

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6519 SENATE RESOURCES

923

SB 369 BOARDS OF FISHERIES AND GAME

CURRENT (14 BOARD MEMBERS)

65 DAYS AT \$150 PER DAY \$136,500

15 DAYS AT \$100 PER DAY \$21,000

TOTAL \$157,500

PROPOSED (14 BOARD MEMBERS)

50 DAYS AT \$400 PER DAY HONORARIUM \$280,000

50 DAYS AT \$80 PER DAY PER DIEM \$56,000

30 DAYS AT \$100 PER DAY PER DIEM \$42,000

TOTAL \$378,000

INCREASED COSTS RESULTING FROM SB 369 \$220,500



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 8, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to membership on the Board of Fisheries and the Board of Game. This bill was recommended by a committee of representatives of both boards, the Department of Fish and Game, and the governor's Fisheries Board Review Committee. The intention of that group was to recommend changes to make the two boards freer from any appearance of bias on the part of its members, and to make it clear that the governor has the authority to remove a board member who violates fish and game laws.

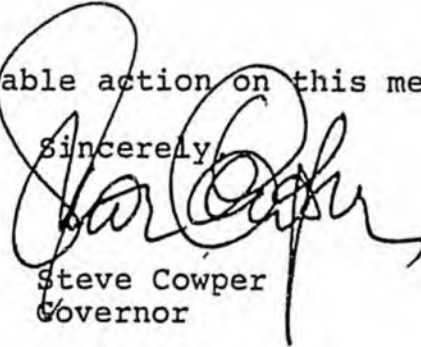
The first section of the bill amends AS 16.05.221 to affirm that any member of one of the boards who has an interest, financial or personal, in a matter before that board, is required to disclose the interest as provided for in AS 39.52.220 of the Executive Branch Ethics Act. Although such disclosure is already a legal requirement, placing it in AS 16.05.221 would emphasize the applicability of the conflict-of-interest provisions of the Executive Branch Ethics Act.

The second section of the bill, amending AS 16.05.280, clarifies that the governor may remove any member of the boards who is convicted of violating a fish and game law or regulation. There has been some confusion in the past about whether such a violation constituted misconduct in office or otherwise presented grounds for removal. Under this amendment, removal following a conviction is not automatic, but is left to the discretion of the governor, and the board

member may present evidence in his or her own behalf in order to convince the governor that removal is not warranted.

I urge your prompt and favorable action on this measure.

Sincerely,

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

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act Relating to Members
 of Boards of Fish and Game"
 Sponsor: Governor
 Requestor: Governor

Agency Affected: Fish and Game
 BRU: All
 Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

Enactment of this legislation will make it clear that violation of a fish and game law or regulation may be sufficient reason for the Governor to remove a member of the Board of Fisheries or Board of Game. It will have no fiscal impact on the Department of Fish and Game.

Prepared by: Warren W. Wiley Phone: 465-4100
 Division: Commissioner's Office Date: 12/26/89

Approved by Commissioner: *Warren W. Wiley* Date: 12/26/89
 Agency: Department of Fish and Game

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to the members of
the Boards of Fisheries and Game
 Sponsor: _____
 Requestor: _____

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director
 Division: Division of Administrative Services
 Approved by Commissioner: Garrey M. Peska
 Agency: Chief of Staff

Phone: 465-3616
 Date: 12/28/89
 Date: 12/29/89

Distribution (by preparer):

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

PROPOSED CS FOR SB369 (RES)

SUB-COMMITTEE PROPOSAL FOR SB369

PROPOSE AMENDING THE BILL TO ACCOMPLISH THE FOLLOWING CHANGES IN COMPENSATION FOR BOARD MEMBERS:

- * Currently members receive \$150/ day per diem for regulatory meetings, and \$100/ day per diem for other meetings.
- * This CS proposes that members will receive the federal rate of per diem (currently \$125/day in Anchorage where most board meetings take place), PLUS an honorarium of \$150 for ALL meetings.

Federal tax law allows a person to collect the amount equal to federal rate of per diem without reporting it as income. This amount is proposed in the CS as it will simplify paperwork and reporting requirements for board members.

- * Net gain in total compensation for members over what they receive now is about \$125 per day during regulatory meetings, and about \$175 per day during other meetings.

PROPOSE ADOPTION OF A LETTER OF INTENT SUPPORTING AND ENCOURAGING EFFORTS BY THE BOARDS TO FIND APPROPRIATE WAYS TO SHORTEN THE NUMBER OF MEETING DAYS REQUIRED. LETTER SUGGESTS PARTICULAR AREAS THEY MIGHT LOOK AT.

draft.

SB 369 BOARDS OF FISHERIES AND GAME

3/15/90

CURRENT (14 BOARD MEMBERS)

65 DAYS AT \$150 PER DAY \$136,500

15 DAYS AT \$100 PER DAY \$21,000

TOTAL \$157,500

PROPOSED (14 BOARD MEMBERS)

80 DAYS AT \$150 PER DAY HONORARIUM \$168,000

80 DAYS AT \$125 PER DAY PER DIEM \$140,000

TOTAL \$308,000

INCREASED COSTS RESULTING FROM SB 369 \$150,500

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: "An act relating to members of
the Boards of Fisheries and Game." BRU: Boards of Fish and Game
 Sponsor: Governor Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL	150.5	150.5	150.5	150.5	150.5	105.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	150.5	150.5	150.5	150.5	150.5	150.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	150.5	150.5	150.5	150.5	150.5	150.5
FEDERAL FUNDS						
OTHER						
TOTAL	150.5	150.5	150.5	150.5	150.5	150.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Beverly D. Reaume *Beverly Reaume* Phone: 465-4120
 Division: Administration Date: 3-15-90

Approved by Commissioner: _____ Date: _____
 Agency: Fish and Game

Distribution (by preparer):

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

LETTER OF INTENT OF THE SENATE RESOURCES COMMITTEE
CS SB 369 RES
AN ACT RELATING TO THE BOARDS
OF FISH AND GAME

In passing CS SB 369, the Senate Resources Committee acknowledges the serious situation which has evolved regarding the personal sacrifices required of those who serve on the Alaska Boards of Fish and Game, and our desire to find ways to ease this situation.

The Resources Committee supports Alaska's system of strong, autonomous, lay Boards of Fish and Game. The state has been very fortunate that dedicated qualified individuals have always been willing to serve on the Boards of Fish and Game. But serving on these two boards is so different from serving on other state boards and commissions, and the demands of time, stress and personal expense are becoming so extreme, that a number of measures will need to be taken in order to make it possible for these boards to continue to function effectively as lay boards.

By slightly increasing the compensation received by the board members, CSSB 369 begins to address part of the hardship created by the very long regulatory meetings of the boards, and the large number of total days members must be away from home and jobs, and paying for hotels and restaurants. However, we believe that increased monetary compensation for board members is only one step towards solving the hardships that extended meetings cause to the board members, the public, and governmental staff and operations.

We urge the Boards of Fish and Game to pursue methods of "streamlining" their functions in ways which will not damage the quality of their decision-making or the public input process. The following are several areas which we would encourage the boards to consider:

- * The Board of Fish might be able to revise the schedule under which they consider regulatory areas to a minimum three year cycle, instead of the current two-year cycle. This may be effective in reducing the average number of meeting days required per year. It would be especially important to maintain a very clear and workable method for taking particular issues up earlier if the need (not necessarily an emergency) arises, and to assure the public that this mechanism is in place.

The Board of Game currently has a fairly well established set of regulatory cycles, but may benefit from reviewing them to see if any could be extended.

- * In recent years the boards have made an effort to set the submission deadlines for proposals as far in advance of regulatory meetings as feasible. We see that as an effective means of avoiding last minute "knee-jerk" proposals and encourage this practice whenever stable conditions make it appropriate.
- * When boards issue their "call for proposals" before a meeting, keep the scope of the areas to be considered as narrow and explicit as possible.
- * In conjunction with above item, the boards might consider prioritizing their work load by listing the areas of proposals to be taken up into categories ranging from crucial management issues down to very optional decisions. By giving notice of which category proposals will be in, the boards could take up the imperative categories for certain at the upcoming meeting, while retaining the option to simply not hear the lower priority items, or to hold them over for a future meeting, if time runs short.
- * Discontinue the practice of accepting and publishing proposals from lone individuals. Instead, for any proposal to be included in the process, require that it be sponsored either by a local Fish and Game advisory committee OR by 25 people. The names of all of the co-sponsors would then be printed with the proposal in the proposal book. This would ensure that there is a least a small constituency for every proposal before it is printed thousands of times, distributed statewide, and takes up the time of the board for consideration.
- * We recognize the potential benefits of board access to additional data for decision-making, particularly socio-economic data. This could be accomplished by either the creation of an additional staff position or with funding for contractual research. Either way, it would be desirable to have the research under the direction of the boards themselves. We would urge the boards to consider the value of such research, and how it might best be accomplished, and to report back to the Legislature.

We appreciate the dedication and hard work of past and present members of the Boards of Fish and Game, and encourage their efforts to seek ways to more efficiently handle their ever-increasing work load.

Signed,

Sen. Bettye Fahrenkamp, Chairman

Sen. Dick Eliason

Sen. Jay Kerttula

Sen. Fred Zharoff

Sen. Steve Frank

Sen. Arliss Sturgulewski

Sen. Rick Halford

Original sponsor(s): Rules/Governor

1 IN THE SENATE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 369 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the members of the boards of
7 fisheries and game."

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

9 * Section 1. AS 16.05.221 is amended by adding a new subsection to
10 read:

11 (c) A member of the Board of Fisheries or the Board of Game who
12 has an interest, financial or otherwise, in a business or organization
13 relating to fish or game resources, shall disclose that interest in
14 the manner provided for in AS 39.52.220.

15 * Sec. 2. AS 16.05.280 is amended to read:

16 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may
17 remove a board member for inefficiency, neglect of duty, [OR] miscon-
18 duct in office, or because the member has been convicted of violating
19 a statute or regulation on fish or game, by delivering to the member a
20 written copy of the charges and giving the member an opportunity to be
21 heard in person or through counsel at a public hearing before the
22 governor or a designee upon at least 10 days' notice by registered
23 mail. The member may confront and cross-examine adverse witnesses.
24 Upon removal, the governor or a designee shall file in the proper
25 state office the findings and a complete statement of all charges made
26 against the member.

27 * Sec. 3. AS 16.05.290 is amended to read:

28 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
29 board is entitled to travel expenses and [\$150] per diem at a rate

1 equal to that paid to federal employees in the state by the federal
2 government, for each day going to and from and for each day in actual
3 attendance at board meetings or other meetings or conferences author-
4 ized by a board. In addition, each member is entitled to an honorar-
5 ium of \$150 for each day in actual attendance at board meetings or
6 [FOR] other meetings or conferences authorized by a board [A MEMBER
7 SHALL RECEIVE \$100 PER DAY].
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AGENTS CONTINUING EDUCATION MODEL REGULATION

Table of Contents

Section I	Authority
Section II	Purpose
Section III	Applicability
Section IV	Exemptions
Section V	Educational Requirements
Section VI	Compliance
Section VII	Penalty

Section I. Authority.

This regulation is promulgated pursuant to the authority granted to the Commissioner by Section(s) (insert applicable sections(s)) of the Insurance Law.

Section II. Purpose.

The purpose of this regulation is to establish requirements and standards for continuing education programs for natural persons licensed to solicit or sell insurance.

Section III Applicability.

This regulation shall apply to resident persons licensed to engage in the sale of the following types of insurance:

1. Life insurance, annuity contracts, variable annuity contracts and variable life insurance.
2. Sickness, accident and health insurance.
3. All lines of property and casualty insurance.
4. All other lines of insurance for which an examination is required for licensing.

Drafting Note: This regulation is not intended to include non-resident agents. Adoption of the model regulation by all states would in effect require all non-resident agents to comply with the requirements. States may want to consider inclusion of non-residents consistent with their reciprocity practices.

Section IV. Exceptions.

This regulation shall not apply to those natural persons holding resident licenses for any kind or kinds of insurance for which an examination is not required by the law of this state, nor shall it apply to any such limited or restricted license as the Commissioner may exempt.

Section V. Educational Requirements.

(A) Resident persons licensed to sell insurance and not exempt under Section IV hereof shall annually satisfactorily complete such courses or programs of instruction as may be approved by the Commissioner in the minimum number of classroom hours as follows:

- (1) Any person holding a license issued for (a) life and/or health insurance, or (b) property and/or casualty insurance, or (c) any combination thereof, issued subsequent to the effective date of this regulation shall during each of the first four 12-month periods following the date of its original issue satisfactorily complete courses or programs of instruction or attend seminars equivalent to a minimum of 25 classroom hours of instruction, with a maximum of 100 accumulated classroom hours for the 48 month period.
- (2) Any person holding a license issued for (a) life and/or health insurance, or (b) property and/or casualty insurance, or (c) any combination thereof, issued prior to the effective date of this regulation, or who has complied with Subsection A.I. above, shall for each 12-month period satisfactorily complete courses or programs of instruction or attend seminars equivalent to 15 classroom hours of instruction.

- (B) The courses or programs of instruction successfully completed which shall be deemed to meet the Commissioner's standards for continuing educational requirements and the number of classroom hours for which they are equivalent are:
- (1) Any part of the Life Underwriter Training Council Life Course Curriculum -- 50 hours; Health Course -- 25 hours.
 - (2) Any part of the American College "CLU" diploma curriculum -- 30 hours.
 - (3) Any part of the Insurance Institute of America's program in general insurance -- 25 hours.
 - (4) Any part of the American Institute for Property and Liability Underwriters' Chartered Property Casualty Underwriter (CPCU) professional designation program -- 30 hours.
 - (5) Any part of the Certified Insurance Counselor program -- 25 hours.
 - (6) Any insurance related course approved by the Commissioner taught by an accredited college or university per credit hour granted -- 15 hours.
 - (7) Any course or program of instruction or seminar developed and/or sponsored by any authorized insurer, recognized agents association or insurance trade association or any independent program of instruction, shall, subject to the approval of the Commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner.
 - (8) Any correspondence course approved by the Commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner.
- (C) A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

Section VI. Compliance.

- (A) Any person previously licensed to sell insurance whose license was not in effect on the effective date of this regulation shall comply with all of the terms and requirements of Section V(A)(1) of this regulation.
- (B) Any person previously licensed to sell insurance whose license was in effect on the effective date of this regulation, or who has complied with Section V(A)(1), shall comply with all of the terms and requirements of Section V(B)(2) of this regulation, even though such person may, subsequent to the effective date of the regulation, become licensed for an additional kind or kinds of insurance.
- (C) Excess classroom hours accumulated during any one year period may be carried forward to the next year.
- (D) For good cause shown, the Commissioner may grant an extension of time during which the requirements imposed by Section V(A) may be completed, but such extension of time shall not exceed the period of one year.
- (E) Every person subject to this regulation shall furnish, in a form satisfactory to the Commissioner, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Such certification shall be executed by or on behalf of the sponsoring organization.

Section VII. Penalty.

Any person failing to meet the requirements imposed upon him by this regulation and who has not been granted an extension of time within which to comply pursuant to Section VI hereof, or who has submitted to the Commissioner a false or fraudulent certificate of compliance

therewith shall, after a hearing thereon which hearing may be waived by such person, be subjected to the suspension of all licenses issued for any kind or kinds of insurance, and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated to the satisfaction of the Commissioner that he has complied with all of the requirements of this regulation and all other laws applicable thereto.

Drafting Note: The following enabling statute was drafted by the NAIC Task Force on Continuing Education for those states which do not have the authority, under present laws, to adopt the regulation on continuing education, but is not an official NAIC Model Act:

"Be it enacted by the legislation of the State of _____: (Adopt citation and formal portions to local requirements and statutes).

For the protection of the people of this state, the Commissioner shall not permit a person to continue as licensed to sell insurance pursuant to _____, or _____ (insert appropriate agent's licensing statutes) unless such person has demonstrated, to the satisfaction of the Commissioner, that in addition to meeting the standards contained in the above enumerated sections for the issue of such license such person has continued to meet such additional educational requirements as the Commissioner may prescribe by regulation adopted pursuant hereto for the purpose of maintaining or improving such person's insurance skills or knowledge."

Legislative History (all references are to the Proceedings of the NAIC).

1978 Proc. II 31, 34, 266, 275, 277-279 (adopted).

Model Regulation Service - July 1989

AGENTS CONTINUING EDUCATION MODEL REGULATION

The date in parentheses is the effective date of the legislation or regulation, with latest amendments.

NAIC MEMBER	MODEL/SIMILAR LEGIS.	RELATED LEGIS./REGS.
Alabama	NO ACTION TO DATE	
Alaska	NO ACTION TO DATE	
Arizona	NO ACTION TO DATE	
Arkansas		HB 1243 (1989).
California	NO ACTION TO DATE	
Colorado	NO ACTION TO DATE	
Connecticut	NO ACTION TO DATE	
Delaware		DEL. INS. REG. 47 (1985/1986); <u>See also</u> DEL. CODE ANN. tit. 18 § 1725 (1959/1984) and INS. BULL. 85-2 & 85-3 (1985); BULL. 87-10 (1988).
D.C.	NO ACTION TO DATE	
Florida	FLA. STAT. § 626.2815 (1989).	
Georgia		GA. CODE ANN. § 33-23-11 (1981) GA. ADMIN. COMP. ch 120-2-2-.15 (1982); <u>See</u> <u>also</u> Directive 82-EX-3.
Guam	NO ACTION TO DATE	
Hawaii	NO ACTION TO DATE	
Idaho		IDAHO INS. REG. 53 [IDAPA 18.A.53] (1987); BULL. 88-4 (1988)
Illinois		ILL. ADMIN. REG. tit. 50 § 3119 (1985).
Indiana	NO ACTION TO DATE	

Model Regulation Service - October 1988

AGENTS CONTINUING EDUCATION MODEL REGULATION

NAIC MEMBER	MODEL/SIMILAR LEGIS.	RELATED LEGIS./REGS.
Iowa		IOWA ADMIN. CODE §§ 191-11.1 to 191-11.11 (1982/1985).
Kansas		KAN. STAT. ANN. §§ 40-240a to 40-240e (1976/1988).
Kentucky	KY. REV. STAT. ANN. 304.9-295 (1986/1988).	
Louisiana	NO ACTION TO DATE	
Maine	NO ACTION TO DATE	
Maryland		MD. ADMIN. CODE tit. 9 subtit. 30 ch. 74 §§.01 to .12 (1987).
Massachusetts	MASS. GEN. LAWS ch. 175 § 177E (1982).	<u>See also</u> 211 CODE of MASS. REGS. 50:01 to 50:08 (1987).
Michigan	NO ACTION TO DATE	
Minnesota		MINN. INS. REG. §§ 2725.0100 to 2725.0240 (1985/1987).
Mississippi	MISS INS. REG. L A & H 80-002 (1980) (Life and health only).	
Missouri		MO. REV. STAT. § 375.020 (1988).
Montana	NO ACTION TO DATE	
Nebraska		NEB. REV. STAT. §§ 44-3901 to 44-3908 (1982/1985); <u>See also</u> NEB. ADMIN. R. tit. 210 ch. 38 (1983).
Nevada		NEV. REV. STAT. 683A.270 (4) (1981) (Commissioner given authority to promulgate regulation).

Model Regulation Service - October 1989

AGENTS CONTINUING EDUCATION MODEL REGULATION

NAIC MEMBER	MODEL/SIMILAR LEGIS.	RELATED LEGIS./REGS.
New Hampshire	N.H. ADMIN. CODE INS. 1302.01 to 1302.11 (1986/1988).	
New Jersey	NO ACTION TO DATE	
New Mexico		N.M. STAT. ANN. 59A-12-26 (1985/1989); N.M. INS. REGS. Ch. 59A Art. 12 Rule 1 (1985) [SCC-85-11].
New York	NO ACTION TO DATE	
North Carolina		N.C. GEN. STAT. §§ 58-635 to 58-636 (1989) (Commissioner may adopt regulation).
North Dakota		N.D. CENT. CODE §§ 26.1-26-31.1 to 26.1-26-31.5 (1985/1987); N.D. ADMIN. CODE § 45-02-04 (1986/1989).
Ohio	NO ACTION TO DATE	
Oklahoma		OKLA. INS. REGS. Part VI RULE 36-14-1 (1989).
Oregon		OR. ADMIN. R. 836-71-600 to 836-71-645 (1978).
Pennsylvania	NO ACTION TO DATE	
Puerto Rico		P.R.R. RULE LII (1983).
Rhode Island	R.I. GENERAL LAWS §§ 27-3.2-1 to 27-3.2-10 (1989) (Eff. 6-1-90) (Some is model).	
South Carolina	NO ACTION TO DATE	

Model Regulation Service - October 1988

AGENTS CONTINUING EDUCATION MODEL REGULATION

NAIC MEMBER	MODEL/SIMILAR LEGIS.	RELATED LEGIS./REGS.
Tennessee	TENN. ADMIN. COMP. ch. 0780-1-42 (1980) (Life and health agents only).	
Texas		28 TEX. ADMIN. CODE §§ 19.1001 to 19.1011 (1988).
Utah	NO ACTION TO DATE	
Vermont	NO ACTION TO DATE	
Virgin Islands	NO ACTION TO DATE	
Virginia	NO ACTION TO DATE	
Washington		WASH. ADMIN. CODE R. §§ 284-17-200 to 284-17-320 (1980/1987). (New regulation pending 1988); WASH. REV. CODE ANN. § 48.17.150 (1947/1979); <u>See also</u> BULL. 87-2 (1987).
West Virginia	NO ACTION TO DATE	
Wisconsin	NO ACTION TO DATE	
Wyoming	NO ACTION TO DATE	

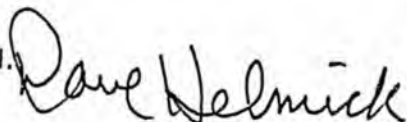
ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resources committee on Fish and Game Board Funding, dated February 23, 1990.

Dear Senators;

While it has some warts, the advisory committee/fish and game board system of regulatory management is the most democratic system found in America. It "works". However, due to some short sighted individuals in the budget/funding process it is in jeopardy. I urge you to look into this matter and make the necessary "fixes" so that we don't lose this system of "management by the people".

Thank You.



Dave Helmick
P.O. Box 913
Petersburg, Ak. 99833
772-4790

Copies to: House Resource Committee, Robin Taylor, Lloyd Jones, Cheri Davis

S B

381

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/9/90

FURTHER: Finance

Date of 5-Day Notice: 3-1-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-5-90

Resources _____ Committee considered SB 381
relating to hunting for mountain goat by nonresident hunters; efd

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) ADF 4, G

zero fiscal note(s) DCEP

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

Rick Halford
William de puz

OTHER RECOMMENDATIONS:

Wood No Rec.
Paul ... No Rec
Alan ... No Rec

Richard ...
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST: _____

Revision Date: _____
 Title: An act relating to hunting
 for mountain goat by nonresidents
 Sponsor: Senator Duncan
 Requestor: _____

Agency Affected: Fish and Game
 BRU: Wildlife Conservation
 Components: Wildlife Conservation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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
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REVENUE	65.0	65.0	70.0	70.0	75.0	75.0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No impact on FY 90.

Prepared by: W. Bruce Dinneford Phone: 465-4190
 Division: Wildlife Conservation Date: 2/9/90

Approved by Commissioner: *William W. Miller* Date: 2/12/90
 Agency: Department of Fish and Game

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 381	SPONSOR Senator Duncan
SHORT TITLE OF BILL An act relating to hunting for mountain goat by nonresident hunters			
DEPARTMENT POSITION Neutral			
PREPARED BY Bruce Dinneford	DATE 2/9/90	COMMISSIONER'S SIGNATURE <i>William A. Wilbur</i>	DATE 2/12/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Commerce and Economic Development Tourism	CONSTITUENT GROUPS AFFECTED BY BILL Big Game Guide-outfitters
ORGANIZATIONAL SUPPORT FOR BILL Alaska Professional Hunters Association	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
The requirement that all nonresident mountain goat hunters be accompanied by a guide-outfitter (or relative within the second degree of kindred) was a recommendation of the Task Force on Guiding and Game in January of 1989. Additionally, it was an implication of HB 112/SB 140 during the 15th session that mountain goat be added to Dall sheep and brown bear as species which require guide-outfitters for nonresident hunters. Mountain goat was recommended for inclusion to this list because of the precipitous terrain they occupy and the danger associated in hunting this species.

ANALYSIS OF BILL PROGRAM EFFECTS
In 1988, 320 nonresident goat tags were sold. Preliminary 1989 figures indicate that 107 goat tags were sold. Thus, revenues to the state associated with nonresident mountain goat hunting in 1988 was \$79,625 for tags and \$19,056 for licenses, for a total of \$98,681. By contrast, 1989 revenues were \$26,750 (tags) and \$6,420 (licenses), for a total of \$33,170. A loss of \$65,511 (64 percent) was experienced due to the reduction of nonresident goat hunter effort in 1989. As this new requirement becomes more accepted it is believed that the opposition to using a guide will diminish and nonresident hunter effort will increase, but not to pre-1989 levels.

Whether or not mountain goat remain on the guide-outfitter required list will not seriously affect the management of mountain goats in Alaska.

AMENDMENTS PROPOSED

NONE

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to hunting for mountain goat by nonresident hunters;...
Sponsor: Senator Duncan
Requestor: Senate Resource

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill removes mountain goat from AS 16.05.407(a) thereby allowing non-resident hunters to hunt mountain goat without being accompanied by a licensed guide-outfitter. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 1-

Approve Commissioner: Larry Mercurieff Date: 12/1/90
Agency: Commerce and Economic Development

Distribution (by preparer):

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

SB 381: "An Act relating to hunting for mountain goat by nonresident hunters; and providing for an effective date."

The Department of Commerce and Economic Development is opposed to enactment of SB 381, which would amend fish and game statute AS 16.05.407(a) to remove mountain goat from the list of big game species that a nonresident can hunt only when accompanied by any class of licensed guide-outfitter.

This bill deletes language just added by SCS CSHB 112(RIs) am S (hereinafter HB 112), which was signed into law in May of 1989 as Chapter 37, SLA 1989. HB 112 resulted from legislation drafted by the Legislative Task Force on Guiding and Game, legislation based on recommendations the task force hammered out over a six-month time period following significant public testimony and debate. The Department of Commerce and Economic Development has a seat on the task force and was involved in supporting passage of HB 112 last session.

In its report to the First Session of the 16th Legislature, the task force had as its thirteenth of sixteen recommendations a specific recommendation adding mountain goat to the guide-required species list. The recommendation is repeated in full below:

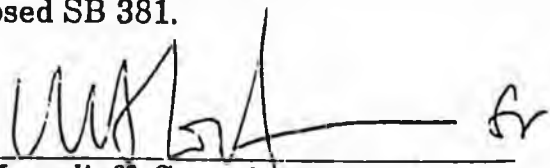
13. Guide Required Species.

The Task Force has considered the question of adding species to the required guide list and recommends that mountain goats be added to the required guide list.

Based on testimony, this will go a long way to provide some compatibility with the present demand that nonresidents require "guides" for hunting of sheep and brown/grizzly bear. Climate, terrain, and nature of these species necessitate assistance to the nonresident hunter.

There was little controversy surrounding this recommendation and much support, including testimony from the Department of Law that including mountain goats in the list of guide-required species only further strengthened one of the original reasons for the guide-outfitter requirement: hunter safety.

The department maintains its support for the original task force recommendation which placed that recommendation in statute, and has heard no substantive rationale to delete this recently enacted requirement. For these reasons, the department opposes passage of proposed SB 381.



Larry Mercurieff, Commissioner

Date: 10/1/90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to hunting for mountain goat by nonresident hunters;...
Sponsor: Senator Duncan
Requestor: Senate Resource

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill removes mountain goat from AS 16.05.407(a) thereby allowing non-resident hunters to hunt mountain goat without being accompanied by a licensed guide-outfitter. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 1-
Approved by Commissioner: Larry Merculieff Date: 10/1/90
Agency: Commerce and Economic Development

Distribution (by preparer):

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

*Senator
Duncan
Copy*

Office of the Governor
Boards and Commissions
P.O. Box A
Juneau, Alaska 99801

12/15/89

Dear Sir:

Please consider this a letter of recommendation and concern. During the past 5 years Archery has grown in the Juneau area, Southeast Alaska and around the State of Alaska. That growing interest in Archery has resulted in the formation of the Juneau Archery Club, Inc., which now has a membership of 150 individuals. Some of members are only interested target shooting, while others are interested in bowhunting as well.

The Juneau Archery Club Board of Directors have the following two concerns:

1) BEAR BAITING: Bear Baiting was closed in Unit 1C a couple of years ago. The Juneau Archery Club membership has mixed feeling on the issue of Bear Baiting in the State of Alaska or anywhere for the matter. Only a few have any interest in bowhunting for bear. Only a couple have ever tried it in past years. The Concern we have is with the due process or process followed in closing Unit 1C. The Juneau Archery Club, Board of Directors met on several occasions to review and discuss the tapes on the meeting, which ended in the closing of Unit 1C. It was proposed by Joel Bennett and seconded during the meeting. The proposal was not a recommendation from any Advisory Board in Southeast Alaska. He did it on his own. That was not in our minds a proper due process procedure. Why have Advisory Boards, if representatives are going to push through their own opinions. The tapes are very clear on the process followed.

2) Goat Hunting: Goat Hunting was closed in the State of Alaska last Fall to non resident hunters, unless a registered guide was involved. The proposal was part of HB 191.

Our concern is as follows: The closing of Goat Hunting is a major decision. It should not be part of another House Bill in which the knowledge of such a proposal isn't even known around the State. Juneau Archery Club members called several individuals around the state in the Division of Game positions, Game Law Enforcement position, and others. More than 95% had no knowledge of such a proposal. Many resident hunters, especially

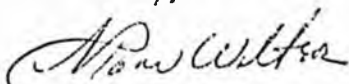
bowhunters value the opportunity to take non-resident into the field and in exchange have an opportunity to hunt game in another State. We agree Goats are not hunted often in August and September, but they are hunter often as soon as the snow drives them to the low level into rifle range. Many are taken each year from a passing boat. Methods of hunting goat can be debated over and over I am sure, but the issue is not that. We feel the method in which such a proposal was made was not in proper due process. No Advisory Board made such a recommendation. It was added to HB 198 without proper information being presented to the user public. Most didn't even know it was happening.

The Juneau Archery Club, Inc. recommend the following:

- 1) Joel Bennett be removed from the Board. His procedures are not responsible and representative. We have no recommended replacement person in mind. I heard the name Dave Kline recommended. We do not know the individual.
- 2) The issue of Bear Baiting be reopened and the proper due process be followed.
- 3) Guided Goat Hunting for non-residents be reopened and stand on its own as a separate issue and also follow the proper due process.
- 4) The Division of Game and Fish has a responsibility to protect, but also make sure the due process procedures are followed. Too often proposals are made by individuals and power groups, without proper procedures being followed. It is up to the Division of Game and Fish personnel, Board and Commissions to make sure this does not happen.

We applaud the Juneau Advisory Board for finally establishing a procedure for assuring representation at the local level. Each user group is now represented on Advisory Board.

Sincerely,



Marv Walter

President, Juneau Archery Club, Inc., (JAC)
Southeast Director, Alaska Bowhunters Association, (ABA)
Bowhunting Advisory Board Member, National Field Archery Association,
(NFAA)

Mendenhall Apts.
326 Fourth St.
Apt. 405
Juneau, AK 99801

Per Dale
Per [unclear]
581 SB
Etc.

Dear Senator Duncan,

I am very upset about the new legislation that passed concerning goat hunting and bear baiting. Both of these measures were simply tacked onto a bill that was already going to pass and neither of these bills would have passed on their own merits. I'm referring to last years new goat hunting regulation that forbids nonresidents to hunt goats unless they are accompanied by a guide or a near relative. Obviously, the guides in Alaska wanted to monopolize the hunting in AK and this is one way of guaranteeing that they will be hired. Two weeks ago when the Guide Board met they stated that they would like to see all game put on the big game list. If a measure such as this was to pass the guides in AK would have everything neatly sewed up in their greedy little hands.


What good is our Fish and Game Advisory boards if they are not used? Both of these measures were swept into law unbenounced to the people serving on these boards. As a matter of a fact, the Juneau Archery Club (which I am a member) called Fish and Game personnel after these laws passed and 75% of the people asked didn't even know that the laws had been changed! One would think that the Fish and Game Department and the local advisory boards would be consulted on these matters before changing the rules. Since the Advisory Boards are made up of people that are familiar with the fish and game in their particular area, they should be referred to on these matters! I strongly urge you to

support Senate Bill 381. If these laws need to be changed, let them be altered after proper counsel has been consulted!!

Sincerely,

Brian Merritt

To: Senator Jim Duncan
Senator Betty Fahrenkamp

From: Marv Walter, Southeast Director 
Alaskan Bowhunters Association
Juneau Archery Club - President

Subject: Resource Committee Meeting- 2/12/90 at 1:30 pm

Date: 2/13/90

Please consider this a letter of concern and apology. It seems some false information was spread and the result was a lack of participation at the Resource Committee Meeting on SB 381 on 2/12/90.

On 2/9/90 I was informed by Joe Miguel, SB 381 would not be heard on 2/12/90 because of a lack of time, but would be rescheduled for 2/26/90. He was given that information from the Office of Senator Fahrenkamp. I in turn informed all presenters of the change, except for two, Mr. Ed Mills and Tim Mcleod. I was unable to make contact with them. They did show up on Monday to find the hearing taking place. IN FACT, SB 381 was first on the agenda for the hearing. I find it upsetting...

I can not just take time off work and stay at a hearing to testify. I trusted Joe's information to be based on a reliable source. It came from the chairperson to the Resources Committee.

I request the following: The hearings be rescheduled for Monday, February 26, 1990 at 1:30 pm. as stated to Joe Miguel. This will allow time for interested presenter to regroup and prepare statements on SB 381. I will be in Anchorage along with Joe Miguel attending the Alaskan Bowhunters Association Banquet on February 23-25, 1990. We plan to advertise the meeting and discuss SB 381 during that gathering of Bowhunters.

The following paragraph was taken from an article entitled, " Students Should Know More About the Real World Than Past History and Geography". They were comparing Domestic and International Politics.

"Both involve the pursuit of interests, the use of power, authority, the application of general principles of particular cases, and so on, But there is one crucial difference. Politics in the United States-- and indeed in every other state-- occurs within a polity and in the presence of a sovereign government, which has the allegiance of the individuals and groups involved, which acts as arbiter or umpire between competing forces, and which can authoritatively implement the decisions reached. "

The point is simple. We feel SB 381 is important in providing due process on the Goat issue. We feel the legislative process followed in 1989, which placed Goats on the Guides List was not in good judgement. The Goat issue was part of another package, thus not represented on its own merits. The public had no knowledge of the legislative content of the Bill, thus limited input or expressed concern. It was a railroad job in short...

We feel the local Fish and Game Advisory Boards serve an important function in Alaska and should have been involved on the Goat issue. They were not involved nor informed. Most Fish and Game Personnel didn't even know it was legislated nor the user Public.

cc: attachments
Notes from my intended 2/12/90 presentation-FYI
Letter to Officers- ABA-FYI
List- Juneau Archery Club Membership- FYI

Name: Marv Walter

Title: President of Juneau Archery Club, Inc.
Alaskan Bowhunters - Southeast Director
National Field Archery Association (NFAA)- Advisor to the Bowhunter and Conservation Committee

I have a strong interest in supporting S.B. 381 for a number of reasons:

1) I believe the process followed in the passage of Goat legislation in 1989 was a wrongful act, which was tactfully followed in an effort to pass legislation without proper public involvement. I am not a person who has a history of being concerned with the passage of legislation. I've always believed the best interest of the public will be represented. I believe in this case a selfish / financial interest has prevailed. Guides have an opportunity for financial gain at the expense of public input and due process and that is not right. I am aware of no public input at the local level in Juneau or for that matter around the state. The Local Fish and Game Advisory Board made no recommendation as to a proposal placing Goats on the Guide list. Most of the Fish and Game personnel contacted by concerned hunters didn't even know the proposal took place.

2) In the Spring of 1989 I was contacted by Mr. Jerry Karsky, Bowhunter and Founder of the Montana Bowhunters Association. He wanted to Hunt Goats in the Juneau area. I hunted Elk with him in Montana in 1988. We planned an exchange hunt. Mr. Karsky has all the Bowhunting skill and experience of any Bowhunter or guide in this country. I informed Mr. Karsky of the new legislation. He made several phone calls around the state. Not one Fish and Game person contacted knew of the legislation, even after it was signed by the Governor. I'd like to make three points from this story:

A) The Public and a key Division in this State was not involved or informed.

B) Mr. Karsky did not hunt Goats in Alaska, because he would not pay for guide fees. This was lost revenue to Alaska businesses.

C) There are hunters all over the country with contacts in Alaska and the skill necessary to accomplish a safe and cost effective hunt without the need for guides.

3) It's been my experience after 10 years of hunting in Southeast Alaska, the most dangerous aspect of hunting is not climbing the mountain, it's going and returning on the water or by air. There are far more Coast Guard reports of hunters involved in dangerous and fatal water/ air encounters, than from falling off a mountain. Climbing a mountain is dangerous, but it is usually predictable and danger is usually resolved without public notice.

4) If the number of Goats in Alaska is a concern or a point of argument than I strongly recommend the closing of Goat Hunting during the year, when snow has caused the Goat population to move within rifle distance of waterways in Alaska. I have knowledge of many Goats killed each year by hunters being able to reach their Goat without leaving their Boats or by climbing only a short distance. Snow brings Goats to water level yearly and accounts for many of the easy Goat kills.

I appreciate the opportunity to speak and I request the support of S.B 381 and future use of wide local Fish and Game Advisory groups.

To: Dennis Smythe- ABA President
Don Poole- ABA Vice President
Larry Holmes- Legislative Vice President

From: Marv Walter, ABA - Southeast Director

Subject: SB 381- Goats Guide Bill, submitted by Senator Duncan

Date: 2/12/90

I am writing this letter out of frustration and concern. The ABA members, hunters in general in Alaska and non resident hunters have alot a stake in the coming month. I feel we need to get our act together prior to the ABA banquet or we will lose an opportunity to make a difference for SB 381 and future such legislation. I propose the following action during the ABA Banquet on February 24, 1990.

1 The attached petition become an official document- revised by Larry Holmes and properly introduced and provided for signatures during the ABA banquet. The document would be officially presented on February 26th in Juneau by Joe Miguel and me, when the hearings on SB 381 take place.

2 We have an opportunity to make a difference in Juneau, State Capital, based upon the fact a very qualified individual joined the ABA this year. That person is Joe Miguel, member of the ABA, member of Juneau Archery Club, long time sports person and most important to our cause he is an informed person with the workings of State Government Agencies. He has the ability to study, prepare and present at any level, ABA issues.

I propose for a 2 year period, Joe Miguel be named 2nd Legislative Vice President located in Juneau. This will give him an opportunity to make a difference when contacting legislative personnel in Juneau. Joe indicated his interest and he does have the time. Presently he is a concerned bowhunter, an ABA member, but with a title as Legislative V.P. alot more information can be asked for and shared. He is also very unhappy with the Bear Balting issues and the Goat issue. " Due Process being the concern", which was not followed. Joe has already spent alot of time making contacts and presentations. We need his help...

Note: Joe will be at the Banquet and I suggest some time be made to hear his ideas and offer suggestions. He changed is reservations so he could also attended our meeting on Sunday. Think it over! His phone# is 780-6351 Give him a call.

Rationale: We need some one in Juneau at this time to push and make the contacts. I am interested, but I know I don't have the time!

#3 This is a big one, but an option, which we may consider in the near future. Joe and I feel the legislature has already made up their minds on the Goat issue, no matter what is said or done. The Guide program is their baby... they were concerned with Sheep being on the list and Goats not, so the Attorney General suggested the Guides take a good look at the program. Thus the Goats were pushed through.

I suggest we take a good look at taking legal action against the State of Alaska and the entire Guide Program. I believe in the end the State would not withstand the Constitutionality issue with the program. Support could be requested from all interested hunting groups in this country. It is a thought, which I am sure already crossed your minds.

We need to move on #1 and #2 before the Banquet. Thank you for your time! Good luck Gentlemen!

TO: TO WHOM IT MAY CONCERN:

FROM: ALASKAN BOWHUNTERS ASSOCIATION MEMBERS AND INTERESTED PARTICIPANTS

SUBJECT: 1989 GOAT LEGISLATION AND S. B. 381

DATE: 2/24/90

We the undersigned believe that due to the complexity of the guide task force legislation during the 1989 legislative session that the issue of adding Mountain Goat to the guide list did not receive proper public comments. We also believe that our comments are necessary to this issue and that we have a constitutional right to voice concerns.

Therefore, we ask that S.B. 381 be heard and passed through the legislature and that Mountain Goat be repealed from the guide list.

MEMBER	NAME	ADDRESS	HM PHONE	WK PHONE	PAID	NUMBER
		JUNEAU ARCHERY CLUB-89				
		Z MEANS INACTIVE 1989				
ALEX	WAYNE	PO BOX 020095			✓s 89	073.0
BOVA	JOE	4300 UNIVERSITY DR APT F2 RM 1	789-2268		✓s 89	060.0
BRADFORD	PAUL	PO BOX 21496 99802	789-5908	586-8773	✓s 89	087.0
BUDDHU	JIM	8460 RAINBOW ROW	789-5521	780-4088	✓s 90	105.0
BUDDHU	KAREN					105.1
BUDDHU	DONALD					105.2
BUDDHU	RUTH					105.3
BURFETT	TERRY L.	3824 GLENDALE #39	789-7960		✓s 90	104.0
CALBRICK	DELMER	5905 CHURCHILL WAY #54	780-4222	780-4777	✓s 89	113.0
CALLAHAN	PAM	4403 COLUMBIA BLVD				008.1
CALLAHAN	RICHARD	4403 COLUMBIA BLVD	789-7532		✓f 90	008.0
CALLAHAN	RON	4403 COLUMBIA BLVD	789-9832	586-7272	✓s 89	009.0
CARTE	ROBERT L II	4342 TAKU BLVD	789-5704	780-4333	✓f 89	017.0
CARTE	WIFE					017.1
CRAWFORD	JAMES	PO BX 32224 AUKU BAY	789-0797		✓s 89	085.0
CULBERT	DAVID L.	PO BX 34024 99803	789-4753		✓f 89	103.0
CULBERT	CAROLYN					103.1
CULBERT	AARON					103.2
CULBERT	ADRIENNE					103.3
DEDERA	CARLA	19296 RANDALL ROAD	789-7522	465-3500		041.1
DEDERA	SEAN	19296 RANDALL ROAD				041.2
DEDERA	SHANA	19296 RANDALL ROAD				041.3
DEDERA	JOE	19296 RANDALL ROAD	789-7522	586-3878	✓f 89	041.0
DEMUTH	JOHN	PO BOX 456 DOUG 99824	364-3223		✓s 89	088.0
DUNCAN	BARBARA					036.1
DUNCAN	BRAD					036.2
DUNCAN	CRAIG	3319 MEANDER WAY	789-2831	586-5218	✓f 89	036.0
EDKLUND	BETTE	9214 GEE STREET				038.1
EDKLUND	KATHY	9214 GEE STREET				038.2
EDKLUND	PAUL	9214 GEE STREET				038.3
EDKLUND	JIM	9214 GEE STREET	789-7649	586-3133	✓f 89	038.0
ELLENBECKER	GABE					014.1
ELLENBECKER	JOHN	8926 BIRCH LANE	789-3765	789-3696	✓f 89	014.0
ERA HELICOPTER	(HONORARY)		364-3491	586-2030	✓H 89	040.0
EVERSMAYER	CLAIR	3944 JULEP	789-5954	789-0924	✓f 90	061.0
EVERSMAYER	HEATHER	3944 JULEP				061.1
EVERSMAYER	JESSE	3944 JULEP				061.2
FORD	BRYANT					084.0
SERMAIN	GREG	P.O. BOX 24456 99803	789-7079	789-2409	✓s 89	090.0
GREER	EDITH	5292 NO. DOUGLAS HWY	586-6972		✓f	019.1
GREER	LANCE	5292 NO. DOUGLAS HWY	586-6972		✓V	019.2
GREER	WALLY	5292 NO. DOUGLAS HWY	586-6972		✓f 89	019.0
GRIERSON	AL (HONDRARY)	BOX 40 SHISHMAREF 99772			✓s 89	004.0
GUAY	LARRY	9206 EMILY WAY	780-0134	586-7491	✓s 89	035.0
HADFIELD	LON	9209 LONG RUN DR. 99801	789-0358	789-7001	✓f 90	116.0
HADFIELD	PHYLLIS					116.1
HADFIELD	TODD					116.2
HADFIELD	PAUL					116.3
HAKARI	JAKE					028.1

MEMBER	NAME	ADDRESS	HM PHONE	WR. PHONE	PAID	NUMBER
HAKARI	CHUCK	4414 ICHABOD LN. JUNEAU			vs 90	028.0
HAYNES	NATHAN	PO BOX 210056-99821 AUKE BAY	789-2542		vs 90	086.0
HELFRICH	WILLIAM	5000 GLACIER HWY 99801		780-4616	vs 90	115.0
HENSLEY	NITA					079.1
HENSLEY	RONALD					079.2
HENSLEY	PATRICK					079.3
HENSLEY	RONALD	PO BOX 021004 99802-1004	789-3334	464-2220	vf 89	079.0
HIATT	LEWIS	2670 A DAVID ST 99801	364-2839		vs 89	096.0
JONES	STEPHEN	2198A LAWSON CR. A9 99824	364-3677		vf 89	111.0
JONES	MILLIE					111.1
KING	MATTHEW	P.O. BOX 210933 AUKE BAY			vs 89	093.0
KRKOVICH	SHIRLEY					053.1
KRKOVICH	JEREMIAH					053.2
KRKOVICH	JESSICA					053.3
KRKOVICH	DUANE					053.4
KRKOVICH	REGINAL	BOX 20557 99802	780-4156	SAME	vf 89	053.0
KROGSTAD	PAUL	PO BX 33232 99803	780-6572	586-2660	vs 89	099.0
KROGSTAD	SUSAN	BOX 33232 JUNEAU 99803	789-3248	465-2882		099.1
LEIGHTY	WILL	PO BOX 020993 99802	586-1424		vs 89	092.0
LEMOND	DENNIS	BOX 248 DOUGLAS, AK 99824			vs 89	010.0
MARTIN	HAROLD	3800 MCGINNIS DR 99801	789-1899	586-1432	vf 89	102.0
MARTIN	JACQUELINE					102.1
MARTIN	AUGUST					102.2
MARTIN	WILLIAM					102.3
MARTIN	ALLISON					102.4
MARTIN	VICTOR LEE					102.5
MARTIN	ANDRA					102.6
MASTERS	STEPHAN	PO BOX 564, DOUGLAS	586-6326	465-2240	vs 89	013.0
MASTERS	HANK	PO BOX 564, DOUGLAS	586-6326	465-2240	vs 90	023.0
MASTERS	ERIC	P.O. BOX 34534 99803	789-7079	789-5500	vf 89	076.0
MASTERS	LEOLA					076.1
MASTERS	RACHLE					076.2
MASTERS	ALEX					076.3
MASTERS	HENRY					076.4
MATHUS	TIMOTHY	9730 TRAPPERS LN 99801	789-0934		S 89	107.0
MCCUMB	WALT	8525 MENDENHALL LOOP RD	789-3508	586-8634	vs 89	026.0
MCLEOD	TIM	3083 MOUNTAINWOOD CIRCLE	789-3549		vf 89	021.0
MCLEOD	GERI	3083 MOUNTAINWOOD CIRCLE				021.1
MCLEOD	AMY	3083 MOUNTAINWOOD CIRCLE				021.2
MCLEOD	LISA	3083 MOUNTAINWOOD CIRCLE				021.3
MCMEEN	KIRK	8811 GLENDALE #32	789-2025		vf 89	089.0
MCMEEN	BROOME					089.1
MERRITT	BRIAN	4300 UNIVERSITY BX 18	789-5921	AFT. 5.2	vs 89	097.0
MICKELSEN	KEITH	5875 GLACIER HWY #65	780-4632	465-3500	vf 89	002.0
MISUEL	JOE	BOX 21092 AUKE BAY, AK	780-6351		vs 90	083.0
MILLS	ANDY					003.2
MILLS	THAD					003.4
MILLE	ED	1017 WEEBURN DR.	586-9082	586-2115	vf 89	003.0
MOORE	TRACY	4491 KLONDIKE WY	789-3970	364-4294	vs 89	095.0
MOORE	TERESA					095.1
MOPLEY	BRUCE HONORA	9128 N DOUGLAS HWY	586-6974		vf 89	025.0

MEMBER	NAME	ADDRESS	HM PHONE	WK PHONE	PAID	NUMBER
MORLEY	JUDY	(HONDRARY)				025.1
MORLEY	DAVID					025.2
MORLEY	STEVE					025.3
NAN ERMIS	JERRY	P.O. BOX 34801 99803	789-1861	586-2780	✓ 89	043.0
NIEMANN	DAVID A.	PO BOX 1415 99802	789-3245	586-2876	✓ 90	070.0
NIEMANN	SCOTT D.	PO BOX 1415 99802		465-2854		070.1
NORVILLE	JACQUES JR.	PO BOX 021751	780-6159	789-3331	✓ 89	016.0
NORVILLE	SUSIE					016.1
FAVITT	BOB	9481 EAGLE ST.	789-9882	586-2066	✓ 89	020.0
FAVITT	BARBARA	9481 EAGLE ST.				020.1
PETERSON	RONALD	BOX 32 ST. CHARLES, MN. 55972			✓ 89	110.0
RANDALL	GENE	4383 PARKVIEW CT 99801	789-4798	586-1919	✓ 90	066.0
RANDALL	STEPHANIE					066.1
RANDALL	BRIDGE					066.2
SANDALL	SUMMER					066.3
RENFRO	MIKE	8306 MENDENHALL LOOP RD	789-9217	463-3370	✓ 89	075.0
RENHARD	CHARLES K	8924 SLEEPY COURT	789-7272	586-3496	✓ 90	044.0
RENHARD	SANDRA	8924 SLEEPY COURT				044.1
RENHARD	ESTAL	8924 SLEEPY COURT				044.2
RUTE	CHRIS	4438 MOUNTAINSIDE DR.	780-6878	465-2424	✓ 89	029.0
RYERSON	GLENN	4352 TAKU BLVD	789-7280	789-7280	✓ 89	018.0
SARGENT	DANIEL	BOX 33831 99803	789-3120	780-6703	✓ 90	047.0
SARGENT	LAVENA	BOX 33831 99803				047.1
SARGENT	TIFFANY	BOX 33831 99803				047.2
SCHRAMM	HORST	2315 INDUSTRIAL BLVD	789-7176	789-2228	✓ 89	091.1
SPIVEY	DARYL	2212 RADCLIFF RD 99801	789-3903	789-0798	✓ 89	011.0
STERLEY	DAVID	BOX 33923 99803	789-7242		8 89	108.0
STRICKLAND	GARY	219 S. FRANKLIN	789-4832	586-2000	✓ 89	109.0
URION	RICH	PO BX 20668 99802	364-2315	463-5088	✓ 89	100.0
VAN BORT	JAN	603 E. 4TH ST.	586-6659		✓ 89	012.0
WALTER	SANDE			586-0152		001.1
WALTER	WADE					001.2
WALTER	CHAD					001.3
WALTER	MARV	1340 FRITZ COVE RD. JUNEAU	789-0942	586-3780	✓ 90	001.0
WANIE	DON	BOX 65 DOUGLAS	586-3603	465-2245	✓ 89	005.0
WHITE	STEVE	1760 EVERGREEN AVE	463-4942	463-3600	✓ 89	081.0
WHITE	J.E.B.					081.1
WINZELMAN	DAN	PO BX 34851 99803	780-5861		✓ 89	099.0
WINZELMAN	HARLAND	PO BX 021907 99802	463-4872		✓ 89	101.0
WOLFE	BRET	BOX 221 DOUGLAS, AK			✓ 89	082.0
WYER	SIDNEY	2703 DAVID ST. JUNEAU	364-3184		✓ 89	112.0
YANESS	RICHARD	9342 GLACIER HWY #19	789-5153	465-4230	✓ 89	094.0
Z	NICHOLE	4380 TAKU BLVD.				062.2
Z BUNN	ROBERT (ERNIE)	10236 HERON WAY	789-2613	789-5252	✓ 88	068.0
Z BUNN	KAY					068.1
Z BUNN	RYAN					068.2
Z BUSCH	JUSTIN	P.O. BOX 746	789-2985	463-3813	✓ 88	064.0
Z CAMERON	JOHN	2173 THUNDER ST.	789-2233	586-6313	✓ 88	007.0
Z COLE	FOREST	8685 DUDLEY 99801	789-1381	789-3111	✓ 88	071.0
Z COLE (STUART)	DAVID					071.1
Z CORNELL	RANDY J.	4380 TAKU BLVD.	789-9430		✓ 88	062.0

MEMBER	NAME	ADDRESS	HM PHONE	WK PHONE	PAID	NUMBER
Z CORNELL	BARB	4380 TAKU BLVD.				062.1
Z CORNELL	REBECCA	4380 TAKU BLVD.				062.3
Z COSTELLO	FAT	P.O. BOX 210524	789-5530	465-4230	vs	055.0
Z DAHL	STEVEN	4396 ABBY WAY	780-4013	586-1131	vf	045.0
Z DAHL	JO LOURILL	4396 ABBY WAY				045.1
Z DANIELS	CINDY	1220 GLACIER AVE#311	586-6689		vs	032.0
Z ENGESATH	VERN	P.O. BOX 32371	789-4851	586-5323	vf 88	078.0
Z ENGESATH	JAIME					078.1
Z ENGESATH	CORRIE					078.2
Z ENGESATH	JEANNE					078.3
Z FROMER	ZANJAN	PO BOX 020015	364-2587			049.0
Z GOODSON	JAMES T.					063.0
Z HABEGER	DON	4942 STEELHEAD ST	789-3570		vf 88	080.0
Z HABEGER	CAROL					080.1
Z HABEGER	BRICE					080.2
Z HARRINGTON	BILL	4300 UNIVERSITY DR.B-4 JUN	789-9353		vf 88	058.0
Z HARRINGTON	BRENDAN	4300 UNIVERSITY DR.B-4				058.1
Z HARRINGTON	CINDY	4300 UNIVERSITY DR.B-4				058.2
Z HARRINGTON	ERIN	4300 UNIVERSITY DR.B-4				058.3
Z HIGGS	MIKE	4941 HUMMINGBIRD LN.	789-7319	465-2975		056.0
Z INGMAN	JEFFREY	325 4TH STREET	586-6380	465-2985	vs	046.0
Z JEBE	HENRY	P.O. BOX 221 DOUGLAS	364-2286		vs 88	050.0
Z JORALEMON	JON	P.O. BOX 210622	789-2560	789-3989	vs	022.0
Z KURT	LAURA	1304 MARK ALLEN-B	780-4341		vs	039.0
Z LASKEY	JOHN	1890 GLACIER AVE. #106	586-1548	586-9616	vf 88	033.0
Z LASKEY	TERRY	1890 GLACIER AVE. #106	586-1548	586-9616		033.1
Z MANIOL	MICHAEL	3612 HAYES WAY	739-3959	465-2244	vs 88	037.0
Z MORGAN	MELLISSA	3555 MENDENHALL #100	789-3347		vs 88	030.0
Z MURPHY	SEAN	8353 RIVER PLACE	789-0487		vf 88	072.0
Z MURPHY	FRANK					072.1
Z MUTH	BOB	1756 EVERGREEN ST.	586-3712		vs 88	065.0
Z POWERS	WAYNE	5992 NORTH ST.	780-4386			027.0
Z POWERS	WES					027.1
Z POWERS	RUSTY	6590 GLACIER HWY #276 99901	780-4751	586-3190	vf	059.0
Z POWERS	RICHARD	6590 GLACIER HWY #275				059.1
Z PRIDE	BARY	314 LYNNBROOK, EUGENE,OR 97404	97404		vs	006.0
Z REID	STEVE	9951 SPRUCEWOOD #91	789-3960	465-2704	vs	052.0
Z RITTENHOUSE	DAVE	4228 TAKU ST.	789-3999	586-8877	vs 88	015.0
Z ROBIDOUX	CLAYTON	BOX 33099	780-4220		vf	034.0
Z RUBY	JOSEPHINE	PO. BOX 33381	789-5007	465-4507	vs 88	054.0
Z SANFORD	ROB	15945 GLACIER HWY	789-0436			051.0
Z SCHULTZ	ALLEN L	19416 GLACIER HWY	789-3851	789-4115	vs	031.0
Z SPIVEY	GEORGE (FETE)	GENERAL DELIVERY FBG 99833	586-3801	465-3720	vs 88	074.0
Z WALSH	DOMINIC C.	2001 CREEK ST. #R	304-2103	586-7456	vf 88	077.0
Z WALSH	ELLEN					077.1
Z WHEATON	HARVEY F.	P.O. BOX 300412 99802	780-6501	586-3878	vf 88	042.0
Z WHEATON	KEVIN					042.1
Z WHEATON	PATRICK					042.2
Z WHEATON	CHRISTINE					042.3
Z WHITBECK	TED	9099 SHELVE WAY	789-0829		vs	024.0
Z WILLIAMS	DAVE	8687 DUDLEY RD.	789-9616		vf 88	067.0

MEMBER	NAME	ADDRESS	HM PHONE	WK PHONE	PAID	NUMBER
Z WILLIAMS	KAREN	8687 DUDLEY RD.				067.1
Z WILLIAMS	JEREMY	8687 DUDLEY RD.				067.2
Z WILLIAMS	JACOB "JAKE"	8687 DUDLEY RD.				067.3
Z WILLIAMS	MARK				vs 88	069.0
Z WOODROW	AARON	227 3RD STREET	586-3815	586-3780		057.0
Z WOODRUFF	STEVE	2183 THUNDER	789-0059	789-3161	vt 88	048.0
Z WOODRUFF	CATHY					048.1
Z WOODRUFF	LUKE					048.1
Z WOODRUFF	DUSTY					048.2

MAR 1 1990

February 27, 1990

To: Sen. Betty Fahrenkamp
Chairman - Resources Committee

From: The Alaskan Bowhunters Association, Inc.

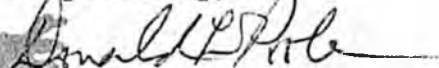
Re: Senate Bill 381

The Alaskan Bowhunters Association believes that Senate Bill 381 should be addressed and passed through the legislature.

We believe that the concept of having goats on the guides list should be addressed.

We recommend that this concept be forwarded to the local Fish & Game Advisory Committees for public comments and concerns and that the local Fish & Game Advisory Committees then forward this matter to the State Board of Game.

Respectfully,



Don Poole

President - Alaskan Bowhunters Assn., Inc.

CC: Marvin Walters - Southeastern Regional Director -
Alaskan Bowhunters Assn., Inc.

Larry Holmes - Legislative Vice President - Alaskan
Bowhunters Assn., Inc.

MONTANA CREEK RIFLE RANGE

LIGHTLY FORESTED (2ND)

FORESTED

MUSKEG

NEAA FIELD ROUND

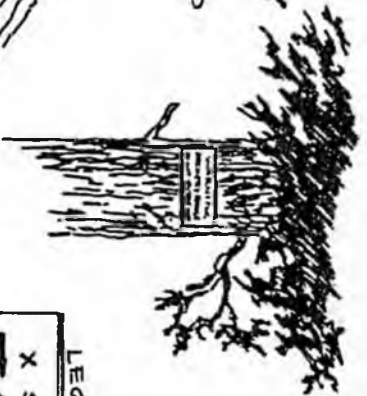
- #15-25
- 16-15
- 17-60
- 18-45
- 19-20
- 20-50
- 21-40
- 22-35
- 23-45-40-35-30
- 24-65
- 25-80-70-60-50
- 26-35-30-25-20-14
- 27-55
- 28-30

NEAA FIELD ROUND

- #1-15
- 2-25
- 3-40
- 4-45-40-35-30
- 5-30
- 6-35
- 7-55
- 8-65
- 9-45
- 10-80-70-60-50
- 11-35-30-25-20-14
- 12-60
- 13-50
- 14-20

JUNEAU ARCHERY RANGE

28 TARGET ROVING FIELD COURSE

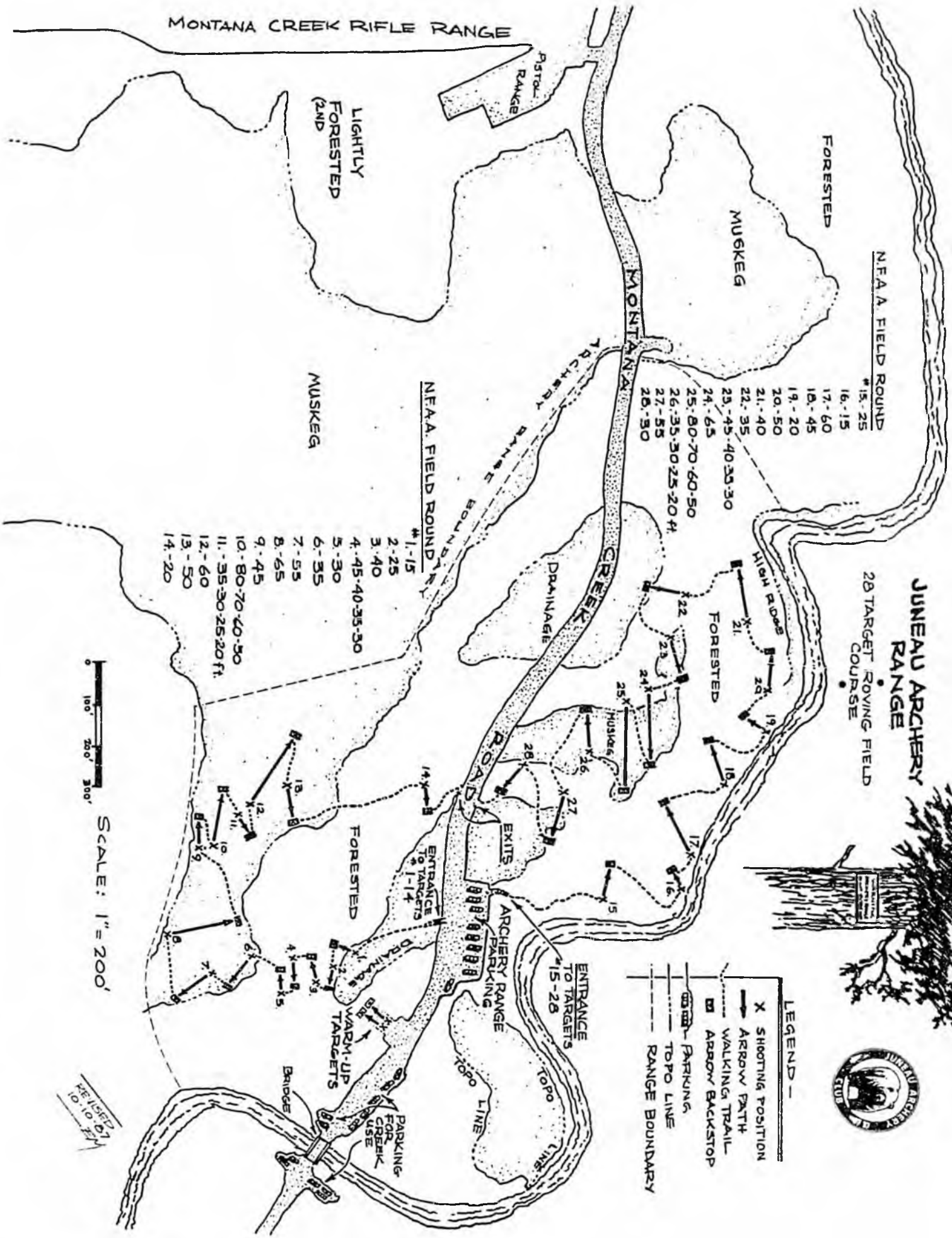


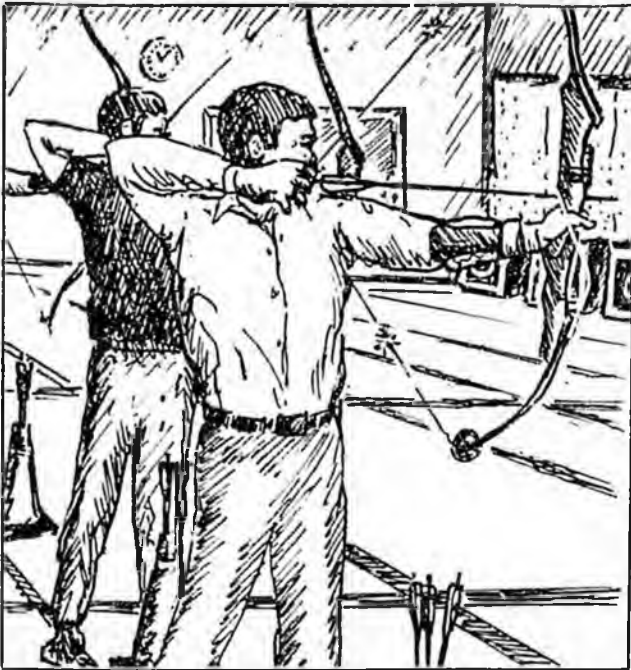
- LEGEND -
- X SHOOTING POSITION
 - ARROW PATH
 - WALKING TRAIL
 - ARROW BACKSTOP
 - PARKING
 - TOPO LINE
 - RANGE BOUNDARY



SCALE: 1" = 200'

REVISED BY
10-10-67





RANGE RULES

- No firearms or crossbows allowed
- Field or target points only — no broadheads or blunts
- Must observe posted signs
- Do not leave trail. Enter at target #1 and exit after #14 or enter at #15 and exit after #28.
- When looking for lost arrows, place bow or clothing in front of target
- No alcohol or drugs
- No shooting until target is clear of other archers
- Youth under 12 years old must be accompanied by an adult
- Maximum of four shooters per group
- No littering — including destroyed arrows

The range is located on Juneau City & Borough property. Maintenance, targets and equipment are provided by the Juneau Archery Club, Inc. All users are encouraged to join the JAC. Your support is appreciated. Write: Juneau Archery Club, P.O. Box 34866, Juneau, AK 99803 or call 789-7272 for further information.



Attention ARCHERS & BOWHUNTERS



OFFERING RECREATIONAL ARCHERY FOR THE WHOLE FAMILY

- * NFAA 28 target outdoor range
- * Winter indoor range
- * Archery classes (all ages)
- * I.B.E.P. (International Bowhunters Education Program) classes
- * Fun & competitive shoots
- * Membership & social meetings
- * Support NFAA (National Field Archery Assn.), A.S.A.A. (Alaska State Archery Assn.) and A.B.A. (Alaska Bowhunters Assn.)

— MEMBERSHIP FORM —

Name _____
(FIRST) (LAST)

Address _____

Phone (work) _____ (home) _____

- SINGLE MEMBERSHIP \$ 15.00
- FAMILY \$20.00
- YOUTH (under 16 yrs. old) \$ 5.00
- DONATIONS

Date _____

Family members _____



SENT TO:
Juneau Archery Club
P.O. Box 34866
Juneau, Alaska 99803
or call 789-7272

Mendenhall Apts.
326 Fourth St.
Apt. 405
Juneau, AK 99801

Dale
Perly
1881
SB
etc.

Dear Senator Duncan,

I am very upset about the new legislation that passed concerning goat hunting and bear baiting. Both of these measures were simply tacked onto a bill that was already going to pass and neither of these bills would have passed on their own merits. I'm referring to last years new goat hunting regulation that forbids nonresidents to hunt goats unless they are accompanied by a guide or a near relative. Obviously, the guides in Alaska wanted to monopolize the hunting in AK and this is one way of guaranteeing that they will be hired. Two weeks ago when the Guide Board met they stated that they would like to see all game put on the big game list. If a measure such as this was to pass the guides in AK would have everything neatly sewed up in their greedy little hands.

What good is our Fish and Game Advisory boards if they are not used? Both of these measures were swept into law unbenounced to the people serving on these boards. As a matter of a fact, the Juneau Archery Club (which I am a member) called Fish and Game personnel after these laws passed and 75% of the people asked didn't even know that the laws had been changed! One would think that the Fish and Game Department and the local advisory boards would be consulted on these matters before changing the rules. Since the Advisory Boards are made up of people that are familiar with the fish and game in their particular area, they should be referred to on these matters! I strongly urge you to

support Senate Bill 381. If these laws need to be changed, let them be altered after proper counsel has been consulted!!

Sincerely,

Brian Merritt

S B

391

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: January 18, 1990

FURTHER: Finance

Date of 5-Day Notice: 2-15-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-2-90

Resources Committee considered SENATE BILL NO. 391

"An Act relating to a farm use exemption from municipal taxation for agricultural land and greenhouses; and providing for an effective date."

and recommended:

- replace with _____ CS SB 391 (Res) same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

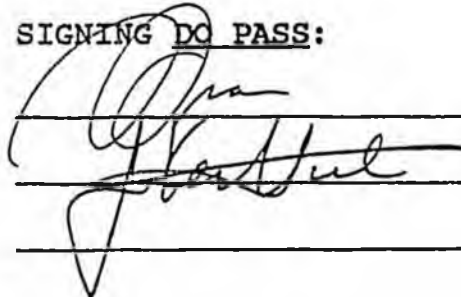
fiscal note(s) _____

zero fiscal note(s) _____

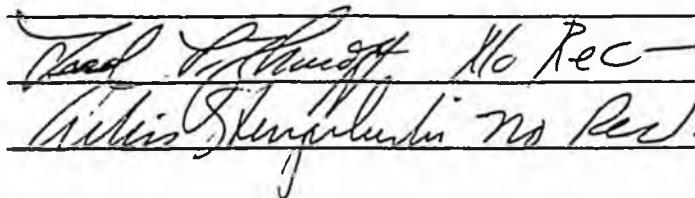
appropriation-no fiscal note

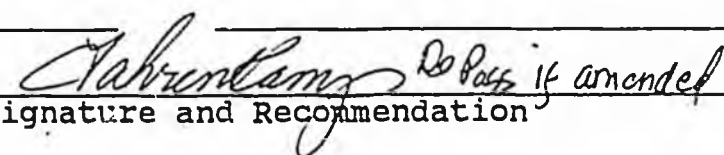
Governor's bill w/fiscal note

SIGNING DO PASS:



OTHER RECOMMENDATIONS:




Chair: Signature and Recommendation

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

February 20, 1990

POSITION PAPER

RE: Senate Bill 391

SPONSOR: Senators Coghill and Halford

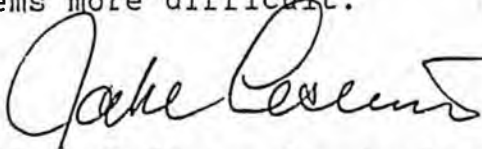
Program Effects

Senate Bill 391 would provide preferential property tax treatment for commercial greenhouses. Under the bill, the greenhouse structure and land would qualify for the agricultural property tax deferral exemption under AS 29.45.060.

Comments

The existing agricultural land use program has not been funded by the State since FY 88. If the bill were to become law, this mandatory program would be expanded, thereby further eroding municipal property tax bases in many areas of the State. This bill proposes to include commercial greenhouse structures in the program. However, under current law, farm buildings necessary to farm operations do not qualify for the program. If greenhouse structures were to receive this benefit, it could be argued the program should be expanded further to include all farm use structures, resulting in a further loss to municipal tax bases.

The Department opposes any further erosion of municipal tax bases through the expansion of program of this type for which municipal governments are not fully reimbursed by the State for their revenue losses. During the past few years, most municipalities in Alaska have been faced with increasingly difficult fiscal pressures due to reductions in state-shared revenues. Additional mandatory property tax exemptions of this type make municipal fiscal problems more difficult.

for  DC, CRA
David G. Hoffman, Commissioner

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

DATE: March 2, 1990

TO: Senator Bettye Fahrenkamp
Senate Resource Committee Chair

FROM: Senator Jack Coghill

SUBJECT: SB 391; Greenhouse Farm Use Exemption.

Attached you will find a draft CS for SB 391 that I recommend you consider adopting for your committee. Also included is a memorandum from the drafter, Tamara Cook.

The draft basically addresses the concerns of the committee with regard to the exemption applying to the greenhouse structure. The draft only applies to the land, as in all other cases where the "farm use land" exemption applies.

Once again, the purpose of this bill is to clarify what the courts have also decided, greenhouses are farm uses on the land. We do not want to have every greenhouse operator petitioning the courts to qualify for the farm use land exemption.

We do not believe the State Assessor's Office nor the municipal tax assessors are going to like this version any better than the original. They will try to reargue the recent court case. The bottom line is however, those arguments failed to convince the court and they should fail to convince you.

Please consider adopting the CS and moving the bill. Ultimately I think it will save us some dollars in the court system and it will save a segment of the farm community the heartburn of that process.

FEB 26 1990

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1990

SUBJECT: Municipal Tax Exemption for Agricultural Land
(SB 391)

TO: Senator Jack Coghill

FROM: Tamara Brandt Cook *ABC*
Director
Division of Legal Services

You have supplied me with a copy of an opinion of the Superior Court dated February 9, 1990 and asked whether I agree with the decision of the judge that the existing tax exemption for agricultural land applies to commercial greenhouse operations. I agree with Judge Savell that the existing definition of "farm use" in AS 29.45.060(c) includes land used for commercial greenhouse operations.

You have also asked whether SB 391 would provide an exemption for greenhouse structures or just the land. SB 391 provides an exemption for greenhouse structures, whether classified as real or personal property. It does, in fact, treat greenhouse structures differently from other farm buildings in that the agriculture exemption currently applies only to land, not to improvements or personal property. I do not, however, believe that the exemption could reasonably be applied to department stores that carry a small selection of house plants in stock because this does not seem to conform to the commonly understood meaning of agricultural use. Nevertheless, I have attempted to address this concern in the enclosed draft CS for the bill.

As requested, the enclosed CS limits the exemption to land occupied by a greenhouse. In an effort to avoid the department store situation, the income test is modified in this CS so that the 10 percent of yearly income must come from the agricultural activities on the land. The existing language only requires that the owner be actively engaged in farming the land and that the required level of income be generated

Senator Jack Coghill

Page 2

February 26, 1990

from the land. Hopefully, this change will prevent an argument about granting the exemption where the income generated comes from sales of toasters, bread, aspirin, or the like, rather than agricultural activities.

TBC:pl
WKP2/091

Enclosure

6-1604E
Cook
2/26/90

BY SEN. COGHILL, Halford

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 391 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a farm use exemption from municipi-
7 pal taxation for agricultural land; and providing for
8 an effective date."

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

10 * Section 1. AS 29.45.060(c) is amended to read:

11 (c) In this section "farm use" means the use of land for profit
12 for raising, in a greenhouse or otherwise, [AND HARVESTING] crops or
13 ornamental plants, for the feeding, breeding, and management of live-
14 stock, for dairying, or another agricultural use, or any combination
15 of these. To be farm use land, the owner or lessee must be actively
16 engaged in agriculture on [FARMING] the land, and derive at least 10
17 percent of yearly gross income from the agricultural activities on the
18 land. This section does not apply to land for which the owner has
19 granted, and has outstanding, a lease or option to buy the surface
20 rights. A property owner wishing to file for farm use classification
21 having no history of farm-related income may submit a declaration of
22 intent at the time of filing the application with the assessor setting
23 out the intended use of the land and the anticipated percentage of
24 income. An applicant using this procedure shall file with the asses-
25 sor before February 1 of the following year a notarized statement of
26 the percentage of gross income attributable to the land. Failure to
27 make the filing required in this subsection forfeits the exemption.

28 * Sec. 2. This Act takes effect January 1, 1991.

29

ALASKA GREENHOUSES, INC.,)
)
 Plaintiff,)
)
 vs)
)
 GREATER ANCHORAGE AREA)
 BOROUGH,)
)
 Defendant.)

ENDORSED
 FILED in the Superior Court
 State of Alaska, Third District
 FEB 15 1973
 A. M. VOKACEK, Clerk
 by *M. E. [unclear]*

No. 72-1628

JUDGMENT UPON CONFESSION

This action came before the Court, the Honorable Eben H. Lewis presiding, on February 13, 1973, for confession of judgment by the defendant. The Court being fully advised in the premises, finds that the plaintiff, Alaska Greenhouses, Inc., for purposes of eligibility under Alaska Statute 29.10.398, is the owner of the property described in the complaint, is engaged in agricultural or horticultural activities, and therefore qualifies under the "farm use" tax statute, and in 1971 and in 1972, derived more than one-fourth of its gross income from farm use activities. It is therefore

ORDERED, ADJUDGED AND DECREED that plaintiff recover from the defendant \$2,236.36 with interest thereon at eight per cent (8%) per annum from February 13, 1973, plus costs of \$38.40 and attorney's fees of \$1,100.00.

Done at Anchorage, Alaska this 15 day of February, 1973.

STATE OF ALASKA

I, the undersigned, certify that this is a true and full copy of the original document on file in the Superior Court, Third Judicial District, State of Alaska.

Witness my hand and the seal of the court this 23 day of February, 1973 at Anchorage, Alaska

A. M. VOKACEK

Clerk of the Superior Court

by *[Signature]*
 Deputy

RECEIVED

MAR 13 1973

FEB 22 1990

ALASKA GREENHOUSES

1301 MULDOON ROAD • ANCHORAGE, ALASKA 99504

(907) 333-6970

January 27, 1990

Senator Jack Coghill
 Alaska State Legislature
 P.O. Box V
 Juneau, Alaska 99811

To Senator Coghill et al re: Senate Bill #391, Farm Tax and Greenhouses.

I have enclosed several pages of various court rulings showing that greenhouses are considered under farm or agricultural use. This should back up your ability to add greenhouses to the Farm Use exemption tax bill.

While on the subject I would strongly ask you to support and work to reinstate our original Farm Tax Bill titled Section 29.10.398 Farm & Agricultural Use. It was a good bill. Fair, enforceable and a much better act than the one in effect now. The original Farm Tax Bill was altered by well meaning but misguided legislators.

For example. The original Bill stated the owner had to make 25% of his gross income from the farm use land, the new Bill only 10%. In the old bill if farm use land were sold for other than farm use the owner was liable to pay back the difference in taxes for two full years plus any part of the current year. The new Bill the seller has to repay seven years taxes. eg. If I purchased some farm land to grow a crop and after one or two years found it was losing money and I had to sell it for other than farm use I would have to pay back taxes for the two previous years plus any portion of the current year. Under the new Bill I would have to pay back seven years or five extra years when I had no interest in the property. What so ever. Is that fair?

Regarding Hawkes Greenhouse at Fairbanks they are farming and adding the word greenhouse would solve his immediate dilemma but I'd sure like to see you get the original Bill reinstated. It is much more clear and understandable to the real farmer who makes a substantial portion of his income from farming.

The original tampering and changing started when a misguided lady legislator denied us the Farm Tax Exemption saying "I feel the Bill was intended to apply to growing food." Every few years someone decides to deny us this use and we have to go through the re-education process for our legislators.

Among the papers I have sent you is a Court Judgement in our favor. This cost many times more in attorney fees than we saved not to count our own time spent in preparing the paper work.

I would like to see our legislature take a good hard look at a workable idea for our Wetlands where most of Alaska land is classified "Wetlands." If 10% of the south 48 states are wetlands then a fair solution would be to require Alaska to retain wetlands in the same proportion. Even to require Alaska to double the percentage used by the south 48 would be ok. Otherwise put all our wetlands into farm use.



ALASKA GREENHOUSES

1301 MULDOON ROAD • ANCHORAGE, ALASKA 99504

Senator Jack Coghill continued

Listed below are EPA and Corps of Engineers Dept. of the Army Regulations regarding farming and related activities which do not require permits.

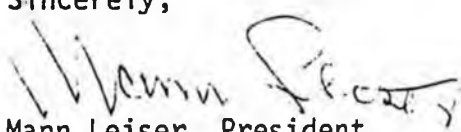
40 CFR Ch:1 (7-1-86 Edition Environmental protection agency 233.35. Activities not requiring permits and again in 33CFR Ch. 11 (7-1-86 Edition) Corps of Engineers, Dept. of the Army DoD 323.4 . Discharges not requiring permits (1) (i) Normal farming etc.

If the U.S. Senate and Congress pass the Wetlands Act to include Alaska as proposed we can turn the Wetlands into farmland and grow many cool weather crops each summer providing new employment with a new renewable resource. All the cole crops, cabbage, broccoli, cauliflower, turnips, radishes etc. grow splendidly here as do spinach, kale, strawberries, raspberries and potatoes. This would also give us a back haul to the south 48 in the equipment now going south empty. This would reduce by over 50% the shipping costs of goods we presently ship north bound.

This should not be done with state funds like the grandious Big Delta grain farm failures or the cattle operation across the inlet from Anchorage but small state loans or SBA loans to individuals upon proper application would really work. Our greenhouse and 30 acres of land was an SBA loan and is all paid back and making money and best of employing 30 people year round and up to 70 in the summer. (School kids etc.)

Thanking you for your time, I remain

Sincerely,



Mann Leiser, President

ALASKA GREENHOUSES, INC.

ML:b1

LET'S REINSTATE THIS EXCELLENT PIECE OF LEGISLATION:

Section 29.10.398 Farm or Agricultural Use. (a) In this section "farm use" means the use of land for raising and harvesting crops or for feeding, breeding and management of livestock, or for dairying, or another agricultural or horticultural use, or any combination thereof and includes the preparation of the products raised on the farm use land and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use. To be farm use land the owner must be actively engaged in farming the land and derive at least one-fourth of his yearly gross income from the farm use land. The provisions of this section shall not apply to land which the owner has granted, and has outstanding, a lease or option to buy the surface rights. (b) Farm lands shall be assessed on the basis of full and true value for farm use and shall not be assessed as if subdivided, etc.

horse trade *n*: negotiation accompanied by shrewd bargaining and reciprocal concessions <A political horse trade> — horse-trade *n* — horse trader *n*

horse-weed \ˈhɔr-sweɪd/ *n*: a common No. American fleabane (*Erigeron canadensis*) with linear leaves and small discoid heads of yellowish flowers 2: a coarse annual ragweed (*Ambrosia trifida*) 3: a wild lettuce (*Lactuca canadensis*)

horse-whip \ˈhɔr-swɪp/ *n*: to flog with or as if with a whip made to be used on a horse — horse-whipper *n*

horse-woman \ˈhɔr-swʊm-ən/ *n*: a woman horseback rider 2: a woman skilled in caring for or managing horses

horse-ry or horsey \ˈhɔr-si/ *adj*: relating to, or resembling a horse 2: having to do with horses or horse racing 3: characteristic of horsemen — horse-ry \-sɪ-lee/ *adv* — horse-ry \-sɪ-lee/ *n*

horst \ˈhɔr-st/ *n* [G]: a block of the earth's crust separated by faults from adjacent relatively depressed blocks

hort *abbr* horticultural, horticulture

hortative \ˈhɔr-tə-tɪv/ *adj* [LL *hortativus*, fr. L *hortari*, pp. of *hortari* to urge — more at YEARN]: giving exhortation: advisory — hortatively *adv*

horta-to-ry \ˈhɔr-tə-tɔr-ē, -tɔr-/ *adj*: HORTATIVE, EXHORTATORY

horti-cul-ture \ˈhɔr-ti-kəl-cher/ *n* (L *hortus* garden + E *-tū* + culture — more at YARD): the science and art of growing fruits, vegetables, flowers, or ornamental plants — hor-ti-cul-tur-al \ˈhɔr-ti-kəl-cher-əl/ *adj* — hor-ti-cul-tur-ally \-rɪ-lee/ *adv* — hor-ti-cul-tur-ist \ˈhɔr-ti-kəl-cher-ɪst/ *n*

Horus \ˈhɔr-əs, -hɔr-/ *n* [LL, fr. Gk *Hōras*, fr. Egypt *Hr*]: the Egyptian god of light and the son of Osiris and Isis

Hos *abbr* Hosca

ho-san-na \ˈhɔ-zən-ə əlso -ˈzæn-/ *interj* [ME *asanna*, fr. LL, fr. Gk *hōsanna*, fr. Heb *Hōshānā* pray, save (us)!]: used as a cry of acclamation and adoration

hosanna *n*: a cry of acclamation and adoration


HO scale \ˈhɔ-ˈskel-/ *n* [fr. its fitness for rails of HO gauge]: a scale of 1/8 inch to one foot used esp. for model trns (as automobiles or trains)

hose \ˈhɔz/ *n*, *pl* hoses or hoses [ME, fr. OE *hosa* stocking, husk, akin to OHG *hosa* leg covering, Gk *kystis* bladder, OE *hȳd* hide] 1 *pl* hose a (1): a cloth leg covering that sometimes covers the foot (2): stocking; sock b (1): a close-fitting garment covering the legs and waist that is usu. attached to a doublet by points (2): short breeches reaching to the knee 2: a flexible tube for conveying fluids (as from a faucet or hydrant)

hose *vt* hoosed; hosing: to spray, water, or wash with a hose — often used with *down* < down a stable floor>

Ho-sha \ˈhɔ-zə-/ *n* [Heb *Hōshā*]: 1: a Hebrew prophet of the 8th century B.C. 2: a prophetic book of canonical Jewish and

alphabet —
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to work
kroye-
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fibers and
He crock
an cooking
up from
transfer
kroye
paired 2
imaginary
down
dim. of
an ornament
the edge of a



croquet
mallet

crooning *manner* < a lullaby> — *croon* *v*: to sing in a croon-er \ˈkrʊ-nər/ *n*: one that croons; esp: a singer of popular songs who uses a soft-voice technique adapted to amplifying systems

crop \krɒp/ *n* [ME, *crop*, head of a plant, *yield of a field*, fr. OE *cropp* *crop*, head of a plant; akin to OIG *krōp* gather, *crop*, OE *cropan* to creep — more at CREEP] 1: the stock or bundle of a whip 2: a riding whip with a short straight stock and a loop 3: a pouched enlargement of the gullet of many birds that serves as a receptacle for food and for its preliminary maceration; also: an enlargement of the gullet of another animal (as an insect) 3 [crop]: an earmark on an animal; esp: one made by a straight cut squarely removing the upper part of the ear 4: a close-out of the hair 4 a 2: a plant or animal or plant or animal product that can be grown and harvested extensively for profit or subsistence (as apple) — < a — of wool> a: the product or yield of something formed together (the ice) — b: a batch or lot of something produced during a particular cycle (a whole new — of college freshmen) d: COLLECTION (as — of lies) 5: the yearly production from a specified area (the county's cotton — has never been better)

crop *vb* cropped; cropping *v* 1 a: to remove the upper or outer parts of < a hedge> b: HARVEST (as — trout) c: to cut off short: TRIM (as — a photograph) 2: TO CROP (as — a field) 3: to plan to — another 40 acres> also: to grow as a crop — 1: to feed by cropping something 2: to — a year or a season 3: to appear unexpectedly or casually (problems — up daily)

crop-eared \ˈkrɒp-ɪd/ *adj* 1: having the ears cropped 2: having the hair cropped so that the ears are conspicuous

crop-land \ˈkrɒp-lænd/ *n*: land that is suited to or used for crops

crop-her \ˈkrɒp-ər/ *n*: one that crops 2: one that raises crops; *specif*: SHARECROPPER

cropper *n* [prob. fr. E dial. *crop* neck, fr. 'crop'] 1: a severe fall 2: a sudden or violent failure or collapse

crop-rotation *n*: the practice of growing different crops in successive years on the same land chiefly to preserve the productive capacity of the soil

cro-quet \ˈkrɒ-ket/ *n* [F dial., hockey stick, fr. ONF, *croquet* — more at CROCKET] 1: a game in which players drive wooden balls with mallets through a series of wickets set out on a lawn 2: the act of driving away an opponent's croquet ball by sinking one's own ball placed against it — *croquet* *v*

cro-quette \ˈkrɒ-ˈket/ *n* [F, fr. *croquer* to crunch, of imit. origin]: a small cone-shaped or rounded mass consisting usu. of minced fowl, meat, or vegetable coated with egg and bread crumbs and fried in deep fat

cro-qui-none \ˈkrɒ-ˈkwi-nɔn/ *n* [F, a kind of yucca, fr. *croquer*]: a method used in waving the hair (the hair — waver), it on curlers from the ends of the hair (toward the scalp)

crook *v*: to bend or curve (as a neck) — *crooked* *adj*: temporarily capable of unusual performance (as in a sport) d: currently popular (as of merchant

agogue • aid

agogue \ˈæ-gə-gi/ *n* *comb form* [F & NL, F, fr. LL *agogus* promoting the expulsion of, fr. Gk *agōgos*, fr. *agōn* to lead; NL *agogon*, fr. Gk, neut. of *agogus* — more at AGENT]: substance that promotes the secretion or expulsion of <menagogue>

agon \ˈæ-gən/ *n* [Gk *agon*]: CONTEST, CONFLICT; *specif*: the dramatic conflict between the chief characters in a literary work

ago-nal \ˈæ-gən-əl/ *adj*: of, relating to, or associated with agony and esp. the death agony

agone \ˈæ-gən əlso -ˈgən/ *adj* or *adv*, *archaic*: ACU

agonic \ˈæ-gən-ɪk, -ɪk/ *adj* [Gk *agōnos* without angle, fr. *agōn* + *gonia* angle — more at GON]: not forming an angle 2: being an imaginary line passing through points where there is no magnetic declination and where a freely suspended magnetic needle indicates true north

ago-nist \ˈæ-gən-ɪst/ *n* [LL *agonista* competitor, fr. Gk *agōnistēs*, fr. *agōnēsthai* to contend, fr. *agōn*]: 1: one that is engaged in a struggle 2 [back-formation fr. *antagonist*]: a muscle that is checked and controlled by the opposing simultaneous contraction of another muscle

ago-nis-tic \ˈæ-gən-ɪs-tɪk/ *adj* 1: of or relating to the athletic contests of ancient Greece 2: ARGUMENTATIVE 3: striving for effect: STRAINED 4: of, relating to, or being aggressive or defensive social interaction (as fighting, fleeing, or submitting) between individuals usu. of the same species — *ago-nis-tic-al* \-tɪ-kəl/ *adj* — *ago-nis-tic-al-ly* \-tɪ-kəl-lee/ *adv*

ago-nize \ˈæ-gən-ɪz/ *v* *tr*: to cause to suffer agony: TORTURE — *n* 1: to suffer agony, torture, or anguish < — over every decision> 2: STRUGGLE

ago-nized *adj*: characterized by, suffering, or expressing agony

ago-niz-ing *adj*: causing agony: PAINFUL (as — reappraisal of his policies) — *ago-niz-ing-ly* \-nɪ-zɪŋ-lee/ *adv*

ago-nny \ˈæ-gə-ni/ *n*, *pl* -nies [ME *agonie*, fr. LL *agonia*, fr. Gk *agōnia* struggle, anguish, fr. *agōn* gathering, contest for a prize, fr. *agōn* to lead, celebrate — more at AGENT] 1 a: intense pain of mind or body: ANGUISH, TORTURE b: the struggle that precedes death 2: a violent struggle or contest 3: a strong sudden display (as of joy or delight): OUTBURST *syn* see DISTRESS

agony column *n*: a newspaper column of personal advertisements relating esp. to missing relatives or friends

ago-ri-a \ˈæ-gə-rɪ-ə/ *n*, *pl* -as or -as /-ɪ-/ [Gk — more at GREGARIOUS]: a gathering place, esp: the marketplace in ancient Greece

ago-ri-a \ˈæ-gə-rɪ-ə/ *n*, *pl* ago-ri-ans [N Heb *agōriah*, fr. Heb, a small coin] — see *round* a, MONEY table

ago-ri-an \ˈæ-gə-rɪ-ən/ *n* [NL, fr. Gk *agōri* NL

3 AGREE SQUARE, CONFORM, ACCORD, COMPART, HARMONIZE, CORRE-SPOND *shared meaning element*: to go or exist together without conflict or incongruity *and differ (from)*

agree-able \ˈæ-gri-ə-bəl/ *adj* 1: pleasing to the mind or senses esp. as according well with one's tastes or needs (as — compari-son) < an — change> 2: ready or willing to agree or consent 3: being in harmony: CONSONANT *syn* ACCEPTABLE *and* disagree-able — agree-abil-ity \-grɪ-ə-bəl-ɪ-ti/ *n* — agree-able-ness \-grɪ-ə-bəl-nəs/ *n* — agree-ably \-bəl-lee/ *adv*

agree-ment \ˈæ-gri-ment/ *n* 1 a: the act or fact of agreeing b: harmony of opinion, action, or character: CONCORD 2 a: an arrangement as to a course of action b: COMPACT, TREATY 3 a: a contract duly executed and legally binding b: the language or instrument embodying such a contract

ag-ri-bus-i-ness \ˈæ-g-rɪ-bɪz-nəs, -nəz/ *n* [agriculture + business]: a combination of the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities

ag-ri-cul-tur-al \ˈæ-g-rɪ-kəl-cher-əl/ *adj*: of, relating to, used in, or concerned with agriculture — *ag-ri-cul-tur-al-ly* \-lee/ *adv*

ag-ri-cul-ture \ˈæ-g-rɪ-kəl-cher/ *n* (F, fr. L *agricultura*, fr. *agr* field + *cultura* cultivation — more at ACRE CULTURE): the science or art of cultivating the soil, producing crops, and raising livestock and in various degrees the preservation of these products for man's use and their disposal (as by marketing) — *ag-ri-cul-tur-ist* \-kəl-cher-ɪst/ *n* or *ag-ri-cul-tur-ist* \-kəl-cher-ɪst/ *n*

ag-ri-mon-ny \ˈæ-g-rɪ-mɔ-ni/ *n*, *pl* -nies [ME, fr. MF & L, MF *argemone*, fr. L *argemone*, MS var. of *argemone*, fr. Gk *argemōnē*]: a common yellow-flowered herb (genus *Argemone*) of the rose family having toothed leaves and fruits like burrs; also: any of several similar or related plants

ag-ri-ol-o-gy \ˈæ-g-rɪ-ol-ə-gi/ *n* [Gk *agros* wild, fr. *agros* field, country]: the comparative study of the customs of nonliterate peoples

agro- *comb form* [F, fr. Gk, fr. *agros* field — more at ACRE] 1: of or belonging to fields or soil: agricultural <agropology> 2: agricultural and <agro-industrial>

ag-ro-bi-ol-o-gy \ˈæ-g-rɔ-bi-ol-ə-gi/ *n*: the study of plant nutrition and growth and crop production in relation to soil management — *ag-ro-bi-ol-og-ic* \-bi-ol-ə-gi-k/ or *ag-ro-bi-ol-og-ical* \-bi-ol-ə-gi-kəl/ *adj* — *ag-ro-bi-ol-og-ic-al-ly* \-bi-ol-ə-gi-kəl-lee/ *adv*

ag-ro-in-dus-tri-al \ˈæ-g-rɔ-in-das-tri-əl/ *adj*: of or relating to production (as of power for industry and water for irrigation) for both industrial and agricultural purposes

ag-ro-l-o-gy \ˈæ-grɔ-l-ə-gi/ *n* [ISV]: a branch of agronomy dealing with soils esp. in relation to crops — *ag-ro-l-og-ic* \-grɔ-l-ə-gi-k/ or *ag-ro-l-og-ical* \-grɔ-l-ə-gi-kəl/ *adj* — *ag-ro-l-og-ic-al-ly* \-grɔ-l-ə-gi-kəl-lee/ *adv*

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MAR 24 1973

TREASURY DEPARTMENT

WASHINGTON

OFFICE OF
COMMISSIONER OF INTERNAL REVENUE

ADDRESS REPLY TO
COMMISSIONER OF INTERNAL REVENUE
AND REFER TO

OCT 18 1937

SST:RE:3

American Association of Nurserymen,
Siebenhaier Avenue and Catalpa Drive,
Dayton, Ohio.

Sirs:

Reference is made to the conference in this office on August 12, 1937, at which representatives of the American Association of Nurserymen were present. The question discussed was whether the services performed by employees of nurserymen are to be classified as "agricultural labor" pursuant to the provisions of Sections 811(b)(1) and 907(c)(1), Title VIII and IX, respectively, of the Social Security Act.

In the ruling identified as S.S.T. 73 and published in I.R.B. XVI-3, 24 (1937) it was held that services performed by employees of nurserymen do not constitute "agricultural labor" within the meaning of Section 907(c)(1), Title IX, of the Social Security Act. This conclusion was also made applicable under Title VIII of the Act in view of the provisions of Section 811(b)(1) thereof.

You are advised that this office has reconsidered the question as to whether certain services performed by employees of nurserymen constitute "agricultural labor" within the meaning of the taxing provisions of the Social Security Act.

Sections 811(b)(1) and 907(c)(1) of the Act provide as follows:

"The term 'employment' means any service, of whatever nature, performed within the United States by an employee for his employer, except -

"Agricultural labor:"

Webster's New International Dictionary defines the word "nursery" as "a place where trees, shrubs, vines, etc., are propagated for transplanting or for use as stocks for grafting; a plantation of young trees or other plants." The word "horticulture" is defined as "the cultivation of a garden or orchard; the science and art of growing fruits, vegetables, and flowers or ornamental

SST:RR:3

American Association of Nurserymen.

and trees'. In common parlance it is unquestioned that agriculture would be considered as including fruit growing. If it is correct that horticulture is one department of agriculture, then agriculture must include horticulture. (See, also, 2 Corpus Juris, 988). The occupations of growing fruit and of raising other crops are so allied to each other and the character and condition of labor required so identical in each case that we can see every reason why a laborer in fruit growing should be treated and classified in the same way under this act of Assembly as a laborer on a farm which grew crops other than fruit. * * *

In the case of Hill v. Georgia Casualty Company, 45 S.W. 2, 566, the court held that a nursery laborer killed by an automobile on the highway while leading a heifer was an "agricultural laborer" excluded from the operation of the State Compensation Law. The court in this connection stated as follows:

"That one engaged in the nursery business is engaged in an agricultural pursuit is not to be doubted. In Webster's Dictionary a 'nursery' is defined to be 'a place where trees, shrubs, vines, etc., are propagated for transplanting or as use for stocks for grafting; a plantation of young trees or other plants.' A 'nurseryman' is defined by the same authority to be 'one who conducts or cultivates a nursery for young trees, shrubs,' etc. The specific branch of agriculture to which the nursery industry belongs is designated 'horticulture', which term is defined by Webster as follows: 'The cultivation of a garden or orchard; the science or art of growing fruits, vegetables, and flowers or ornamental plants. Horticulture is a branch of plant production, which is one of the main divisions of agriculture.'

* * * "It is a matter of common knowledge that the general character of work done in nursery operations is not materially different from work done in other agricultural operations; and that the work pertaining to the nursery business is not more hazardous, with respect to personal injury, than the work which is ordinarily performed on a cotton plantation, say, or a wheat farm."

SST:RR:3

American Association of Nurserymen,

The Supreme Court of Tennessee in the case of Ginn v. Forest Nursery Company, 52 S.W. (2d) 141, concluded that a nursery employee should be classified as a "farm or agricultural laborer" within the meaning of Section 6 of the Workmen's Compensation Law. In this case the employer operated a nursery, growing shrubs, evergreens and shade trees. This nursery was a place of several acres in the town of McMinnville. The employee was injured while digging a shrub from the ground, using an ordinary spade or shovel. The court stated as follows:

"The employment of the plaintiff in error in the case before us required him to till the soil, to tend growing plants, shrubs, and young trees, to prepare them for market, and to deliver them to a shipping point. The harvesting and marketing of grain, the transplanting and care of tobacco plants, and the delivery of a bale of cotton from farm to shipping point, are all ordinary incidents of farm labor. The work and labor performed by plaintiff in error differed from that of the ordinary farmer only in the kind and nature of the products of the soil grown and prepared for market. No difference in hours of labor, hazard, or remuneration is pointed out which might induce a legislature to include the one and exclude the other from the operation of the statute. The labor performed by plaintiff in error and contemplated by his employment was agricultural in the literal sense and meaning of the word, and we think we would not be justified in holding that he was not a "farm or agricultural laborer."

In view of the foregoing, it appears that broadly speaking the nursery business is horticulture, which, in turn, is one of the main divisions of agriculture.

Although broadly and technically speaking, the word "agriculture" includes horticulture, there is authority for giving such word a restricted and narrow meaning. See, for example, the article on horticulture in 11 Encyclopedia Britannica, page 774, in which it is stated as follows:

"Admittedly horticulture deals with crop production, and therefore has a close relationship to agriculture, but yet there is a distinction which is officially recognized in many acts of parliament. In some acts the term agriculture is defined specially as including horticulture, but where no such definition is made horticulture often

SST:RR:3

American Association of Nurserymen.

has been deemed to be excluded."

The question remains whether the term "agricultural labor" as used in the Social Security Act should be given a broad or narrow construction. The legislative history of the term is not particularly enlightening. However, the report of the Senate Committee on Finance, page 45, indicates that "agricultural labor" was excepted from the taxes imposed by the Social Security Act because of "the difficulties in collecting the tax" arising from the transient and migratory nature of such labor. Taking such report into consideration, it would seem that if the difficulty in collecting the Social Security taxes is present in the agricultural field in its broader sense, then the words "agricultural labor" as used in the Social Security Act should be given a corresponding interpretation.

In the conference above referred to, it was emphasized that nurserymen, in general, use exactly the same type of labor that is used by the ordinary farmer who is engaged in growing food products and that no special skill is needed by such labor which is just as transient and migratory as in the case of the usual farm. Moving pictures were shown to the effect that such labor is not only of the same type but that such labor performs exactly the same duties in cultivating nursery stock as they would perform in cultivating food products on an ordinary farm.

Accordingly, upon reconsideration in the light of the new evidence presented, it is the opinion of the Bureau that the term "agricultural labor" should be given a broader construction so as to include horticulture. It is held, therefore, that services performed by an employee on a farm of which the employer is the owner or tenant in connection with the growing of nursery stock constitute "agricultural labor" within the meaning of Sections 811(b)(1) and 907(c)(1) of the Social Security Act. In view of this conclusion, the ruling set forth in S.S.T. 73, I.R.B. XVI-3, 24 (1937) is being revoked.

It is to be noted, however, that not every person employed by a nurseryman is entitled to be classed as an agricultural laborer. See Article 6 of Regulations 91 and Article 205(1) of Regulations 90, promulgated under Titles VIII and IX of the Act, respectively. Pursuant to such Regulations, the exemption depends upon the type of work the employee performs. In general, services performed by

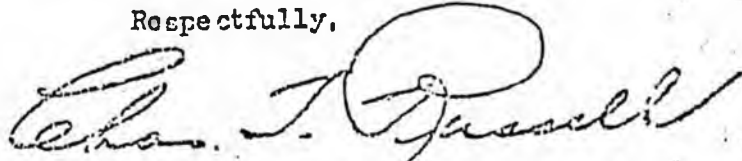
SCT:RR:5

American Association of Nurserymen.

employees on a farm which is owned or tenanted by the employer in connection with the planting, cultivating, harvesting, and preparing for market the products of the soil, and in doing incidental tasks connected therewith, constitute "agricultural labor", while services performed by employees, such as office workers or persons employed in a retail or wholesale establishment, who are concerned merely with the sale and disposal of the nursery stock and who do not perform services in connection with the growing of the nursery stock, do not constitute "agricultural labor" within the meaning of that term as used in the taxing provisions of the Social Security Act.

In the event that further correspondence relative to this matter is necessary, please refer to SCT:RR:3.

Respectfully,



Acting Commissioner.

AJB: CH

Current Bill

§ 29.53.035

MUNICIPAL GOVERNMENT

§ 29.53.035

The first 1976 amendment added paragraph (3) of subsection (c).

The 1977 amendment added subsections (f) and (g).

The second 1976 amendment, effective June 25, 1976, added paragraph (2XD) of subsection (b).

Sec. 29.53.035. Farm or agricultural lands. (a) Farm use lands included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (e) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

(b) An owner of farm use land must, to secure the assessment, make application to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the state assessor for the use of the local assessor and shall include information which may reasonably be required to determine the entitlement of the applicant. If the farm use land is leased for farm use purposes, the applicant shall furnish to the assessor a copy of the lease bearing the signatures of both lessee and lessor along with the completed application. The applicant shall furnish the assessor a copy of the lease covering the period for which the exemption is requested.

(c) In this section "farm use" means the use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or another agricultural use for profit or any combination thereof. To be farm use land, the owner or the lessee must be actively engaged in farming the land, and derive at least 10 per cent of his yearly gross income from the farm use land. The provisions of this section do not apply to land respecting which the owner has granted, and has outstanding, a lease or option to buy the surface rights. A property owner wishing to file for farm use classification having no history of farm-related income may submit a declaration of intent at the time of filing the application with the assessor setting out the intended use of the land and the anticipated percentage of income. An applicant using this procedure shall file with the assessor before February 1 of the following year a notarized statement of the percentage of gross

income attributable to the farm use land. Failure to make the filing required in this subsection forfeits the exemption.

(d) In the event of a crop failure by an act of God the previous year, the owner or lessee may submit an affidavit affirming that 10 per cent of his gross income for the past three years was from farming.

(e) Subject to legislative appropriations for the purpose, the state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of this section. (§ 2 ch 118 SLA 1972; am § 1 ch 90 SLA 1974; am § 3 ch 229 SLA 1976; am § 1 ch 66 SLA 1978)

Effect of amendments. — The 1974 amendment made such changes in subsections (a), (b), and (c) as to make a detailed comparison impracticable and added subsections (d) and (e).

The 1976 amendment, effective June 23, 1976, and retroactive to January 1, 1975, in subsection (a), substituted "uses incompatible with farm use" for "other than farm use purposes." "a use

incompatible with farm use" for "nonfarm use" and "eight per cent" for "five per cent" in the third sentence, inserted "at the current mill levy" in that sentence, and added "for the preceding seven years" at the end of the fourth sentence.

The 1978 amendment substituted "May 15" for "February 1" in the first sentence of subsection (b).

Sec. 29.53.045. Tax on oil and gas production and pipeline property. (a) A municipality may levy and collect taxes on taxable property taxable under AS 43.56 only by using one of the methods set out in (b) or (c) of this section.

(b) A municipality may levy and collect a tax on the full and true value of taxable property taxable under AS 43.56 as valued by the Department of Revenue at a rate not to exceed that which produces an amount of revenue from the total municipal property tax equivalent to \$1,500 a year for each person residing within its boundaries.

(c) A municipality may levy and collect a tax on the full and true value of that portion of taxable property taxable under AS 43.56 as assessed by the Department of Revenue which value, when combined with the value of property otherwise taxable by the municipality, does not exceed the product of 225 per cent of the average per capita assessed full and true value of property in the state multiplied by the number of residents of the taxing municipality. For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.56.

(d) By February 1 of each assessment year a taxing municipality must inform the Department of Revenue which method of taxation the municipality will use.

(e) For purposes of this section, population shall be determined by the commissioner of community and regional affairs based on the latest statistics of the United States Bureau of the Census or on other reliable population data, and shall advise each municipality of its population as



COOPERATIVE EXTENSION SERVICE

UNIVERSITY OF ALASKA
FAIRBANKS ALASKA 99701

Matanuska - Susitna District Box 736
Palmer, Alaska 99645

January 16, 1973

Mr. Mann Leiser
Alaska Greenhouses
1301 Muldoon Road
Anchorage, Alaska 99504

Dear Mann:

It is logical that the law writers in rewriting the act on assessing farm lands drop the word "horticultural" as it is a part of agriculture. The act does mention "raising and harvesting crops" which would include horticulture as well as agronomy. Our vegetable growers, potato growers, and greenhouse growers (all horticulturists), in the Matanuska Valley qualify if they meet the 25% income provision of the law. All of them are engaged in the "raising and harvesting of crops." The same is true for others engaged in the "raising and harvesting of crops" such as a hay producer or grain producer, who are agronomists. Agronomy is not mentioned in the law either.

In looking for a comprehensive definition I went no further than our encyclopedia, Collier's Encyclopedia, copyright 1966, book #12 on page 291 gives the following:

"HORTICULTURE, a division of agriculture. The word is derived from the Latin hortus, "a garden" and colere, "to care for." Horticulture includes fruit growing (pomology), vegetable growing (olericulture), and floriculture, which embraces both flowers grown by amateurs and those grown commercially by florists."

Simply put horticulture is as much a part of agriculture as animal husbandry or agronomy.

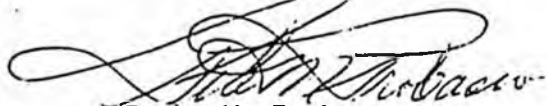
This past year our best agricultural land was assessed at \$350 per acre. Uncleared land on the same farm and of the same quality was assessed at \$150 per acre. The lowest quality cleared land would be assessed at \$200 per acre. On comparative land values for farming I would hold the same as I did in my February 25, 1972 letter. When production capabilities of land are taken into consideration it would be impossible to establish a higher value on land for farming in the Anchorage area than what we have in the valley. I am sure that it would be still impossible to establish any recent history of land sales for farming in your area. Therefore, since lands in question are only 40 miles or so apart the logical approach would be to use land values (for farming) the same as we have in the Matanuska Valley.

Page 2, Mann Leiser
January 16, 1973

I feel that this taxation issue that you face with the Anchorage Borough is extremely vital to the future well being of the whole area and I hope that it can soon be properly resolved to comply with the State law. The quality of our environment is presently a big issue. Your acres provide open space, a place of rare beauty in addition to promoting beautification to the entire Anchorage area. It is the very thing we are to preserve and promote in order to maintain a desirable environment in an urban setting. It would seem that this should be readily apparent to Borough officials.

Please feel free to call on me at any time that you feel I might be of assistance in this matter.

Sincerely yours,



Peter M. Probasco
Program Leader -- Agriculture
and Farm Management

PMP:lf

cc: Ben Westrade

2.14 #3

Standard Industrial Classification Manual - 1972

IVED
MAR 24 1973

Division A

Agriculture, Forestry, and Fishing

The Division as a Whole

This division includes establishments primarily engaged in agricultural production, forestry, commercial fishing, hunting and trapping, and related services.

The classification of agricultural production covers establishments (farms, ranches, farms, greenhouses, nurseries, orchards, hatcheries, etc.) primarily engaged in the production of crops, plants, vines, or trees (excluding forestry operations); and the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products (including serums), for livestock increase, or for value increase. Livestock as used here includes cattle, sheep, goats, hogs, and poultry. Also included are animal specialties such as horses, rabbits, bees, pets, fur-bearing animals in captivity and fish in captivity. Agricultural production also includes establishments primarily engaged in the operation of sod farms, mushroom cellars, cranberry bogs, poultry hatcheries, and in the production of bulbs, flower seeds, and vegetable seeds.

XX

Farms are the establishment units generally utilized for the purpose of industrial classification of agricultural production. A farm may consist of a single tract of land, or a number of separate tracts which may be held under different tenures. For example, one tract may be owned by the farmer and another rented by him. It may be operated by the operator alone or with the assistance of members of his household or hired employees, or it may be operated by a partnership, corporation, or other type of organization. When a landowner has one or more tenants, renters, croppers, or managers, the land operated by each is considered a farm.

The classification of agricultural services includes establishments primarily engaged in supplying soil preparation services, crop services, landscape and horticultural services, veterinary and other animal services, and farm labor and management services.

XX

The classification of forestry covers establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forestry services. Logging camps and logging contractors are classified in Industry 2411.

The classification of fishing, hunting, and trapping covers establishments primarily engaged in commercial fishing (including shellfish and marine products); operating fish hatcheries, and fish and game preserves; and commercial hunting and trapping.

Major Group 01.—AGRICULTURAL PRODUCTION—CROPS

The Major Group as a Whole

This major group includes establishments (farms, orchards, greenhouses, nurseries, etc.) primarily engaged in the production of crops or plants, vines and trees (excluding forestry operations). This major group also includes establishments primarily engaged in the operation of sod farms, mushroom cellars, cranberry bogs, and in the production of bulbs, flower seeds, and vegetable seeds.

An establishment primarily engaged in crop production (Major Group 01) is classified in the industry (4-digit) and industry group (3-digit) which accounts for 50 percent or more of the total value of sales for its agricultural production. If the total value of sales for agricultural products of an establishment is less than 50 percent from a single 4-digit industry, but 50 percent or more of the value of sales for its agricultural products derives from the products of two or more 4-digit industries within the same 3-digit industry group, the establishment is classified in the miscellaneous industry of that industry group; otherwise, it is classified as a general crop farm in Industry 0101.

Group Industry
No. No.

011 CASH GRAINS

0111 Wheat

Establishments primarily engaged in the production of wheat.

Wheat farms

0112 Rice

Establishments primarily engaged in the production of rice.

Rice farms

0115 Corn

Establishments primarily engaged in the production of corn for grain. Establishments primarily engaged in the production of sweet corn are classified in Industry 0101.

Corn farms (field corn)

0116 Soybeans

Establishments primarily engaged in the production of soybeans.

Soybean farms

0119 Cash Grains, Not Elsewhere Classified

Establishments primarily engaged in the production of cash grains, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from cash grains (Industry Group 011), but less than 50 percent from products of any single industry.

Barley farms
Bean (dry field and seed) farms
Buckwheat farms
Cash grain farms: except wheat, rice,
corn, and soybeans
Cowpea farms
Emmer farms
Feed grain farms
Flaxseed farms
Grain farms: except wheat, rice, corn,
and soybeans

Lentil farms
Mustard seed farms
Oat farms
Pea (dry field and seed) farms
Popcorn farms
Rye farms
Safflower farms
Sorghum (except for syrup) farms

013 FIELD CROPS, EXCEPT CASH GRAINS

0131 Cotton

Establishments primarily engaged in the production of cotton and cottonseed.

Cotton farms

Cottonseed farms

013

016

017

Group Industry
No. No.
017 **FRUITS AND TREE NUTS—Continued**

0173 **Tree Nuts**

Establishments primarily engaged in the production of tree nuts.

Almond groves and farms
Chestnut groves and farms
Pecan groves and farms

Tree nut groves and farms
Tung nut groves and farms
Walnut groves and farms

0174 **Citrus Fruits**

Establishments primarily engaged in the production of citrus fruits.

Citrus groves and farms
Grapefruit groves and farms
Lemon groves and farms

Lime groves and farms
Orange groves and farms
Tangerine groves and farms

0175 **Deciduous Tree Fruits**

Establishments primarily engaged in the production of deciduous tree fruits. Establishments primarily growing citrus fruits are classified in Industry 0174, and tropical fruits in Industry 0170.

Apple orchards and farms
Apricot orchards and farms
Cherry orchards and farms
Nectarine orchards and farms
Peach orchards and farms
Pear orchards and farms

Persimmon orchards and farms
Plum orchards and farms
Pomegranate orchards and farms
Prune orchards and farms
Quince orchards and farms

0179 **Fruits and Tree Nuts, Not Elsewhere Classified**

Establishments primarily engaged in the production of fruits and nuts, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from fruit and tree nuts (Industry Group 017), but less than 50 percent from products of any single industry.

Avocado orchards and farms
Date orchards and farms
Fig orchards and farms

Olive groves and farms
Pineapple farms
Tropical fruit farms

HORTICULTURAL SPECIALTIES

0181 **Ornamental Floriculture and Nursery Products**

Establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod. These products may be grown under cover (greenhouse, frame, cloth house, lath house) or outdoors.

Bulbs, growing of
Field nurseries: growing of flowers and shrubbery, except forest shrubbery
Florists' greens, cultivated: growing of
Flowers, growing of
Fruit stocks, growing of
Greenhouses for floral products
Mats, preseeded: soil erosion—growing of

Nursery stock growing of
Plants, ornamental: growing of
Plants, potted: growing of
Rose growers
Seed, flower and vegetable: growing of
Shrubberies, except forest shrubbery: growing of
Sod farms

0182 **Food Crops Grown Under Cover**

Establishments primarily engaged in the production of fruits and vegetables grown under cover.

Fruits grown under cover
Greenhouses for food crops
Mushroom cellars
Mushroom spawn, production of

Rhubarb grown under cover
Tomatoes grown under cover
Vegetables grown under cover

0189 **Horticultural Specialties, Not Elsewhere Classified**

Establishments primarily engaged in the production of horticultural specialties, not elsewhere classified. This industry also includes establishments deriving 50 percent or more of their total value of sales of agricultural products from horticultural specialties (Industry Group 018), but less than 50 percent from products of any single industry.

Group Industry
No.

326

RETAIL NURSERIES, LAWN AND GARDEN SUPPLY STORES

3261 Retail Nurseries, Lawn and Garden Supply Stores

Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which they grow themselves. Establishments primarily engaged in growing are classified in Major Group 01.

- Christmas trees (natural)—retail
- Fertilizer—retail
- Garden supplies and tools—retail
- Lawn mowers—retail
- Lawn sprinklers—retail
- Nursery stock, seeds and bulbs—retail
- Power mowers—retail

527

MOBILE HOME DEALERS

5271 Mobile Home Dealers

Establishments primarily engaged in the retail sale of new and used mobile homes. Establishments primarily selling travel trailers and campers are classified in Industry 3561.

Mobile homes, new and used—retail

SB391



FEB 22 1990

ALASKA GREENHOUSES

1301 MULDOON ROAD • ANCHORAGE, ALASKA 99504
(907) 333-6970

January 27, 1990

Senator Jack Coghill
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

To Senator Coghill et al re: Senate Bill #391, Farm Tax and Greenhouses.

I have enclosed several pages of various court rulings showing that greenhouses are considered under farm or agricultural use. This should back up your ability to add greenhouses to the Farm Use exemption tax bill.

While on the subject I would strongly ask you to support and work to reinstate our original Farm Tax Bill titled Section 29.10.398 Farm & Agricultural Use. It was a good bill. Fair, enforceable and a much better act than the one in effect now. The original Farm Tax Bill was altered by well meaning but misguided legislators.

For example. The original Bill stated the owner had to make 25% of his gross income from the farm use land, the new Bill only 10%. In the old bill if farm use land were sold for other than farm use the owner was liable to pay back the difference in taxes for two full years plus any part of the current year. The new Bill the seller has to repay seven years taxes. eg. If I purchased some farm land to grow a crop and after one or two years found it was losing money and I had to sell it for other than farm use I would have to pay back taxes for the two previous years plus any portion of the current year. Under the new Bill I would have to pay back seven years or five extra years when I had no interest in the property. What so ever. Is that fair?

Regarding Hawkes Greenhouse at Fairbanks they are farming and adding the word greenhouse would solve his immediate dilemma but I'd sure like to see you get the original Bill reinstated. It is much more clear and understandable to the real farmer who makes a substantial portion of his income from farming.

The original tampering and changing started when a misguided lady legislator denied us the Farm Tax Exemption saying "I feel the Bill was intended to apply to growing food." Every few years someone decides to deny us this use and we have to go through the re-education process for our legislators.

Among the papers I have sent you is a Court Judgement in our favor. This cost many times more in attorney fees than we saved not to count our own time spent in preparing the paper work.

I would like to see our legislature take a good hard look at a workable idea for our Wetlands where most of Alaska land is classified "Wetlands." If 10% of the south 48 states are wetlands then a fair solution would be to require Alaska to retain wetlands in the same proportion. Even to require Alaska to double the percentage used by the south 48 would be ok. Otherwise put all our wetlands into farm use.



ALASKA GREENHOUSES

1301 MULDOON ROAD • ANCHORAGE, ALASKA 99504

Senator Jack Coghill

continued

Listed below are EPA and Corps of Engineers Dept. of the Army Regulations regarding farming and related activities which do not require permits.

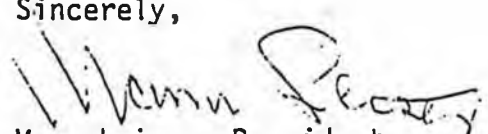
40 CFR Ch:1 (7-1-86 Edition Environmental protection agency 233.35. Activities not requiring permits and again in 33CFR Ch. 11 (7-1-86 Edition) Corps of Engineers, Dept. of the Army DoD 323.4 . Discharges not requiring permits (1) (i) Normal farming etc.

If the U.S. Senate and Congress pass the Wetlands Act to include Alaska as proposed we can turn the Wetlands into farmland and grow many cool weather crops each summer providing new employment with a new renewable resource. All the cole crops, cabbage, broccoli, cauliflower, turnips, radishes etc. grow splendidly here as do spinach, kale, strawberries, raspberries and potatoes. This would also give us a back haul to the south 48 in the equipment now going south empty. This would reduce by over 50% the shipping costs of goods we presently ship north bound.

This should not be done with state funds like the grandious Big Delta grain farm failures or the cattle operation across the inlet from Anchorage but small state loans or SBA loans to individuals upon proper application would really work. Our greenhouse and 30 acres of land was an SBA loan and is all paid back and making money and best of, employing 30 people year round and up to 70 in the summer. (School kids etc.)

Thanking you for your time, I remain

Sincerely,



Mann Leiser, President

ALASKA GREENHOUSES, INC.

ML:b1

LET'S REINSTATE THIS EXCELLENT PIECE OF LEGISLATION:

Section 29.10.398 Farm or Agricultural Use. (a) In this section "farm use" means the use of land for raising and harvesting crops or for feeding, breeding and management of livestock, or for dairying, or another agricultural or horticultural use, or any combination thereof and includes the preparation of the products raised on the farm use land and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use. To be farm use land the owner must be actively engaged in farming the land and derive at least one-fourth of his yearly gross income from the farm use land. The provisions of this section shall not apply to land which the owner has granted, and has outstanding, a lease or option to buy the surface rights. (b) Farm lands shall be assessed on the basis of full and true value for farm use and shall not be assessed as if subdivided, etc.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act... farm use exemption... agricultural land and greenhouses..."
 Sponsor: Senators Coghill & Halford
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: Community Assistance Grants
 Components: Agricultural Land Exemption

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	100.	100.	100.	100.	100.
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	100.	100.	100.	100.	100.
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attachment.

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: _____
 Approved by Commissioner: [Signature] Date: 20 Feb 90
 Agency: Community & Regional Affairs

Distribution (by preparer):

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

STATE OF ALASKA 1990 - 16TH LEGISLATURE
SECOND SESSION
FISCAL NOTE

Bill/Resolution No.: Senate Bill 391

Title: "An Act relating to a farm use exemption from municipal taxation for agricultural land and greenhouses; and providing for an effective date."

There is no fiscal effect for FY 90. The Agricultural Land Exemption Program, which is designed to reimburse municipalities for the loss of local taxes resulting from the mandatory exemption of a portion of agricultural land value, would be affected by this legislation. It is estimated that the full funding level would increase by \$100,000. Farm use assessments on greenhouse operations located in urban areas will cause the greatest impact because of the significant disparities between farm use value and the value of the "highest and best use" of the affected property. There is currently no funding in the budget for the agricultural land exemption program, the full funding level of which is \$245,000.

FEB 26 1990

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1990

SUBJECT: Municipal Tax Exemption for Agricultural Land
(SB 391)

TO: Senator Jack Coghill

FROM: Tamara Brandt Cook *ABC*
Director
Division of Legal Services

You have supplied me with a copy of an opinion of the Superior Court dated February 9, 1990 and asked whether I agree with the decision of the judge that the existing tax exemption for agricultural land applies to commercial greenhouse operations. I agree with Judge Savell that the existing definition of "farm use" in AS 29.45.060(c) includes land used for commercial greenhouse operations.

You have also asked whether SB 391 would provide an exemption for greenhouse structures or just the land. SB 391 provides an exemption for greenhouse structures, whether classified as real or personal property. It does, in fact, treat greenhouse structures differently from other farm buildings in that the agriculture exemption currently applies only to land, not to improvements or personal property. I do not, however, believe that the exemption could reasonably be applied to department stores that carry a small selection of house plants in stock because this does not seem to conform to the commonly understood meaning of agricultural use. Nevertheless, I have attempted to address this concern in the enclosed draft CS for the bill.

As requested, the enclosed CS limits the exemption to land occupied by a greenhouse. ~~In an effort to avoid the department store situation, the income test is modified in this CS so that the 10 percent of yearly income must come from the agricultural activities on the land.~~ The existing language only requires that the owner be actively engaged in farming the land and that the required level of income be generated

Senator Jack Coghill
Page 2
February 26, 1990

from the land. Hopefully, this change will prevent an argument about granting the exemption where the income generated comes from sales of toasters, bread, aspirin, or the like, rather than agricultural activities.

TBC:pl
WKP2/091

Enclosure

UNIVERSITY OF CALIFORNIA, DAVIS

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SANTA BARBARA • SANTA CRUZ

COLLEGE OF AGRICULTURAL AND
ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION

DEPARTMENT OF ENVIRONMENTAL HORTICULTURE
DAVIS, CALIFORNIA 95616

March 6, 1973

Mr. O. M. Leiser
Alaska Greenhouses
1301 Muldoon Road
Anchorage, Alaska

Dear Mann:

Enclosed are some information sheets on the tax situation for nurseries and greenhouses in California Counties. Apparently California nurseries and greenhouse growers have lost the fight to exempt growing plant material from taxation, although some of them are qualifying under the open space exemptions of the Williamson Act. In addition to checking with the extension people here I have called the California Association of Nurserymen and their executive secretary suggests that you contact Mr. Ray Brush, American Association of Nurserymen, 232 Southern Building, 15th & H Streets NW, Washington, D.C. 20005. They have a mimeographed information sheet on tax exemptions or agricultural exemptions for nurserymen documented with court cases and Federal law decisions in numerous areas; such as minimum wages, industrial safety, etc. which is available not only to members of the Association but to anyone in the general business. Apparently their philosophy is that any bad tax decision can ultimately hurt anyone in the industry so they do make it available to non-members. I will get a note off to Ray Brush but you might write him also. Enclosed is a copy of my note to Ray.

Sincerely,

Andrew T. Leiser
Associate Professor

ATL:wf

Enclosures

RECEIVED

MAR 9 1973

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

COLLEGE OF AGRICULTURAL AND
ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION

DEPARTMENT OF ENVIRONMENTAL HORTICULTURE
DAVIS, CALIFORNIA 95616

March 6, 1973

Mr. Ray Brush
American Association of Nurserymen
232 Southern Building
15th & H Streets NW
Washington, D.C. 20005

Dear Ray:

Jack Wick has suggested that I write to you. My brother is the owner of Alaska Greenhouses in Anchorage, Alaska and he has asked me for any possible help on tax decisions relating to floriculture nursery businesses. Jack tells me that you have an information sheet that you will mail out even to persons who are not members of the Association, because of the potential general good to the industry as a whole. My brother's operation is primarily a floriculture production and retail sales situation, but apparently he is having trouble with the local government at Anchorage in terms of getting agricultural classification for his operation.

I would consider it a personal favor if you can send him any precedent decisions on this subject. Please address correspondence to:

Mr. O. M. Leiser
Alaska Greenhouses
1301 Muldoon Road
Anchorage, Alaska

Sincerely,

Andrew T. Leiser
Associate Professor

ATL:wfi

cc: Mann Leiser ✓

RECEIVED
MAR 9 1973

GREATER ANCHORAGE AREA BOROUGH
3500 E. Tudor Road
Anchorage, Alaska 99507

RECEIVED
APR 6 1973

PROPERTY SCHEDULE
TYPE: _____
TIME: _____
DATE: _____
TIME: _____

ACCOUNT NUMBER 006-191-11
LOCATION Muldoon & Debarr
PARCEL SIZE _____

APPRAISER'S NOTES

Since comparables are not available, we rely on a cost approach to arrive at our valuation. The greenhouses total 47,352 sq. ft. and are valued at \$3.61 per sq. ft. The greenhouses were erected by the appellant. Our cost approach considers a typical contractors profit and overhead margin. The two double wide modular living units are valued from a "Blue Book" approach.

Appeal is based on "Farm Use".

Subject valued at approximately \$9,640 per acre.

Land Comparables:

C-3 This is a 2.07 acre tract located one mile to the north of the subject. This parcel sold in June 1970 for \$60,000 or \$29,000 per acre.

C-23 This is a 1.81 acre tract located on the northeast corner of Boniface Parkway & Tudor Rd. This parcel sold in Dec. 1971 for \$151,000 or \$83,500 per acre.

C-1 This is a 152 acre tract located 1 1/2 miles to the south of the subject. This property sold in Dec. 1972 for \$1,100,000 or \$7,000 per acre.

C-20 This is a 53 acre tract located approximately 900' to the south of the subject. This property sold in Nov. 1971 for \$357,000 or \$6,735 per acre.

APPRAISER Jack Long

APPRAISER Tom Harrison

DATE 3/26/73

APPRAISER'S RECOMMENDATION

LAND _____

BUILDING _____

TOTAL NO CHANGE

ASSESSOR'S COMMENTS

The subject property is Alaska Greenhouses on Muldoon Road.

STATE OF ALASKA

WILLIAM ALLEGAN, Secretary

DEPARTMENT OF ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER — BRANCH OFFICE

Rm. 720, MacKay Bldg.
328 JORDAN AVENUE, MACKEY ANNEX
ANCHORAGE 99501

April 12, 1972

Greater Anchorage Area Borough
Board of Equalization
3500 Tudor Road
Anchorage, Alaska

Dear Sirs:

I would like to go on record as objecting to the assessment of property currently used in active operations of Alaska Greenhouses, Inc. The Department of Economic Development has been a supporter of this project since its inception and, in fact, partially financed construction of the greenhouse. When the feasibility study was done, we suggested the enterprise plan to take advantage of a state law which instructs Boroughs of the State to give agricultural and horticultural enterprises a tax advantage in the form of lower assessment on land used for these purposes. Under the Act, an agricultural or horticultural enterprise qualifies if 25% of the entrepreneurs' gross income comes from the activity.

There is no doubt in our mind that Alaska Greenhouses qualifies under the Act. Further, much of the land they occupy is flood plain land and, as such, is virtually useless for anything but agricultural or recreational endeavors. The industry contributes substantially to the economics of the area and without the lower assessment will undoubtedly be forced to move. Certainly, the Borough needs the payroll generated, the operation preserves the area as a green belt area and, of course, the industry promotes a more beautiful Borough.

We recommend a procedure of assessment be instituted for agricultural and horticultural enterprises which is patterned after that followed in the Matanuska Valley. The Mat-Su Borough assesses 100% productive agricultural land at a rate of \$350 per acre. This \$350 is based on a value of \$150 for land used for agriculture, and \$200 for improvements to put the land into production, such as clearing and leveling.

Your favorable consideration will be appreciated.

Sincerely;

Dominic L. Carney
Dominic L. Carney

Agriculture Development Specialist

DLC:nf