before the Corps of Engineers can issue a permit they have to get a determination from the State showing that it complys with the Plan. In the past Corp had to go to the office of Coastal Planning, and sometimes different Agencies would give different determinations.

These regulations attempt to: 1. have the determination of compliance with the Coastal Plan decision being made within one Department-not two, the net effect, hopefully, is that it will be simpler for the individual applicant to get the permits.

The determination decisions will be spread out. 1. If the needed activity results from a state permit within DNR, they will make the consistency determination - they would be the only agency; 2. If the activity requires water or air quality permits from DEC, the determination would be made within DEC; 3. Some projects can be initiated (purely Federal) outside the State, in this case the responsibility would remain within the Office of Coastal Management, which is within the Governor's Office, Division of Policy Development and Planning.

He further indicated that these regulations will hopefully reduce the number of times a person has to go back to an agency to obtain approval for a project. Those persons with environmental leanings would like to see some type of audit over DNR and DEC.

There have been some problems with oil permits. DNR would issue a permit, then the Corp would need to issue a permit while before the Corp another agency would say to the Corp don't like this project. Which in essence meant that the Feds (Corp) had final approval of projects and took control from the State. The Oil Companies would like to see a "lead Agency" approach.

We think through these regulations that we have the problems worked out and do not need a legislative remedy, hopefully we will be given a year to see it work. Under the new regulations if DNR is making the determination or decision on a permit and if F&G or DEC has a problem with it, they go to DNR, which allows them to know as they are issuing the permit the possibility of problems.

Deming Cowles: indicated that the work on the regulations by the Administration started as the result of Senators Bennett, Fahrenkamp and Parr's interest in permit. 2. The Administration saw enough of a need for allow to do our business better and to eliminate alot of problemes.

He further indicated that each Agency will issue permits in the same manner, follow the same procedures and utilize the same appeal procedures. And the Regulations establish some regerous time tables.

In response to questioning of Coastal Zone Management approving timber and iming permits in the Interior, Mr. Cowles indicated that Coastal management is only for the coastal areas.

In response to the question that doesn't Coastal Management use a elevation figure of 1,000 feer, while Fairbanks is at 400 feet which in essence is writing law via regulations - he indicated that each agency has the authority to write regs via the enabling legislation

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MEMORANDUM

TO: SENATE RESOURCES COMMITTEE MEMBERS

FROM: JIM PALMER
SENATE RESOURCES COMMITTEE STAFF

RE: SECTIONAL ANALYSIS OF PROPOSED COMMITTEE SUBSTITUTE FOR SB 84

DATE: MARCH 27, 1981

A committee substitute has been prepared for SB 84. A copy of this proposed substitute is attached.

There are two main reasons why this substitute has been prepared. First, Billy Berrier of the Legislative Affairs Agency suggested in a memorandum to the Chairman that Sections 7, 8 and 10 which refer to approval of Alaska coastal management programs create a single subject problem in the original bill. He stated that "It can be argued that coastal management programs relate directly to the permit process since in many instances permits must be consistent with approved programs. The purpose of expediting permit issuance would be served by having a clearly constitutional means of approving these programs. While in my opinion our Court would hold that the single subject rule had not been violated under the liberal construction it has given that rule, this inclusion would subject the bill to serious constitutional attack."

Second, the establishment of the Permit Reform Commission was also deleted from the original bill. The reason for this deletion was similar to the reason for deleting sections 7, 8 and 10. The subject matter could easily be seen as constituting separate legislation. In addition, the controversy surrounding permit reform is substantial enough without adding additional items to this legislation.

SECTIONAL ANALYSIS OF PROPOSED COMMITTEE SUBSTITUTE FOR SB 84

SECTION 1 FINDINGS. This section states that the development of resources and employment of Alaskans have been retarded because of the current permit system. The system causes delay and uncertainty because of the time requirements, the complexity, the duplicity and the unjustified requirements of the current permit process. The public interest will be served by a streamlined permit system.

Memorandum
March 27, 1981

SECTION 2 adds new sections to AS 44.62, the Administrative Procedure Act, which are titled Article 8A. ISSUANCE OF PERMITS.

Sec. 44.62.632 sets time limits on the processing of permits.

Subsection (a) states that the responsible state agency shall issue a final decision granting, denying or reasonably conditioning the issuance of the permit within specific time periods unless the applicant and the agency mutually agree to a different period of time. These time periods start upon receipt by the agency of the permit application.

The time periods are (1) any time period specifically required by law; (2) 60 days if a public notice, hearing or comment period is specifically required by law and; (3) 30 days in all other cases.

Subsection (b) states that the final decision on the permit application shall include (1) the conclusions of the agency which support its decision including the factual basis and statutory authority for any conditions or stipulations, and (2) the agency's statement of its decision on the permit.

Subsection (c) mandates that the final decision on the permit must bear a fair and substantial relation to the object of the law.

Subsection (d) states that a permit may not be denied because of either the lack of any other permit or be conditioned upon the acquisition of any other permit.

Subsection (e) provides that the failure to make a final decision within the time periods specified in subsection (a) under 44.62.632 constitutes approval of the permit.

Sec. 44.62.634 requires an agency receiving a permit application for which it does not have authority to issue a permit or for which it believes a permit is unnecessary, to notify the applicant within 10 days. Such notice is the final decision of the agency. Subsection (b) states that an agency which receives an application which does not contain sufficient information for a permit decision to notify the applicant within 10 days and specify all information that is required.

Sec. 44.62.635 states that the final decision of an agency may be reviewed at the request of the applicant. The applicant is entitled to a review de novo if requested in the original request for review, otherwise the request is on the record. This request must be filed within 30 days after the applicant has received the agency's decision.

The Commissioner or board shall issue a decision within 10 days of receipt of the review request if the review is on the record. If the request is for a hearing de novo, the hearing shall be held within 30 days of the receipt of the request. The decision of the commissioner or board shall be made within 30 days of the hearing de novo.

Unless the entire agency decision is confirmed in toto, the decision must be in written form and contain the commissioner's or board's findings and conclusions in full.

Memorandum
March 27, 1981

Sec. 44.62.636 provides for the review of the final permit decision issued by a state agency or commissioner by the state superior court. The applicant's right to appeal to the superior court is not affected by the failure to seek reconsideration or further review under AS 44.62.635.

Subsection (b) puts the burden of proving that the decision is in accordance with AS 44.62.632 and 44.62.634 upon the agency which issued the final decision. Subsection (c) provides that an appeal under this section takes preference over other civil actions before the court and shall be decided without unnecessary delay.

SECTION 3 DEFINITIONS.

"Permit" is defined as a permit, license, certification, consistency determination, comments on pending permit applications (including environmental impact statements), plan review, and other authorization or approval by a state agency before construction or operation of a project.

Permit is defined so as to exclude conveyances of interest in state land or water and the provision of financial assistance.

"Permit Application" is defined to include a document submitted to a state agency by a governmental entity which solicits comments in connection with a permit being processed by that governmental entity. An application is a document requesting the issuance of a permit which contains sufficient information to allow the state agency determine if the project is in compliance with state law.

"Project" is defined to include a new activity or expansion or addition to an existing activity for which permits are required before construction or operation.

"State Agency" includes local or regional air pollution authorities and coastal resource districts and coastal resource service boards.

NEAU **EMPIRE**

WILLIAM S. MORRIS III
RESIDENT and PUBLISHER

JEFFREY A. WILSON
GENERAL MANAGER

FRED HOWARD TOM BLUMENSHINE
Circulation Manager Production Manager

Hopes for President

It is true that only the deepest tragedy hit this nation to its senses. Too often, we are so wrapped up in their personal or political causes they do not see their nation for what it is: a land of freedom and justice.

The lightning bolt that shocked America and hit to its senses Monday was news of the assassination of President Ronald Reagan. The story unfolded before the nation's eyes on television and in their newspapers, and we set aside their parochial causes to mourn for their leader.

In that moment, even those who gripe and complain about his actions or inactions joined together in voicing concern for the fallen president. His press secretary and the two officers who accompanied them.

My Turn

By TERRY MILLER
Alaska Lieutenant Governor

There is a general agreement that the state is falling behind on the design and construction of capital building projects that have been authorized by the legislature. Recently arguments about the dimension of the problem have been debated vociferously in the media but the allegations and counter-allegations, while highlighting the problem, have done little to aid in the search for solutions.

Several weeks ago, the governor asked me to investigate the problem and recommend some interim solutions to solve the present logjam of state-funded construction projects. In my report to the governor, I recommended short-term initiatives that can ease the problems.

Compelling public policy issues dictate that construction projects, once funded, be accelerated whenever possible. The faster the projects are constructed, the more money the state will save by avoiding the inflation penalty of delay. It has been estimated that construction costs are presently growing at the rate of 10-25 percent per year, depending on the type of project, and substantial real savings can be realized by accelerating construction timetables.

Also, accelerated construction now, before the gas pipeline and other large construction projects begin, will stabilize the employment of thousands of Alaskans and do much to even out the severe "peaks and valleys" which plague the Alaskan economy.

Everyone that I spoke with agreed that there are at least three factors contributing to delay in state projects. They are:

First, problems of right-of-way acquisition and difficulties with securing materials such as gravel and other construction materials at certain sites;

Second, overload due to the massive amount of projects (estimated to be in excess of 2,000) which are within the state's jurisdiction as a result of the explosion of projects authorized since the advent of large surpluses in the state treasury; and

Third, the lack of legislative intent for many projects for which inadequate information exists, requiring the department to ascertain from individual legislators both the scope and the adequacy of the funding authorized for each project.

At best, these factors complicate the state's ability to get projects ready for construction on a timely basis. In my view, they represent much of the reason for delay on many projects; however, these factors are not the sole cause for delay. Many observers charge that the Department of Transportation and Public Facilities' internal organizational structure is a primary obstacle to timely project design and construction.

Everyone with whom I spoke praised the individual efforts of Commissioner Ward. He received high marks for his management skills and I personally hold the highest regard for Commissioner Ward's outstanding administrative abilities. Nevertheless, problems clearly persist in spite of the commissioner's herculean efforts.

In an effort to offer recommendations to the governor which (a) could be implemented quickly, (b) would most likely have the greatest immediate impact of expediting authorized projects, (c) would minimize disruption of the internal machinery of the department—disruption which would possibly have the unfortunate effect of doing more harm than good—I submitted the following:

The state must develop a better tracking system to monitor all projects. The first important step in solving any problem is to recognize that one exists. This has not yet occurred. To the extent

State Construction Delays

that the department would admit to any delay, such delay is blamed on external, non-controllable factors. This attitude is unsatisfactory. Accordingly, I recommended, and the governor ordered, that the Division of Budget and Management conduct an immediate assessment of DOTPF projects authorized, but not yet constructed or advertised to be constructed.

DOTPF should establish an integrated management presence in the department's regional structure. To put it colloquially, under the present organization "there is no one to surrender to" as the regions lack an overall manager to resolve project decision disputes.

To the maximum extent practicable, the legislature should appropriate capital improvement monies directly to municipalities until DOTPF's backlog becomes more manageable. Undoubtedly, local governments cannot properly construct many of the projects and, in addition, the state must ease the burden municipalities wish so many projects. They, too, experience difficulties in meeting timely work flow schedules.

These three recommendations will not solve every delay in construction of state-mandated projects but, hopefully, will begin to lead to a more timely process. There are, admittedly, conditions that will delay projects in the future but, to the extent that they are manageable, we should attempt to resolve them.

Since the Department of Highways and the Department of Public Facilities were combined into the Department of Transportation and Public Facilities several years ago, there has been continued shippage in the amount of time necessary to build state projects. This would indicate to me the need for a thorough evaluation of the organizational structure of the department with an eye toward revamping procedures.

Letters

Quarantine

Dear Editor:

Let's get out the quarantine signs again!

It's that time of the year again and this year seems worse than before. Locally, I'm

seeing more and more people than before. I've heard enough gradeschool playground level nit picking in the past few months to make a person sick. Instead of planning together, pulling together, facing a very large and powerful enemy, it's "No, you can't have it. I can't



HEAR ETTA ©1981 FORT WORTH STAR-TELEGRAM
HULME

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

April 10, 1981
1:30 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Mulcahy
Senator Sturgulewski

HEARING:

- CSHB 173 An Act making appropriations for residential energy programs; and providing for an effective date.
- SB 187 An Act making a supplemental appropriation to the Division of Parks, Department of Natural Resources, for the Youth Conservation Corps program; and providing for an effective date.
- CSSB 84 An Act relating to the processing of permits by state agencies and to approval of Alaska coastal management programs; establishing the Permit Reform Commission; and providing for an effective date.
- SB 218 An Act relating to the use of waste heat produced by certain pipeline facilities; and providing for an effective date.

Clarissa Quinlan (Director, Division of Energy and Power Development, Department of Commerce and Economic Development) spoke in favor of CSHB 173. She reviewed the history of the Residential Energy Conservation Program, stating that it consisted of three parts: (1) residential energy audits, (2) a grants and refunds program and (3) a loan program. Auditors have been trained through a series of one-week intensive courses in the community college system. The Division began contracting for audits in mid-December, and all contractual funds were committed statewide by mid-February. 7,000 audits will be completed in the near future.

Senator Mulcahy put forth the motion to move CSHB 173, with individual recommendations.

April 10, 1981

Page: 2

Chip Dennerlein (Director, Division of Parks, Department of Natural Resources) spoke in favor of SB 187. He stated that the Youth Conservation Corps program in Alaska has been effective, and required funding to continue. SB 187 would provide state matching funds for federal funding for FY 1981 and 1982.

Senator Sturgulewski put forth the motion to move SB 187, with individual recommendations.

Deming Cowles (Deputy Director, Department of Environmental Conservation) testified on behalf of the Administration against CSSB 84. He stated that the administration had identified some of the problems with the permitting process, but that CSSB 84 was not the solution. The Administration opposes the bill for several reasons, including the basis of the class identification of permits, the elimination of the requirement to exhaust administrative remedies, shifting of the burden of proof to the agencies, application to other than resource permits, automatic approval upon expiration of the processing time limits and the possible violation of the single-subject rule by the reference to Coastal Zone Management.

Mr. Cowles stated that the Administration has developed new permit regulations to resolve some of the problems. The regulations will be in effect before the end of the fiscal year. There are other efforts in the Administration to expedite the permit process, including improving the information flow to permittees, a master application process, single permits by industry, general permits for DNR and DEC and increased agency coordination.

Senator Sturgulewski commented that SB 84 was similar to legislation passed by the House last session, and suggested making amendments to the original bill (SB 84) to match that legislation and eliminate the problems under the single subject rule. The Senator pointed out that substantive problems with CSSB 84 could lead to extensive litigation if enacted.

Senator Sturgulewski put forth the motion to bring SB 84 before the committee for the purpose of amendment. The Senator put forth the motion to move amendments to SB 84 eliminating references to Coastal Zone Management and the Permit Reform Commission.

Senator Bennett testified that he had no objections to the amendments at that time.

The Committee recessed.

After recess, the Committee took up SB 218.

Senator Kerttula spoke in favor of the concept of SB 218. He cited a University of Alaska study that determined that the waste heat from one of the trans-Alaska oil pipeline could have heated 200 acres of land for agricultural production. He stated that he had sponsored similar legislation in the past, and that SB 218 made sense as a vehicle for the utilization of waste heat on future projects. It would be wasteful to require all facilities to be constructed to allow the utilization of waste heat. On the trans-Alaska pipeline, for example, only two or three sites were feasible for the utilization of waste heat.

SENATE RESOURCES COMMITTEE

April 10, 1981

Page: 3

The Committee took up SB 84.

Senator Sturgulewski put forth the motion to rescind the Committee's action on SP 84.

CSSB 84 was before the Committee.

Senator Mulcahy put forth the motion to move CSSB 84 with individual recommendations.

The Committee was adjourned at 3:17 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGOLEWSKI



POUCH 7
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: SENATE RESOURCES COMMITTEE

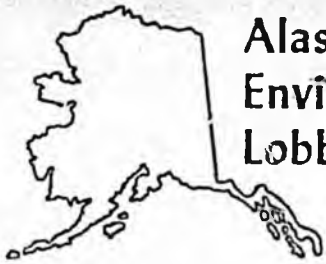
FROM: BETTYE FAHRENKAMP,
CHAIRMAN

DATE: April 23, 1981

RE: Follow-up information on SB 84

Attached please find the information James Linxwiler stated he would forward to the Committee.

Attachment



Alaska
Environmental
Lobby

419 6th St., Suite 321
Juneau, Alaska 99801

586-2345

TESTIMONY BEFORE SENATE RESOURCE

COMMITTEE ON CSSB 84

by

Roland Shanks

I'd like to thank you for an opportunity to discuss these proposed permit reforms included in the bill.

We support permit reform, but we do not support this bill. We've been supporting it for six months. We've been cooperating with the Governor's office in his permit reform project. During a period of six months they've had public meetings all over the state. They've also had private meetings with any interested party. They've gotten input from many more groups than have been able to travel here this week for these hearings. That project is nearing completion and they are almost ready to issue the new regs. If this bill is passed we will have to start all over again and it will push back any new regs from six months to a year as we fight all these battles again. I don't feel it's in anybody's best interest to pass this bill.

Sections 7 and 8 have nothing to do with permit reform. They are basically housekeeping amendments needed to clear up the confusion created by the AG's opinion regarding concurrent resolutions. These sections should be removed from this bill and passed separately or attached to an applicable bill under consideration.

I can't pass up an opportunity to comment on Section 1. Before the legislature endorses these findings I hope there is some factual evidence offered. It's become a real fad lately to scream about permit regs. I'd be interested in seeing a study outlining the number of permits issued and the average length of time it took. I'd also be interested in seeing documentation of the losses noted in Section 1, paragraph (2). These are all easy charges to make, but I've never seen any factual evidence to support them.

I don't feel that the number of agencies involved in the permit process is that oppressive. While some action requiring permits are quite simple some are very complex. These complex actions have impacts affecting many

disciplines, and all of these impacts must be considered and analyzed. The only alternative to multiple agency reviews is to put the expertise into all the agencies; a wildlife specialist in DNR, a hydrologist in ADF&G, and a coastal zone specialist in DEC. This would create a lot of jobs but it sure wouldn't streamline the bureaucracy. Time guidelines may be useful to insure timely response, and they have been included in the Governor's proposal. But we must realize that timelines alone will not insure timely action. There are times when the staffs are backlogged because of the number of permits pending. Part of clearing up this backlog is to beef up those staffs. Because of the seasonal nature of activities the permit loads tend to be cyclic. We may want to explore intermittent staff positions that would come on when the load is high.

So, to conclude I would urge you not to waste all the time and effort that has gone into the Governor's permit reform project by re-inventing the wheel. This legislation is not needed and shouldn't be passed.

RS/ats



419 6th St., Suite 321
Juneau, Alaska 99801

586-2345

The Legislature finds that,

(1) The constitution of the State of Alaska provides for "development of it's resources ... consistent with the public interest". It further states that "The Legislature shall provide for the utilization, development, and conservation of Natural Resources belonging to the State, including land and water, for the maximum benefit of it's people. It also states that fish, wildlife, and water are reserved for common use. The constitution further states that "Fish, forest, wildlife, grasslands and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle".

(2) That the legislature has a duty to all the citizens of the State to protect all resources from unreasonable degradation while providing for the use and development of some resources.

(3) That the legislature has delegated this responsibility thru statute to the many commissioners. Allowing for the promulgation of regulations to carry out ~~the~~ these responsibilities.

(4) The commissioners of the many departments will cooperate in a project to coordinate regulations and permits to the extent possible to allow full use and development for the State's many resources while still protecting the Public Interest as mandated by the the Constitution of the State of Alaska.

UNIFORM PROCEDURAL REGULATIONS
EXECUTIVE SUMMARY

A. Intent and Background of Regulations

The purpose of this executive summary is to describe the background and intent of the uniform procedural regulations (22 AAC 10) for which public notice of proposed adoption was jointly issued by four state agencies on January 9, 1980. This summary will also briefly discuss major areas of concern which have emerged with respect to the regulations.

These regulations are the product of a permit reform project established by Governor Hammond on June 17, 1980, and are intended to achieve these primary goals:

1. Establishment of the shortest feasible deadline for the issuance of state permits for natural resource development.

The regulations provide that the departments of Natural Resources, Fish and Game and Environmental Conservation, and the Division of Policy Development and Planning within the Office of the Governor, referred to in the regulations as "resource agencies," must classify their permits as either a "Class I" or "Class II" permit. The regulations provide that Class I permits must be issued within thirty days of receipt of a completed application. Class II permits must be issued within sixty-five days. The published informative summary of the regulations contains the agencies' proposed classifications. The regulations provide for extensions of these deadlines in certain limited cases. As part B of this summary discusses, the regulations attempt to provide sufficient safeguards to insure that an extension will only be given when it is absolutely necessary.

2. Establish uniform permit procedures.

Currently, permit and appeal procedures vary dramatically not only between, but within state agencies. Uniform permit procedures make it far easier for applicants, and the public in general, to do business with state government. If adopted, these regulations would supplant all procedural material contained in the regulations of the particular agencies involved, and a host of administrative orders, interagency agreements, and informal and written understandings. The Class II procedures, the most complex

in the regulations, replace this voluminous mish-mash with a scant 1 1/2 pages of uniform regulations. The regulations of each agency will state the permit requirement; describe the substantive criteria under which that permit will be granted, and will classify the permit. The regulations in proposed 22 AAC 10 will govern administrative proceedings for that permit.

3. Explicitly define the rights of the applicant, and other persons in the permitting process.

Currently, some state agencies have no procedural regulations governing the issuance of their various permits. Other requirements which may significantly affect the outcome of the permit application are found in administrative orders, interagency agreements and other documents and understandings not contained in the administrative code. Sometimes, procedural protections are left to agency "discretion". This approach causes two problems. First, it arguably contravenes the Alaska Administrative Procedure Act which provides, in AS 44.-62.640(2), that all rules of general applicability should be contained in regulations. Second, it promotes misunderstanding between the agency and the public, and in the long run, threatens unnecessary litigation. The proposed regulations attempt to explicitly define the rights of all the parties while avoiding unnecessary procedural burdens.

4. Streamlining the states coastal management decision making process.

Under existing regulations (6 AAC 80.010(b)) implementing the state's Coastal Management Act (AS 46.40), before a state agency may issue a permit for an activity in the coastal area, it must determine that the activity is "consistent" with the state coastal management standards found in 6 AAC 80. Additionally, under sec. 307(c) of the federal Coastal Zone Management Act (16 U.S.C. § 1456), federal agencies must obtain a "consistency determination" from the state before federal permits or licenses in the coastal area may be issued. The state's requirement (6 AAC 80.010(b)) is intended to implement AS 46.40.200, which seeks to insure that state actions, including permit and license decisions, will be consistent with the state's coastal management program. The approach taken in 6 AAC 80.010(b), however, has created both unnecessary duplication and the potential for inconsistent state positions on a project. If an activity needs four state permits, for example, 6 AAC 80.010(b) requires each of the four state agencies to make "consistency determinations" in the course of its

permit proceeding. There is little reason for one finding to be made four times. Moreover, under current procedures, the state will make a fifth consistency determination when a federal agency issuing a permit seeks state certification under sec. 307(c) of the federal act. Compounding this unwarranted duplication is the fact that these multiple consistency determinations need not agree. In October, 1980, the Alaska Coastal Policy Council, by resolution, requested the administration to devise an approach whereby one determination, for both state and federal law purposes, would be made on a project, with that determination being made, to the extent feasible, within existing permitting processes. Article 5 of the proposed regulations contains the administration's proposal. That proposal allocates responsibility for making "one time" consistency determinations in the following manner:

a. When an activity is of such significance as to require the preparation of an environmental impact statement by the federal government, a consistency determination should be made by the governor's office. Accordingly, responsibility in these cases would be vested with the Division of Policy Development and Planning. This is a narrow sphere of responsibility.

b. Under existing law, the Department of Natural Resources cannot dispose of an interest in state land until it finds that the disposal would be in the "best interests" of the state. AS 38.05.035(a)(14). The coastal management standards are essentially a subset of the many factors which as a whole constitute the "public interest". Thus, as a matter of law and practicality, it seems most logical, except in cases involving EIS preparation, to vest "consistency determination" responsibility for state land decisions exclusively in the Department of Natural Resources. Moreover, after many disposals, particularly for oil and gas leases, the Department of Natural Resources will require a "plan of operations" to be approved by the department. To provide continuity in this regard, the regulations provide that the consistency determination on activities authorized in that plan will also be done by DNR.

c. There are a wide range of activities occurring in the coastal area which neither require the preparation of an environmental impact statement, nor are authorized by a state land disposal or plan of operations. The primary impact which these activities will have on the

coastal area is often related to water quality, and those water quality impacts must normally be permitted by either the Environmental Protection Agency or the Army Corps of Engineers under the federal Clean Water Act. Section 401 of that act requires that the Department of Environmental Conservation "certify" that the issuance of that federal license or permit will not violate state water quality standards. By vesting coastal management consistency determination authority for this large residual of activities in the Department of Environmental Conservation, the regulations will allow that determination to be made within the already necessary "sec. 401" process, and by the agency with the primary expertise over the probable primary impact of that activity.

An example of the functioning of the administration's proposal might be helpful. When the Department of Natural Resources considers holding an offshore oil and gas lease sale, that agency will make the only determination as to whether the sale is consistent with the state standards. When a successful lessee seeks to construct an offshore exploratory well, it will apply to the Department of Natural Resources for approval of the plan of operations with respect to that well and related facilities. DNR will then make a conclusive consistency determination on the placement of that well and related facilities. Some of these facilities obviously will need other permits from other agencies. At a minimum, placement of the well offshore will need a permit from the Corps of Engineers. When a consistency determination is requested of the state by the Corps of Engineers under sec. 307(c) of the federal Coastal Zone Management Act, the Division of Policy Development and Planning will utilize the determination already made by the Department of Natural Resources. Moreover, if any other state permits are necessary for an activity approved in the plan, the state permitting agency will not conduct a consistency determination, since the question of whether that activity is consistent with the standards has already been determined by the Department of Natural Resources.

It is the hope of the administration that these regulations will result in major progress in making state permitting procedures more efficient, explicit and fair. Working sessions on these regulations have already been held with industry, environmental and public interest groups. All of these groups endorse the four goals of the regulations. A December 3, 1980, working draft of the regulations has been substantially revised to accommodate many of these groups' recommendations. Inevitably, however, none of the

groups are totally satisfied with the product. Several serious issues regarding the regulations remain. Generally, certain oil industry commentators are unsatisfied with the regulations because they are perceived to (1) give unwarranted recognition to the rights of the public and local governments in the permitting process, and (2) allow state renewable resource agencies to comment on federal permit applications and to have excessive input on state natural resource decisions. Conversely, the federal Office of Coastal Zone Management, and certain environmental commentators, believe that the regulations give inadequate protection to all of the above interests.

The second part of this summary discusses several of the major areas of concern regarding the regulations, and the rationale for the treatment of those concerns given in the current proposal. These rationales, of course, should not be taken as inflexible "positions". The whole purpose of the public notice process is to generate debate on these issues.

B. Major Issues Raised by the Regulations

1. Division of Policy Development and Planning responsibilities.

As the previous section of this summary suggests, the assignment of authority to make "conclusive" coastal management consistency determinations will result in particular state agencies taking a role of primary authority on coastal management issues. Interest groups, depending upon their orientation and past experience, have come to view particular state agencies as more sympathetic to their interests than others. As a result, commentators to date have offered quite variant positions on where that "ultimate authority" should lie.

At the outset, the administration has attempted to develop a "consistency determination" procedure which ensures true interagency consultation. This process was developed to ensure uniformity in the interpretations of the state coastal management standards, and to lessen the practical effect of the choice of actual decision-makers. This effort, described in subsec. (2) of this section, has been alternatively perceived by some industry groups as excessive, and by the federal Office of Coastal Zone Management as insufficient.

Regardless of the safeguards taken in the regulations, the question of the choice of decision-makers has remained prominent. Certain oil industry commentators have recommended that the Governor's Office should have no responsibility for making consistency determinations where a private applicant is involved. The rationale for the administration's proposal has been previously stated.

Because of the narrowness of the DPDP sphere of responsibility (see section (A)(4)(a) above), it will remain almost universally true that the Department of Natural Resources will have exclusive coastal management authority over its own land disposal actions. This aspect of the draft regulations originated as the primary industry proposal on coastal management and was endorsed by the administration primarily because of the legal and logical relationship between the consistency determination and the "best interest finding" under AS 38.05.035(a)(14) (see above). This alternative has been criticized by environmental groups, and by the federal Office of Coastal Zone Management, which believe that the Department of Natural Resources will face a conflict of interest in making a consistency determination on its own proposals. Because in this instance an agency will be reviewing the consistency of its own activities, it is particularly vital that procedural safeguards be placed in the decision making process.

Little criticism has been offered to date of the placement of authority with DEC over the large "residual" category of activities needing sec. 401 certification under the Clean Water Act.

2. The coastal management procedural protections.

There is a danger in "dividing" coastal management responsibilities. The standards themselves (6 AAC 80) are capable of diverse interpretation, although the proposed regulations attempt to tighten these standards by giving a meaning to the phrase "feasible and prudent" which has judicial interpretation. Nonetheless, there will remain a possibility that diverse bodies of administrative precedent might develop as to the meaning of the standards. Second, if the coastal management decision-making process is not sufficiently disciplined, the statutory mission of the particular agency having jurisdiction becomes substantially more important, which makes, in turn, the possibility of a realistic solution to the "duplication" problem all but impossible to achieve.

Several protections have been proposed in response to these problems. First, a disciplined interagency review process had been provided for Class II permits, where most consistency determinations will be made. Section 130. The regulations provide that if the deciding agency (for example, DNR on state land matters) rejects a recommended course of action by a sister agency, the reasons for that rejection must be clearly articulated. See sec. 160(3). Additionally, the deciding agency must accord "great weight" to the comments of its sister agencies, but only if those comments are within the primary area of expertise" of that agency. Section 130(c). This provision has generated both criticism and misunderstanding. The definitions section of the regulations (900) makes it clear that this provision is not intended to give any other agency actual or practical decision-making authority. This is because no commenting agency is deemed to have "primary area of expertise" on the decision itself. The most often used example of the operation of this requirement is with respect to plan of operations approval by the Department of Natural Resources for an oil and gas lease. Let us suppose that the Department of Fish and Game comments that a particular drilling activity will have adverse wildlife impacts, and that to mitigate those impacts a seasonal drilling restriction should be imposed. The deciding agency will normally be required to defer to Fish and Game comments concerning actual or likely adverse impacts, since that is clearly within that department's "primary expertise". However, deciding upon a seasonal drilling restriction depends upon a balance of the magnitude and likelihood of the impact occurring, economic, engineering and other factors. The balancing is solely the province of the deciding agency -- in this case DNR -- and, as a result, the Department of Fish and Game will not be entitled to "great weight" on its recommended seasonal drilling restriction.

Oil industry commentators are unhappy with this safeguard -- even given the narrow definition of "primary area of expertise", which was provided by the Division of Minerals and Energy Management. They see the protection as giving the Department of Fish and Game, if not a "veto", at least unwarranted new authority. Certainly, it gives no commenting agency a "veto" (see above). Moreover, the comments fail to recognize that both sound administrative practice, and federal law, require meaningful coordination of all state agency interests in making coastal management decisions. Presently, that "coordination" occurs by virtue of the ability of other agencies to make their own "consistency determinations" on the same project reviewed by DNR.

They won't be able to do that anymore, and a more substantive role must be provided other agencies in the forum for making the one determination which will bind the entire state.

Conspicuously, the federal Office of Coastal Zone Management has forcefully urged that the state should, and perhaps must go substantially further in ensuring adequate consideration of the views of other agencies. Their primary recommendation has been to require that, for example, DNR plan of operations decisions be appealable to a multi-agency board, on which Fish and Game would presumably sit, and through which they would have a functional veto authority.

To ensure uniformity of interpretation of the guidelines, the regulations provide (sec. 920(9)) that interpretations of the meaning of the guidelines offered by the Office of Coastal Management will be entitled to great weight. This provision has caused little criticism. What has been severely criticized, however, is sec. 570(b), which provides that local governments with an approved coastal management programs will be entitled to great weight on questions of whether a particular activity is consistent with that program. Certain oil industry representatives have insisted that even when a local government has an approved program under AS 46.40, state agencies should not defer to that local government on questions of consistency within its municipal boundaries. The Office of Coastal Management strongly believes that this view is inconsistent with the intent of the act, which is to increase the voice of local government in state decision-making once a program has been approved. The disagreement over sec. 570(b), then, is as much one of law as policy, and the Department of Law is researching the issue.

Finally, until recently, the oil industry has been very critical of the fact that review of plans of operations will be classified as a "Class II" permit, since public notice (sec. 120) is provided for Class II permits. Currently, public notice of proposed plans of operations is not provided by the Department of Natural Resources, and they have seen sec. 120 as imposing a new and unwarranted procedural requirement. Public notice is being provided in certain cases for plans of operations solely because it is required by federal law. As noted previously, in the course of its plan of operations review, the Department of Natural Resources will be performing a consistency determination which will serve as the state's "determination" for federal permit purposes as well. 15 CFR § 930.61 requires that a state

consistency determination on a proposed federal permit or license must be predicated on public notice. Under the proposal, however, public notice will not be provided even when the activity is in the coastal area, if no related federal permit is necessary. For these plans, then, a decision could be made immediately after expiration of the twenty-one day agency review period in sec. 130. Once aware of this federal requirement, criticism of this aspect of the regulations has diminished.

Any significant dilution of these protections may raise serious questions as to the continued legality of the state's program under federal law. The interests of the public, and of local governments in particular, would be severely injured if this were the case.

3. Extensions of permit deadlines.

As noted previously, the regulations provide that the Class I and II permit deadlines may be extended under certain circumstances. These circumstances are:

a. Complex projects. Section 020(a)(1) and 020(b) of the regulations provide that the permit deadlines may be extended if the commissioner of the agency certifies that the project is too "complex" to be adequately reviewed within the timeframe otherwise allowed. There is little disagreement that a sixty-five day review of, for example, the Trans-Alaska Pipeline, is less than adequate to protect the public interest. This exception was recognized and jointly endorsed by industry and the administration in House Committee substitute for SB 548, a permit reform bill considered in the last legislature. As a safeguard, sec. 020(b) requires that the commissioner's office itself make the certification, and also requires the commissioner to establish the "shortest feasible time" in which review can be completed. Subsequent extensions are not permissible.

b. A maximum twenty day extension is possible if a public hearing is held on the project. Section 020(a)(2), sec. 050(f). There are two reasons for this provision. First, the agency will often not know whether a public hearing is warranted until late in the decision-making process. For example, with Class II permits, the agency will often not know the intensity of public concern until the close of its public notice process, which will often be thirty-five to forty days after the

application has been received. See sec. 120(b)(3). That would leave, at most, twenty-five days to decide upon a hearing, provide adequate advance notice of the hearing, hold the hearing and thoughtfully consider the comments received. That is simply impossible to do. By allowing the additional twenty days at most, the agency can realistically hold a meaningful public hearing. Additionally, as noted in subsec. (4), criteria have been developed to limit the circumstances under which a hearing will be held.

Another reason for the twenty day public hearing "override" relates to the classification of permits themselves. Under SB 548, a third category of permits would be authorized -- Class III permits, which could be issued in ninety days. The primary value of the Class III permit category was to accommodate those permits (for the reasons stated above) for which a public hearing was periodically appropriate. The regulations abandon the Class III option. The administration feels that it is preferable to applicants to provide for an eighty-five day review period only in those cases where a public hearing is actually held, rather than lumping a whole class of permits into a ninety day category, even though in individual cases a public hearing would not be provided. Oil industry commentators nonetheless want this provision deleted, arguing that any public hearing should be held within the sixty-five day Class II period. That is not possible, if anything approaching adequate notice of the hearing is to be provided (see above). Indeed, environmental groups are deeply concerned that a twenty day extension is itself insufficient. If this extension were to be removed, Class III procedures would have to be written, and those permits now normally classified as Class II would be reclassified as Class III if there was any reasonable likelihood of a public hearing ever being warranted on a particular application.

c. Section 020(a)(3) provides that the deadlines can be extended by mutual agreement of the applicant and the department. This provision was originally inserted in SB 548 at the request of industry representatives, who envisioned certain circumstances where the administrative record might not be sufficient by the applicable deadline to sustain a granting of the permit.

d. Section 020(a)(4) authorizes agencies to enter into memoranda of understanding with federal agencies for the joint processing of applications even though the joint processing may result in differing deadlines from those imposed in regulations. However, under sec. 085, these memoranda are authorized only after the agency has weighed the impact of the differing procedures on the applicant. It would be counter-productive if these regulations precluded an agency from entering into a joint permit processing scheme with federal agencies simply because the existing regulations of the state and federal agencies were not compatible. This "exception" has generally been supported to date.

e. The deadline for issuing a permit may be "tolled" -- or suspended -- if the agency finds that, because of the unique nature of the project, additional information beyond that required in the application form is necessary. Section 030. Again, this exception was recognized in SB 548. Agency application forms and generally required attachments will provide, in almost all cases, enough information to reach a meaningful decision. Occasionally, an activity will raise unique issues which an agency must explore further if the permit is to be lawfully granted. It is not the intent of this section to allow or encourage fishing expeditions, or to demand veritable impact statements from the applicant. Any request for additional information must be linked to some information gap which prevents a sufficient assessment of the application under the decision-making criteria of the agency as contained in its statutes and regulations. Environmental groups have criticized sec. 030 because it, one, affords only one opportunity to request additional information and, two, requires that the information be sought early in the decision-making process. Oil industry spokesmen oppose this provision as providing "another loophole" for extending the deadlines.

4. Public hearings and Appeal.

Section 050 of the bill establishes the criteria for holding a public hearing. Oil industry commentators have expressed concern that this provision requires that a public hearing be held in cases where hearings were not authorized in the past. To the contrary, this section is intended to constrain those situations in which permit proceedings will be extended through the holding of a

hearing. Currently, of course, any agency can hold a public hearing on any permit application, even if one is not required by law. The administration did not feel it sound to allow for a twenty day extension of the permit deadline for the holding of a hearing, without also limiting the situations in which a hearing would be appropriate. First, sec. 050(c) explicitly prohibits the holding of duplicative public hearings. Second, in determining whether to hold a hearing, the commissioner is explicitly required to consider the effect of a twenty day delay on the probable starting date of project construction (050(b)(4)) and whether the public concern for the project really has anything to do with the jurisdiction of the agency. Section 050(b)(2). From the applicant's point of view, these are beneficial new provisions.

Similarly, one oil industry spokesman has criticized the appeals sections of Articles 6 and 7 as expressly "legitimizing" the ability of a person other than the applicant to appeal a permit decision if he is directly and adversely affected. That criticism assumes that a member of the public has no such existing right, which could not be more wrong. A careful reading of secs. 610 - 620 in particular will disclose that the regulations in fact impose new, significant obligations on a potential public interest appellant. These requirements -- particularly the requirement of sec. 620 as to active participation throughout the decision-making process -- have been supported by industry. Thus, the criticism appears to be that the regulations should address limitations on the public's existing right to appeal, but should not "legitimize" the right itself.

5. Permit amendments.

The regulations (sec. 080(c)-(d)) provide that changes to a permitted operation which involve significant new impacts require a new permit, while changes which do not involve significant impacts are treated as amendments which do not need public notice. Oil industry commentators have suggested that where the impacts are "insignificant", no communication with the agency should be necessary at all, and the activity should be allowed to proceed. That proposal would create a significant risk of misunderstanding, and perhaps litigation. Initially, the permittee would decide whether he felt this change was "significant". If he felt that it wasn't, he would proceed without notifying the agency. The obvious question is this: What if the agency detects the change, and disagrees as to its significance? The agency would then be free to take enforcement action for violation of its regulations.

6. "Automatic approval".

The regulations do not provide that if a permit deadline is missed, the permit is deemed "automatically issued". No issue surrounding these regulations has caused the administration more difficulty than this one. The administration supports effective enforcement of the deadlines imposed in these regulations. This is particularly so because the deadlines imposed are achievable, and those circumstances in which extensions are absolutely necessary have been clearly delineated.

To provide that permits are deemed automatically "issued", an approach endorsed by certain oil industry representatives and contained in SB 548, carries with it a great deal of disturbing baggage. First, such a provision would require a statutory change. It is not, at this time, a statutorily sufficient grounds for permit issuance that a deadline has been missed. Thus, absent a change in the law, a decision to issue a permit simply because a certain date has been missed would be arbitrary and capricious. Even if a statutory provision was provided, problems would remain. It could be argued that such a statute would be unconstitutional because it would deny a person seriously affected by the decision any real means -- administrative or judicial -- to influence the permit decision. Moreover, an agency with serious concerns over a permit near the close of the decision-making process might have no alternative but to deny the permit rather than to allow the thirtieth or sixty-fifth day to be reached. Third, if an agency should ever desire to issue a permit, but could not justify its decision based on the record, it might simply let the time run intentionally. Since the permit would be "automatically issued" by operation of the calendar, there would be no meaningful judicial review.

A suggestion has been made to alleviate this third problem by providing that judicial review under applicable criteria would still be permissible after the deadline had run, but that the court would review any conflicting evidence or opinion in a light "most favorable to the applicant." This suggestion has merit, but raises additional concerns as to whether the court would feel compelled to conduct a "de novo" review of the project, with resultant substantial delays in project approval.

Most fundamentally, the argument for "automatic approval" assumes that state employees will not use their utmost efforts to comply with their employers' rules and

regulations. Given adequate staffing levels, we believe that there will be little difficulty in meeting the requirements of these regulations. Before anything as difficult and uncertain as "automatic approval" is attempted, we believe that a year's trial period with adequate staff levels should be provided before more severe alternatives are attempted.

7. State Comments on Federal Permit Applications.

A serious issue not addressed in the proposed regulations is the question of the degree to which state agency comments on federal permit applications should be constrained. Basically, the issue, as posed by the oil industry, is this: The regulations do provide that the state will speak with one voice on coastal management matters. However, an agency disenchanted with the results of that decision may still recommend its own terms and conditions -- or permit denial -- through comments on a federal permit application necessary for the facility. For legal or policy reasons, the federal permitting agency may feel compelled to accept that recommendation. As a result, an admitted possibility for "inconsistent" state positions remains.

It has been suggested that the agency with decisional authority on coastal management issues (i.e. DNR on state land matters) also have decisional authority on the text of state comments on federal permit applications (other than sec. 401 certifications by DEC) -- and that those comments be compiled at the time the consistency determination is made, so that the applicant will receive a single, inclusive and final "state position" on his project at that time.

The proposal would bring unquestioned benefits. It also has problems. The departments of Fish and Game (AS 16.05.020(2)-(3); AS 16.05.050(1)) and Environmental Conservation (AS 46.03.020(9)) arguably have direct statutory duties which this proposal could unlawfully impair. Second, since the Department of Fish and Game is never given the role of decision-maker on conclusive coastal management matters under the proposed regulations, denying that department its remaining avenue of direct influence would be seen by some as relegating that agency to a "second-class" status among its sister agencies. To the extent this perception is justifiable, demoting advocacy of wildlife concerns in Alaska to a subsidiary level is a policy decision of the most profound proportions.

It is anticipated that the final regulations will resolve this issue. Thus, public comment on this issue is strongly encouraged.

TO: Billy Berrier
Director
Division of Legal Services

FROM: Bettye Fahrenkamp, Chairman

DATE: March 7, 1981

RE: SB 84

Attached please find a copy of SB 84. I would like the "Permitting Bill - August, 1980" drafted (in final form) as a Committee Substitute for SB 84 and returned to Rega King, Senate Resources Committee, Room 211 Capitol Building.

Attachments

CSB 81

PERMITTING BILL - AUGUST, 1980

For an Act entitled: "An Act relating to the processing of permits by state agencies; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature finds that

(1) the orderly development of state resources is being unnecessarily delayed by the length of time required to obtain permits from state agencies, by the complexity of the permitting process, and by the number of agencies involved in the permitting process;

(2) the uncertainties created by the lack of specific time limits, the proliferation of agency reviews, the number of agencies involved in the permit process, and unjustified agency requirements upon the processing of permit applications have cost Alaskans millions of dollars in lost employment and higher prices;

(3) the public interest has not been advanced by protracted delay in the processing of permit applications by state agencies;

(4) by requiring state agencies to process permit applications in an expeditious manner within a reasonable period of time, the state will promote the social, economic and environmental health and well-being of its citizens.

* Section 2. AS 44.62 is amended by adding new sections to read:

ARTICLE 9. ISSUANCE OF PERMITS

Sec. 44.62.632. TIME LIMIT ON THE PROCESSING OF PERMITS.

(a) Upon receipt of a permit application or receipt of a federal agency request for state review of an application for a federal permit; the responsible state agency shall issue a final decision granting, denying or reasonably conditioning the issuance of the permit, or issue a final response to the federal agency's request for state review, within the following time periods, unless the applicant and the agency mutually agree to a different period of time:

- (1) any time period specifically required by an Alaska statute;
- (2) 60 days where a public notice, public hearing, or comment period is specifically required by an Alaska Statute in connection with the permit application;
- (3) 30 days where neither (1) nor (2) apply.

(b) The final decision on a permit application under (a) of this section shall set out the following information:

- (1) conclusions of the agency which support its decision concerning the permit application, including the factual basis and statutory authority for any conditions or stipulations to which the permit is subject; and
- (2) the final disposition of the permit application by the agency.

(c) The final decision under (a) of this section must bear a fair and substantial relation to the object of the legislation under which the agency is empowered to act.

(d) A permit applied for under (a) of this section

(1) may not be denied because of the lack of any other permit; and

(2) may not be conditioned upon the acquisition of any other permit.

(e) A permit application which has not received a final decision by the responsible state agency within the time period specified in (a) of this section is approved as submitted. The permit is presumed to have been issued on the last day of which the state agency could have announced a final decision in accordance with (a) of this section.

Sec. 44.62.634. DEFECTIVE APPLICATION; NOTICE TO APPLICANT.

(a) If an agency receives a permit application requesting a permit which the agency believes it does not have authority to issue, or which it believes is unnecessary, it shall notify the applicant within 10 days of its receipt of the application. A notice given under this subsection is the final agency decision.

(b) If an agency receives a permit application which it believes does not contain sufficient information concerning the location and nature of the project to allow the agency to determine compliance of the project with state law, it

shall notify the applicant within 10 days of its receipt of the application. The notice must specify all information which the agency requires to determine compliance of the project with state law.

Sec. 44.62.635. REVIEW BY THE COMMISSIONER. An agency's final decision issued pursuant to AS 44.62.632 may be reviewed by the commissioner of the issuing agency at the request of the applicant. The request must be filed with the commissioner within thirty (30) days of the applicant's receipt of the decision. The commissioner shall issue a decision within ten (10) days of the department's receipt of the request, unless the applicant has requested a hearing de novo, in which case such hearing shall be held within thirty (30) days of the department's receipt of the request, and the commissioner's decision shall be rendered within thirty (30) days of the conclusion of the hearing. Unless the agency decision is confirmed in its entirety, the commissioner shall issue a written decision setting forth his findings and conclusions in full.

Sec. 44.62.636. REVIEW BY THE SUPERIOR COURT.

(a) Judicial review by the superior court of a final decision issued by a state agency pursuant to AS 44.62.632 or 44.62.634 or of a decision of the commissioner issued pursuant to AS 44.62.635, may be had by filing a notice of appeal in the superior court in accordance with the applicable rules of appellate procedure. The right to appeal is not

affected by the failure to seek reconsideration or further review pursuant to AS 44.62.635. The review shall be governed by the provisions of AS 44.62.560(b) - (e) and AS 44.62.570.

(b) On an appeal by the applicant to the superior court, the agency which issued the final decision has the burden of proving that the decision is in accordance with AS 44.62.632 and 44.62.634.

(c) An appeal taken under this section has preference on the calendar of civil actions before the court and shall be decided without unnecessary delay.

* Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

(c) In AS 44.62.632 - 44.62.636,

(1) "permit application" includes the following documents:

(A) a document requesting the issuance of a permit which contains sufficient information concerning the location and nature of a project to allow the state agency to which it is directed to determine compliance of the project with state law,

(B) a document, submitted to a state agency by a governmental entity, which solicits comments in connection with a permit being processed by the governmental entity;

(2) "date of receipt" means the date on which an agency actually receives an application requesting issuance of a permit;

(3) "disposition" means the grant, denial or conditional grant of a permit;

(4) "permit" means a permit, license, certification, consistency determination, comments on pending permit applications before other governmental entities (including environmental impact statement comments), plan review, or other authorization or approval issued as a written document which is required to be obtained or is solicited from a state agency before the construction or operation of a project; the term does not include conveyances of interests in state land or water, but does include all authorizations and approvals, whether proprietary or regulatory, necessary to undertake a project under a previously conveyed property interest; the term also does not include the provision of financial assistance;

(5) "project" means a new activity or expansion or addition to an existing activity, for which permits are required before construction or operation; the term does not include pursuing a trade or profession, providing public health service, or operating a financial institution.

(6) "state agency" means a state department, commission, board or other agency of the state; for the purposes of AS 44.62.632 - 44.62.636, "state agency" also means a local or regional air pollution control authority established under AS 46.03.210, and a coastal resource district and a coastal resource service board established under AS 46.40.010 - 46.40.210.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).

S

B

/

0

3



Alaska State Legislature

Senate

JUNEAU, ALASKA

TO: Senator Bettye Fahrenkamp, Chairman Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

REF: SB 103 "An Act making a special appropriation for a salmon quality control education program"

The subcommittee has taken testimony and reports SB 103 back to the committee as a whole with the following recommendations.

Members		Recomendation
Senator Mulcahy	<i>Bettye Mulcahy</i>	<i>Do Pass</i>
Senator Eliason	<i>John Eliason</i>	<i>" "</i>
Senator Gilman	<i>Don Gilman</i>	<i>Do Pass</i>



Alaska State Legislature

Senate

JUNEAU, ALASKA

RESOURCES SUBCOMMITTEE ON FISHERIES

February 11, 1981

Senate Resources Subcommittee on Fisheries Meeting

The meeting was called to order at 3:04 PM by Chairman Mulcahy. Present were Senator Gilman and Senator Eliason. Senator Fahrenkamp monitored while SB 140, 141 were being considered.

Before the bills were considered, Mark Hutton, John Doyle, and Don Rosenberg from the University of Alaska briefly summarized the plan for the improvement of fisheries and fishery related marine affairs programs. Mark Hutton gave the testimony. Mr. Hutton passed brochures and studies of the program to the subcommittee, and briefly explained the ten month study.

Senator Gilman asked where the program fit in with the Institute of Marine Science. Mr. Hutton said the new program was parallel with the present Institute of Marine Science in most programs.

First on the agenda were SB 140, and SB 141 "An Act establishing a fishery product revolving loan fund", and "An Act making a special appropriation to the loan fund".

Chairman Mulcahy stated that because Commissioner Williams of the Department of Revenue was out of town, the bills would be held over.

Roger Painter of United Fisherman's Association (tape reading 290) was the first to testify. He said that fishermen were highly in favor of this bill. He was very glad to see it come along. He had only one concern with the bill. He said that while it would be desirable to not loan money to Japanese controlled companies, he didn't want to stop the bill if it is impossible to differentiate between companies.

Chairman Mulcahy said he had had that concern expressed to him from several sectors.

The next person to testify was Rick Lauber of Pacific Seafood Processors Association (tape reading 435). He said he was in favor of this bill, and felt it was good. He said that it would benefit processors, fishermen, and workers. Mr. Lauber said that it will not be low-cost

age two
Senate Resources Subcommittee on Fisheries Meeting
February 11, 1981

money to subsidize the industry, but the availability of money would help greatly.

Chip Thoma, from the audience, asked what the definition of facilities was. Did it mean shore-based processors only?

Next on the agenda was SB 103 (tape reading 580).

John P. Doyle, of the University of Alaska testified in favor of SB 103. He felt that while the quality of Alaska salmon is good, this program would make it even better. He said that the initial effort was in the Prince William Sound, but that it would go statewide, and effect all phases of the fishing industry eventually.

SB 103 was moved with individual recommendations.

Chairman Mulcahy said SB 111 would be considered at a later date.

The meeting was adjourned by Chairman Mulcahy at 3:36 PM (tape reading 636).

SB
103

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 103
Title State Quality Control Education Program
Requested by Legislative Finance Date 3-4-81

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency
Program Category Affected General Government
DRU, Program, or Subprogram(s) Affected Legislative Council
(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		170.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0-	170.0	0-	0-	0-	0-

REVENUES (Thousands of Dollars)

FEDERAL FUNDS	0-	170.0	0-	0-	0-	0-
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

Contractual arrangement with University of Alaska or other subject to Legislative Council approval upon recommendation of Senator Kerttula (education subcommittee, etc.).

IV. DATE 3-4-81

PREPARED BY Richard G. Borg, Director
AGENCY Legislative Affairs Agency
PHONE 465-3850

~~CONFIDENTIAL SUPPLEMENT~~

April 3, 1981

No. 28

FISCAL NOTE

SB
18

I. REQUEST

Bid/Resolution No. CS Senate Bill, 18 (Finance)
Title An Act providing special aid for Special Education programs during summer
Requested by Senate Finance Date 3/27/81

II. FISCAL DETAIL

Agency Affected Department of Education
Program Category Affected Elementary and Secondary Education
HRU, Program, or Subprogram(s) Affected Foundation Support Components Special Educ.
(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.		1,936.8				
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		1,936.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

FY 81 Special Education Foundation = \$23,476.4 X 25% = \$5,869.1 X 33% = \$1,936.8

FY 81 percentage of total special education population covered by bill = 25%

IV. DATE: March 27, 1981

PREPARED BY: Steve Holo
AGENCY: Department of Education
PHONE: 465-2000

S

B

|

|

|

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

April 20, 1981
3:00 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Mulcahy
Senator Fischer
Senator Sturgulewski
Senator Gilman
Senator Eliason

HEARING:

- CSHB 237 An Act amending the Alaska Agricultural Loan Act.
- SB 49 An Act relating to limited entry to commercial fisheries.
- SB 397 An Act establishing a Fishery Industrial Technology Center as part of the University of Alaska
- CSSSSB 111 An Act relating to fishing, hunting and trapping license fees and fishing permits.

Senator Mulcahy, stated that SB 49 is an administration bill that was requested by the Limited Entry Commission. The Commission has asked that the time period in which a permit has to be used prior to the Commission initiating revocation proceedings be increased from 2 to 4 years.

Senator Mulcahy put forth the motion to move SB 49 with individual recommendations.

Senator Mulcahy, stated that SB 397 is the result of the recommendation by the University of Alaska. The University has been examining technological aspects of the fishing industry.

Senator Mulcahy put forth the motion to move SB 397 with individual recommendations.

The motion was made to hold CSHB 237 and CSSSSB 111 until the Committee's April 22, 1981 meeting.

The Committee adjourned at 3:30 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

April 22, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Sturgulewski
Senator Mulcahy
Senator Gilman

HEARING:

CSHB 64 An Act relating to the Alaska Energy Center

CSSSSB 111 An Act relating to fishing and hunting license fees and fishing permits.

SCS CSHB 237 An Act amending the Alaska Agricultural Loan Act.

Rod Pegues, Assistant Attorney General, stated that HE 64 amends the statute to remove some technical and constitutional problems.

Senator Sturgulewski put forth the motion to move CSHB 64 with individual recommendations.

Senator Eliason, stated that the purpose of CSSSSB 111 is to repeal the salmon stamp program and increase non-resident fishing fees.

Senator Mulcahy put forth the motion to move CSSSSB 111 with individual recommendations.

Bob Palmer, Coordinator, Special Project, Office of the Governor, discussed the purpose of CSHB 237. First, it raises the interest rate from 6% to 8% on loans for farm development, irrigation systems and farm product processing, and, secondly raises the revolving loan fund ceiling from \$20 million to \$75 million.

Senator Kerttula, stated that he supports CSHB 237.

Senator Mulcahy put forth the motion to move SCS CSHB 237 with individual recommendations.

The Committee adjourned at 2:15 p.m.



Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

JUNEAU, ALASKA

April 15, 1981

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SSSB 111 "An Act relating to fishing and hunting license fees and fishing permits."

The subcommittee has taken testimony and replaced SSSB 111 with CSSSSB 111 and reports CSSSSB 111 back to the committee as a whole with the following recommendations.

Members	Recommendation
Senator Mulcahy <u>Bob Mulcahy</u>	<u>No Pass</u>
Senator Eliason <u>Eliason</u>	<u>Do pass</u>
Senator Gilman <u>Sen Gilman</u>	<u>Do Pass</u>



Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

JUNEAU, ALASKA

April 15, 1981

Senate Resources Subcommittee on Fisheries meeting

The meeting was called to order by Chairman Mulcahy at 3:03 PM. All members of the committee were present.

First on the agenda was SB 49 "An Act relating to Limited Entry".

Commissioner John Williams, of the Commercial Fisheries Entry Commission, testified on SB 49. Commissioner Williams explained the bill to the committee.

SB 49 was moved with individual recommendations.

Next on the agenda was SB 397 "An Act creating a Fishery Industrial Center".

Don Rosenberg, Director of the Office of Fisheries and Alaska Sea Grant for the University of Alaska, testifies on SB 397. Mr. Rosenberg explained the bill, and the method in which the program would be set up.

SB 397 was moved with individual recommendations.

Next on the agenda was SSSB 111 "An Act relating to fishing hunting, trapping license fees".

Senator Eliason briefly explained SSSB 111.

Louis Bandirola, Deputy Director of the Division of Sport Fish of the Department of Fish and Game, testifies on SSSB 111.

SSSB 111 was moved with individual recommendations.

The meeting was adjourned by Chairman Mulcahy at 4:05 PM.



Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

JUNEAU, ALASKA

Summary SSSB 111

This bill repeals the requirement that a special permit be obtained to take king salmon and steelheads when sport fishing. . To make up for the loss of revenue this would entail, the price of resident sport fishing licenses will be raised by two dollars, and the price of non-resident licenses will be raised by six dollars.

Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Game's quota of caribou to be killed. — See State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Reasonable basis for Board of

Sec. 16.05.260. Advisory committees.

Cited in State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Sec. 16.05.290. Compensation of board members. Each member of a board is entitled to travel expenses and \$150 per diem for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive \$100 per day. (§ 8 art I ch 94 SLA 1959; am § 6 ch 206 SLA 1975; am § 1 ch 81 SLA 1980)

Effect of amendment. The 1980 amendment substituted "\$150" for "\$100" near the beginning of the first sentence, substituted "For" for "and" at the end of the present first

sentence to create the present second sentence, and added "a member shall receive \$100 per day" at the end of the present second sentence.

Article 3. Licensing of Sport Fishing and Hunting.

- Section 340. License and tag fees
- 345. [Repealed]
- 346. Permit applications

- Section 400. Persons exempt from license requirement

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

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

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant

(A) is obtaining or has obtained assistance during the preceding six months under any state or federal welfare program to aid the indigent, or

(B) has an annual family gross income of less than \$5,600 for the year preceding application.

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

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

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

- (10) Nonresident hunting and trapping license 200
- (11) Repealed by § 2 ch 32 SLA 1968.
- (12) Repealed by § 2 ch 32 SLA 1968.
- (13) Fur dealers:
 - (A) Resident fur dealer license 50
 - (B) Nonresident fur dealer license 200
- (14) Taxidermists:
 - (A) Resident taxidermy license 75
 - (B) Nonresident taxidermy license 200
- (15) Fish, fur or game farming license 100
- (16) Nonresident big game tags:
 - (A) Bear, black, each 100
 - (B) [deleted]
 - (C) Bear, brown or grizzly, each 250
 - (D) Bear, polar, each 250
 - (E) Bison, each 250
 - (F) Caribou, each 200
 - (G) Deer, each 35
 - (H) Elk, each 125
 - (I) Goat, each 125
 - (J) Moose, each 200
 - (K) Sheep, each 250
 - (L) Walrus, each 250
 - (M) Wolf, each 50
 - (N) Wolverine, each 50
 - (O) Musk oxen, each 1,000
- (17) Repealed by § 2 ch 32 SLA 1968.
- (18) Resident big game tags:
 - (A) Bear, brown or grizzly, each 25
 - (B) Musk oxen, each 500

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

(19) Repealed
 (20) King trout (Salmo
 A person who
 subsection ma
 permit withou
 permit is non
 The permit sh
 fishing license
 may obtain a
 without charg
 (b) The com
 a permit to col
 the limitation
 scientific, prop
 commissioner
 animals for fur
 have escaped
 collecting fur a
 (am §§ 1, 2 ch
 4 ch 57 SLA 19

Effect of amend
 The 1979 amend
 substituted "\$5,60
 subparagraph (B)
 added paragraph (2
 The first 1980
 "(permit required n
 following "sport fish
 beginning of paragr
 (a).
 The second 1980
 subparagraph (O) o
 inserted "big game"

Sec. 16.05.345
 Repealed by §

Revisor's note. —
 SLA 1980, repealed
 section; however, the
 § 4 of ch. 57 by the re

Sec. 16.05.346
 declares an open
 eliminated the \$5
 department shall
 If the Board of Ga

05.340

. \$15
. 5
. 30
. 60
90
iously
ed to
to the
il the
ed but
ment
is of

: 200

50
200

75
200
100

100

250
250
250
200
35
125
125
200
250
50
50
000

25
500
the

§ 16.05.345

FISH AND GAME

§ 16.05.346

(19) Repealed by § 4 ch 57 SLA 1980.

(20) King salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Salmo gairdneri*) sport fishing permit 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge.

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100. (am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980)

Effect of amendments.

The 1979 amendment, in subsection (a), substituted "\$5,600" for "\$3,600" in subparagraph (B) of paragraph (5) and added paragraph (20).

The first 1980 amendment deleted "(permit required north of Yakutat only)" following "sport fishing permit" near the beginning of paragraph (20) in subsection (a).

The second 1980 amendment added subparagraph (O) of paragraph (a)(16), inserted "big game" at the beginning of

paragraph (a)(18), substituted a colon for "for bear, brown or grizzly, or in . . . 25" near the beginning of paragraph (a) (18), and added subparagraphs (A) and (B) and the last sentence in paragraph (a)(18), and repealed paragraph (a)(19).

The third 1980 amendment transferred the former last sentence of subsection (b) to the end of paragraph (9) of subsection (a).

As the rest of the section was not affected by the amendments, it is not set out.

Sec. 16.05.346. Musk oxen.

Repealed by § 4 ch 57 SLA 1980.

Revisor's note. — Section 3, ch. 57, SLA 1980, repealed and reenacted this section; however, the repeal was moved to § 4 of ch. 57 by the revisor of statutes and

the language enacted by § 3 of ch. 57 was renumbered as AS 16.05.346.

Editor's note. — The repealed section derived from § 1 ch. 20 SLA 1969.

Sec. 16.05.346. Permit applications. (a) If the Board of Game declares an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(18), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game declares an open season for musk oxen for which

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Sponsor Substitute for SB 111
 Title An Act Relating to Fishing, Hunting and Trapping License Fees
 Requested by Senate Resources Date _____

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Natural Resource Management
 BRU, Program, or Subprogram(s) Affected Sport Fish
 (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-

REVENUE
FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
FISH AND GAME FUND	-0-	12.3	12.3	12.3	12.3	12.3

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

See Attached.

IV. DATE April 15, 1981 PREPARED BY *Russell H. Clark*
 AGENCY Fish and Game
 Original: Legislative Finance PHONE 465-1120
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

CSSSSB 111

Section III: Analysis

Based on 1980 figures for license sales, each section of the bill has been costed individually.

Section 1: increases by \$2.00 the cost of resident sport fishing license.
\$2.00 X 82,934 licenses = \$165,868.00

Section 2: increase by \$2.00 the resident hunting and sport fishing license.
\$2.00 X 29,711 licenses = \$59,422.00

Section 3: increase by \$2.00 the resident hunting, trapping and sport fishing license.
\$2.00 X 9,953 licenses = \$19,906.00

Section 4: increase by \$6.00 the nonresident sport fishing license
*note nonresident might now be stimulated to buy two 10 day licenses rather than the \$36.00 license.
\$6.00 X 14,174 licenses = \$85,044.00

Section 5: repeals the \$5.00 King Salmon and Steelhead stamp.
\$5.00 X 64,734 stamps = (\$323,670.00)

In reviewing the draft legislation it appears that a section has been omitted, increasing the nonresident fishing and hunting license consistent with Section 4. This has been added here for the sake of clarity.

Section X: increase by \$6.00 the cost of nonresident fishing and hunting license.
\$6.00 X 953 licenses = \$5,718.00

	<u>Summary</u>	
Section 1	\$165,868	
Section 2	59,422	
Section 3	19,906	
Section 4	85,044	
Sub-Total	<u>\$330,240</u>	\$330,240
Section 5	<u>(\$323,670)</u>	
Sub-Total	6,570	6,570
Section X	<u>\$5,718</u>	
TOTAL	\$12,286	<u>\$12,288</u>



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Eliason and Ray	Bill Number SSSB 111
Department Position Support with Amendments		
Division Director <i>Ernest E. Anderson</i>	Date 4/6/81	Commissioner Ronald O. Skoog
		Date 4-8-81

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill Revenue - Fish and Game Licensing
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown - see comments received for SB 111

3. Program Effects of Bill

No major affects are expected to the Sport Fish programs, as the loss of revenue due to the repeal of the king salmon/steelhead permit will be essentially balanced by the increase in proposed fees.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

See attached

6. Comments:

See attached

TABLE 1. BASED ON 1980 CALENDER YEAR SPORT FISH LICENSE SALES

Sport Fish License Class	Number of Licenses Sold	Effect of SSSB-111 Increase (Decrease) (Est. Net)	Effect of Proposed Amend (Est. Net)	
(1) Resident Sport	95,958	182,320		
(4) Resident Hunting and Sport Fishing	30,551	58,046		
(5) Resident Hunting, Trapping and Sport Fishing	9,953		18,910	
(6)(A) Visitors 10-Day Amend to 5-day	35,521		168,724	Amend to 5-day license an increase fee by \$5.00 to cover king salmon fishing
(6)(B) Visitors 1-day	17,187		81,638	Increase fee by \$5.00 to cover king salmon fishing
(7) Nonresident sport fishing	14,174	80,791		
(9) Nonresident hunting and sport fishing	953		5,432	
(20) King salmon and Steelhead permit	64,734	(307,024)		
Total		14,207	274,704	

TO: Don W. Collinsworth
Deputy Commissioner
Resource Management

DATE: March 31, 1981

FILE NO:

TELEPHONE NO: 465-4180

FROM: Rupert E. Andrews *REAS*
Director
Division of Sport Fish
Department of Fish and Game

SUBJECT: SSSB-111

This bill provides for the repeal of the five dollar king salmon/ steelhead permit for a net loss of program revenue of \$307,024 based on 1980 sales. The bill also provides for an offsetting fee increase in three sport fishing license classes out of the seven existing classes. The license fee increases will provide an estimated net revenue of \$321,231, resulting in a net gain of approximately \$14,200 to the Fish and Game Fund.

Due to the public confusion resulting in the mid-season change in permit requirements last year, not all anglers were aware of the need for the special permit. Consequently, this first year sale of permits may have been substantially lower than they should have been.

By not addressing all the sport fishing license classes in the fee changes, a nonresident now receives a better bargain by purchasing several short-term licenses than those who purchase a season license. Though the resident and nonresident season license holders are picking up the added cost for loss of revenue through repeal of the king salmon/steelhead permit, the short-term nonresident who fishes as hard or harder on these stocks is not picking up any of the costs.

The following amendments are recommended which would provide for a consistency in license fees and provide some additional revenue to the Fish and Game Fund. The incongruous aspect of this bill is the added increase in a tax on only one user group during a period when the State is looking for ways to return money to its citizens. Sport fishermen have been asked to pay for their programs (activities of the Sport Fish Division) through ever increasing license fees, even when a good part of their fees provide premium benefits to the general public and the various communities. It should be noted that even with the proposed amendments, the increased revenues will not buy any increase services and programs due to continuing inflation.

Suggested amendments to SSSB-111 by adding the following:
16.05.340(a)

- (5) Resident hunting, trapping and sport fishing license
- (6) Visitors special sport fishing license - valid for the period inscribed on the license

27 [25]

COMMISSIONER OF FISH AND GAME
RECEIVED
MAR 31 1981

(A) for <u>5</u> [10]-day license	<u>20</u> [15]
(B) for one-day license	<u>10</u> [5]
(9) Nonresident hunting and sport fishing license	<u>96</u> [90]

Table 1 shows the net effect of S SB-111 and proposed amendments based on 1980 calendar year sales.

Provide for an effective date of January 1, 1982 to avoid mid-season confusion of fee changes.

cc: Mary Jablonski
Phil Wall - Revenue

THE LEGISLATURE OF THE STATE OF ASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST SPONSOR SUBSTITUTE FOR SB 111
 Bill/Resolution No. _____
 Title An Act relating to fishing and hunting license fees and fishing permits
 Requested by _____ Date 03/19/81

II. FISCAL DETAIL
 Agency Affected Department of Fish and Game
 Program Category Affected Natural Resource Management
 BRU, Program, or Subprogram(s) Affected Sport Fish and Game
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURE (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-

REVENUE (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
FISH AND GAME FUND	-0-	-0-	(13.3)	(13.3)	(13.3)	(13.3)

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

Each section of the bill has been priced out below using 1980 figures.
 Section 1. \$2 x 82,934 resident licenses= \$ 165,868
 Section 2. \$2 x 29,711 resident licenses= 59,422
 Section 3. \$6 x 14,174 nonresident licenses= 85,044
 Section 4. \$5 x 64,734 Steelhead and King Salmon stamps= (325,670)
 TOTAL \$ (13,336)

TOTAL STRAIGHT LINED for remainder of years.

IV. DATE March 24, 1981 PREPARED BY Russell H. Clark
 AGENCY Department of Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Eliason and Ray	Bill Number SE 111
Department Position Oppose		
Division Director <i>[Signature]</i> Rupert E. Andrews	Date 2/9/81	Commissioner <i>[Signature]</i> 2/11/81

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill None
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Izaak Walton League Alaska Sport Fishing Association Alaska Sportsmen Council

3. Program Effects of Bill

Repeal of the king salmon/steelhead stamp will reduce the revenue to the Fish and Game Fund for sport fish use by at least \$300,000/year for the first year or two and somewhat greater thereafter. Loss of this revenue will require other funding sources to maintain needed data collection programs concerned with king salmon and steelhead trout in Southcentral and Southeast.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

- Option 1. Increase general sport fishing license by \$5.00
- Option 2. Create a conservation fund similar to the permanent fund for Fish and Game operating costs.

6. Comments:

This fee increase originally was due to the requests from Cook Inlet anglers for new and expanded research projects directed specifically at king salmon and steelhead eventually to gain knowledge and allow expanded or continued angling opportunities for these species. Funds accrued are currently being spent on Anchorage projects in Cook Inlet and also in the Taku River watershed near Juneau.

Justice

Introduced: 1/28/81
Referred: Resources and
Finance

1 IN THE SENATE

BY ELIASON AND PAY

2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act repealing the requirement that sport fishermen
7 obtain a permit to take king salmon and steelhead."

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

9 * Section 1. AS 16.05.340(a)(20) is repealed.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Hunting and Trapping License and Related Revenues - Calendar Year 1980

<u>Source</u>	<u>Net Revenues</u>	<u>Percentage of Total</u>
Resident License Fees	\$ 781,627	30.2
Resident Big Game Tag Fees	94,991	3.7
Prorated Resident Portion of Permit Fees (89%)	141,639	5.5
Prorated Resident Portion of Guide Fees (5%)	<u>361</u>	<u>.1</u>
<u>Total Estimated Resident Contributed</u>	\$1,018,618	39.5
Nonresident License Fees	\$ 342,487	13.2
Nonresident Big Game Tag Fees	1,195,565	46.3
Prorated Nonresident Portion of Permit Fees (11%)	17,506	.7
Prorated Nonresident Portion of Guide Fees (95%)	<u>6,859</u>	<u>.3</u>
<u>Total Estimated Nonresident Contribution</u>	\$1,562,417	60.5
<u>Total Revenues</u>	\$2,581,035	100.0
No. of Residents licensed to hunt -	74,485	89.0
No. of Nonresidents licensed to hunt -	<u>7,289</u>	<u>11.0</u>
<u>Total no. of Licensed Hunters</u> -	81,774	100.0

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 111

Title An Act repealing the requirement to obtain a King salmon and steelhead permit

Requested by Senate Resources Committee Date February 2, 1981

II. FISCAL DETAIL

Agency Affected Department of Fish and Game

Program Category Affected Natural Resource Management

BRU, Program, or Subprogram(s) Affected Sport Fish, Game, Habitat 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 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	-0-	-0-	-0-	-0-	-0-	-0-

REVENUE

~~MAXIMUM~~ (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)	-0-	(328.5)	(351.5)	(376.1)	(402.4)	(430.6)
Fish and Game Fund						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME	-1	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

All Figures based on first year (January 1, 1980 thru December 31, 1980) conservative 7% growth per year. All Figures indicate revenue reductions.

Base Year	1980 - \$307,024.40	Actual
	1981 - (328,500)	Estimate
	1982 - (351,500)	Estimate
	1983 - (376,100)	Estimate
	1984 - (402,400)	Estimate
	1985 - (430,600)	Estimate

Note: Program reductions associated with this repeal have not been estimated, but would resemble 6% cut from this funding source.

IV. DATE February 5, 1981

PREPARED BY

JR *Stout*
Russell H. Clark

AGENCY

Department of Fish and Game

PHONE

465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Keith Spelling, Office of the Governor

SPORT FISHING LICENSES

Resident	Non-resident	Total
1978-129,750	65,481	195,231
1979-130,458	72,090	202,548
1980-132,103	74,699	206,802

Cost of these licenses(net monies paid to Sport Fishing Fund)

1978-\$2,108,693

1979-\$2,184,529

1980-\$2,249,058

In addition in 1980, \$307,024 was paid by the purchase of special permits for king salmon and steelheads.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Eliason and Ray	Bill Number CS for SSSB 111
Department Position Support with Amendments		
Division Director Rupert E. Andrews <i>[Signature]</i>	Date 4/20/81	Commissioner Ronald O. Skoog
		Date

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill Revenue - Fish and Game Licensing
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown - See comments received for SB 111

3. Program Effects of Bill

No major effects are expected to the Sport Fish programs, as the loss of revenue due to the repeal of the king salmon/steelhead permit will be essentially balanced by the increase in proposed fees.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

Please see attached

6. Comments:

Please see attached

Comments:

Due to the public confusion resulting in the mid-season change in permit requirements last year, not all anglers were aware of the need for the special permit. Consequently, this first year sale of permits may have been substantially lower than they should have been.

By not addressing all the sport fishing license classes in the fee changes, a nonresident now receives a better bargain by purchasing several short-term licenses than those who purchase a season license. Though the resident and nonresident season license holders are picking up the added cost for loss of revenue through repeal of the king salmon/steelhead permit, the short-term nonresident who fishes as hard or harder on these stocks is not picking up any of the costs.

The incongruous aspect of this bill is the added increase in a tax on only one user group during a period when the State is looking for ways to return money to its citizens. Sport fishermen have been asked to pay for their programs (activities of the Sport Fish Division) through ever increasing license fees, even when a good part of their fees provide premium benefits to the general public and the various communities. It should be noted that even with the proposed amendments, the increased revenues will not buy any increase in services and programs due to continuing inflation.

Suggest amendments to CS for SSSB 111 by adding the following:

16.05.340(a)

- (6) Visitors special sport fishing license -
valid for the period inscribed on the license
 - (A) for 5 (10)-day license 20 (15)
 - (B) for one-day license 10 (5)
- (9) Nonresident hunting and sport fishing
license 96 (90)

Provide for an effective date of January 1, 1982 to avoid mid-season confusion on fee changes.

cc: Phil Wall - Revenue
Ron Lehr

TABLE 1. BASED ON 1980 CALENDAR YEAR SPORT FISH LICENSE SALES

Sport Fish License Class	Number of Licenses Sold	Effect of CS for SSSB-111 Increase (Decrease) (Est. Net.)**
(1) Resident Sport	88,958 *(2.00)	169,020
(4) Resident Hunting	30,551 *(2.00)	58,046
(5) Resident Hunting, Trapping and Sport Fishing	9,953 x (2.00)	18,910
(6)(A) Visitors 10-Day Amend to 5-day	35,521 x (5.00)	168,724
(6)(B) Visitors 1-Day	17,187 x (5.00)	81,638
(7) Nonresident sport fishing	14,174 x (6.00)	80,791
(9) Nonresident hunting and sport fishing	953 x (6.00)	5,432
(20) King salmon and Steelhead permit	64,734 x (5.00)	(307,024)
Total		275,537

* Includes nonresident military eligible to purchase resident licenses

** Net = license sales x fee (-) vendor commission @ 5%

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SSSB 111
 Title An Act Relating to Fishing, Hunting and Trapping License Fees
 Requested by Senate Resources Date 20 April 1981

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources Management
 BRU, Program, or Subprogram(s) Affected Sport Fish
 (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-

REVENUE FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
FISH AND GAME FUND	-0-	275,537	275,537	275,537	275,537	275,537

POSITIONS

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

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

IV. DATE 20 April 1981 PREPARED BY Louis S. Bandirolo *LSB*
 AGENCY Department of Fish and Game
 Original: Legislative Finance PHONE 465-4180
 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. CS-SSSB 111

Title "An Act relating to fishing and hunting license fees and fishing permits."

Requested by Resources Date _____

II. FISCAL DETAIL

Agency Affected Dept. of Fish and Game

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						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
FISH AND GAME FUND	-0-	29,561	29,561	29,561	29,561	29,561

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 4/22/81 PREPARED BY Louis S. Bandirola

AGENCY Fish and Game

PHONE 465-4180

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

TABLE 1. BASED ON 1980 CALENDAR YEAR SPORT FISH LICENSE SALES

Sport Fish License Class	Number of Licenses Sold	Corrected Effect of CS for SSSB-111 Increase (Decrease) (Est. Net.)*
(6)(A) Visitors 10-Day Amend to 5-day	35,521 x (5.00)	168,724
(6)(B) Visitors 1-Day	17,187 x (5.00)	81,638
(7) Nonresident sport fishing	14,174 x (6.00)	80,791
(9) Nonresident hunting and sport fishing	953 x (6.00)	5,432
(20) King salmon and Steelhead permit	64,734 x (5.00)	(307,024)
Total		29,561

* Net = license sales x fee (-) vendor commission @ 5%

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
 VIC FISCHER, VICE-CHAIRMAN
 BRAD BRADLEY
 DICK ELIASON
 DON GILMAN
 BOB MULCAHY
 ARLISS STURGULEWSKI



POUCH V
 STATE CAPITOL
 JUNEAU, ALASKA 99811
 (907) 465-3834
 (907) 465-3835

Senate

Committee on Resources

TO: Senator Eliason

FROM: Senate Resources Committee Staff

DATE: April 21, 1981

RE: Nonresident fishing license fees in Washington, Idaho and Montana

Per Lou Bandirola, Department of Fish and Game the following are the nonresident fishing license fees in Washington, Idaho and Montana:

Washington

7 day license	\$7.50
Steelhead Permit	3.00

Montana

2 day license	4.00
Seasonal nonresident	30.00

Idaho

Presently:

7 day license	10.50
1 day license	4.50
Steelhead Stamp	2.50
Salmon Stamp	2.50

Effective 1982:

7 day license	14.50
---------------	-------

05528

H.R. No. 111

<i>Rev.</i>	<i>5 day</i>	<i>2.0</i>
<i>8.50</i>	<i>1 day</i>	<i>1.0</i>
<i>2.00</i>	<i>Steelhead</i>	<i>3.0</i>
<i>3.00</i>	<i>Steelhead</i>	<i>3.0</i>
<i>2.50</i>	<i>Steelhead</i>	<i>3.0</i>

<i>Rev.</i>	
<i>7.50</i>	
<i>2.50</i>	
<i>2.50</i>	

<i>10.50</i>
<i>2.50</i>
<i>2.50</i>

10

APR 16 1981

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5
JUNEAU, ALASKA 99811

April 15, 1981

The Honorable Bettye Fahrenkamp
Chairperson
Senate Resources Committee
Room 211 - Capitol Building
Juneau, Alaska

Dear Senator Fahrenkamp:

Re: Sponsor Substitute for Senate Bill No. 111

Sponsor Substitute for Senate Bill No. 111, an Act relating to fishing and hunting license fees and fishing permits, was introduced in the Senate on March 17, 1981 and was referred to the Senate Resources and Finance Committees.

For the consideration of the Senate Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phil Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS/rdh

cc: The Honorable Don Bennett
The Honorable M. E. Dankworth
Co-Chairmen
Senate Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Phil Wall, Director
Administrative Services Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSB 111
 Title An Act Relating to Fishing & Hunting License Fees & Fishing Permits
 Requested by Elinson Date 4/2/81

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected _____ Revenue Collection & Management
 BRU, Program, or Subprogram(s) Affected _____ Administration & Support

(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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Sport Fish Management Fund	-0-	144.5	150.2	156.2	162.5	169.0

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)

The FY 82 increase assumes effective date of January 1, 1982. Details of the increase is contained on the attached Table 1. The figures shown are net increases.

There are no additional administrative costs.

IV. DATE Apr 15, 1981 PREPARED BY Phillip A. Zell
 AGENCY Revenue
 PHONE 465-2313
 cc: Legislative Finance
 Budget and Management
 Prime Sponsor (First Legislator Named)

LD
APR 16 1981

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

April 15, 1981

The Honorable Bettye Fahrenkamp
Chairperson
Senate Resources Committee
Room 211 - Capitol Building
Juneau, Alaska

Dear Senator Fahrenkamp:

Re: Sponsor Substitute for Senate Bill No. 111

Sponsor Substitute for Senate Bill No. 111, an Act relating to fishing and hunting license fees and fishing permits, was introduced in the Senate on March 17, 1981 and was referred to the Senate Resources and Finance Committees.

For the consideration of the Senate Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phil Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS/rdh

cc: The Honorable Don Bennett
The Honorable M. E. Dankworth
Co-Chairmen
Senate Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Phil Wall, Director
Administrative Services Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSB 111
 Title An Act Relating to Fishing & Hunting License Fees & Fishing Permits
 Requested by Eliason Date 4/2/81

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected _____ Revenue Collection & Management _____
 BRU, Program, or Subprogram(s) Affected _____ Administration & Support _____

(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						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Sport Fish Management Fund	-0-	144.5	150.2	156.2	162.5	169.0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The FY 82 increase assumes effective date of January 1, 1982. Details of the increase is contained on the attached Table 1. The figures shown are net increases.

There are no additional administrative costs.

IV. DATE April 15, 1981 PREPARED BY Philip A. Wall
 AGENCY Revenue
 PHONE 465-2313
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

TABLE 1. BASED ON 1980 CALENDER YEAR SPORT FISH LICENSE SALES

Sport Fish License Class	Number of Licenses Sold	Effect of SSSB-111 Increase (Decrease) (Est. Net)	Effect of Proposed Amend (Est. Net)	
(1) Resident Sport	95,958	182,320		
(4) Resident Hunting and Sport Fishing	30,551	58,046		
(5) Resident Hunting, Trapping and Sport Fishing	9,953		18,910	
(6)(A) Visitors 10-Day Amend to 5-day	35,521		168,724	Amend to 5-day license and increase fee by \$5.00 to cover king salmon fishing
(6)(B) Visitors 1-day	17,187		81,638	Increase fee by \$5.00 to cover king salmon fishing
(7) Nonresident sport fishing	14,174	80,791		
(9) Nonresident hunting and sport fishing	953		5,432	
(20) King salmon and Steelhead permit	64,734	(307,024)		
Total		14,207	274,704	

3894

Original Sponsor: Eliason and Ray

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 111 (Resources)
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 fishing, hunting, and trapping
7 license fees and fishing permits."

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

9 * Section 1. AS 16.05.340(a)(1) is amended to read:

10 (1) Resident sport fishing license..... \$12 [\$10]

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

12 * Sec. 2. AS 16.05.340(a)(4) is amended to read:

13 (4) Resident hunting and sport fishing license... 24 [22]

14 * Sec. 3. AS 16.05.340(a)(5) is amended to read:

15 (5) Resident hunting, trapping, and sport fishing
16 license..... 27 [25]

17 However, the fee is 25 cents for the head of a family or a dependent
18 member of his family or one solely dependent upon himself for support
19 upon proof presented by the applicant that the applicant

20 (A) is obtaining or has obtained assistance during the
21 preceding six months under any state or federal welfare program to
22 aid the indigent, or

23 (B) has an annual family gross income of less than
24 \$5,600 for the year preceding application.

25 * Sec. 4. AS 16.05.340(a)(7) is amended to read:

26 (7) Nonresident sport fishing license..... 36 [30]

27 * Sec. 5. AS 16.05.340(a)(20) is repealed.
28
29

Guthrie
4/16/81 ✓

Original sponsors: Eliason and Ray

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 111 (Resources)
 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 fishing and hunting license fees
 7 and fishing permits; and providing for an effective
 8 date."

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

10 * Section 1. AS 16.05.340(a)(1) is amended to read:
 11 (1) Resident sport fishing license..... \$12 [\$10]

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

13 * Sec. 2. AS 16.05.340(b)(4) is amended to read:
 14 (4) Resident hunting and sport fishing license..... 24 [22]

15 * Sec. 3. AS 16.05.340(a)(7) is amended to read:
 16 (7) Nonresident sport fishing license..... 36 [30]

17 * Sec. 4. AS 16.05.340(a)(9) is amended to read:
 18 (9) Nonresident hunting and sport fishing license .. 96 [90]

19 A nonresident may not take a big game animal without previously pur-
 20 chasing a numbered, nontransferable, appropriate tag, issued to him as
 21 provided in (16) of this subsection. The tag shall be affixed to the
 22 animal immediately upon capture and shall remain affixed until the
 23 animal is prepared for storage, consumed, or exported. A tag issued
 24 but not used for an animal may be used to satisfy the tagging require-
 25 ment for any other animal of the species named for which the tag fee is
 26 of equal or less value.

27 * Sec. 5. AS 16.05.340(a)(20) is repealed.

28 * Sec. 6. This Act takes effect January 1, 1982.

29

Sen. Dick Eliason R-Sitka,
has introduced a bill to end the
requirement for sport king and
steelhead fishing permits that a
person now must obtain in ad-
dition to regular fishing licen-
ses (SB111). He said the per-
mits are a "nuisance."

Feb 3, 1981

Dear Senator Eliason,

I agree with you
100 percent.

Last year, I and
thousands of other sport
fishermen, had to go to
license vendors three
times to get the necessary
permits to fish kings and
steelhead.

What a mess.

Sincerely,

Bob Cherner
Box 55 Miralshik
Alaska 99639

Senator Dick Eliason
Pouch V.
Juneau 99811

Feb 4, 1981

Dear Senator Eliason:

We, the undersigned, support passage of SB 111 repealing the \$5.00 king salmon and steelhead trout tax levied on sportsfishermen.

We feel the tax to be unfair in that the revenue generated would be insignificant as a whole, and that considering the additional law enforcement required to ensure compliance, and the accounting and recordkeeping paperwork it would generate, it amounts to nothing more than a nuisance tax.

Respectfully,

<u>Name</u>	<u>Address</u>
Tom Walker	Box 2284, Sitka, Alaska 99835
Mervin Gullidge	Box B Sitka, Alaska 99835
Joe H. Ashby	Box 152 Sitka Alaska 99835
Harriet Kershing	Box 553 Sitka, Ak.
Harley [unclear]	[unclear]
Jerry Stutton	Box 652 Sitka Ak, 99835
Lloyd Preen	Box 1843 SITKA
Gene Wagon	Box 2041 SITKA, AK 99835
Tom Donovan	Box 2037 " " "
Mary Gisckle	2116 #2 Holibut Pt Rd Sitka AK, 99835
Maritta Williams	P.O. Box 1314 Sitka, Alaska 99835
Ann Winters	P.O. Box 2284 Sitka, AK 99835

APR 16 1981

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

April 15, 1981

The Honorable Bettye Fahrenkamp
Chairperson
Senate Resources Committee
Room 211 - Capitol Building
Juneau, Alaska

Dear Senator Fahrenkamp:

Re: Sponsor Substitute for Senate Bill No. 111

Sponsor Substitute for Senate Bill No. 111, an Act relating to fishing and hunting license fees and fishing permits, was introduced in the Senate on March 17, 1981 and was referred to the Senate Resources and Finance Committees.

For the consideration of the Senate Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phil Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS/rdh

cc: The Honorable Don Bennett
The Honorable M. E. Dankworth
Co-Chairmen
Senate Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Phil Wall, Director
Administrative Services Division
Department of Revenue