

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5048 HRLS SB 191 - SJR 21

620

SB

1911

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

opies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Rules:

May 8, 1988



Official Business

COMMITTEE:
HS. RULES

DATE: 5-8-88

SIGN-IN

Subject of meeting:

SB191

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
MAY GILCO		556-7345	AK ENVIRONMENTAL LBBBY	
Joe Klutsch	Box 313 King Salmon AK	246-3031	Guide	
Bow Somerville	JUNO AK	789-3450	AK Outdoor Council	
ED HEIN		465-2450	LEG. AFFS	
RANDALL BURNS		465-2535	DEPT OF COMMERCE	
Pete Buist	Box 1561 Fbks 94707	457-7185	Guide + Outfitter	
Mal Lilla	PO Box 270247 ANCHORAGE AK 99522	344-8589	Registered Guide	
Dennis Burns		4967	Rep JUNO	NO
NICK PIERSKALLA	PO Box 27-451 Anchorage AK 99522	344-8589	Registered Guide	
Ed White Coyne	Box 7655 SRC Palmer 99645	—	Reg guide Against S.P.I.	

Roland Shanks
Keed Steeps

ADF&G

465-4100

ADF&G

if Requested

Sectional
5/8/88 Work Draft HCSSB191(Rules)

* Sec. 1: Extends Guide Board until June 30, 1989

* Sec. 2: Assures that the board will use both oral and written examinations of applicants, and will provide an oral exam for applicants with a limited ability in the English language.

* Sec.'s 3 & 4 - Unlawful acts sections:

* Sec. 3: Adds language that prohibits anyone who is not a registered guide to advertise as a guide or as an "outfitter offering big game hunting services".

* Sec. 4:

(3) defines guiding as "accompanying or being present with a big game hunter in the field". Makes it clear that "in the field" does not include a lawfully established base camp, cabin, or permanent lodge that is registered with the department of public safety, division of fish and wildlife protection. — or on a boat w/perm.

(3)(A) exempts from "guiding" the transportation of hunters to and from the field, as long as the transporter and the person(s) being transported do not stalk, pursue, track, kill, or attempt to kill big game during the transportation.

living quarters
(my error)

(3)(B) exempts from "guiding" the selling, leasing, or renting of goods, as long as it does not take place in the field. —

NOTE: The above section has an immediate effective date.

* Sec. 5: Identical to section 4, except that "base camps" are removed, so that when this section takes effect, "base camps" will be considered "in the field", and no one other than a guide may accompany or be present with a hunter in a base camp.

NOTE: The above section has an effective date of June 30, 1990, and will replace bill Sec. 4 at that time.

* Sec. 6: Adds some definition language to "base camp".

* Sec. 7: Requires the person selling big game tags to furnish the buyer with a form, provided by the department, to be completed and returned by the hunter after the big game is taken. The department shall pay the cost return postage. The form must specify the location, amount, and kinds or species of game taken.

* Sec. 8: Makes failure to comply with bill Sec. 9 a misdemeanor.

* Sec. 9: Requires a non-resident applicant for a moose or caribou tag to furnish an affidavit to the state showing where the applicant will be hunting & what type of services they will be employing. If an applicant files a false affidavit, they are guilty perjury.

* Sec. 10: Adds two new sections to 16.05:

AS 16.05.786: Requires big game transporters to report violations. Failure to do so can result in a fine of up to \$2000 and up to one year in jail.

AS 16.05.787: Allows "outfitters" to be present with the hunter at a registered base camp, cabin or permanent lodge. To establish a registered base camp, cabin, or permanent lodge, the operator must file an affidavit, at least two weeks in advance, with the Department of Public Safety, division of fish & wildlife protection, containing the following information:

1. The specific location of the camp, cabin or lodge,
2. The number of hunters in each party that will use the camp, cabin, or permanent lodge,
3. the kinds of big game that will be hunted.

The Department of Public Safety must share this information with the Department of Fish and Game. Falsifying the affidavit is perjury.

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* Sec. 11: Identical to AS 16.05.787, except that language referring to "base camps" is deleted. With this section, there will no longer be such a thing as a registered "base camp". Accompanying or being present with a hunter in the field at any place other than a lawfully established registered cabin or permanent lodge will be considered "guiding".

NOTE: The above section has an effective date of June 30, 1990, and at that time will replace AS 16.05.787 in Sec. 9 of the bill.

* Sec. 12: Establishes, under the jurisdiction of the legislative council, an interim task force on guiding and game. The thirteen member task force consists of the following members:

The commissioners of Public Safety, Fish and Game, and Commerce & Economic Development, or their designees,

Two senators and two representatives, none of whom have a financial interest in the commercial taking of game,

Six members appointed by the Governor as follows:

- 1 member of the guide board
- 1 registered guide who is not a member of the guide board
- 2 persons who are involved in the commercial taking of game, who are not guides
- 2 members of the public, at least one of whom has no financial interest in the commercial taking of game.

The members of the task force shall elect a chair. The task force is charged with studying the problems and issues concerning the commercial taking of game in Alaska, and the businesses or professions that provide goods and services to big game hunters. The task force must report its findings and proposed legislation to address these findings no later than January 15, 1989.

The chair of the task force has the power to subpoena witness and put them under oath, if authorized to do so by a majority of the members. The provisions of subpoena power in AS 24.25.020 - 24.25.080 (relating to legislative committees) applies to the task force. The task force terminates on Jan. 15, 1989.

* Sec. 13: repeals section 6 of this bill (definition of base camp) effective June 30, 1990.

* Sec. 14 & 15 are the effective date clauses.

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/8/88

FURTHER REFERRALS:

DATE: 5-8-88

The Rules Committee has considered CSSB 191(Fin)am

"An Act relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 191 (Rules) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 3/31/88 See
- same as previous zero fiscal note published 3/31/88

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

no rec
no rec

Mike Favara
 Chairman's signature

5-0848U

Hein
5/8/88

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE PILL NO. 191 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

14 * Sec. 2. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade, and administer

17 (A) a written and oral examination of an applicant for
18 a registered guide license that requires demonstration that the
19 applicant is qualified generally to provide guided hunts and, in
20 particular, to guide in each game management unit the applicant
21 has selected; if an applicant demonstrates limited ability to
22 read or write the English language, the entire examination shall
23 be administered orally; and

24 (B) an oral examination of a registered or master
25 guide who seeks an amendment of a game management unit certifica-
26 tion; the examination must require demonstration that the guide
27 is qualified to provide guided hunts in each new game management
28 unit for which the guide seeks to be certified [EXAMINATIONS,
29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

1 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

2 (2) determine qualifications of applicants for licenses and
3 authorize the issuance of licenses to those who qualify;

4 (3) establish guide performance standards and regulate
5 activity;

6 (4) compile, maintain, and publish an annual register of
7 master and registered guides who have not been convicted of a vio-
8 lation of a state game or guiding statute or regulation; a guide
9 listed in the register whose license is revoked or suspended shall be
10 removed from the register while the guide's license is revoked or
11 suspended;

12 (5) prohibit guiding activities which are unsportsmanlike,
13 unethical, unsafe, against principles of conservation, degrading to
14 the guiding profession, or which adversely affect the natural re-
15 sources;

16 (6) after a hearing, revoke, suspend, or deny renewal of a
17 license in accordance with AS 08.54.200;

18 (7) establish a quota of licensed operating guides who may
19 operate within designated geographical game units or subunits of the
20 state and provide for an equitable, reasonable, and consistent pro-
21 cedure for limiting the number of guides to that quota; preference may
22 be given to qualified available and willing licensed guides who reside
23 within the designated game unit or subunit;

24 (8) meet at least twice annually, once in Anchorage and
25 once in another municipality.

26 * Sec. 3. AS 08.54.210 is amended to read:

27 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

28 (1) a master guide, registered guide, special guide, class
29 A assistant guide, or assistant guide to fail to timely report to the

1 Department of Public Safety, division of fish and wildlife protection,
2 and in no event later than 30 days, a violation of a state fish, game,
3 or guiding statute or regulation that the guide reasonably believes
4 was committed by a client or an employee of the guide;

5 (2) a guide to commit or aid the commission of a violation
6 of this chapter or of a state game or guiding statute or regulation or
7 to permit the commission of a violation that the guide knows or rea-
8 sonably believes is being or will be committed without attempting to
9 prevent it, short of using force, and without reporting it;

10 (3) a person to guide without having a current valid guide
11 license and resident hunting license in actual possession;

12 (4) a person without a current valid registered or master
13 guide license to advertise as or represent to be

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

17 (5) a guide to intentionally obstruct or hinder or attempt
18 to obstruct or hinder lawful hunting engaged in by a person who is not
19 a client of the guide;

20 (6) a person to guide without being validly licensed as a
21 guide under this chapter and as a resident hunter under AS 16;

22 (7) an assistant guide to contract to conduct a guided
23 hunt;

24 (8) an assistant guide to be in the field on a guided hunt
25 except while employed and supervised by a registered or master guide.

26 (b) A person who violates (a)(1) - (5) of this section is guilty
27 of a misdemeanor and upon conviction is punishable by a fine of not
28 more than \$2,000 [\$1,000] or by imprisonment for not more than one
29 year, or by both, and the person's license may be revoked for a period

1 up to five years. However, a person who engages in guiding activity
2 during the period for which the person's license is suspended or
3 revoked under this chapter, or who violates (a)(6) - (8) of this
4 section, is guilty of a felony punishable, upon conviction, by a fine
5 of not more than \$5,000 and by imprisonment for not less than one year
6 nor more than three years. In addition to punishment for a felony,
7 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
8 cles, camping gear and other equipment and paraphernalia used in, or
9 in aid of, guiding activity engaged in during the period of suspension
10 or revocation may be seized by persons authorized to enforce this
11 chapter and may be forfeited to the state as provided under AS 16.05.-
12 195.

13 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

14 (3) "guide" or "guiding" means accompanying or being pre-
15 sent with a big game hunter in the field, personally or through an
16 assistant, for compensation or with the intent or an agreement to
17 receive compensation; "in the field" does not include a lawfully
18 established base camp, cabin, or permanent lodge registered with the
19 division of fish and wildlife protection under AS 16.05.787 or a boat
20 with permanent living quarters; "guide" or "guiding" does not include

21 (A) providing transportation to or from the field, if
22 the persons providing transportation and the persons being trans-
23 ported do not stalk, pursue, track, kill, or attempt to kill big
24 game during the transportation; or

25 (B) selling, leasing, or renting goods, if the trans-
26 action does not take place in the field;

27 * Sec. 5. AS 08.54.240(3) is amended to read:

28 (3) "guide" or "guiding" means accompanying or being pre-
29 sent with a big game hunter in the field, personally or through an

1 assistant, for compensation or with the intent or an agreement to
2 receive compensation; "in the field" does not include a lawfully
3 established [BASE CAMP,] cabin [,] or permanent lodge registered with
4 the division of fish and wildlife protection under AS 16.05.787 or a
5 boat with permanent living quarters; "guide" or "guiding" does not
6 include

7 (A) providing transportation to or from the field, if
8 the persons providing transportation and the persons being trans-
9 ported do not stalk, pursue, track, kill, or attempt to kill big
10 game during the transportation; or

11 (B) selling, leasing, or renting goods, if the trans-
12 action does not take place in the field;

13 * Sec. 6. AS 08.54.240 is amended by adding a new paragraph to read:

14 (7) "base camp" does not include a spike camp, fly camp, or
15 overnight camp.

16 * Sec. 7. AS 16.05.370 is amended by adding a new subsection to read:

17 (b) A person who sells big game tags shall give to each buyer a
18 game report form provided by the department, to be completed and
19 returned by the hunter after big game is taken. The department shall
20 pay the cost of return postage for the report. The report must
21 specify the location, amount, and kinds or species of game taken.

22 * Sec. 8. AS 16.05.407(d) is amended to read:

23 (d) A nonresident who violates (a) of this section, or who fails
24 to furnish an affidavit under (b) or (e) of this section, is guilty of
25 a misdemeanor and upon conviction is punishable by imprisonment for
26 not more than one year, or by a fine of not more than \$5,000, or by
27 both.

28 * Sec. 9. AS 16.05.407 is amended by adding a new subsection to read:

29 (e) An applicant for a nonresident big game tag for the taking

1 of moose or caribou shall first furnish to the state, on a form pro-
2 vided by the state, an affidavit showing where the applicant will be
3 hunting and what guiding, transportation, or other big game hunting
4 services the applicant will be employing. A person who falsifies an
5 affidavit under this subsection is guilty of perjury under AS 11.56.-
6 200.

7 * Sec. 10. AS 16.05 is amended by adding new sections to read:

8 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
9 LATIONS. (a) A person who transports a big game hunter to or from
10 the field for compensation, or with the intent or an agreement to
11 receive compensation, shall promptly report to the Department of
12 Public Safety, division of fish and wildlife protection, and in no
13 event later than 30 days, a violation of a state fish, game, or guid-
14 ing statute or regulation that the person reasonably believes was
15 committed by a client or employee of the person.

16 (b) A person who violates this section is guilty of a misde-
17 meanor and upon conviction is punishable by a fine of not more than
18 \$2,000 or by imprisonment for not more than one year, or by both.

19 Sec. 16.05.787. REGISTRATION OF BIG GAME HUNTING BASE CAMPS,
20 CABINS, AND LODGES. (a) A person who is not licensed as a guide
21 under AS 08.54 may accompany or be present with a hunter at a base
22 camp, cabin, or permanent lodge in connection with a big game hunt and
23 for compensation only if the person has furnished an affidavit to the
24 Department of Public Safety, division of fish and wildlife protection,
25 at least two weeks in advance. The affidavit must be signed by the
26 person and must provide the following information:

- 27 (1) the specific location of the camp, cabin, or lodge;
28 (2) the number of big game hunters in each party that will
29 use the camp, cabin, or lodge; and

1 (3) the kinds or species of big game that will be hunted.

2 (b) The Department of Public Safety shall send a copy of each
3 affidavit under this section to the Department of Fish and Game.

4 (c) A person who falsifies an affidavit under this section is
5 guilty of perjury under AS 11.56.200.

6 * Sec. 11. AS 16.05.787(a) is amended to read:

7 (a) A person who is not licensed as a guide under AS 08.54 may
8 accompany or be present with a hunter at a [BASE CAMP,] cabin [,] or
9 permanent lodge in connection with a big game hunt and for compensa-
10 tion only if the person has furnished an affidavit to the Department
11 of Public Safety, division of fish and wildlife protection, at least
12 two weeks in advance. The affidavit must be signed by the person and
13 must provide the following information:

14 (1) the specific location of the [camp,] cabin [,] or
15 lodge;

16 (2) the number of big game hunters in each party that will
17 use the [CAMP,] cabin [,] or lodge; and

18 (3) the kinds or species of big game that will be hunted.

19 * Sec. 12. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
20 on the Guide Board and the commercial taking of big game is established
21 under the jurisdiction of the legislative council. The task force consists
22 of the commissioners of fish and game, commerce and economic development,
23 and public safety, or their designees; two members of the senate appointed
24 by the president of the senate and two members of the house of representa-
25 tives appointed by the speaker of the house, none of whom has a financial
26 interest in any business involving or related to the commercial taking of
27 game; and six members appointed by the governor as follows: one member of
28 the Guide Board; one big game guide licensed under AS 08.54 who is not a
29 member of the Guide Board; and two persons engaged in a business, other

MAY NOT BE A GUIDE

only 1 whose AD
AIR TAX: EP

1 than guiding, that includes transporting big game hunters to and from the
2 field; and two public members, ^{-- None} at least one of whom has no financial inter-
3 est in any business involving or related to the commercial taking of game.
4 The governor shall appoint at least one member from each judicial district
5 in the state. The members shall elect a person to chair the task force.

6 (b) The task force shall review the operations of the Guide Board and
7 shall study problems and issues concerning the commercial taking of big
8 game in the state and the businesses or professions that provide goods and
9 services to big game hunters in the state. The task force shall submit to
10 the legislative council, not later than January 15, 1989, a report on its
11 findings and proposed legislation to address the problems and issues cover-
12 ed in the report.

13 (c) A subpoena requiring the attendance of a witness before the task
14 force may be issued by the person chairing the task force if authorized to
15 do so by a majority of the membership of the task force. The provisions of
16 AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection
17 and to witnesses called by the task force.

18 (d) The task force terminates January 15, 1989.

19 * Sec. 13. AS 08.54.240(7) is repealed.

20 * Sec. 14. Sections 1 - 4, 6 - 10, and 12 of this Act take effect imme-
21 diately under AS 01.10.070(c).

22 * Sec. 15. Sections 5, 11, and 13 of this Act take effect June 30,
23 ~~1990.~~ 1989.

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29



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

House Resources Letter of Intent For HCS CSSB 191(Res)

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichuk vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements

between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The task force should describe what commercial providers should be allowed in "camps" and "in the field." "Compensation", and "monetary consideration" should also be further defined and explained by the task force.

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should address the issue of whether fish and wildlife protection officers and other state employees whose whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

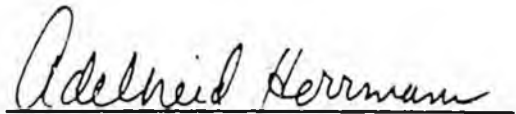
The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

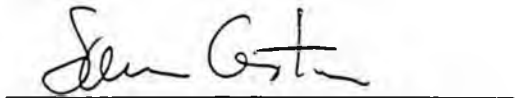
House Resources Letter of Intent
For HCS CS SB 191 (Resources)
Page 3

The task force should examine the possibility of bonding requirements for providers of big game hunting services.

The task force should also look at the role of sired dog hunts, and when dogs should be allowed in camps.



Rep. Adelheid Herrmann
Co-Chairman, H. Resources
5/2/88



Rep. Sam Cotten
Co-Chairman, H. Resources
5/2/88

Sectional
5/8/88 Work Draft HCSSB191(Rules)

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* Sec. 2: Assures that the board will use both oral and written examinations of applicants, and will provide an oral exam for applicants with a limited ability in the English language.

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NOTE: The above section has an immediate effective date.

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NOTE: The above section has an effective date of June 30, 1990, and will replace bill Sec. 4 at that time.

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1. The specific location of the camp, cabin or lodge,
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1 member of the guide board

1 registered guide who is not a member of the guide board

2 persons who are involved in the commercial taking of game, who are not guides

2 members of the public, at least one of whom has no financial interest in the commercial taking of game.

The members of the task force shall elect a chair. The task force is charged with studying the problems and issues concerning the commercial taking of game in Alaska, and the businesses or professions that provide goods and services to big game hunters. The task force must report its findings and proposed legislation to address these findings no later than January 15, 1989.

The chair of the task force has the power to subpoena witness and put them under oath, if authorized to do so by a majority of the members. The provisions of subpoena power in AS 24.25.020 - 24.25.080 (relating to legislative committees) applies to the task force. The task force terminates on Jan. 15, 1989.

* Sec. 13: repeals section 6 of this bill (definition of base camp) effective June 30, 1990.

* Sec. 14 & 15 are the effective date clauses.

Game guides are under fire

Critics say guide board runs a state-sanctioned monopoly

By **CRAIG MEDRED**
Daily News outdoors editor

First of two parts

© 1988 Anchorage Daily News

Behind Alaska's \$20 million-per-year, big-game hunting industry operates a good-old-boy network that wraps the guides, the board that regulates them and some officials of the Alaska Division of Fish and Wildlife Protection in a cocoon of political and economic cooperation, an Anchorage Daily News investigation has found.

This cartel operates in an effort to protect the profits of a few hundred people involved in the multi-million-dollar business of killing Alaska's big game. It pressures guides to bend to a subjective licensing system that can stack the odds against newcomers to the profession.

"(The) ... regulations and practices (of the Alaska Guide Board) suggest the board may be more interested in the protection and development of the proprietary interests of established guides rather than promoting equitable access to the profession for all qualified individuals," the state Division of Legislative Audit warned earlier this year.

Dick Long, the retired chief investigator for the Alaska Division of Occupational Licensing, calls the guiding business "a state-sanctioned monopoly."

One of Long's responsibilities at the occupational licensing division was to seek out corruption in state-regulated professions, including guiding. He said he was discouraged from investigating guides by then-Director of Occupational Licensing Kathy Marshall.

"I was flat told, 'Don't bother them,'" Long said. "Nobody gets in (the profession) unless they (the guides) say so."

Marshall denies giving Long such orders. She said she told investigators that



■ Do Alaska big-game guides have too much control over the industry, as critics charge, or are they just trying to preserve their livelihoods?

checking on doctors, dentists and other-state-licensed professionals should have a higher priority than checking on guides.

Long said such value judgments are made because guides are politically well-connected in Alaska. Former Gov. Jay Hammond, a revered Alaska politician, is a guide. So are state Sens. Rick Halford of Chugiak and Ken Fanning of Fairbanks. Several guides claim to be close friends of former Gov. Bill Sheffield.

Whether these connections are of any political value is impossible to say, but this much is certain: In 1986, guides had enough political clout to convince the Alaska Legislature to make it a felony to guide without a license.

Practicing medicine, law, engineering, nursing or more than two dozen other professions without a license remains a misdemeanor. Guiding is the only profession for which failure to obtain a license can lead to a mandatory prison sentence and the loss of civil rights that go with a felony conviction.

The state Division of Fish and Wildlife Protection has used the law to seek felony convictions against outfitters and assistant guides working without the approval of the registered guides who run the

See Page A-9, **BIG GAME**

guides who, getting over the other people," said district registered guide Rick Herrler. "You either get along, or you go out of business."

Lording over the profession is a state-sanctioned board with the power to issue and revoke guide licenses and determine who gets valuable exclusive guiding areas.

Three members of the seven-member board are guides. The other four members are supposed to represent the public, but some of the public members have close ties to the industry. And over the years the board has developed an intimate working relationship with the guides it regulates. A special committee composed solely of guides offers the board advice and helps write regulations dictating how the guiding business is regulated by the state.

"They (board members) get a tremendous amount of pressure from the industry," said Marshall, the former occupational licensing director. "It was incredible to me."

Questions about the board's decisions have triggered an avalanche of appeals. In the past 2 1/2 years, 54 guide board decisions have been appealed, according to state auditor.

More guide board decisions are appealed than all of the decisions of the state's other two dozen licensing boards combined, state Director of Occupational Licensing Randall Burns said.

Yet, despite the controversy, Burns defends the board. "I think, at the very least, they ought to be given the benefit of the doubt," he said. "They're slowly trying to figure out a way to correct things. I think you ought to give them some credit for trying to change."

Guides say they're simply fighting for their economic lives against a wave of low-budget hunters lured into once remote hunting areas by unlicensed outfitters and air taxis.

The quality of hunting has deteriorated because of that population boom, Phil Driver, president of the Alaska Professional Hunters Association, said, and that's bad for business.

"Sure people should have a chance to take a reasonable priced hunt," he said. "(But) this is my living. We've got a hell of a problem (with outfitters), and nobody wants to address it."

Guides have been busy in Juneau all year trying to get the regulations to restrict outfitters, or require that all non-residents coming to Alaska hire licensed guides to hunt big game. The state Guide Board has backed the guides in those efforts. Guide Board Vice Chairman Chuck Ward said, the board always tries to work closely with the guides in developing laws and regulations.

"The best way to start is to get the consensus of the industry," he said. "As the industry's representatives change in the regulations, they get a consensus before they bring it to the board."

The board, in particular, needs such a consensus, Ward said; otherwise it will waste

time "hearing every Tom, Dick and Harry's opinion."

But critics say the board should become more democratic and less like a private club.

"It's a disgrace," said Doug Pope, a Juneau attorney and former member of the board. "It's almost an unworkable system as it is. I don't think you can have guides managing guides."

When Fanning got less than he wanted in 1975, he expanded his base of operations by obtaining adjacent areas from other guides. In at least one case, he admits, money changed hands. Fanning said he bought some property in another guide's area.

That guide then recommended the board transfer the area to Fanning. This is a regular practice in the state of Alaska. The guide board never questions how much money is exchanged and rarely questions the transfers themselves.

"Essentially, (the guide board) has been automatically approving transfers regardless of game management considerations, demonstration of experience in the area by the transferees, and over the objections of affected joint users. ... This lack of scrutiny encourages the practice of guides selling their areas to other guides in violation of regulations," auditors said in a 1985 report to the board.

It told the board to clean up its act. Nothing happened.

Improvements range from elaborate lodges to landing strips and trails to tent frames, but not the areas themselves. It is legal to sell these improvements at fair-market value, and board members say they cannot regulate them.

Once a guide has made an investment by buying another guide's improvements, board members add, he deserves the area, too.

"The areas are being bought and sold illegally ... The guide board knows about it, and it doesn't do anything," guide Edd White-cougar said. "That's conspiracy. But who prosecutes the guide board when the attorney general's office represents them?"

White-cougar is a guide unable to obtain an area. Other guides have more than one. By regulation, each guide is allowed a maximum of three — providing, in theory, an area for hunting brown bear, an area for Dall sheep and an area for moose and caribou.

The restriction on the number of areas has, however, been bent for certain guides. State auditors have several times warned the board that such actions smack of favoritism.

When guide and now-state Sen. Ken Fanning, R-Fairbanks, reached the limit of three areas last spring, the board allowed him to com-

board has issued 158 new licenses for registered guides and 1,454 for assistant guides. Because outfitters are unlicensed, there is no record of how many of them work in the state.

State wildlife biologist Dick Sellers said moose kills by sport hunters have tripled in the last six years on the Alaska Peninsula.

Fifty percent of the harvest is by non-residents, who hire the services of either guides or outfitters, he said. The growth in the lower-priced outfitting business makes some guides furious, but many outfitters say they were forced into the business because they couldn't afford to become guides.

Big bucks are needed to finance the purchase of a good area to become a guide, these outfitters say. Investigations by state auditors tend to support that contention.

The guide board's creation of restricted hunting areas for guides has created a lively black market in which rights to areas are bought and sold.

Such sales are illegal. But guides have managed to circumvent that prohibition by disguising their transactions, and the board has made no effort to stop this practice.

Guides simply say they are buying and selling improvements on the land. These im-

business is probably the prices paid for the exclusive guiding areas the state established in 1974.

The areas were set up and awarded free to guides in an effort to minimize competition among them, ensure quality hunting for their clients and help protect wildlife. The areas have since changed hands for prices reportedly ranging from \$50,000 to \$250,000.

One intent of the restricted-area program was to create enclaves in Alaska where guides would have a vested interest in keeping wildlife populations high. Whether guides effectively farm these areas is sharply debated.

And guides aren't the only ones hunting the areas; outfitters are into the more accessible areas in force.

Unlicensed and largely unregulated, these outfitters are able to dodge the state's guide law — and thus the restriction on hunting areas — by offering services that stop just short of guiding.

Outfitters drop hunters in the field, maintain camps and sometimes even provide packers for dead animals, but they are legally prohibited from directing a hunter in the field.

The growing number of guides, outfitters and their clients are worrying some wildlife management specialists. Since 1980, the guide

What is at stake in all of this is money, and lots of it. Non-resident and foreign hunters will pay anywhere from \$2,500 to kill a caribou to \$10,000 to kill a brown bear in Alaska.

According to a 1985 state audit, guides help these hunters kill as much as 40 percent of the more than 33,000 big-game animals taken by sport hunters in Alaska in an average year.

Some of the busiest guides may gross as much as \$500,000 annually, said retired state Fish and Wildlife Protection trooper Capt. James Nutgrass.

Driver pegs the value of the guiding industry at \$15 million to \$20 million a year. That translates to an average gross of \$37,000 to \$50,000 a registered guide, not counting tips often left by rich clients.

But a better indicator of the money to be made in this

BIG GAME, BIG BUSINESS: Critics claim guide board runs state-sanctioned monopoly

Continued from Page A-8

"The board continues to automatically approve almost all transfers of area assignments . . ." state officials reported in a new audit released early this year.

□ In 42 percent of the 19 guide-area transfers in 1986 and 1987, the new owner had no experience guiding in the area he obtained, auditors said. Such sales to inexperienced guides undermine one reason for the guide law — to ensure that non-resident hunters coming to Alaska are taken afield by experienced guides knowledgeable in the area they hunt.

A state law backed by guides requires non-residents to hire guides if they wish to hunt the two most popular big-game species in Alaska: Dall sheep and brown bears. There is, however, no law requiring guides to be Alaska residents. Nor is there a law requiring that low-paid assistant guides be residents.

In fact, a guide who lives in California could obtain an area in the Brooks Range and hire a bunch of college kids from New Jersey to take afield non-resident hunters required to hire guides to hunt sheep and brown bears.

It would all be legal.

And buying a guide area is not that difficult once a guide is licensed.

State audits and interviews with guides depict a system in which some hunting areas — along with the animals there — are essentially sold to the highest bidder. Offers on areas are sometimes solicited in the magazine of the professional hunters association, a lobbying organization and club for big-game guides.

Guide Board Chairman Ray McNutt and other members of the guide board said they know that guiding areas get sold but claim they are powerless to stop the practice.

"What the hell are you going to do?" asked Stan Frost, a member of the board and a registered guide. "As far as the board is concerned, they're transferring the assets."

Guide board member Ben Ballenger said some guides may have made as much as \$200,000 on such sales. Both Frost and McNutt, who is also a guide, said some of this is legitimate.

If the board issues areas to guides based solely on their guiding qualifications, "maybe he (the guide) can't even peddle his investment," McNutt said. "Why should a guide be denied getting some-

thing out of a lifetime of investment?"

The state Department of Law has some qualms about the legality of all of this.

"... To the extent that entry to guide in a district is wholly dependent on the cooperation of other guides, rather than criteria controlled by the state, such a scheme of limited entry may be unconstitutional," Assistant Attorney General Sarah Elizabeth McCracken wrote in a 1981 opinion prepared for the board.

Little has changed since that opinion was written. The guide licensing system remains similar to commercial fishing's limited-entry program, which restricts the number of people allowed to fish. The critical difference is that limited entry was legalized by an amendment to the state Constitution in 1972.

There has never been a constitutional amendment permitting limited entry to the guiding business, although many guides say they would welcome it.

A lawsuit questioning the legality of the state guide law is pending before the state Supreme Court. Filed by registered guide Ken Owsichuk in 1979, the suit attacks the roots of the system, contending that the original distribu-

tion of exclusive areas was arbitrary and unfair.

The areas were determined by the guides drawing lines on maps in 1974. The records are still kept that way. The maps are such a mess, Burns said, that guides are in regular arguments over who controls what.

Veteran guides said those arguments date all the way back to those first meetings to divide up the state. Guides were supposed to outline the areas in which they had traditionally hunted.

Some guides penciled in areas covering hundreds of square miles and got them. Other guides drew areas of tens of square miles and were refused. Owsichuk was one of those denied.

"I think the guide board just didn't like me," he said. "I guess I'm just not one of those ass-kissin', good-old-boy kind of guys. All they want to do is give guides something to sell when they're done guiding."

Auditors raise similar accusations about the system as it exists today, almost a decade later.

"The criteria on which any given area assignment decision is made varies from decision to decision," auditors said this year. "During the past four years, hearing offi-

cers have repeatedly found board decisions to be arbitrary and capricious with little or no support. . . . Essentially, (the guide board) has not fully met its statutory responsibility to adopt an equitable and reasonable procedure for the assignment of guide areas."

Guide board members interviewed for this story could not explain precisely how they decide who gets the valuable hunting areas, or how the size of areas is determined.

Lawmaker and guide Fanning advised: "Quit talking to so many people. You're dealing with a situation that's not black and white."

Fanning is a key player in the struggle in the legislature over how to control outfitters and whether to keep the guide board from disappearing under state sunset rules. A former regulation-hating Libertarian, Fanning argues that the complicated system of guide laws and regulations is needed to control commercial hunting in Alaska.

White-cougar labels the same system a "Mafia franchise" that should be junked because it's unfair. He admits he has been prejudiced against the board since waging a 3-year-old battle to secure his guide license. State

officials eventually forced the guide board to give White-cougar his guide test.

The board then flunked him. A protest was filed. State officials examined the test and decided several correct answers had been graded wrong.

White-cougar was finally given his registered guide license. He is still trying to obtain a small guiding area around his wilderness cabin near Glennallen.

"It's a bad system," said Ron Zobel, White-cougar's attorney. "The people who have the vested interest, they don't have any reason to make it fair."

The only way White-cougar can use his license today is to work at minimal wages for established guides who either were given or bought guiding areas now worth tens or, sometimes, hundreds of thousands of dollars.

This, according to critics of the system, is exactly how the guides want it.

"That's just such an incestuous bunch," said Pope, the former guide board member. "Those guys take care of each other."

■ **MONDAY:** When guides go astray it is often using an airplane in pursuit of a big payday.

A glossary of terms common in guiding business

LICENSED GUIDE

■ **WHO:** Someone who accompanies hunters in the field, cares for them, and helps find, stalk and kill game.

■ **QUALIFICATIONS:** Must serve a three-year apprenticeship in Alaska under a licensed, registered guide. Experience is documented by copies of at least three statements of financial remuneration for each year. Guides must be 21 or older, have first aid certification, and pass oral and written tests administered by the Guide Board.

■ **LIMITATIONS, RESTRICTIONS:** Guides can only hunt in their own restricted guide area or an open area. There are few open areas with enough animals for productive big game hunting. Guides cannot hunt in another guide's area without permission. Guides are required to accompany their clients in the field, or supervise an assistant guide accompanying clients in the field. The Guide Board has interpreted the supervisory requirement to mean that guides should be somewhere in the state when an assistant is with a client in the field.

ASSISTANT GUIDE

■ **WHO:** Someone trying to break into the guiding business. They do most of the grunt work afield.

■ **QUALIFICATIONS:** Must be 19 years old, in sound physical condition, have served three years under a registered guide, and be "favorably recommended to the board, in writing, by a registered guide."

■ **LIMITATIONS, RESTRICTIONS:** Cannot contract hunts. Can work only in the employment and under the supervision of a licensed guide.



OUTFITTER

■ **WHO:** Someone hired by hunters to provide services that range from providing the gear to transporting hunters to the hunting area to taking care of pack horses or river rafts.

■ **QUALIFICATIONS:** None

■ **LIMITATIONS, RESTRICTIONS:** The key distinction between a guide and an outfitter is that an outfitter cannot legally accompany or direct a hunter in the field while the hunter spots, stalks, pursues, tracks, kills or attempts to kill big game.



Anchorage Daily News illustrations/Dee Boyles

MASTER GUIDE

An honorary designation for accomplished veteran guides who have hunted in Alaska at least 10 years and guided for five. Cannot have violated any hunting or fishing regulations within the previous five years. The guide board gives applicants an oral test.

RESTRICTED GUIDING AREAS

■ **BACKGROUND:** In 1974, the Alaska Guide Board carved the state into hundreds of areas and awarded them to the several hundred guides in the state at the time. The action was taken to curtail disagreements among guides and in the expectation of better game management on the theory that no guide would put himself out of business by wiping out all the game in his area. Guides were to be given areas that encompassed their traditional hunting grounds. Guides could be awarded up to three restricted areas, theoretically giving them an area for bear hunting, another for moose hunting and a third for sheep hunting. Not all guides who applied received three areas; some were shut out. The guide board's judgment held sway. The state Supreme Court is now considering a case challenging whether the areas are legal. Since the first partition, some new areas have been added and some other areas combined. There are now 553 areas divided between the state's 309 master and registered guides. Some guides still don't have areas; others have more than three.

■ **LIMITATIONS, RESTRICTIONS:** Guides cannot guide in another guide's area, but non-guided hunters are permitted to use the areas. Some guides have tried to harass non-clients out of their areas, but most guides tolerate independent hunters. They are less tolerant of outfitters, who are not licensed by the state and can bring hunting clients into exclusive guiding areas. Outfitters cannot, however, bring non-residents into a guide's area for hunting Dall sheep or brown bears; a state law mandates that all non-residents pursuing those two most valuable of Alaska's big game must hire guides.

■ **TRANSFERS, TRADES:** Exclusive areas may be transferred from one guide to another with the board's approval. The board usually concedes to the wishes of the guide transferring the area. It has, however, blocked some transfers proposed by guides about to lose their licenses for illegal hunting. This has deprived those guides of the sometimes sizeable profits to be made in selling areas. It is against the law for guides to conduct such sales, but they are permitted to sell the improvements in the area, a loophole that effectively permits the selling of areas.

S B

319



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

AGENDA - HOUSE RULES COMMITTEE MEETING

JANUARY 14, 1987 8:00a.m.

SB 319 - "An Act increasing the amount that may be contributed from permanent fund dividends to the Alaska Winter Olympics account; and providing for an effective date."
(By Senator Kelly)

I N D E X

- I. Memo to House Rules Committee from Senator Kelly dated:
January 13, 1988
- II. SENATE BILL 319
- III. FISCAL NOTE - SB 319
- IV. ALASKA STATUTES - 05.35.010
- V. BILL HISTORY - SB 319
- VI. LETTER TO SEN. ELIASON FROM ANCHORAGE ORGANIZING
COMMITTEE FOR THE 1994 OLYMPICS

MEMBER

STATE OF ALASKA

P O BOX V
JUNEAU ALASKA 99811
(907) 465-3822

I

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P O BOX 21 0001
ANCHORAGE ALASKA 99521
(907) 279-3284

CHAIRMAN
SENATE LABOR & COMMERCE

January 13, 1988

To: House Rules Committee

From: Senator Tim Kelly *TDK*

re: Olympic Checkoff Bill

At the request of the Anchorage Organizing Committee for the 1994 Winter Olympic Games, legislation has been introduced increasing the Winter Olympic Checkoff on the Permanent Fund Dividend application from \$5.00 to \$10.00. The change is needed before January 15, 1988 to be included on the 1988 Dividend application as required by the printer of the application forms.

FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Revenue
 Title: An Act increasing the amount BRL: FD Operations
that may be contributed PFD to WI accounts.
 Sponsor: Kelly Components: _____
 Requestor: _____

EXPENDITURES REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Ervin B. Jones, Director Phone: 465-2313
 Division: PF Operations Date: Jan. 11, 1988

Approved by Commissioner: [Signature] Date: 1/11/88
 Agency: Revenue

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

AS05.35.100

HEADINGS TITLE 5.
Amusements and Sports.
CHAPTER 35.
Sports Facilities Grants.

CITATION Sec. 05.35.100.

CATCH LINE

ALASKA WINTER OLYMPICS ACCOUNT.

TEXT (a) There is created in the general fund an Alaska Winter Olympics account. The Department of Revenue shall prepare the permanent fund dividend application to allow applicants to designate that \$5 of the dividend be subtracted from their check and contributed to the Alaska Winter Olympics account. Permanent fund dividend contributions shall be deposited in the Alaska Winter Olympics account. The Department of Revenue may use money in the Alaska Winter Olympics account to pay administrative costs incurred under this section.

(b) The Alaska Winter Olympics account shall be held in trust by the Department of Administration for distribution to the official Olympic Organizing Committee in Alaska to be used to develop facilities for Winter Olympic training and competition and to attract the Winter Olympics to Alaska.

HISTORY (Sec. 1 ch 45 SLA 1985; am sec. 2 ch 6 SLA 1986)

ANNOTATIONS

POSTPONED REPEALED EFFECTIVE DATE Repeal of section - Section 2, ch. 6, SLA 1986 repeals this section. Section 3(a), ch. 6, SLA 1986 makes the repeal effective as follows: (1) on January 1, 1991, if the International Olympic Committee has announced the cities selected to host the 1992 and 1996 Winter Olympic Games, and if Anchorage, Alaska is not a city selected; (2) on January 1, 1992, if the International Olympic Committee selects Anchorage, Alaska to host the 1992 Olympics; (3) on January 1, 1996, if the International Olympic Committee selects Anchorage, Alaska to host the 1996 Olympics. Section 2, ch. 45, SLA 1985 provides: "This Act takes effect July 1, 1986, if the United States Olympic Committee selects Alaska as the nation's nominee to host the 1992 Winter Olympic Games." The condition set out in section 2 has been met.

EDITORS NOTES

EDITOR'S NOTES Section 3(b), ch. 6, SLA 1986 provides that "money deposited in the Alaska Winter Olympics account lapses into the general fund" on the effective date of the repeal of this section.



**Anchorage Organizing
Committee
for the 1994 Olympics**

The Frontier Building
3601 C Street, Suite 370 Anchorage, Alaska 99503 Phone (907) 562-1994 Telex 25311

January 7, 1988

Senator Dick Eliason
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Eliason:

I understand the legislature will consider increasing the Permanent Fund Dividend application checkoff amount for the Anchorage Organizing Committee from \$5 to \$10. We endorse this proposal, and appreciate your efforts on behalf of the AOC.

If there is any action we can take to help the process along, please let me know.

Sincerely,

Rick Nerland
Executive Vice President

(7)

HOUSE COMMITTEE REPORT

Date referred: 1/13/88

FURTHER REFERRALS:

DATE: Jan 14, 1988

The Rules _____ Committee has considered SB 319

"An Act increasing the amount that may be contributed from permanent fund dividends to the Alaska Winter Olympics account; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Mike Savane

Ben ...

...

...

...

...

...

...

...

...

...

SIGNING OTHER RECOMMENDATIONS:

Mike Savane
Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. Rules

1-14-88

8:00 a.m.

SB

499

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

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Mary Van Nimwegen

House Rules:

May 2, 1988

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/18/88

FURTHER REFERRALS:

DATE: 5/5/88

The Rules Committee has considered CSSB 499(SA)

"An Act establishing February 16 as 'Elizabeth Peratrovich Day'."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 4-12-88 (Senate)
- zero with analysis

SIGNING DO PASS:

Mike Navan

O. G. Proulx

Bill

Terry

W. H. ...

Ben ...

Laura ...

SIGNING OTHER RECOMMENDATIONS:

Mike Navan

Chairman's signature

SB

514

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Rules:

May 9, 1988

FISCAL NOTE

REQUEST:

Revision Date: 5/6/88
Title: "An Act relating to the farming of aquatic plants..."
Sponsor: Rules Committee
Requestor: Finance Committee

Agency Affected: Office of the Governor
BRU: Executive Operations
Components: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		30.0	15.0			
CONTRACTUAL		118.0	134.0	150.0	150.0	150.0
SUPPLIES		2.0	1.0			
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		150.0	150.0	150.0	150.0	150.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		150.0	150.0	150.0	150.0	150.0
FEDERAL FUNDS						
OTHER						
TOTAL		150.0	150.0	150.0	150.0	150.0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Requested funding is for Alaska FinFish Farming Task Force activities in FY 89 and FY 90 (50.0) and to expedite mariculture permitting activities within impacted State agencies (100.0 in FY 89 and FY 90; 150.0 in remaining years).

Prepared by: Michael A. Nizich, Director Phone: 465-3616
Division: Division of Administrative Services Date: 5/6/88

Approved by Commissioner: [Signature] Date: 5/6/88
Agency: Office of the Governor

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Funds will be provided to the Departments of Natural Resources, Environmental Conservation and Fish and Game to assist in the implementation this bill.

The Department of Natural Resources will be responsible for issuing permits and leases for mariculture sites as well as the siting review process established in Section 15 of the bill.

The Department of Environmental Conservation will be responsible for implementing provisions contained in the bill relating to chemical usages, product wholesomeness, shellfish site certification and other duties. Fish and Game will be responsible for the permitting of farms, pathology and genetics inspections and regulating brood aquisition.

In addition funds will be used to established and support Alaska Finfish Farming Task Force establish in Section 21 of the bill.

Funds will be provided to the agencies for personal services and support services to discharge their respective duties.

SENATE BILL 514

LETTER OF INTENT

It is the intent of the Senate that, for the period of the moratorium on finfish farming, the farming of finfish in a privately owned freshwater body with no outlet to state water should proceed. By enacting this bill, the Senate also directs the Commissioner of Fish and Game to work with prospective farmers and the Board of Fisheries to develop appropriate proposals to meet the goals of this legislation.

Sponsored by Sen. Zharoff
Sen. Eliason

Senate Adopted 5/7/88
Letter of Intent

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

M E M O R A N D U M

TO: ALL MEMBERS
ALASKA HOUSE OF REPRESENTATIVES

DATE: May 8, 1988

FROM: Steve Cowper
Governor

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the printed name.

PHONE: 465-3500

SUBJECT: SB 514

I urge you to support passage of SB 514 (Finance) without amendment. The bill passed the Senate last night 17-3. Passage of SB 514 is important. Without this bill, the mariculture issue will be the subject of expensive and time-consuming litigation.

SB 514 will serve to encourage the growth of our shellfish and sea vegetable industry, and prevent this issue from becoming entangled in the courts by extending the existing moratorium on finfish farming.

Once again, I urge you to support passage of SB 514 (Finance) without amendment.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 7, 1988

SUBJECT: Sectional analysis of CSSB 514 (Finance)

TO: Senator Dick Eliason, Chairman
Senate Rules Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 states legislative findings and policy regarding aquatic farming.

Sec. 2 is the guts of the bill. This creates a new article within AS 16.40, providing for the farming of shellfish and aquatic plants.

Sec. 16.40.100 requires a person to have a permit from the commissioner of fish and game in order to construct or operate an aquatic farm or related hatchery. The section spells out what a person is allowed to do under a permit and authorizes the commissioner to attach conditions to the permit to protect natural stocks. Permits may not be issued for farming Atlantic salmon.

Sec. 16.40.105 requires the commissioner to use specified criteria in issuing permits.

Sec. 16.40.110 provides for permit application, renewal, and transfer procedures and requirements. Applicants must submit a development plan for initial permit issuance. Renewal applications must include a report of disease history of the aquatic farm or hatchery, and evidence that the applicant has complied with the development plan. Commissioner may require a health inspection. Transferees are limited to the same terms as the transferors.

Sec. 16.40.120 requires a stock acquisition permit from the commissioner of fish and game in order to acquire wild shellfish or plant stock to supply an aquatic farm or

related hatchery. The commissioner must act on a permit application within 30 days. Permits may be denied or restricted if sustained yield would be impaired or if issuance would unreasonably disrupt an established use of the resource for commercial, sport, subsistence, or personal use purposes. Commissioner must inform the Board of Fisheries of permits denied because of unreasonable disruption of established uses or of any action taken on permits for acquiring species subject to limited entry. The Board of Fisheries may adopt regulations for conservation, maintenance, and management of species for which an acquisition permit is required. Unless a permit must be denied because of impairment of sustained yield, unreasonable disruption of an established use, or a conflicting Board of Fisheries regulation, the commissioner must issue acquisition permits if any of four circumstances exist: (1) wild stock is needed to start the farm or hatchery; (2) there are technological limitations on propagating the species for which a permit is sought; (3) the wild stock sought is not being fully utilized for other fishing uses; or (4) wild stock is needed to maintain the gene pool of the farm or hatchery. Shellfish and plants acquired under the permit become the property of the permit holder.

Sec. 16.40.130 prohibits importation of aquatic plants or shellfish for aquatic farms and hatcheries unless allowed by the Board of Fisheries by regulation.

Sec. 16.40.140 Limits sale or transfer of aquatic farm hatchery stock to other farms or hatcheries in state that have a permit, but shellfish stock can be sold to aquatic farms and related hatcheries outside the state.

Sec. 16.40.150 requires the Department of Fish and Game to order a quarantine or the destruction and disposal of diseased hatchery stock or aquatic farm products if necessary to protect wild stock. Permit holders must allow the department to conduct inspections during reasonable business hours and with reasonable notice. Cost of inspection paid by the department.

Sec. 16.40.160 allows the commissioner of fish and game to adopt necessary regulations for aquatic farming.

Sec. 16.40.170 establishes a class B misdemeanor penalty for violations of statutes and regulations relating to aquatic farming.

Sec. 16.40.199 defines various terms.

Sec. 3 authorizes the commissioner of environmental conservation to establish standards and conditions of operation and siting requirements for aquatic farms and related hatcheries to protect public health.

Sec. 4 requires the commissioner of environmental conservation to adopt aquatic farm products labeling regulations.

Sec. 5 gives the Department of Environmental Conservation authority to inspect aquatic farms and sites.

Sec. 6 defines "aquatic farm" and "aquatic farm product" for purposes of AS 03.05.

Sec. 7 authorizes the commissioner of fish and game to regulate aquatic farming in a manner that ensures the protection of fish and game resources.

Sec. 8 limits the regulatory authority of the Board of Fisheries with respect to aquatic farming to the authority expressly granted in Sec. 16.40.120(d) and (e) and 16.40.130.

Sec. 9 exempts aquatic farms and related hatcheries from the licensing requirements for sport and commercial fishing under AS 16.05.

Sec. 10 removes shellfish farming from the definition of "fish farming"; shellfish farming would be governed under AS 16.40; other fish farming would be under AS 16.05.

Sec. 11 exempts the sale of aquatic farm shellfish that are subject to limited entry from the permit and purchasing requirements of AS 16.10.265 - 16.10.267, which require fish buyers and processors to buy only from limited entry permit holders.

Sec. 12 exempts aquatic farming from the requirements of the Limited Entry Act, AS 16.43.

Sec. 13 excludes aquatic farm products from the definition of "seafood" for purposes of the Alaska Seafood Marketing Institute statutes.

Sec. 14 establishes a process for the Department of Natural Resources to lease sites for aquatic farms and related hatcheries. Lessees would be required to post a performance bond or other security to cover costs to the state of clean-up in the event the site is abandoned.

Sec. 15 requires the commissioner of natural resources to identify districts within which aquatic farming sites may be selected. Persons may then submit applications for sites during a 60-day period. Based on the applications received and consultations with other department heads, the commissioner makes a preliminary finding proposing sites in each district. After notice and hearing, the commissioner issues a final written finding identifying sites for which permits will be issued, and specifying conditions and limitations on the development of each site. The commissioner may then issue tideland and land use permits for aquatic farms. Permits are valid for three years and may be renewed, but not transferred. Before renewal, interested persons may submit written or oral testimony concerning the renewal. The commissioner must consider all relevant testimony before issuing or renewing a permit. A permit may be denied for good cause, but then the commissioner must provide the applicant with written findings explaining the reason for the denial. Applicants must post a performance bond or other security. The commissioner must adopt criteria for approving and denying permits and for limiting the number of sites in an area to protect the environment and natural resources.

Sec. 16 requires notice for public hearings on tideland permits and the siting of aquatic farms.

Sec. 17 requires that the notice under Sec. 16 be given to regional fish and game councils and coastal resource service areas.

Sec. 18 requires a public hearing by the commissioner of natural resources within 30 days after giving notice of the preliminary finding concerning siting.

Sec. 19 "grandfathers-in" existing lawful aquatic farms and related hatcheries, but conditions obtaining an initial lease or permit on the person's agreement not to change the use during the term of the lease or permit.

Sec. 20 requires the commissioner of natural resources to submit to the legislature a report on the implementation of

Senator Dick Eliason
Page 5
May 7, 1988

the statutes that provide for issuance of leases and tide-land or land use permits for aquatic farming.

Sec. 21 establishes a finfish farming task force to study issues relating to finfish farming in the state. The task force consists of five members appointed by the governor. It is to submit to the legislature an interim report in January, 1989, and a final report a year later.

Sec. 22 extends the existing finfish moratorium for two more years.

Sec. 23 provides an immediate effective date.

EHH:bb
b6/008



UNITED FISHERMEN OF ALASKA

211 4th Street, Suite 106
Juneau, AK 99801
907-586-2820

May 7, 1988

United Fishermen of Alaska urges the passage of CSSB 514 (Finance) without further amendments.

This bill establishes an effective mechanism for the development of shellfish farming in Alaska. It provides stability to encourage the growth of the industry.

This bill temporarily resolves the question of the legal status of finfish farming. It will help prevent lawsuits that would be costly to all parties.

This bill establishes a task force with specific goals to find answers to questions that have been raised about the value or cost to Alaskans of finfish farming.

Mariculture has been a controversial topic in the state. This bill puts an end to part of the controversy by establishing in statute a framework for the development of shellfish and kelp mariculture. This bill also establishes a solid forum for future discussions about finfish farming.

This bill specifically allows freshwater farms to continue or to be established while the larger issues regarding other farming projects are resolved.

We urge you to support CSSB 514 (Finance) as it is currently worded.

SB 514 - ADVANTAGES TO SHELLFISH GROWERS

1. A strong policy statement by the legislature which encourages the establishment and responsible growth of an aquatic farming industry by the state is listed.
2. A hatchery could be established which would provide a stable and reliable source of shellfish spat.
3. An aquatic farm permit issued by the Department of Fish and Game may be transferred. This fact should facilitate the shellfish grower in obtaining financing.
4. A shellfish permittee shall be given a preference to a long term lease. This lease may be assigned. A long term lease will provide the much needed stability to the industry. The permittee will not have to compete competitively with other interested parties, but will be given a preference.
5. A permit will be issued for three years. Currently a one year permit is issued in Southeast.
6. Existing permit holders are grandfathered in for a lease preference. Under the current system, these farmers would have to compete competitively with all other residents to obtain a long term lease.

Distributed by Senator Eliason

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE, CHAIRMAN



P.O. BOX 143
SITKA, ALASKA 99835
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Senator Dick Eliason

FROM: Sheila Peterson, staff
Senator Eliason's Office *Sheila*

DATE: March 7, 1988

RE: Opposition to the pen rearing of salmon

The following communities and organizations have submitted resolutions in opposition to the pen rearing of salmon:

Communities:

Kenai Peninsula Borough
Edna Bay Community, Inc.
City of Port Alexander
City and Borough of Sitka
City of Craig
City of Wrangell
Ketchikan Gateway Borough
Sitka Chamber of Commerce

Organizations:

Craig Fish and Game Advisory
SW Regional Fish and Game
Council
United Fisherman of Alaska
Northern Southeast Regional
Aquaculture Association
Alaska Trollers' Association
Southeast Alaska Conservation
Council
Alaska Environmental Lobby
Seafood Producers Cooperative
Southeast Regional Fish and
Game Council
North Pacific Fisheries Assn.
Cook Inlet Fisheries Coalition
Cordova District Fishermen
United

We have also received many, many letters and public opinion messages statewide in opposition to the pen rearing of salmon.

ELLIS

AMENDMENT # 1

Offered in the HOUSE Rules

TO: CSSB 514 (Finance)

Page 9, lines 5 - 29, Page 10 lines 1-12:

Delete all material

Renumber following bill sections accordingly.

Ellis

AMENDMENT #2

Offered in HOUSE Rules

TO: CSSB 512 (Finance)

Amend Page 13, lines 2 - 5 to read:

(b) The commissioner shall schedule at least one [a] 60-day period each year during which a person may submit an application that identifies a site in a district for which the person wishes to be issued a permit under AS 38.05.856.

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/8/88
(waived from Finance 5/8/88)

FURTHER REFERRALS:

DATE: 5-9-88

The Rules Committee has considered CSSB 514(FIn)

"An Act relating to the farming of aquatic plants and shellfish; prohibiting the farming of Atlantic salmon; extending the moratorium on finfish farming until July 1, 1990; establishing the Alaska Finfish Farming Task Force; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 514(Rules) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: Rules letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Mike Havone

Max Shumaker

Ben Sweeney

Terry Martini

Richard H. ...

SIGNING OTHER RECOMMENDATIONS:

Mike Havone
Chairman's signature

SCR

20

HOUSE COMMITTEE REPORT

Date referred:

FURTHER REFERRALS:

DATE: February 5, 1988

The House Rules Committee has considered SCR 20

RECOMMENDS:

- replace with HCS SCR 20(Rules) the same title
 attached amendment(s) a new title
- do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
 zero fiscal note same as previous zero fiscal note published _____
 zero with analysis

SIGNING DO PASS:

Mike Savane
Lynn Hahn
Ben Sussman
Terry Martin
W.A. Murray

SIGNING OTHER RECOMMENDATIONS:

Mike Savane
Chairman's signature



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

AGENDA - HOUSE RULES COMMITTEE MEETING

FRIDAY, FEBRUARY 5, 1988 / 8:00a.m.

- SCR 20 - Relating to National Tourism Week.
(Senator Binkley)
- SJR 42 - Relating to the use of state airports for plutonium shipments under a proposed United States agreement with Japan.
(Senator Uehling)



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

SCR 20 - Relating to National Tourism Week.
(Senator Binkley)

INDEX

- I. PROPOSED HCS SCR 20 (RULES)
- II. ORIGINAL VERSION SCR 20
- III. Letter to Rep. Navarre from Sen. Binkley dated 1/22/88
- IV. 1988 Fiscal Note
- V. Bill History

Original sponsors: Binkley, Faiks,
Fahrenkamp, et al.

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE CONCURRENT RESOLUTION NO. 20 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Relating to National Tourism Week.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS, for the fifth straight year, the United States has set aside
8 a week to focus attention on the nation's tourism industry; and

9 WHEREAS May 15 - 21, 1988, will be observed by the nation as National
10 Tourism Week; and

11 WHEREAS tourism is a vital part of the economy of the state; and

12 WHEREAS the state division of tourism is developing plans to observe
13 National Tourism Week; and

14 WHEREAS the observance of National Tourism Week by the state will
15 encourage the further development of the tourism industry in the state;

16 BE IT RESOLVED by the Alaska State Legislature that May 15 - 21, 1988,
17 is designated National Tourism Week in the state, and state and local
18 government tourism agencies, members of the private tourism industry, and
19 other public and private agencies are encouraged to observe the week with
20 appropriate activities.
21
22
23
24
25
26
27
28
29

III

Senator John Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

Finance Committee
Co-Chairman

January 22, 1988

The Honorable Mike Navarre
Chairman, Rules Committee
House of Representatives
State of Alaska
P. O. Box V
Juneau, AK 99811

FOR HAND DELIVERY

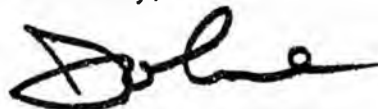
Dear Mike:

In your committee, you currently have SCR 20, relating to National Tourism Week, for which I was the prime sponsor last session. With the pace as hectic as it is, this Resolution got left behind in the dust. However, I would like to see it pass this session.

Some changes will need to be made and I would appreciate it if you would do a Committee Substitute. The dates need to be changed on lines 9 and 16 from May 17-23, 1987 to "May 15-21, 1988." Also needing changed is "fourth" in line 7 to "fifth."

Thank you, Mike, for your assistance with this matter. If you have any questions, please give me a call.

Sincerely,



Senator John Binkley
Yukon-Kuskokwim and
Interior Rivers

12

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCS SCR (20) Rules
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: February 2, 1988
Title: Relating to National Tourism
Week.
Sponsor: Binkley
Requestor: _____

Agency Affected: none
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars) n/a

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS: n/a

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Rep. Mike Navarre, Chairman Phone: 463-3764
Division: House Rules Committee Date: 2/2/88

Approved by Commissioner: _____ Date: _____
Agency: _____

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

SJR

21

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copie of minutes have not been left in the files.

Mary Van Nimwegen

H. State Affairs	May 16, 1987
S. State Affairs	March 18, 1987
S. State Affairs	April 8, 1987
H. Rules	March 29, 1988 8:00AM



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

AGENDA - HOUSE RULES COMMITTEE MEETING

TUESDAY, MARCH 29, 1988

8:00 A.M. - ROOM 208

AGENDA:

SJR 21am - Requesting the President of the United States to propose an international freeze on nuclear weapons, verification safeguards for the freeze, the use of nuclear weapons funds for peaceful nonnuclear uses, and nuclear disarmament by all nations; and requesting the state Congressional delegation to urge the president to make the proposals.

INDEX

1. MEMO FROM REP. NAVARRE OUTLINING CHANGES TO NEW WORK DRAFT
2. PROPOSED VERSION - HCS SJR 21(RLS)
WORK DRAFT # 5-075N, DATED 3-25-88
3. MEMO FROM REP. KOPONEN EXPLAINING THE DIFFERENCE BETWEEN
NUCLEAR FREEZE AND NUCLEAR REDUCTION
4. ARTICLE FROM THE DEFENSE MONITOR



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

TO: MEMBERS OF THE HOUSE RULES COMMITTEE

FROM: REP. MIKE NAVARRE CHAIRMAN

DATE: MARCH 28, 1988

RE: SJR 21

The following changes have been incorporated in the new work draft for HCS SJR 21(RLS) dated 3-25-88:

- * Page 1, Line 25
add: has contributed to the increase of
delete: [which has grown from \$1,000,000,000,000 in 1981 to \$2,600,000,000,000 in 1987]
- * Page 1, Line 27
add: defensive preparations ...
- * Page 2, Line 23
add: encouraged to continue the current efforts at arms reductions and
- * Page 3, Line 23
add: Mikhail Gorbachev, General Secretary of the Communist Party of the U.S.S.R.;
- * Page 3, Line 26
add: the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives;
- * Page 4, Line 1
add: the Honorable Robert Dole, the Minority Leader of the U.S. Senate; the Honorable Robert H. Michel, Minority Leader of the U.S. House of Representatives; the Honorable Max Kempelman, Head of Delegation and Defense and Space Negotiator;

5-0753N

Bannister
3/25/88

Original sponsors: Eliason, Kelly,
Josephson, et al.

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 21 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the President of the United
6 States to propose an international
7 freeze on nuclear weapons, verification
8 safeguards for the freeze, the use of
9 nuclear weapons funds for peaceful
10 nonnuclear uses, and nuclear disarmament
11 by all nations; and requesting the state
12 Congressional delegation to urge the
13 president to make the proposals.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 WHEREAS the unleashing of nuclear weapons in warfare would cause
16 untold deaths, suffering, and destruction; and

17 WHEREAS nuclear weapons are themselves nuclear targets, and removal of
18 nuclear weapons from an area would reduce the risk of destruction to the
19 area; and

20 WHEREAS the continued development, testing, and production of nuclear
21 weaponry and related delivery systems increase distrust and apprehension
22 among nations, the likelihood of nuclear accidents, and the potential
23 magnitude of an international conflict; and

24 WHEREAS the burgeoning defense budget required for production and
25 deployment of nuclear weapons has contributed to the increase of the United
26 States budget deficit; and

27 WHEREAS since 1981 the defensive preparations for nuclear war have
28 cost the taxpayers of the United States \$427,000,000,000; and

29 WHEREAS governmental funds spent for nuclear weaponry and related

1 to all parties;

2 (3) continued reduction in nuclear arms leading to eventual
3 nuclear disarmament by all nations, beginning with a verifiable and en-
4 forceable treaty between the Soviet Union and the United States that pro-
5 vides for

6 (A) a nuclear-weapon-free Arctic and subarctic encompassing
7 Alaska and Siberia; and

8 (B) eventual expansion into a multilateral treaty involving
9 all nations with territory and claims in the Arctic and subarctic,
10 which would prevent the testing and placement of nuclear weapons and
11 related devices in Arctic and subarctic regions; and

12 (4) that a summit conference be held in Alaska so that world
13 attention and concern can be focused on the environmental and security
14 concerns of Arctic and subarctic areas; and be it

15 FURTHER RESOLVED that, if the requested freeze is mutually agreed upon
16 and the Soviet Union conclusively proves that it has frozen all nuclear
17 testing, production, and deployment, the President of the United States is
18 respectfully requested to propose that funds that would have been used for
19 nuclear military purposes be used for peaceful nonnuclear uses; and be it

20 FURTHER RESOLVED that the Alaska delegation in Congress is respect-
21 fully requested to urge President Reagan to make the proposals requested in
22 this resolution.


23 COPIES of this resolution shall be sent to the Honorable Mikhail
24 Gorbachev, General Secretary of the Communist Party of the U.S.S.R.; the
25 Honorable Ronald Reagan, President of the United States; the Honorable
26 George Shultz, U.S. Secretary of State; the Honorable George Bush,
27 Vice-President of the United States and President of the U.S. Senate; the
28 Honorable Jim Wright, Speaker of the U.S. House of Representatives; the
29 Honorable Robert Byrd, Majority Leader of the U.S. Senate; the Honorable

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

MEMORANDUM

TO: ALL HOUSE MEMBERS
FROM: REPRESENTATIVE NIILO KOPONEN 
DATE: MARCH 22, 1988
RE: DIFFERENCE BETWEEN NUCLEAR FREEZE AND NUCLEAR REDUCTION

Discussion took place in today's House Rules Committee hearing concerning the difference between nuclear disarmament and nuclear freeze and whether or not language supporting a freeze was necessary in light of recent developments in international arms negotiations. Specifically it was argued that the INF treaty reductions agreed to in Europe and the negotiations presently underway went beyond the "freeze" concept.

In fact the freeze addressed in the resolution specifically applied to testing, deployment and production of nuclear weapons. Though the reductions of long range missile systems are a positive first step the freeze would extend to new testing programs, the production of new weapons systems, and continued deployment of weapons. Though we are reducing existing weapons in some theaters, we have not discontinued testing, nor have we discontinued building or deploying systems, as the attached article from the Monday, March 21, 1988 Anchorage Daily News illustrates.

Continued efforts in support of a nuclear weapons freeze go hand in hand with the ongoing and praiseworthy efforts towards nuclear weapons reductions of the present administration.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

5-0753N

Bannister
3/25/98

Original sponsors: Eliason, Kelly,
Josephson, et al.

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 21 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the President of the United
6 States to propose an international
7 freeze on nuclear weapons, verification
8 safeguards for the freeze, the use of
9 nuclear weapons funds for peaceful
10 nonnuclear uses, and nuclear disarmament
11 by all nations; and requesting the state
12 Congressional delegation to urge the
13 president to make the proposals.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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16 untold deaths, suffering, and destruction; and

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18 nuclear weapons from an area would reduce the risk of destruction to the
19 area; and

20 WHEREAS the continued development, testing, and production of nuclear
21 weaponry and related delivery systems increase distrust and apprehension
22 among nations, the likelihood of nuclear accidents, and the potential
23 magnitude of an international conflict; and

24 WHEREAS the burgeoning defense budget required for production and
25 deployment of nuclear weapons has contributed to the increase of the United
26 States budget deficit; and

27 WHEREAS since 1981 the defensive preparations for nuclear war have
28 cost the taxpayers of the United States \$427,000,000,000; and

29 WHEREAS governmental funds spent for nuclear weaponry and related

1 delivery systems may be used more wisely for peaceful pursuits; and

2 WHEREAS a ban on the testing of nuclear weapons, deployment of most
3 nuclear weapons delivery systems, and production of fissionable materials
4 can be verified with a high degree of confidence by a worldwide network of
5 seismic monitors, satellites, and other techniques; and

6 WHEREAS the intermediate nuclear forces treaty signed by the United
7 States and the Soviet Union on December 7, 1987, set important verification
8 and nuclear arms reduction precedents for future treaties, including the
9 on-site inspections of both nation's nuclear weapons facilities; and

10 WHEREAS the successful ongoing efforts of the Reagan Administration
11 towards nuclear arms reductions are consistent with the intent of this
12 resolution; and

13 WHEREAS General Secretary Mikhail Gorbachev stated in a speech de-
14 livered on October 1, 1987, in the Soviet city of Murmansk, that the Soviet
15 Union is prepared to negotiate a nuclear weapons free zone for portions of
16 the Arctic; and

17 WHEREAS 58.4 percent of Alaska's voters in the August 1986 election
18 expressed their support for ballot measure no. 1, which established as
19 state policy the promotion of a mutual and verifiable nuclear weapons
20 freeze, followed by reductions in nuclear warheads, missiles, and other
21 delivery systems;

22 BE IT RESOLVED by the Alaska State Legislature that the President of
23 the United States is encouraged to continue the current efforts at arms
24 reductions and is respectfully requested to propose to the Soviet Union and
25 other nations

26 (1) a mutual and verifiable freeze on the testing, production,
27 and deployment of nuclear weapons and of missiles, watercraft, and aircraft
28 designed primarily to delivery nuclear weapons;

29 (2) verification safeguards for the freeze that are satisfactory

1 to all parties;

2 (3) continued reduction in nuclear arms leading to eventual
3 nuclear disarmament by all nations, beginning with a verifiable and en-
4 forceable treaty between the Soviet Union and the United States that pro-
5 vides for

6 (A) a nuclear-weapon-free Arctic and subarctic encompassing
7 Alaska and Siberia; and

8 (B) eventual expansion into a multilateral treaty involving
9 all nations with territory and claims in the Arctic and subarctic,
10 which would prevent the testing and placement of nuclear weapons and
11 related devices in Arctic and subarctic regions; and

12 (4) that a summit conference be held in Alaska so that world
13 attention and concern can be focused on the environmental and security
14 concerns of Arctic and subarctic areas; and be it

15 FURTHER RESOLVED that, if the requested freeze is mutually agreed upon
16 and the Soviet Union conclusively proves that it has frozen all nuclear
17 testing, production, and deployment, the President of the United States is
18 respectfully requested to propose that funds that would have been used for
19 nuclear military purposes be used for peaceful nonnuclear uses; and be it

20 FURTHER RESOLVED that the Alaska delegation in Congress is respect-
21 fully requested to urge President Reagan to make the proposals requested in
22 this resolution.

23 COPIES of this resolution shall be sent to the Honorable Mikhail
24 Gorbachev, General Secretary of the Communist Party of the U.S.S.R.; the
25 Honorable Ronald Reagan, President of the United States; the Honorable
26 George Shultz, U.S. Secretary of State; the Honorable George Bush,
27 Vice-President of the United States and President of the U.S. Senate; the
28 Honorable Jim Wright, Speaker of the U.S. House of Representatives; the
29 Honorable Robert Byrd, Majority Leader of the U.S. Senate; the Honorable

CORRECTION

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5-0753N

Bannister
3/25/88

Original sponsors: Eliason, Kelly,
Josephson, et al.

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 21 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the President of the United
6 States to propose an international
7 freeze on nuclear weapons, verification
8 safeguards for the freeze, the use of
9 nuclear weapons funds for peaceful
10 nonnuclear uses, and nuclear disarmament
11 by all nations; and requesting the state
12 Congressional delegation to urge the
13 president to make the proposals.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 WHEREAS the unleashing of nuclear weapons in warfare would cause
16 untold deaths, suffering, and destruction; and

17 WHEREAS nuclear weapons are themselves nuclear targets, and removal of
18 nuclear weapons from an area would reduce the risk of destruction to the
19 area; and

20 WHEREAS the continued development, testing, and production of nuclear
21 weaponry and related delivery systems increase distrust and apprehension
22 among nations, the likelihood of nuclear accidents, and the potential
23 magnitude of an international conflict; and

24 WHEREAS the burgeoning defense budget required for production and
25 deployment of nuclear weapons has contributed to the increase of the United
26 States budget deficit; and

27 WHEREAS since 1981 the defensive preparations for nuclear war have
28 cost the taxpayers of the United States \$427,000,000,000; and

29 WHEREAS governmental funds spent for nuclear weaponry and related

1 delivery systems may be used more wisely for peaceful pursuits; and

2 WHEREAS a ban on the testing of nuclear weapons, deployment of most
3 nuclear weapons delivery systems, and production of fissionable materials
4 can be verified with a high degree of confidence by a worldwide network of
5 seismic monitors, satellites, and other techniques; and

6 WHEREAS the intermediate nuclear forces treaty signed by the United
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8 and nuclear arms reduction precedents for future treaties, including the
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