

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8062 HOUSE RESOURCES

333

HB

333

CS FOR HOUSE BILL NO. 333(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KOTT, Brice, Hudson, Phillips, James, Olberg, Sanders, Toohey,
Green

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the Alaska Land Act to define the term 'state selected land'
2 for the purpose of recognizing mining locations, and giving retrospective effect to
3 the amendment; and providing for an effective date."

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

5 * Section 1. AS 38.05.275 is amended by adding new subsections to read:

6 (b) In this section, "state selected land"

7 (1) means land for which the state has filed a selection application with
8 the United States under Sec. 6 of the Alaska Statehood Act, as amended, regardless
9 of the validity or effect of the application, if the selection described in the application
10 has not been rejected or relinquished;

11 (2) does not include land described in (1) of this subsection for which
12 a regional corporation organized under 43 U.S.C. 1606(a), as amended, a village
13 corporation organized under 43 U.S.C. 1607(a), as amended, a Native group
14 corporation that qualifies for a land conveyance under 43 U.S.C. 1615(h)(2), as

1 amended, or a Native urban corporation that qualifies for a land conveyance under 43
2 U.S.C. 1613(h)(3), as amended, has filed a valid selection application with the United
3 States under 43 U.S.C. 1601 - 1641, as amended, if the selection of the corporation or
4 group has not been rejected or relinquished.

5 (c) Subsection (b) of this section may not be construed to limit the director in
6 the exercise of authority granted by AS 38.05.035(a)(12).

7 * **Sec. 2. APPLICABILITY TO MINING LOCATIONS ON STATE LAND ALSO**
8 **SELECTED UNDER PROVISIONS OF THE ALASKA NATIVE CLAIMS SETTLEMENT**
9 **ACT, AS AMENDED.** Notwithstanding the exclusion of land from the definition of "state
10 selected land" by AS 38.05.275(b)(2), added by sec. 1 of this Act, a mining location that was
11 made on that land under AS 38.05.185 - 38.05.275 or in the manner described in AS 27.10
12 on or after April 14, 1966, and before the effective date of this Act retains its validity, if any,
13 if the selection of the land by all corporations or groups eligible to make a selection under 43
14 U.S.C. 1601 - 1641 is rejected or relinquished.

15 * **Sec. 3.** AS 38.05.275(b) and (c), added by sec. 1 of this Act, are retroactive to April 14,
16 1966, and apply to locations made under AS 38.05.185 - 38.05.275 or in the manner described
17 in AS 27.10 on and after that date.

18 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature
House of Representatives

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& SOCIAL SERVICES
JUDICIARY
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STATE CAPITOL
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Representative Pete Kott

SPONSOR STATEMENT

HB 333 – MINING LOCATIONS ON STATE SELECTED LAND

Currently, state law provides that mining locations can be made on state land and on state selected land. The statutory definition of state land is found in AS 38.05.965(20). "State selected land" is not defined, and HB 333 is written to provide that definition.

The period during which the state could make selections under the Statehood Act as amended came to a close on January 3, 1994. Presently there are approximately 21 million acres in selected status. Because the state is allowed a 25% over-selection, only approximately 17 million acres will become state land, and there is no way of knowing with certainty which selected lands will actually become state land. Much of this land is potentially mineralized, and the state has an interest in ensuring there is a mechanism for miners to identify and lay claim to potential deposits.

It should be noted that claims filed on state selected land are "at risk" in the sense that they confer no rights unless and until the land is actually conveyed to the state of Alaska. At the time the state receives Tentative Approval to the land in question, the first person who staked an "at risk" claim while the land was in selected status would become a first-in-time locator and have the rights and privileges thereof under state law.

HB 333 is needed to support the efforts of Alaska's mining industry which provides an important part of the state's total employment. The state's interest in sound and appropriate development of Alaska's resources will be well served by passage of this measure.



8-LS1340X
Chenoweth
2/1/94

CS FOR HOUSE BILL NO. 333()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Brice, Hudson, Phillips, James, Olberg, Sanders, Toohey,
Green

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the Alaska Land Act to define the term 'state selected land'
2 for the purpose of recognizing mining locations, and giving retrospective effect to
3 the amendment; and providing for an effective date."

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

5 * Section 1. AS 38.05.275 is amended by adding new subsections to read:

6 (b) In this section, "state selected land"

7 (1) means land that has been selected by the state under Sec. 6 of the
8 Alaska Statehood Act, as amended, as to which the state has filed a selection
9 application with the United States, regardless of the validity or effect of the
10 application, if the selection described in the application has not been rejected or
11 relinquished;

12 (2) does not include land described in (1) of this subsection for which
13 a regional corporation organized under 43 U.S.C. 1606(a), as amended, a village
14 corporation organized under 43 U.S.C. 1607(a), as amended, or a Native group that

1 qualifies for a land conveyance under 43 U.S.C. 1613(h)(2) or (3), as amended, has
 2 filed a valid selection application with the United States under 43 U.S.C. 1601 - 1641,
 3 as amended, if the selection of the corporation or group has not been rejected or
 4 relinquished.

5 (c) Subsection (b) of this section may not be construed to limit the director in
 6 the exercise of authority granted by AS 38.05.035(a)(12).

7 * Sec. 2. APPLICABILITY TO MINING LOCATIONS ON STATE LAND ALSO
 8 SELECTED UNDER PROVISIONS OF THE ALASKA NATIVE CLAIMS SETTLEMENT
 9 ACT, AS AMENDED. Notwithstanding the exclusion of land from the definition of "state
 10 selected land" by AS 38.05.275(b)(2), added by sec. 1 of this Act, a mining location that was
 11 made on that land under AS 27.10 or AS 38.05.195 on or after April 14, 1966, and before the
 12 effective date of this Act retains its validity, if any, if the selection of the land by all
 13 corporations or groups eligible to make a selection under 43 U.S.C. 1601 - 1641 is reject:d
 14 or relinquished.

15 * Sec. 3. AS 38.05.275(b) and (c), added by sec. 1 of this Act, are retroactive to April 14,
 16 1966, and apply to locations made under AS 27.10.050 or AS 38.05.195 on and after that date.

17 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Proposed Amendments to
CSHB 333()
8-LS1340X
2/1/94

1. page 1, lines 7 – 11, delete all material and insert:

“(1) means land for which the state has filed a selection application with the United States under Sec. 6 of the Alaska Statehood Act, as amended, regardless of the validity or effect of the application, if the selection described in the application has not been rejected or relinquished;”

2. page 1, line 14 – page 2, line 1, delete all material and insert:

“corporation organized under 43 U.S.C. 1607(a), as amended, a Native group corporation that qualifies for a land conveyance under 43 U.S.C. 1613(h)(2), as amended, or a Native urban corporation that qualifies for a land conveyance under 43 U.S.C. 1613(h)(3), as amended, has”

3. page 2, line 11:

delete [AS 27.10 or AS 38.05.195]

insert “AS 38.05.185 – 38.05.275 or in the manner described in AS 27.10”

4. page 2, line 16:

delete [AS 27.10.050 or AS 38.05.195]

insert “AS 38.05.185 – 38.05.275 or in the manner described in AS 27.10”

CSHB 333()
SECTIONAL ANALYSIS

"An Act amending the Alaska Land Act to define the term 'state selected land' for the purpose of recognizing mining locations, and giving retrospective effect to the amendment; and providing for an effective date."

Section 1.

Amends AS 38.05.275 by adding two new subsections.

Subsection (b) defines the term 'state selected land' as follows:

- (1) land for which the state has filed a selection application with the United States under the Alaska Statehood Act regardless of the validity or effect of the application, so long as the selection has not been rejected or relinquished;
- (2) except land for which a Native corporation organized under ANCSA has filed a selection application so long as the application has not been rejected or relinquished.

Subsection (c) clarifies that the definition supplied in subsection (b) does not limit the authority of the director of lands to select, accept and secure land to the state.

Section 2.

Provides that the exception in AS 38.05.275(b)(2) for lands selected by a Native corporation organized under ANCSA does not invalidate an 'at risk' claim filed on that land between April 14, 1966 and the effective date of this Act.

Section 3.

Provides that the definition supplied in section 1 is retroactive to April 14, 1966, the effective date of the Act that established AS 38.05.275 in its current form.

Section 4.

Provides that the Act takes effect immediately under AS 01.10.070(c).

the original bill

**HB 333
SECTIONAL ANALYSIS**

"An Act amending the Alaska Land Act to define the term 'state selected land' for the purpose of recognizing mining locations, and giving retrospective effect to the amendment; and providing for an effective date."

Section 1.

Adds a new sentence to AS 38.05.275 defining the term 'state selected land' to be land for which the state has filed a selection application with the United States regardless of the validity or effect of the application, so long as the application has not been denied.

Section 2.

Provides that the definition supplied in section 1 is retroactive to April 14, 1966, the effective date of the Act that established AS 38.05.275 in its current form.

Section 3.

Provides that the Act takes effect immediately under AS 01.10.070(c).

ALASKA MINERALS COMMISSION
1994 Report to the Governor
and Alaska State Legislature

FINDING: This recommended change to Title 38 will allow AS 38.05.275 to function as it was intended - to preserve some hope for a mineral claimant who makes a discovery on lands which happen to be unavailable under federal law due, in many cases, either wholly or partly to the existence of the state selection itself (because in most if not all cases the filing of a state selection segregates the land from federal location by virtue of either 43 CFR 2627.4(b) or the "notation rule", even if the state selection was invalid when made).

THE COMMISSION RECOMMENDS THAT:

10. The legislature should amend AS 38.05.275/965 as follows:

Section 38.05.965. Definitions. ...

(21) "state selected land" means land for which the state has filed a selection application with the United States, regardless of the validity or effect of such application:

FINDING: There is currently a requirement that a best interest finding be made before an offshore prospecting permit (OPP) can be issued by the Department of Natural Resources (DNR). The process of generating a best interest finding is being used to restrict DNR from normal issuance of OPPs.

General Background on Need for Amendment of AS 38.05.275

prepared by
Joseph J. Perkins, Jr.
GUESS & RUDD
Anchorage, Alaska

Defining "state selected land" for purposes of AS 38.05.275 in the manner requested will allow AS 38.05.275 to function as it was intended—to preserve some hope for a claimant who makes a discovery on lands which just happen to be unavailable under federal law but which might become available under state law in the future if the state acquires the lands. In many cases, the lands are unavailable under federal law either wholly or partly due to the existence of the state selection itself, because in most if not all cases the filing of a state selection segregates the land from federal location by virtue of either 43 CFR § 2627.4(b) or the "notation rule", even if the state selection was invalid when made or is simply a top-filing.

Claims located under AS 38.05.275 are commonly referred to as "at-risk locations". If "state selected land" is not defined in the manner requested, then crafty lawyers working for "second-in-time" at-risk locators will be able to argue that their clients should defeat first-in-time at-risk locators because the first-in-time locators initiated their at-risk locations too early (i.e., before the state selection became valid). This potential result conflicts with the underlying policy in the mining law that "first-in-time" should prevail.

Perhaps three examples of the problems at-risk claimants face will illustrate why the proposed definition should be adopted, or none at all.

Example 1:

- 1974—lands closed to federal locations and to state selection
- 1977—invalid federal claims located
- 1978—invalid state selection filed (e.g., those filed on 11/14/78)
- 1978—at-risk state claims located after invalid state-selection
- 1979—lands made available for state selection under Statehood Act § 6(g) preference period (e.g., 1/79)
- 1979—valid reassertion of state selection filed (e.g., 2/79)

Who should win in a dispute between competing locators—the invalid federal locator or the potentially valid at-risk state locator? Clearly the at-risk state locator should win, and under the proposed definition he clearly will, without having to relocate his claims after the state makes a valid reassertion.

While one might think, at least initially, that the at-risk claimant in the foregoing situation should have to relocate his claims after a valid reassertion in order to be entitled to win, the following two examples show the difficulty with such a position.

Example 2:

- 1968—lands included in federal locations, some of which may have valid "marketability" discoveries and some of which may not (this is the typical situation for virtually

every large claim block held by any mining company); no one knows which is which, however

- 1978—invalid state selection filed (e.g., those filed on 11/14/78)
- 1979—lands made available for state selection under Statehood Act § 6(g) preference period (e.g., 1/79)
- 1979—reassertion of state selection filed (e.g., 2/79); this reassertion is valid as to those lands that were not included in valid federal claims and is invalid as to those lands that were included in valid federal claims; no one knows which is which, however
- 1980—ANILCA § 906(e) enacted
- 1981—ANILCA § 906(e) top-filing made; as was the case with respect to the 1979 reassertion, however, no one knows which lands are validly selected and which lands are only top-filed
- 1982—federal claimant, in the exercise of caution, locates state mining claims on top of his federal claims, to protect himself in case any of his federal claims are invalid

(NOTE: At-risk state claims usually are not co-extensive with the underlying federal claims, due to the cardinal direction location requirement for state claims. Also, the discovery requirement under state law is the prudent man test, whereas under federal law it is the marketability test. It is thus easier to establish a discovery under state law.)

Does the federal claimant now have valid at-risk claims? If so, as to which lands? Under the proposed definition of state selected lands, he has "valid" at-risk claims as to all lands. Under current law it may be argued that he has "valid" at-risk claims only as to lands within those of his unpatented federal claims that are then invalid. But no one knows which are which! This means that the federal claimant will be forced continually to relocate his at-risk claims in order to protect himself from potentially competing locators. Also, a federal claimant will be forced to relocate all of his at-risk claims upon any formal abandonment of the underlying federal claims, even though some or all of the underlying federal claims already may have been invalid (for lack of discovery or some other unnoticed paperwork deficiency) such that the state selection already may have attached to the land. This is a patently silly result.

With many claimants now considering abandoning their federal claims and relying on their at-risk claims on lands that have been selected by the state, these claimants need to know that their at-risk claims will be recognized without the need for relocation, so long as they located their at-risk claims after the state filed a selection application for the lands.

Example 3:

- 1968—lands included in federal withdrawal
- 1980—ANILCA § 906(e) enacted
- 1981—ANILCA § 906(e) top-filing made
- 1991—owner of valid state claims on adjoining lands makes non-trespassory prudent man discovery on surface of lands in federal withdrawal and locates at-risk state claims;
- 1995—owner negotiates a federal/state/Native/borough/private land exchange to allow state to receive tentative approval to lands included in his at-risk claims

Should the at-risk claimant be placed in the position of not having his at-risk claims recognized because the state selection was a top-filing when he located his at-risk claims? No. Should he have to participate in a staking rush on the day the top-filing ripens into a valid state selection in order to make sure he is the first to locate valid at-risk claims? Of course not. The proposed changes makes clear that he would not need to do this. Under current law, the threat of a staking rush is so great that the claimant probably would not bother putting in the time and effort to bring about a land exchange—to the detriment of everyone.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 333

Revision Date: _____
Title: State-selected land for mineral location
Sponsor: Kolt
Requestor: _____

Department Affected: Commerce and Economic Development
BRU: _____
Component: _____
COMPONENT SERIAL NO. _____

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 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.)

This bill allows federal mining claims to be converted to state mining claims on "state-selected lands." It also allows the staking of new claims on state-selected lands." All claims staked under this provision will remain in question until land is conveyed to state. Should land not be conveyed to the state, or be conveyed to a Native corporation, the state claims will be invalid.

Prepared by: Al Clough, Development Specialist
Division: Economic Development

Phone: 465-5463
Date: 1/31/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: _____

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB333

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act amending the Alaska Land Act to define BRU: Resource Development
the term 'state selected land' for the purpose of recognizing mining..." Component: Land Development
 Sponsor: Representative Kott Mining Development
 Requestor: Representative Kott Component Serial No. 431/442

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

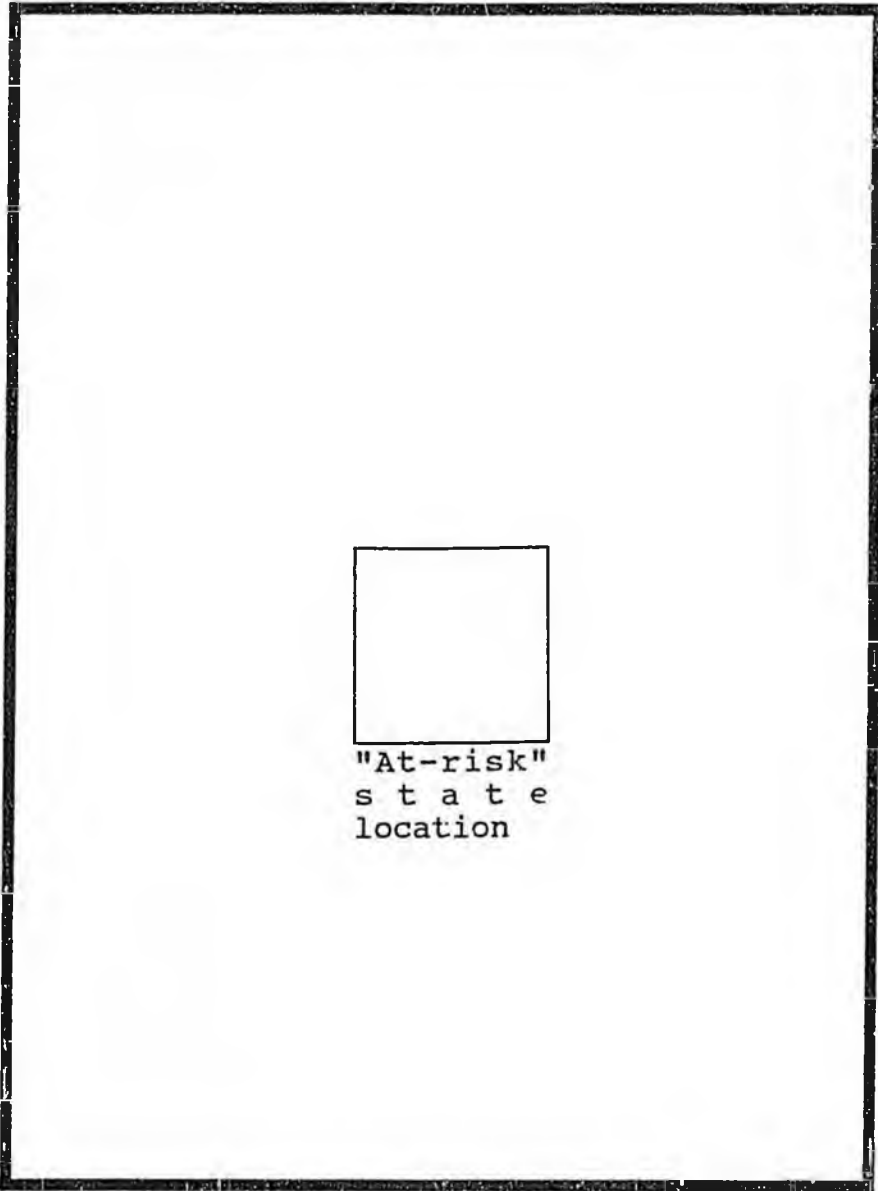
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact to DNR associated with this bill.

Prepared by: Jerry Gallagher, Legislative Liaison Phone: 465-2400
 Division: Commissioner's Office Date: 2-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 2-Feb-94
 Agency: Natural Resources

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"At-risk"
state
location

State selection, Alaska Statehood Act, § 6.



HOUSE RESOURCES COMMITTEE

DATE: 2/9/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 333 - MINING LOCATIONS ON STATE SELECTED LAND
 HJR 50 - NPFC COMPREHENSIVE RATIONALIZATION PLAN

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Jack Phelps	Rep. Kott	Rm 409		3	3777	<input checked="" type="radio"/>	N	HB 333
REPRESENTATIVE MUSES		Room 204			6348	<input checked="" type="radio"/>	N	HJR 50
Rick Lamber		34 Highland Dr. Juneau				Y	N	HJR 50
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HB

343

SPONSOR SUMMARY

HB 343

HB 343 attempts to lower administrative costs of issuing licenses every year and make it more convenient to the residents by offering the option of buying a one, two or three year license for sport fishing, hunting or trapping. It also would allow military personnel, and their dependents, who are permanently stationed in the state but do not qualify as a "resident", to obtain special annual nonresident military small game and sport fishing licenses at the same rate as the annual rate of a resident license.

DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No: HB 343
Sponsor: Representatives Martin and Phillips
Division: Division of Administration
Bill Title: "An Act relating to resident sport fishing, hunting, and trapping licenses, to special nonresident military small game and sport fishing licenses, and to the fee for a collecting permit; and providing for an effective date."
Department Position: Opposed

This bill would amend AS 16.05.340 by adding biennial and triennial licenses at reduced rates for several license classes. The department is generally opposed to this legislation because it will increase residency violations, complicate law enforcement and administration of the licensing program, and reduce revenues which the department relies on to fund programs and maintain federal funding levels.

Residency violations are common with annual licenses and could be expected to increase with multiple year licenses. Individuals anticipating to move out of state would be more likely to purchase a multi-year license prior to their move in order to avoid subsequent purchase of nonresident licenses and big game metal locking tags. In addition, these individuals could also use the unexpired multi-year license to avoid guide requirements for brown bear, Dall sheep and mountain goats. The Department of Public Safety, Fish and Wildlife Protection has indicated that enforcement efforts for violations against a former resident possessing a multi-year license would be complicated.

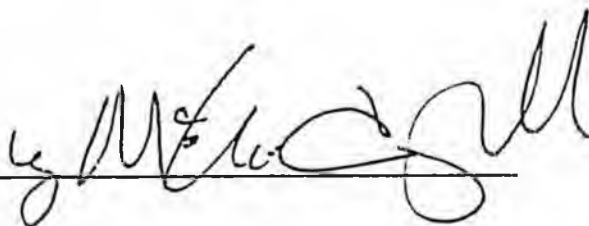
Administration of the licensing program would also become more complicated. Current licenses would have to be enlarged and/or redesigned to accommodate the new license classes. Alternatively, a different license altogether could be developed for multi-years. Inventory control by vendors and the state would become more difficult. A more durable paper would be required for license stock to withstand three years' use. Room for multiple year duck and salmon stamps as well as harvest ticket numbers would be a problem. There would be an increase in the number of duplicate licenses issued. Computer program modifications to the licensing system would also be necessary.

The department worked for years to raise the fee for resident licenses to bring them in line with other western states and

finally succeeded in 1993. Implementing multi-year licenses would result in a first year increase in fish and game fund revenue, but this would be more than offset by subsequent year decreases. Moreover, fund balances available for appropriation would become more difficult to project due to the cyclic nature of the revenue stream. This would make fiscal planning and the department's budget development process more difficult. The annual license certification required to receive federal aid would also become more complicated. In recent budget cycles, more and more general fund expenditures have been shifted to the fish and game fund. With general fund revenues continuing to decline, reductions to the fish and game fund revenue stream is not prudent.

In summary, the department believes that the current annual rates for resident licenses are a bargain by comparison to western states and Canada. The pitfalls of the proposed legislation far outweigh any benefits to residents from lower fees and multi-year license convenience.

Commissioner's Signature: _____



Date: _____

1/18/94

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 343

Revision Date: _____
Title: An Act relating to resident sport fishing, hunting, and trapping licenses, to special nonresident military small game and sport fishing licenses, and to the fee for a collecting permit; and providing for an effective date.

Dept. Affected: Fish and Game
BRU: Administration & Support

Sponsor: Representatives Martin
Requestor: House Resources

Component: Administrative Services

COMPONENT SERIAL NO. 479

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES		(15.0)	(12.0)	(5.0)	(10.0)	(12.0)
TRAVEL						
CONTRACTUAL	40.0	40.0	40.0	40.0	40.0	40.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	41.0	26.0	29.0	36.0	31.0	29.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	2294.7	(1648.4)	(837.2)	827.3	(848.9)	(2117.8)
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1024	41.0	26.0	29.0	36.0	31.0	29.0
TOTAL	41.0	26.0	29.0	36.0	31.0	29.0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Expenditures included in this bill result from the fact that rite-in-rain paper would have to be used for durability of a two or three year license and a larger license would need to be developed in order to accommodate the different sport class years. As a result postage would increase as well as costs for sending the larger licenses to the state's 1200 license vendors. The enclosed table lists the assumptions used to estimate the effect of this bill on revenue. Projected sales for the first year were estimated based on the fact that 20% of resident license holders would purchase a two year license and 30% of the resident license holders would purchase a 3 year license for a combined total of 50%. Succeeding year revenues took into account the number of license holders already holding a two or three year license. The total revenues with legislative change versus total revenue projected without legislative change is summarized on the first page.

Prepared By: Kevin Brooks
Division: Administration
Approved by Commissioner: [Signature]
Agency: Alaska Department of Fish and Game

Phone: 465-5999
Date: January 14, 1994
Date: January 14, 1994

License type	License	Annual	Biennial	Triennial
	YTD sold 12/31/83			
Sport fishing	123,354	15	25	35
Hunting	23,067	25	45	60
Hunting/trapping	705	40	70	95
Trapping	410	15	25	35
Hunting/sport fishing	38,202	40	70	95
Hunting/sport fishing/trapping	4,578	55	95	130

Revenue projection without legislation (calendar 1993 licenses sold at current rates)	1993 licenses sold at current rates					
	FY95	FY96	FY97	FY98	FY99	FY00
Sport fishing	1,850,310	1,850,310	1,850,310	1,850,310	1,850,310	1,850,310
Hunting	578,875	578,875	578,875	578,875	578,875	578,875
Hunting/trapping	28,200	28,200	28,200	28,200	28,200	28,200
Trapping	8,150	8,150	8,150	8,150	8,150	8,150
Hunting/sport fishing	1,448,080	1,448,080	1,448,080	1,448,080	1,448,080	1,448,080
Hunting/sport fishing/trapping	251,845	251,845	251,845	251,845	251,845	251,845
Total revenues w/no legislative change	4,181,280	4,181,280	4,181,280	4,181,280	4,181,280	4,181,280
Total revenues projected w/legislative change	6,486,911	2,512,894	3,324,091	4,988,595	3,312,372	2,043,437
Projected difference from legislative change	2,294,851	(1,648,386)	(837,169)	827,335	(848,888)	(2,117,823)

Soon Fishing
FY85

50% annual 925,155
20% biennial 816,770 -----
30% triennial 1,295,217 -----

FY96

40% annual 740,124
3% new biennial 154,193 -----
5% new triennial 215,870 -----
50% licensed from FY95

FY97

35% annual 647,009
20% relicense FY96 biennials 616,770 -----
2% new biennial 81,877 -----
3% new triennial 120,522 -----
30% licensed from FY95
10% licensed from FY96

FY98

30% annual 555,093
5% relicense FY96 biennials 154,193 -----
30% relicense FY95 triennials 1,295,217 -----
2% new biennial 81,877 -----
3% new triennial 129,522 -----
5% licensed from FY96
25% licensed from FY97

FY99

30% annual 555,093
22% relicense FY97 biennials 671,447 -----
5% relicense FY96 triennials 215,870 -----
3% licensed from FY97
40% licensed from FY98

FY00

30% annual 555,093
7% relicense FY98 biennials 215,870 -----
1% relicense FY97 triennials 129,522 -----
33% licensed from FY98
27% licensed from FY99

TOTAL REVENUES by FY w/Leg change 2,937,142 1,110,185 1,455,577 2,195,701 1,449,410 800,484

Hunting
FY85

50% annual 288,338
20% biennial 207,603 -----
30% triennial 415,206 -----

FY96

40% annual 230,670
5% new biennial 51,901 -----
5% new triennial 69,201 -----
50% licensed from FY95

FY97

35% annual 201,836
20% relicense FY96 biennials 207,603 -----
2% new biennial 20,760 -----
3% new triennial 41,521 -----
30% licensed from FY95
10% licensed from FY96

FY98

30% annual 173,003
5% relicense FY96 biennials 51,901 -----
30% relicense FY95 triennials 415,206 -----
2% new biennial 20,760 -----
3% new triennial 41,521 -----
5% licensed from FY96
25% licensed from FY97

FY99

30% annual 173,003
22% relicense FY97 biennials 229,363 -----
5% relicense FY96 triennials 69,201 -----
3% licensed from FY97
40% licensed from FY98

FY00

30% annual 173,003
7% relicense FY98 biennials 72,691 -----
3% relicense FY97 triennials 41,521 -----
33% licensed from FY98
27% licensed from FY99

TOTAL REVENUES by FY w/Leg change 911,147 351,772 471,720 702,390 470,587 297,184

Hunting/trapping
FY85

50% annual 14,100
20% biennial 9,870
30% triennial 20,093

FY86

40% annual 11,280
5% new biennial 2,468
5% new triennial 3,349

FY87

35% annual 9,870
20% relicense FY85 biennials 9,870
2% new biennial 887
3% new triennial 2,009

FY88

30% annual 8,460
5% relicense FY86 biennials 2,460
30% relicense FY85 triennials 20,093
2% new biennial 987
3% new triennial 2,009

FY89

30% annual 8,460
22% relicense FY87 biennials 10,857
5% relicense FY85 triennials 3,349

FY90

30% annual 8,460
7% relicense FY88 biennials 3,455
3% relicense FY87 triennials 2,009

TOTAL REVENUES BY FY w/Leg change

44,053 17,095 22,738 34,015 22,555 12,924

Trapping
FY85

50% annual 3,075
20% biennial 2,050
30% triennial 4,311

FY86

40% annual 2,460
5% new biennial 513
5% new triennial 718

FY87

25% annual 2,153
20% relicense FY85 biennials 2,050
2% new biennial 205
3% new triennial 431

FY88

30% annual 1,845
5% relicense FY86 biennials 513
30% relicense FY85 triennials 4,305
2% new biennial 205
3% new triennial 431

FY89

30% annual 1,845
22% relicense FY87 biennials 2,255
5% relicense FY86 triennials 718

FY90

30% annual 1,845
7% relicense FY88 biennials 718
3% relicense FY87 triennials 431

TOTAL REVENUES BY FY w/Leg change

9,410 3,880 4,838 7,298 4,818 2,993

Hunting/spot fishing
FY85

50% annual 724,040
20% biennial 508,828
30% triennial 1,031,757

FY86

40% annual 578,232
2% new biennial 126,707
5% new triennial 171,960
50% licensed from FY85

FY87

35% annual 508,828
20% relicense FY85 biennials 508,828
2% new biennial 50,883
3% new triennial 103,178
30% licensed from FY85
10% licensed from FY86

FY88

30% annual 434,424
5% relicense FY86 biennials 126,707
30% relicense FY85 triennials 1,031,757
2% new biennial 50,883
3% new triennial 103,178
5% licensed from FY86
25% licensed from FY87

FY89

30% annual 434,424
22% relicense FY87 biennials 557,511
5% relicense FY86 triennials 171,960
3% licensed from FY87
40% licensed from FY88

FY90

30% annual 434,424
7% relicense FY88 biennials 177,390
3% relicense FY87 triennials 103,178
33% licensed from FY88
27% licensed from FY89

TOTAL REVENUES by FY w/Leg charge 2,262,625 877,889 1,167,915 1,746,747 1,163,894 714,989

Hunting/spot fishing/trapping

FY85

50% annual 125,923
20% biennial 87,001
30% triennial 178,581

FY86

40% annual 100,738
5% new biennial 21,750
5% new triennial 29,784
50% licensed from FY85

FY87

35% annual 88,148
20% relicense FY85 biennials 87,001
2% new biennial 8,700
3% new triennial 17,858
30% licensed from FY85
10% licensed from FY86

FY88

30% annual 75,554
5% relicense FY88 biennials 21,750
30% relicense FY85 triennials 178,581
2% new biennial 8,700
3% new triennial 17,858
5% licensed from FY86
25% licensed from FY87

FY89

30% annual 75,554
22% relicense FY87 biennials 85,701
5% relicense FY86 triennials 29,784
3% licensed from FY87
40% licensed from FY88

FY90

30% annual 75,554
7% relicense FY88 biennials 30,450
3% relicense FY87 triennials 17,858
33% licensed from FY88
27% licensed from FY89

TOTAL REVENUES by FY w/Leg charge 391,505 152,252 201,705 302,443 201,018 123,082

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 14, 1994

SUBJECT: Sectional Summary of HB 343; An Act relating to resident sport fishing, hunting, and trapping licenses, to special nonresident military small game and sport fishing licenses, and to the fee for a collecting permit; and providing for an effective date.

TO: Representative Terry Martin

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 343; An Act relating to resident sport fishing, hunting, and trapping licenses, to special nonresident military small game and sport fishing licenses, and to the fee for a collecting permit; and providing for an effective date.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Sections 1 - 6 of the bill amend AS 16.05.340(a)(1)-(6) to authorize the issuance of biennial and triennial sport fishing, hunting, trapping, and combination sport fishing, hunting, and trapping licenses to residents. The fees for the biennial and triennial licenses provide an incentive for residents to purchase long term licenses. The fees for the combination licenses are equal to the sum of the corresponding individual sport fishing, hunting, and trapping licenses.

Sections 7 and 8 of the bill amend provisions of AS 16.05.340(b) and (d) to conform to the changes made by secs. 1 - 6.

Section 9 of the bill amends AS 16.05.341 to clarify that disabled veterans may receive a free annual resident hunting and sport fishing license.

Section 10 of the bill amends AS 16.05.350 to clarify when biennial and triennial licenses expire.

If I may be of further assistance, please advise.

GU:pl:mi
94-034.plm

Analysis of Bill/Program Effects:

HB 343 would allow for the purchase of fishing, hunting, and trapping licenses that would cover 1-3 years at the option of the license holder. The present language of HB 343 conflicts with the requirement of AS 16.05.940 (26) "resident," which states that a person must be present in Alaska for the preceeding 12 consecutive months in order to qualify for a resident license. FWP has experienced a relatively high violation rate of non-residents purchasing resident licenses to escape the higher non-resident fees and to escape the additional cost of big game tags and in the instances of certain big game species the requirement to hire a professional guide. The multi-year license at a reduced fee will increase the monetary incentive to falsify residency. The biennial and triennial license will make enforcement of the current residency requirement more difficult. An Alaska resident license could legally be possessed by a person who also holds a resident license from another state. A person could purchase a triennial license, move completely out of the state and come back for three hunting seasons circumventing the requirements to purchase non-resident licenses, big game tags, hire a big game guide and cause the state to lose needed revenue.

FWP lacks the resources to investigate large numbers of license falsifications to insure a high degree of compliance.

Amendments Proposed:

When a person no longer meets the requirements of AS 16.05.940 (26) the resident license is null and void and must be surrendered upon demand of any persons authorized to enforce this chapter.

A person, 1) may not purchase an annual, biennial, or triennial hunting, trapping, fishing license unless they apply and qualify for the Alaska Permanent Fund Dividend, and, 2) may not apply for residency privileges in another state or province.

Department Public Safety	Division Fish and Wildlife	Bill Number HB 343	Sponsor Rep. Martin
Short Title of Bill Allows resident hunters, trappers, and fishers to purchase biennial and triennial licenses at a discount.			
Department Position Support - With amendment			
Prepared By Captain Ted Ruddell	Date 1/20/94	Commissioner's Signature (Richard L. Burton)	Date

S U M M A R Y

Other Agencies Affected by the Bill Department of Fish and Game Other Resource Law Enforcement Agencies who deal with residency requirements.	Constituent Group(s) Affected by Bill
Organizational Support for Bill	Organizational Opposition to Bill

4. Fiscal Impact None Fiscal Note Attached

Background/Legislative Intent

Analysis of Bill/Program Effects

See attached.

Amendments Proposed

See attached.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS



HOUSE RESOURCES COMMITTEE

DATE: 2/7/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 266-elig. for Guide Outfitter Lic
 HB 343-Res. Sport+Hunting Licenses

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Ceron Bune ✓	ADFG	P.O. BX 25526	99802	555	465-6143	(Y) N	HB 343
Kevin Brooks	ADFG	" "			465-5999	Y (N)	HB 343
BILL VALSINTIWE ✓	PUBLIC SAFETY	450 WITTIER ST. JUNO			465-4322	(Y) N	HB 343
Paul Johnson	BECSB	Box 22 Elnorale	99825			(Y) N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

352

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 15, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/18/94
 The RESOURCES Committee considered:

SSHB 352

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352

SUBDIVISION PLAT APPROVAL: UNORGANIZED BOR

"An Act relating to the approval of subdivision plats in areas outside organized boroughs, in the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'street' and 'subdivision'."

RECOMMENDATIONS:

be replaced with CS SS HB 352 (RES) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) DNR / 2-15-94

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Anderson</i>	<input checked="" type="checkbox"/>	<i>Don Bledsoe</i>		<input checked="" type="checkbox"/>	
<i>Jannette James</i>	<input checked="" type="checkbox"/>	<i>John H. ...</i>		<input checked="" type="checkbox"/>	
		<i>...</i>		<input checked="" type="checkbox"/>	
		<i>...</i>		<input checked="" type="checkbox"/>	
		<i>W. F. Williams</i>		<input checked="" type="checkbox"/>	

W. F. Williams
 CHAIRMAN'S SIGNATURE

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P O. Box 56622
North Pole, Alaska 99705
(907) 488-0862

House District 34



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3748

House Of Representatives

Sponsor Substitute for HB 352
January 31, 1994

SPONSOR STATEMENT

Currently no legal authority reviews plats in the unorganized boroughs for compliance with State law. This means that there is no agency review of access to each lot, the outcome is that there are landlocked lots created. Currently "paper plats" are allowed to be recorded without being surveyed, HB 352 corrects this oversight. This legislation requires the Department of Natural Resources to review plats for compliance with State law.

There are several definitions of Street and Subdivision in various statutes, this legislation defines them as requested by the Department of Natural Resources.

8-LS1472R
Luckhaupt
3/17/94

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval, change, or vacation of subdivision plats in
2 areas outside organized boroughs, in the unorganized borough outside of cities,
3 and in the third class boroughs; and relating to the definitions of 'street' and
4 'subdivision'."

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

6 * Section 1. AS 34.65.100 is amended by adding a new paragraph to read:

7 (6) "subdivision" has the meaning given in AS 40.15.290.

8 * Sec. 2. AS 38.04.910 is amended by adding a new paragraph to read:

9 (13) "subdivision"

10 (A) means the division of a tract or parcel of land into two or
11 more lots or by the creation of public access;

12 (B) does not include cadastral plats, cadastral control plats,
13 open-to-entry plats, remote parcel plats created by or on behalf of the state
14 regardless of whether these plats include easements or other public dedications,

1 or plats prepared by the Department of Transportation and Public Facilities for
2 the purpose of transferring leasehold interests at state-owned airports or
3 creating or adjusting right-of-way boundaries.

4 * Sec. 3. AS 40.15.070 is amended to read:

5 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided
6 or dedicated is situated within a first or second class borough, the proposed subdivision
7 or dedication shall be submitted to the borough planning commission for approval. If
8 the land is situated within a city in the unorganized borough or the third class borough,
9 the proposed subdivision or dedication shall be submitted to the city planning
10 commission for approval. The borough planning commission is the platting authority
11 for the first or second class borough, the city planning commission is the platting
12 authority for the city, and the Department of Natural Resources is the platting authority
13 in the remaining areas of the state and third class borough [FOR THE CHANGE OR
14 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,
15 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a
16 planning commission, the borough assembly or the city governing body, respectively,
17 is the platting authority and the proposed subdivision or dedication shall be submitted
18 to it. A subdivision may not be filed and recorded until it is approved by the platting
19 authority.

20 * Sec. 4. AS 40.15.075 is amended to read:

21 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND
22 THIRD CLASS BOROUGHES. The Department of Natural Resources is the platting
23 authority in the area outside organized boroughs and outside cities in the unorganized
24 borough and in the third class borough. The department may not disapprove a new
25 subdivision plat except for failure (1) to comply with applicable state law; or (2)
26 of the plat to provide for, or otherwise specifv. access to each lot, site, or other
27 division of the subdivision. The department when [FOR ONLY THE PURPOSES
28 OF] hearing and acting on petitions for the change or vacation of plats [AND] shall
29 execute this function substantially in conformity with the provisions of AS 29.40.130
30 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid
31 to the department [DEPARTMENT OF NATURAL RESOURCES] by the petitioner.

1 The department [DEPARTMENT OF NATURAL RESOURCES] shall adopt
2 reasonable regulations governing the exercise of the authority conferred by this section
3 and may adopt regulations establishing fees for the services provided under this
4 section. Fees established under this section shall reflect the administrative cost
5 to the department and must include costs for personal, contractual, and material
6 services. A fee established under this section is in addition to other charges
7 authorized by this section.

8 * Sec. 5. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In this chapter,

10 (1) "street" means an access way in common use including all of the
11 land lying within a dedicated right-of-way as delineated on a plat showing streets,
12 whether improved or unimproved [INCLUDES STREETS, AVENUES,
13 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

14 (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or
16 more lots by the landowner or, except for land owned by corporations
17 organized under P.L. 92 - 203, by the creation of public access [, SITES,
18 OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR
19 FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES
20 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,
21 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR
22 AREAS SUBDIVIDED];

23 (B) does not include cadastral plats, cadastral control plats,
24 open-to-entry plats, [OR] remote parcel plats created by, or on behalf of the
25 state, or corporations organized under P.L. 92 - 203, regardless of whether
26 these plats include easements or other public dedications, or plats prepared
27 by the Department of Transportation and Public Facilities for the purpose
28 of transferring leasehold interests at state-owned airports or creating or
29 adjusting right-of-way boundaries.

30 * Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

31 (36) "subdivision" has the meaning given in AS 40.15.290.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 352

APPROVED: 

TITLE: Subdivision Plat Approval:
Unorganized Boroughs

DATE: February 9, 1994

In principal, we support the need for a platting authority in the unorganized borough, but we believe this bill will be detrimental to certain activities we perform as a public agency. Specifically, the application of subdivision procedures to (1) plats solely used to establish right-of-way boundaries, and (2) to lots used to convey leasehold interests on airports is unnecessary and cumbersome.

Platting Procedures and Right-of-Way Acquisitions

The general process of subdivision rules simply does not work well in the context of right-of-way plats. For example, a typical subdivision is done to create lots, voluntarily with the landowner's consent. In contrast, right-of-way acquisitions are often accomplished under condemnation procedures, making such routinely required tasks as surveying, platting, boundary monumentation, signature approvals and recording, prior to conveyance, exceedingly difficult or impossible.

In recent years the various platting authorities in the organized borough (under the authorities of AS 09.55.275, 35.30.020, and 40.15.070) have required that their platting ordinances fully apply to our right-of-way acquisitions. Fortunately, most of these jurisdictions have discovered how atypical right-of-way plats really are, and in response have amended their ordinances to specifically address right-of-way platting. In general, the amended ordinances validated the long-standing procedures we had been following prior to local enforcement. One borough in particular, has not taken this relaxed approach, to the detriment of project advancement in their jurisdiction.

In many other states, state law specifically exempts right-of-way plats from the oversight of local platting authorities, in favor of a general mandate, to conduct such platting with regard to recording plat documents, and appropriate boundary monumentation. Such an exemption would be the best solution to our circumstances.

Moreover, the new definition of "subdivision" contained in Section 3 further ensnares our activities. In a recent Fairbanks project, a land owner objecting to a condemnation action challenged the state, in part, due to a claim that the state failed to comply with AS 40.15.200. The judge specifically ruled that our subdivision plat was exempt based on the existing definition of "a tract or parcel of land into two or more lots". By adding the new

For Further Information contact J.K. Ginger Johnson at 465-3904.

BILL NO: HB 352

TITLE: Subdivision Plat Approval: Unorganized Boroughs

DATE: February 9, 1994

clause "or by creation of public access" to the definition, we could lose future legal challenges. It is important to again point out the impracticality of requiring that we subdivide a piece of property, prior to conveyance, that is being purchased involuntarily.

Another feature of typical subdivision procedures is the time involved to provide public notice, hold hearings and proceed through multiple-step approvals. Yet our transportation projects are already subject to other public hearing and public notice requirements, making the subdivision public reviews tedious, expensive and a cause of delay.

We would urge that the legislation be amended to generally exempt right-of-way plats in favor of existing practices used by the department.

Leasehold Interest Lots on State Airports

Historically, when leasing lots on state-owned airports we have retained unallocated land until a leasing demand arises. Then, based upon the requirements of the lessee, the department establishes the lot size, access ways, and other requirements. In earlier versions of this bill (such as SB 81 in the previous Legislature) we successfully convinced the sponsor to insert language which declared that subdivision procedures do not apply to maps prepared for the purpose of transferring a leasehold interest.

We believe that a similar provision is beneficial to the important business development functions that airport leases play, and that the requirements of subdivision reviews, surveying, monumentation and recording, do not serve the public interest in these circumstances.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

January 28, 1994

The Honorable Jeannette James
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182

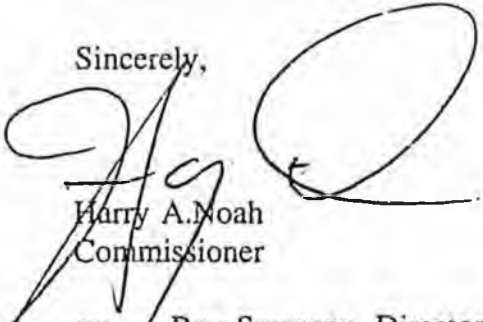
Dear Representative James:

The Department of Natural Resources supports the Sponser Substitute for House Bill 352, which includes the addition of the definitions of "streets" and "subdivisions." We also understand that the Alaska Society of Professional Surveyors also supports HB 352. They specifically requested that the bill include the definitions of "streets" and "subdivisions" as in the Sponsor Substitute. These two definitions are needed to establish a common definition of streets and subdivisions for use by all state agencies that are involved in permitting and approval of subdivisions. The lack of a common definition has made it difficult for surveyors to meet the requirements of all state agencies.

This bill will greatly benefit anyone purchasing or having property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale in these areas meets the applicable laws, reduces the chances of clouded title, ensures proper location of sale parcels, and ensures that all subdivided parcels have legal access.

Thank you for sponsoring this bill. If the Department can be of assistance, please contact Ron Swanson at 762-2692.

Sincerely,



Harry A. Noah
Commissioner

cc: Ron Swanson, Director, Division of Land

james-hb.352

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSSHB352 (CRA)

Revision Date: 11-Feb-94 Dept Affected: Natural Resources
 Title: Establishing DNR as Plotting Authority in BRU: Resource Development
certain areas of the State Component: Land Development
 Sponsor: Representative James
 Requestor: House Resources Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.0	70.0	70.0	70.0	70.0	70.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	80.0	70.0	70.0	70.0	70.0	70.0
1006 GF/MHTIA						
Other						
TOTAL	80.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY94) cost: \$ _____

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis page.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 11-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 11-Feb-94
 Agency: Natural Resources

ATTACHMENT A

BACK UP FOR FISCAL NOTE FY 95

PERSONAL SERVICES:

Anticipate 250 subdivision plats submitted for review per year.

Preliminary reviews will be performed by CSA II, at \$31.41 per hour.

Estimated review time will be 7.5 hours per plat.

250 plats X 7.5hrs/plat X \$31.41/hr = \$58,893.00 \$58,893.00

Final reviews and approval will be performed by CS I, at \$39.58 per hour.

Estimated review and approval time will be 0.75 hours per plat.

250 plats X 0.75hrs/plat X \$39.58/hr = \$7,421.00 \$ 7,421.00

TOTAL PERSONAL SERVICES \$66,314.00

CONTRACTUAL:

The State must purchase existing land records, survey plats and field survey notes from BLM and the recording offices to carry out the functions required by this bill. The one time purchase cost for microfiche copys of survey plats and field notes to cover the State is \$10,000.00. Document purchases from the recording office will be covered through the supply budget.

TOTAL CONTRACTUAL \$10,000.00

SUPPLY:

The supply budget will consist of phone calls, copy purchases from the Recorders Office, office supplies and space rent. Estimate of \$4,000.00.

TOTAL SUPPLY \$ 4,000.00

Analysis

This bill will greatly benefit anyone purchasing property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale meets the applicable laws, reduces the chances of clouded title, ensures proper location of parcels, and ensures that all subdivided parcels have legal access.

The committee substitute (House Community and Regional Affairs) added a section that authorizes the department to "adopt regulations establishing fees for the services provided." Fees are to include costs for personal, contractual, and material services. Based on this amendment this fiscal note reflects a change from general fund to general fund/program receipt funding.

We estimate that the DNR Survey Unit's work load will increase by approximately 250 plat reviews per year. Attached is a cost breakdown of dealing with this additional work.

We currently have existing regulations that should cover the costs of this program. These regulations cover both preliminary, final plat reviews and recording fees. These costs are \$200.00 per plat, with an additional charge of \$50.00 per parcel. At an average cost of \$350.00 per review, \$87,500.00 would be generated which is higher than our requested program receipt funding level of \$80,000.00. These plat review fees are comparable with existing borough platting fees.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1994

FURTHER REFERRALS:

Resources
Finance

Date of Committee Action: 2-10-94

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

SSHB 352

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352

SUBDIVISION PLAT APPROVAL: UNORGANIZED BOR

"An Act relating to the approval of subdivision plats in areas outside organized boroughs, in the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'street' and 'subdivision'."

CSSSB 352

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dep/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DNR

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jim Sanders</i>	✓	<i>E. J. Willis</i>		X	
<i>Don Bunde</i>	✓	<i>W. K. Williams</i>		✓	
<i>[Signature]</i>	✓				
<i>Harley Olberg</i>	✓				

Harley Olberg
CHAIRMAN'S SIGNATURE



One Sealaska Plaza
Suite 400
Juneau, Alaska 99801-1276
(907) 586-1512
FAX (907) 586-9214

March 10, 1994

Representative Bill Williams
Chairman, House Resources
State Capitol, Room 128
Juneau, Alaska 99801-1182

Re: House Bill 352

Dear Representative Williams:

Thank you for the opportunity to provide Sealaska Corporation's comments on the current version of House Bill 352 (CSSS HB 352). From Sealaska's perspective Section 3 of House Bill 352 modifies the definitions of "street" and "subdivision" found in AS 40.15. 290. The modification to the term "subdivision" is the most problematic for Native corporations. As discussed below, under a broad interpretation of the proposed definition, any parcel of land that is divided into two or more parcels by the creation of a public access would come within the definition of "subdivision" and within the purview of DNR's platting authority and the local government's taxing authority.

In a recent Alaska Supreme court decision, Kenai Peninsula Borough v. Cook Inlet Region, Inc., 807 P.2d 487 (Alaska 1991), the court intimated that the subdivision of land may bring that land within the definition of "developed" for tax purposes.

It is our view that AS 29.45.030 is consistent with ANCSA with respect to the meaning of developed. The definition of developed in that statute is broad enough to

Representative Bill Williams

March 10, 1994

Page -2-

include subdivided land which is ready for sale. Subdividing is legally a purposeful modification of property, for it enables separate parcels of the property to be sold. Similarly, as a sale of property is a use, a subdivision which suffices to permit sales effects a gainful and productive condition.

Id. 807 P.2d at 498.

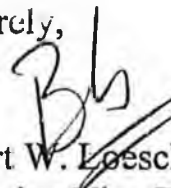
If this bill passes, vast areas of ANCSA land could be considered subdivided because many areas are bisected by 17(b) easements, public accessways. This amendment, in its broadest terms and possible interpretation, if adopted, will cause problems for the Native corporations. They may find their lands, which were previously undeveloped, to be now subdivided and perhaps "developed." As such, they would be automatically subject to the platting authority of DNR, and possible taxation, even though the owners have done nothing to develop the land, nor derived any economic benefit from it. To avoid this situation, Sealaska Corporation proposes that the enclosed draft committee substitute be advanced. This proposal exempts lands conveyed to Native corporations from the broad definition of "subdivision." Specifically, Sealaska proposes the addition of "by the landowner or, except for lands owned by corporations organized under Public law 92-203" to the new text in Sec. 3(2)(A), and the addition of "or corporations organized under Public Law 92-203," in Sec. 3(2)(B).

I understand that this bill is presently in House Resources but has not been scheduled for a hearing at this time. Once this bill has been scheduled for a hearing, Sealaska Corporation is prepared to offer testimony at that hearing as well as provide any other support that your office needs.

Representative Bill Williams
March 10, 1994
Page -3-

Thank you again for the opportunity to provide you with Sealaska Corporation's comments on CSSSHB 352. If there are any questions, please contact me.

Sincerely,



Robert W. Loescher
Executive Vice President
Natural Resources

RWL/SFS/amt

Enclosure: Proposed draft of CSSSHB 352(RES)

cc/enc: Leo Barlow
Bruce Keizer
Rick Harris
Ernie Hillman
Senator Randy Phillips
Senator Loren Leman
Senator Georgianna Lincoln
Senator Fred Zharoff
Senator Jim Duncan
Senator Robin Taylor
Senator Al Adams
Representative Harley Olberg
Representative Jerry Sanders
Representative Cynthia Toohey
Representative Con Bunde
Representative John Davies
Representative Ed Willis
Representative Bill Hudson
Representative Jerry Mackie
Representative Eileen Maclean
Commissioner Harry Noah
Sam Kito
AFN Land Managers
Julie Kitka
SEPA

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE WILLIAMS BY REQUEST

Introduced: _____

Referred: _____

Sponsor(s): Representative Williams

A BILL

FOR AN ACT ENTITLED

"An Act relating to the approval, change, or vacation of subdivision plats in areas outside organized boroughs, in the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'street' and 'subdivision'."

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

*** Section 1.** AS 40.15.070 is amended to read:

Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or dedicated is situated within a first or second class borough, the proposed subdivision or dedication shall be submitted to the borough planning commission for approval. If the land is situated within a city in the unorganized borough or the third class borough, the proposed subdivision or dedication shall be submitted to the city planning commission for approval. The borough planning commission is the platting authority for the first or second class borough, the city planning commission is the platting authority for the city, and the Department of Natural Resources is the platting authority in the remaining areas of the state and third class borough [FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS, AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a planning commission, the borough assembly or the city governing body, respectively, is the platting authority and the proposed subdivision or dedication shall be submitted to it. A subdivision may not be filed and recorded until it is approved by the platting authority.

* **Sec. 2.** AS 40.15.075 is amended to read:

Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGH. The Department of Natural Resources is the platting authority in the area outside organized boroughs and outside cities in the unorganized borough and in the third class borough. The Department of Natural Resources may not disapprove a new subdivision plat except for failure (1) to comply with applicable state law; or (2) of the plat to provide for, or otherwise specify, access to each lot, site, or other division of the subdivision. The Department of Natural Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions for the change or vacation of plats [AND] shall execute this function substantially in conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid to the Department of Natural Resources by the petitioner. The Department of Natural Resources shall adopt reasonable regulations governing the exercise of the authority conferred by this section and may adopt regulations establishing fees for the services provided under this section. Fees established under this section shall reflect the administrative cost to the department and must include costs for personal, contractual, and material services. A fee established under this section is in addition to other charges authorized by this section.

* **Sec. 3.** AS 40.15.290 is amended to read:

Sec. 40.15.290. DEFINITIONS. In this chapter,

(1) "street" means an access way in common use including all of the land lying within a dedicated right-of-way as delineated on a plat showing streets, whether improved or unimproved [INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

(2) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots by the landowner or, except for lands owned by corporations organized under Public Law 92-203, by the creation of public access [, SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR AREAS SUBDIVIDED];

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, [OR] remote parcel plats created by or on behalf of the state, or

corporations organized under Public Law 92-203, regardless of whether these plats include easements or other public dedications, or plats prepared by the Department of Transportation and Public Facilities for the purpose of transferring leasehold interests at state-owned airports or creating or adjusting right-of-way boundaries.

COOK INLET REGION, INC.

March 2, 1994

Mr. William K. Williams, Chairman
House Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

SUBJECT: House Bill 352

Dear Mr. Williams:

It is my understanding that CS for Sponsor Substitute for House Bill 352 (CRA) has been referred to the House Resources Committee. It is my further understanding that HB 352 has not, as of this date, been scheduled for a hearing in your committee.

Initially SB 211 was incorporated into HB 352 via a sponsor amendment. The Community and Regional Affairs Committee further amended HB 352 to exempt plats from the definitions of "subdivision" that are prepared by the Department of Transportation and Public Facilities for the purpose of transferring leasehold interests at State-owned airports or creating or adjusting right-of-way boundaries.

The bill, as currently drafted, has the potential for creating serious problems for ANCSA corporations. Federal law defines "developed" land as "a purposeful modification of land for its original state that effectuates a condition of gainful and productive present use without further substantial modification".

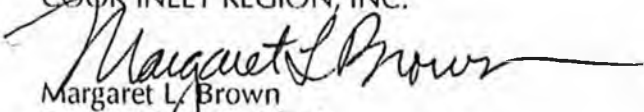
Proposed language in Section 3(2)(A) of HB 352 contradicts Section 907 of ANILCA, as amended, (43 U.S.C. 1636) subsections (B)(2)(i) where it is specifically noted that construction of roads, surveying, providing utilities, or other similar actions, which are normally considered to be component parts of the development process shall not constitute a developed state.

If our analysis is correct, the passage of HB 352 as currently drafted is in conflict with federal law relative to ANCSA lands. Therefore, we request that the bill not be granted a hearing until the issue can be more thoroughly reviewed.

Thank you for your consideration in this matter. Please feel free to contact Mr. Lawrence Kimball, whom I believe you know, of my staff to further discuss this issue.

Sincerely,

COOK INLET REGION, INC.


Margaret L. Brown
Senior Vice President

1/4026



HOUSE RESOURCES COMMITTEE

DATE: 3-18-94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 446 - Environmental Conservation Agreements
 HB 462 - Mining Requirements, Recording/Labor/Size
 HB 352 - Subdivision Plat Approval: Unorganized Bor.

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Mead Treadwell	ADEC	410 Willoughby Ave, Ste 105/Anchorage	99801	364 3430	465 5665	(Y) N	446.
JERRY GALLAGHER	DWR				465-2400	(Y) N	462
Don Swanson	DWR				262-2692	(Y) N	352
Rich Harris	SEMASIA	ONE SEMASIA PLAZA SUITE 400	99801	586-1512 786-3909	586-1512	(Y) N	352
MARY A. NARDACE	AMA	P.O. Box 21211 SUNBAU 99802			586-3340	(Y) N	462
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

357

HOUSE COMMITTEE REPORT

(9) Date Referred: January 10, 1994 FURTHER REFERRALS: Judiciary
 Finance

Date of Committee Action: 4/6/94

The RESOURCES Committee considered: HB 357

HOUSE BILL NO. 357 REMOVE LIENS ON MENTAL HEALTH LAND
 "An Act confirming and ratifying the conversion of certain former mental health to general grant land and disposals of that land, canceling the lis pendens notices recorded in state public records against third-party holdings of former mental health trust land, and urging the attorney general to seek the dissolution of a related injunction; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with _____ a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____ fiscal note(s) _____

zero fiscal note DNR, LAW zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Sharonette James</i>	<input checked="" type="checkbox"/>	<i>Bill Hudson</i> ^{Head Con} ^{Needs} ^{AMEND. 7}			<input checked="" type="checkbox"/>
		<i>[Signature]</i> ^{Carney}			<input checked="" type="checkbox"/>
		<i>[Signature]</i> ^{Green}			<input checked="" type="checkbox"/>
		<i>[Signature]</i> ^{Finkelstein}	<input checked="" type="checkbox"/>		
		<i>[Signature]</i> ^{Davies} ^{ONLY WITH AMEND.}			<input checked="" type="checkbox"/>
		<i>[Signature]</i> ^{Bunde}		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>			<input checked="" type="checkbox"/>

W.K. Williamson
 CHAIRMAN'S SIGNATURE



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3715

LETTER OF TRANSMITTAL FOR HB 357 TO FURTHER COMMITTEES OF
REFERRAL FROM THE HOUSE RESOURCES COMMITTEE

April 6, 1994

The House Resources Committee has moved House Bill 357 out of committee unamended, but in doing so, the Committee unanimously agreed to forward a letter to the next committee(s) of referral expressing a desire to have the bill amended.

The Resources Committee wishes to have House Bill 357 amended before coming to the House floor to include language providing for a specific land exchange to resolve the problem of third-party holdings, rather than simply a "promise" of an exchange as in the original HB 357.

Signed,

A handwritten signature in cursive script, appearing to read "Bill Williams".

Rep. Bill Williams, Chairman
House Resources Committee

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006
House District 34

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

HOUSE BILL 357

SPONSOR STATEMENT

The purpose of House Bill 357 is to release third-party holdings, including the "Moms and Pops", from the Mental Health Lands litigation.

I filed HB 357 at the beginning of this session because I did not see much hope of a settlement for the Mental Health Lands issue based on court decisions and I felt it was time to free the Moms and Pops from the damaging situation in which they have been stuck for years.

Subsequently, I put the bill on hold at the request of the DNR Commissioner and the Attorney General who said the Administration had another plan and asked me to wait a few weeks to give their settlement a chance to work.

Now, nearly three months later, I am still not convinced the Administration's plan will succeed and I feel compelled to bring my bill through the committee process. Somehow, by the end of this session, we must at least try to take care of the tragic situation in which the state of Alaska is holding the Moms and Pops hostage.

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB357

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act confirming and ratifying the conversion BRU: Resource Development
of certain former mental health to general grant land and disposals..." Component: Land Development
 Sponsor: Representative James
 Requestor: Representative James Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

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)

There is no anticipated fiscal impact to the Department of Natural Resources associated with this bill.

Prepared by: / Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 6-Apr-94
 Approved by Commissioner: [Signature] Date: 6-Apr-94
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 357

Revision Date: February 24, 1994
Title: "...canceling the lis pendens notices...against third-party holdings of former mental health trust lands..."
Sponsor: Representative James
Requestor: Representative James

Department Affected: Department of Law
BRU: Legal Services
Component: Mental Health Lands
COMPONENT SERIAL NO. 1421

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Division Date: February 24, 1994
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: February 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 357

ANALYSIS CONTINUATION:

This bill would eliminate the third-party encumbrances on more than 3,100 parcels of former mental health trust lands, involving nearly 50,000 acres, that have been conveyed to third parties, and that were subsequently encumbered in the Weiss v. State litigation. Although the plaintiffs will most likely challenge the elimination of the encumbrances, adoption of this bill may help advance the state's cause in the overall mental health trust litigation. Funds are available in the existing mental health lands budget, established to implement of the Chapter 66 settlement and to handle resultant litigation, for the state to defend against a challenge.

HB

366



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

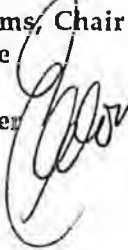
- CHAIR -
LEGISLATIVE COUNCIL

- CO-CHAIR -
HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

MEMORANDUM

TO: Representative Bill Williams, Chair
House Resources Committee

FROM: Representative Eldon Mulder 

SUBJ: Hearing of HB 366

DATE: Thu, Jan 27, 1994

I respectfully request that the House Resources Committee schedule a hearing on HB 366, relating to the management of Cook Inlet sockeye salmon. My staff is currently compiling backup information for the bill which will be forwarded to you as soon as possible. The Alaska Department of Fish & Game is also currently compiling fiscal information and a position statement which will be forwarded to your office upon completion. Please contact my office if you have any questions. Thank you.



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDON-F.T. RICHARDSON

- CHAIR -
LEGISLATIVE COUNCIL

- CO-CHAIR -
HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

Representative Mulder Introduces Cook Inlet Sportfishing Allocation Bill

1/13/94

FOR IMMEDIATE RELEASE

CONTACT: REP. ELDON MULDER: 465-2647

Legislation that would set aside 15 percent of the projected Cook Inlet commercial sockeye harvest for sport fishing on the Kenai, Susitna and other river systems has been introduced by Representative Eldon Mulder (R) Anchorage. The legislation, House bill 366, is co-sponsored by 19 members of the House of Representatives, including House Speaker Ramona Barnes (R) Anchorage, and Finance Committee Co-Chair Ron Larson (D) Palmer.

"This bill," said Mulder, "will give Cook Inlet sport fishermen their fair share of the red salmon resource. We've appealed to the Board of Fisheries for a greater allocation and they haven't listened. So now we're taking it to the Legislature." Mulder said the issue revolves around equity. "Fish is a resource, and the Constitution says resources belong to all the people of the state. This measure is fair to everybody involved."

Mulder said that for years, sports interests in the entire Cook Inlet system have received an allocation that is not fair. "The demand by sport fishing groups has increased, but the allocation has remained the same. What this bill means is that sport fishermen will have an opportunity to catch more red salmon"

Board rejects plea for

By CHRIS GRYGIEL
The Associated Press

The state Fisheries Board has rejected proposals to set aside a larger percentage of Cook Inlet's commercial salmon harvest for sport fishing.

Supporters of the two proposals say the action demonstrates contempt for sportsmen.

But Board Chairman Tom Elias said Thursday the proposals did not meet strict guidelines, and that the board had no choice but to reject them during its meet-

ing in Ketchikan this week.

With the board's rejection, the fight for the proposals shifts to Juneau. Advocates on both sides say any action lawmakers take could set a precedent for other state regulatory boards.

Anchorage-area lawmakers are pushing legislation that also would take red salmon away from commercial fishermen and give them to sport fishermen.

"It's beyond my comprehension that these people don't understand that sports fishermen have as much

right as commercial fishermen," Rep. Eldon Mulder said Thursday.

The Anchorage Republican is the prime sponsor of a measure that would set the sport catch at 15 percent of Cook Inlet's commercial red salmon catch every summer.

State policy classifies red salmon as a commercial species, and sport fishermen catch about 5 percent.

Mulder said he had hoped his introduction of the bill would force the board to address the concerns of sport fishermen.

more Inlet sport fishing

"I'm really disappointed," he said. "It leaves me little alternative but to push as hard as we can on the legislation we have."

Phil Cutler, president of the Alaska Sports Fishing Association, said his group had spent a lot of time on its proposals and believed they met all administrative codes.

"We've gone to the gamut with the Board of Fisheries and they have not addressed the situation," he said.

But Elias said board rules forced members to reject the

proposals. He said the sport fishermen would have had to show a biological emergency in Cook Inlet for the board to approve the requests.

"We would like to hear this, but our hands are kind of tied," he said.

Cutler said sport fishermen are counting on the legislature to help them out. But he said his group was not happy about having to take its case to lawmakers.

Elias said if lawmakers take up the Cook Inlet issue, they will be deluged by re-

quests from groups upset over other state boards' decisions.

"I think the legislature would be extremely stupid to take it up," he said. "It would be opening up a Pandora's box."

The board, whose members are appointed by the governor and approved by the legislature, is responsible for managing the state's fisheries. It was set up to remove management as much as possible from political influence.

Political fires are set

In response to SB241 and HB366, a story:

Bob Penney is chief of the River Guide Money Changers Tribe and is known for his ability to hoard much Shiny Stuff using smoky fires, and holding king salmon in the air during Councils of Fish. Penney's tribe only recently came into the North Country, and they wore false masks of Everyone Citizen. As they fed on Everyone's salmon, they grew in number, until the quiet murmurings of ordinary folks were drowned out by the ever-louder River Guide tribal chant of Gimme, Gimme, Gimme

Most of the local tribes ignored Chief Bob, but his shiny stuff attracted politicians like Ramona Barnes, Eldon Mulder, Rick Halford, Johnny Ellis and others, who also liked smoky fires to hoard stuff and hide in. Chief Bob is very jealous of a local tribe, the Commercial Fishers, and he wants their food, the red salmon, for his River Guide Tribe. So, being true to his tribal song of Gimmee, Gimmee, Gimme, he sent his political flunkies to the Council By The Waters, to set smoky fires and steal salmon. The plan was to steal 15 percent the first year, 15 percent the second and, as the Commercial Fisher Folk starved out, to steal the rest.

Today, the fires have been set and the flunkies are preparing to steal salmon. I think, however, with all the hot air at the council, a breeze will blow, clearing the smoke and exposing the deceit and false masks. Then, if we banish the flunkies and send Chief Bob back to polishing his smoke-tarnished Shiny Stuff, peace will reign and all the tribes will live together, forever.

— Eric Thompson

Meeting to address longevity

Alaska State House Bill 81 eliminated the state Longevity Bonus Program for any Alaska resident turning 65 after Dec. 31, 1990.



not really matter because some men school board are going to vote the way to and don't care what the taxpayer school board that really undermines and values of the community.

They also are sick and tired of the public schools. It is

Brock See for donating the fish we served. We also wish to thank Safeway,

University of Alaska for supporting the Nikiski Bulldog Hockey Team: A.E. Poynor for writing an entertaining again!

Robin Bennett Nikiski

Will legislators manage fish like finances?

Let's see if I have this straight. A group of Anchorage politicians, backed by a multimillionaire who likes to fish, thinks they know best how to manage fishing on the Kenai River.

Never mind that the state Department of Fish and Game has oodles of biologists looking at this very issue, or the state has a long-standing board in place to deal with these same issues, it's an election year, darn it, and some Anchorage boys with big pickups want to catch more reds.

Sounds good to me.

Both sides of the issue like to quote mind-numbing numbers of fish compared to the economic value those fish generate in the community. That's the only way something like resource management can be managed is by economic value, you know.

The whole pot of fish stew boils down to a simple idea. Sport fishers want the commercial fishing industry to fish less, because then they could trample the bank of the Kenai River even more while wearing their fancy little vests. Besides, with the new rules, sport fishers might get to keep six eight-pound fish instead of only two, and that's important.

I've been told by many a sport fisher



DIRK VINLOVE

standing in goopy muck along the Kenai River that the reason it's so hard to catch fish is because the commercial fishers have a curtain of nets across the mouth of the river. I went to check that out and only saw a bunch of beluga whales. The whales were eating fish, but they can't go to the supermarket to get their meat like Anchorage hunters anyway.

Tourism statistics show that most Kenai Peninsula sport fishers are actually Anchorage residents. Maybe they have bad maps in Anchorage, because part of this whole problem is most of those same people seem unwilling to recreate more than 10 feet off the established road system.

There are so many lakes and streams that bear fish on the Kenai Peninsula that

there is no need for bumper-to-bumper pickups pulled just off the road whenever the Kenai River is in sight. The sad fact is the fish are a little bigger on the Kenai River, and someone built a road too close to the river.

No matter what is done, the whiner-type sport fisher will never be happy anyway.

Last time I checked there was an over escapement of reds into the Kenai River last year. That means more fish than is healthy made it past commercial nets and sport hooks and lines to spawn. The whole question of what percentage of the red run the sport fishers were allowed last year was moot because of this, yet I still got a "Red Alert" flyer snick under my windshield wiper whenever I parked in the parking lot at the mall in Soldotna.

So I guess we might as well let the Legislature manage fishing on the Kenai River. I'm sure they will do a great job, mainly because they did such a great job with the budget last year.

I just can't wait until a judge orders sport fishers to replace 600 million reds in the Kenai River.

Dirk Vinlove is a reporter for the Peninsula Clarion.

Doonesbury

BY GARRY TRUDEAU



FROM THE OFFICE OF
REP. MIKE NAVARRE
FOR YOUR INFORMATION

Clarion - Jan 18, 1994

Fish allocation not Legislature's job

For your information
distributed by Rep. Gary Davis

The fight over fish allocation that darkens just about every fishing season in Cook Inlet has now moved to the halls of the Capitol.

The proposal being pushed by some key Anchorage-area legislators would set the sport-fishing catch of sockeye salmon at 15 percent of the commercial red catch. Under the current policy, sport fishers catch about 5 percent.

The issue we're most concerned with — and the one that should concern other Alaskans — is not whether sport or commercial fishers should get more fish but whether it's the Legislature's job to get in the fish allocation business.

We've said it before and we don't mind repeating it: Fish management is no job for legislators. It's tough enough for the Board of Fish, which has been appointed to make those difficult decisions based on sound biological information.

It's interesting that in an election year a bunch of legislators want to make a lot of their sport-fishing constituents feel good by promising to get them more fish to catch on the Kenai River. (It should be noted that the allocation bill also applies to the Susitna and all other river systems draining into Cook Inlet.)

We can't help wonder if these legislators are just casting for votes, hoping to snag them with a popular issue. Consider the tactic; if someone were to ask almost anyone who sport fishes in the Cook Inlet area if they'd like to catch more reds, the answer, it's a safe bet, would be "yes."

But, ask the same people if they want the Legislature to be making fish allocation decisions, and we're sure "no" would be the overwhelming response.

The Legislature has enough important jobs to do — getting the budget under control should be No. 1 — without meddling in fish allocation.

In the event, however, the Legislature chooses to do what should be left to the Board of Fish, then it must also address what it's going to do about the added people pressure to the Kenai River and other Cook Inlet drainages.

How much more people pressure can the Kenai River take? Certainly, those legislators pushing for more reds for sport fishers know that such a change will mean more people coming to fish on a river where, on most fishing days, it's hard to imagine squeezing in even one more person with a rod and reel.

Most people realize people pressure is damaging the precious fish habitat which ultimately will mean disaster to the Cook Inlet fish runs if something isn't done to check it. Inviting more people to come and fish — as the proposal giving sport fishers a greater portion of the red catch will do — is not exactly taking care of the habitat.

Is the Legislature prepared to come up with some system to reduce the pressure on the Kenai while increasing the number of fish for sport fishers? Maybe it could consider a proposal where half the sport fishers can fish only on odd-numbered days and the other half on even-numbered days? Maybe only out-of-state people could fish on even-numbered days and Alaskans could fish on odd-numbered days? Maybe the Legislature wants to put what days people can fish on individual fishing permits? Maybe it could place more limitations on sport-fishing guides? Or restrict access to popular areas?

We can understand that promising sport fishers a bigger share of the red catch would be a popular thing for legislators to do, but fish allocation is best left to the Board of Fish. Forgive the pun.

NEWS CLIPPINGS IN
Anchorage Daily News

Fishing review planned

Panel will reconsider Cook Inlet allocations

By TOM KIZZIA
Daily News reporter

Boistered by the appointment of two new sport fishermen, the state Board of Fisheries agreed Monday to create a task force to reopen the controversial question of who gets Cook Inlet's salmon.

Meanwhile, Fish and Game Commissioner Carl Rostler told the board he will ask biologists to reinterpret existing policies this summer to increase the daily sport-fish limit for red salmon on the Kenai River to three.

"I think we've gained the beginning of something quite positive," said Phil Cutler, president of the Alaska Sportfishing Association. "We got our three-fish (daily) limit back. It does nothing to put more fish in the river, but it might relieve some of the outcry."

Commercial fishermen may lose some fishing time, but Monday's actions appear balanced, said Loren Flagg, executive director of the Kenai Peninsula Fishermen's Association, a setnetters group. He said Rostler's decision to allow anglers three reds a day from the Kenai could reduce pressure in Juneau for a new law giving sport fishermen more reds.

"I would think this would help defuse some of the controversy in Juneau over

Please see Page 8-2, FISH

FISH: Cook Inlet allocation

Continued from Page B-1

those bills," Flagg said.

Meeting in Cordova this week, the fish board once again turned down a sport fishermen's request to take up Cook Inlet salmon as an emergency issue. But instead of the 7-0 votes of recent meetings, this time the vote against reopening Cook Inlet was 4-3. Voting in favor of the measure were Trefon Angason and new members Larry Engel and Dick Bower.

Engel and Bower were appointed earlier this month by Gov. Wally Hickel after sport-fish groups complained their predecessors on the board had not stood up for anglers' interests, particularly on Cook Inlet issues. Those same groups have pushed for the legislature to step into fish management, normally the fish board's responsibility, and allocate more Cook Inlet reds to sport fishermen.

The board agreed Monday to create a task force composed of various users of Cook Inlet salmon to make recommendations for changing the current allocation plan. Appointments to the board will probably be made in March, said Ken Flacey, a regional commercial fisheries supervisor with the Department of Fish and Game. Under the current schedule, the fish board is not expected to take up Cook Inlet management issues again until late 1993. But the board may decide to take up the recommendations of a task force sooner than that, Flacey said.

"I think there was agreement that the Cook Inlet management plan is not perfect," Cutler said. "If you're going to make changes, you want the user groups to buy into them. That saves the board from having to make the real tough decisions."

A key to making the delay palatable to sport fisher-

plan to be reviewed

men was a lunch-hour teleconference between the board and Rostler in which the commissioner said he would loosen sport restrictions for the time being.

The existing Cook Inlet plan sets aside the midsummer red salmon runs primarily for commercial fishermen and allocates most king and silver salmon runs for sports fishermen. But sport fishermen have clamored in recent years for more reds, especially from the Kenai River.

Last summer, the state cut back the daily bag limit in the Kenai River from three fish to two to enforce the current plan. That plan holds anglers to 10 percent of the fish reaching the river. Rostler said Monday that he will tell biologists to consider 10 percent a "guideline" rather than a "hard cap." That way, fishermen can begin the year with a three-fish limit, and be cut back if the run proves unexpectedly weak, Rostler said.

"We're trying to operate within the plan, but a different interpretation of the plan," he said.

Such an approach appears to liberalize the sport-fish rules at the same time that Rostler is saying commercial nets will be managed more conservatively because of forecasts of a poor salmon run. But last year's two-fish limit was probably unnecessary because so many fish entered the river, Flagg said.

"Looking back, we had all this aggravation and disharmony over the two-fish limit, and yet they added up 100,000 over their maximum goal," Flagg said. "I think they're realizing they could have done things differently."

The state tries to allow 400,000 to 700,000 runs past the Kenai River each summer. Last year, with sport fishermen restricted, 913,000 fish passed the counter.

ALASKA STATE LEGISLATURE

Delta Junction Office.
P.O. Box 1189
Delta Junction, AK 99737-1189
907-895-4236



While in Juneau:
State Capitol, Room 110
Juneau, AK 99801
907-465-4859

Representative Harley Olberg

MEMORANDUM

TO: Representative Ramona Barnes, Speaker
Alaska House of Representatives

Representative Gail Phillips, Majority Leader
Alaska House of Representatives

FROM: Representative Harley Olberg

A handwritten signature in cursive script that reads "H. Olberg".

DATE: January 19, 1994

RE: House Bill 366 committee referral

I regret that I will not be in attendance at the Thursday, January 20th Majority caucus scheduled for 10:00 am.

Should the issue of committee referrals of House Bill 366 "Management of Cook Inlet/Kenai River salmon" come up for discussion, I would like to make the following two points:

- 1) It seems that a fisheries issue, which House Bill 366 is should be referred to the Special Committee on Fisheries and;
- 2) It appears to me that we are asking too much of Representative Williams, who is the Resources Chair, to take all the heat on this controversial piece of legislation.

Thank you for your kind attention.

HO/spp

cc: Rep. Carl Moses, Special Committee on Fisheries Chairman
Rep. Bill Williams, Resources Committee Chairman

COOK INLET SPORTFISHING COMMITTEE
3620 Penland Parkway
Anchorage, Alaska 99508
(907) 276-2222

December 23, 1993

Representative Harley Olberg
P.O. Box 1969
Valdez, Alaska 99686

Dear Mr. Olberg:

House Speaker Ramona Barnes suggested we address a letter to you and tell you how important this bill would be to people along the railbelt.

Many people from Fairbanks fish the tributaries of Cook Inlet each year for different species of salmon. This bill would provide about twice as many reds to the sportfishing public as we have harvested historically.

The number of reds we've been allocated for over eight years has been fixed, while the need and demand from the public has increased at least ten fold.

The bill would also allow a bigger escapement of mixed stock salmon into upper Cook Inlet. It really is in the public's best interest.

We'd appreciate it if you would join with many other of the railbelt legislators in helping sponsor this important public legislation. We'll be contacting you next week to answer any questions you may have.

Sincerely,

Cook Inlet Sportfishing Committee
Robert C. Penney (276-2222)
Larry J. Engel (745-4132)

cc: R. Barnes

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MULDER, *BARNES*

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the management of Cook Inlet stocks of salmon."

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

3 * Section 1. AS 16.05 is amended by adding a new section to read:

4 Sec. 16.05.740. MANAGEMENT OF COOK INLET SOCKEYE SALMON.

5 Subject to AS 16.05.258, it is the policy of the state that each year a number of
6 sockeye salmon equal to at least 15 percent of the sockeye salmon from Cook Inlet
7 stocks taken in the commercial Cook Inlet drift gill net and east side Cook Inlet set
8 net fisheries be utilized exclusively for sport fishing purposes in the Kenai, Susitna,
9 and other river systems draining into Cook Inlet. The in-river harvest of Cook Inlet
10 stocks of sockeye salmon in the Cook Inlet region for sport fishing purposes shall be
11 allocated among the river systems of the region in the proportion that each river
12 system has traditionally contributed the production of sockeye salmon.

December 6, 1993

Attachment:

SUGGESTED LEGISLATIVE INTENT

Passage of the attached bill should also carry some legislative intent.

1. In the event it is necessary to harvest any reds surplus to the escapement, it is assumed that the Board of Fish will give the department the right to open a dip net fishery (with an appropriate bag limit) in the Kenai from the river mouth to approximately river mile 40. It's assumed such a dip net fishery would be disallowed from the river's banks but only allowed from a boat, a dock, a riverside board/metal walkway, or a gravel bar.
2. The term "minimum of 15%" is meant to allow for additional sports or public harvest if such need for more fish is evident on a yearly basis.
3. The number of Kenai River reds allocated for the sports fishery shall be measured by their crossing of the red counter at mile 19 of the Kenai River.
4. An additional red salmon sonar counter should be installed at approximately mile 41 of the Kenai to more accurately count the red salmon actually escaping onto the spawning grounds. It would require a separate bill to secure the \$150,000.00 funding.

12/6/93

DITTMAN RESEARCH CORPORATION

DRC BUILDING
8115 JEWEL LAKE ROAD
ANCHORAGE, ALASKA 99552(907) 243-3345
FAX (907) 243-7172

FAX COVER SHEET

DATE: November 11, 1993

TO: (NAME) Bob Penney
(COMPANY) Kenai River Sport Fishery, Inc.
(ADDRESS) _____
(PHONE #) _____
(FAX #) (808) 667-0366FROM: (NAME) Dave Dittman
(OPERATOR) M.N.TOTAL PAGES TO
FOLLOW COVER SHEET: 5

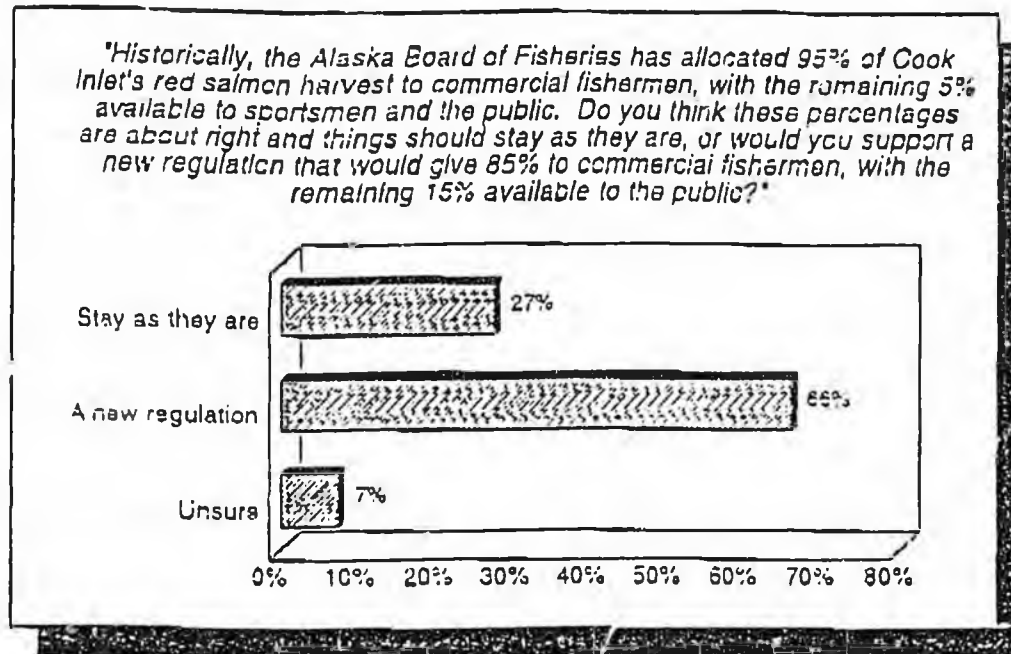
COMMENTS:

Draft report to follow.

IF YOU DO NOT RECEIVE ALL PAGES INDICATED ABOVE,
PLEASE CALL US AS SOON AS POSSIBLE -- (907) 243-3345

FINDINGS

Overall, by well over a 2:1 ratio (66% to 27%), Alaskans living in Anchorage, the Matanuska-Susitna Valley and Kenai Peninsula report they support a new regulation that would reduce the red salmon allocation to commercial fishermen in Cook Inlet from 95% to 85%...



Regionally, Anchorage residents are more likely to support a new regulation...

<u>REGION:</u>	<u>STAY</u>	<u>NEW</u>	<u>UNSURE</u>
Anchorage	22%	71%	7%
Southcentral	36%	56%	8%

...however, there is little difference based on whether citizens are registered to vote or not...

<u>VOTER REGISTRATION:</u>	<u>STAY</u>	<u>NEW</u>	<u>UNSURE</u>
Registered	27%	66%	7%
Not registered	24%	68%	9%

...or how they are registered...

<u>VOTER PARTY:</u>	<u>STAY</u>	<u>NEW</u>	<u>UNSURE</u>
Democrat	25%	67%	9%
Republican	29%	68%	4%
Non-partisan	26%	65%	9%

Younger people are more likely to support the status quo...

<u>AGE:</u>	<u>STAY</u>	<u>NEW</u>	<u>UNSURE</u>
18-29 years of age	49%	44%	7%
30-45 years of age	22%	70%	8%
46-59 years of age	25%	67%	8%
60 years or older	27%	69%	3%

...and more recent arrivals to Alaska are more likely to be "unsure", but otherwise respondent preference on this issue is basically consistent regardless of length-of-time-in Alaska...

<u>TIME IN COMMUNITY:</u>	<u>STAY</u>	<u>NEW</u>	<u>UNSURE</u>
Less than 5 years	27%	59%	15%
5-9 years.....	22%	73%	5%
10-14 years.....	25%	70%	5%
15 years or more	28%	67%	5%

METHODOLOGY

During the period October 27 through November, 1993, three hundred fourteen (n=314) Alaskans over the age of 18, located in Anchorage and Southcentral Alaska were personally contacted by telephone by professional interviewing employees of the Dittman Research Corporation of Alaska. The views and opinions of the Alaskan residents were recorded on a strictly confidential basis.

Research Design

A random sample design was featured which provided that all households listed in the most current telephone directory for each community had essentially an equal chance of being interviewed.

Sample Selection

The sample was randomly selected from the most current telephone directory for each community.

Processing the Data

Dittman Research employees completed coding, editing, data entry and verification, while data processing was completed through the in-house Dittman Research Corporation computer system featuring the Statistical Package for the Social Sciences (SPSS/PC+) program. The SPSS program is one of the most sophisticated research-oriented data processing and analytical systems available, and is designed specifically for the processing and analysis of survey research data.

Measurement History

Citizen opinion measurements by the Dittman Research Corporation, using the methodology described in this methodology, analytical procedures and data processing systems, have proven to be virtually perfect predictors of political election results in Alaska for the past twenty years.

RED SALMON H... ST TO COMMERCIAL FISHERMEN, WITH THE REMA... G 5% AVAILABLE TO SPORTSMEN AND... E PUBLIC. DO YOU THINK THESE PERCENTAGES... ABOUT RIGHT AND THINGS SHOULD STAY AS THEY ARE, OR WOULD YOU SUPPORT A NEW REGULATION THAT WOULD GIVE 85% TO COMMERCIAL FISHERMEN WITH THE REMAINING 15% AVAILABLE TO THE PUBLIC?

DEMOGRAPHICS	UNSURE	STAY AS THEY ARE	NEW REGULATION	BASE
TOTAL.....	7%	27%	66%	100.0%
LOCATION				
SOUTHCENTRAL.....	8%	36%	56%	32.3%
ANCHORAGE.....	7%	22%	71%	67.7%
MALE.....	7%	20%	72%	48.4%
FEMALE.....	7%	32%	60%	51.6%
18-29 YRS OF AGE...	7%	49%	44%	10.9%
30-45 YRS.....	8%	22%	70%	49.0%
46-59 YRS.....	8%	25%	67%	24.2%
60+ YEARS OF AGE...	3%	27%	69%	15.8%
UNION HOUSEHOLD				
UNSURE.....	27%	36%	36%	1.0%
YES.....	10%	19%	71%	24.3%
NO.....	6%	29%	65%	74.7%
REGISTERED TO VOTE				
UNSURE.....	0%	0%	100%	.3%
YES.....	7%	27%	66%	88.9%
NO.....	9%	24%	68%	10.7%
DEMOCRAT.....	9%	25%	67%	16.8%
REPUBLICAN.....	4%	29%	68%	24.3%
GREEN/LIB/AIP.....	0%	30%	63%	7.3%
NON-PARTISAN.....	9%	26%	65%	51.5%
TIME IN COMMUNITY				
0-4 YEARS.....	15%	27%	59%	21.1%
5-9 YEARS.....	5%	22%	73%	11.5%
10-14 YEARS.....	5%	25%	70%	17.0%
15+ YEARS.....	5%	28%	67%	50.4%

Cook Inlet Sportfishing Committee
3620 Penland Parkway
Anchorage, Alaska 99508

December 6, 1993

Dear Legislator:

On behalf of sport fishing enthusiasts, we appeal to you as our court of last resort. We know you don't wish to involve yourselves in fish allocation issues, but we have no other choice. The Board of Fish has continually denied the public's overwhelming requests for more of the Kenai River's plentiful run of sockeye or red salmon. The public lost again in November of '92 on a negative vote of 7-0 for an additional sports allocation. More recently, last October the Board again refused to approve several agenda change requests for a larger sports allocation. Consider the following:

- * 1,100 Cook Inlet commercial fishers are allocated 95% of the red harvest while 46,000 sportfishers get only 5%.
- * When voting against more reds for the public last year by 7-0, the Board confirms the current plan which resulted in ADF & G reducing the sports harvest limits from three salmon to two and further restricted sport fishing time by one third. They gave those fish to the commercial fishery. This resulted in the sportsfishery getting less than 2% of the available harvest.
- * Earlier this year, thousands of tourists vowed never to return when the Board's actions shut down escapement into the Kenai for 23 of 24 straight days by commencing back to back 24 hour "emergency openings". The rationale given was there were "too many reds". The sole beneficiary was the commercial fishery.

- * The Kenai River now boasts the largest sport salmon fishery in our nation. It holds more sport world records for salmon than any other river in the world. Yet the Kenai is still primarily managed as a commercial fishery.
- * A sport caught salmon has 20 times more economic value than a commercially harvested fish. Per a state study¹, sportspeople spent over \$38,000,000.00 to fish the Kenai in 1986. We are still however choked off from a fair allocation of this public resource.
- * In an evident effort to restrict public input and requests, the Board of Fish has now reduced the opportunity for comments and new regulations effecting the Kenai to "once every three years". These choke holds now disallow any potential Kenai River changes until the fall of 1995.
- * Sportfishing is now restricted to "10% of the escapement goal for Kenai reds targeted at 400,000 to 700,000". We're restricted to that harvest, yet in a bountiful year such as '93, the commercial fishery got 4.7 million reds (twice their average harvest). We were restricted from sharing in these extra fish even though it was a bonanza run.

The attached bill very simply would allow sportfishing interests to fairly share the harvest during good or bad years. We're asking to be allowed a minimum of 15% of whatever the commercial harvest is. We're saying that whenever the commercial fishery gets to catch 5 reds, we get to catch at least 1. That's sure not asking for too much.

The public pent-up demand for more reds is tremendous. Per a November 11, 1993 David Dittman poll, Anchorage residents approve of a new regulation (such as the attached bill) by a strong majority of over 3 to 1! It's been proven impossible to get any change from the present Board of Fish. We therefore appeal to you, our elected officials, as our court of last resort. Please support this bill and consider co-sponsoring it. Give your constituents a more equitable share of one of our state's natural resources. It is in the public and the state's best interest.


Cook Inlet Sportfishing Committee