

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8991 SENATE RESOURCES

482

as "ANS (USWC)" in the ANS Agreement. The trigger price is \$17.35 per barrel through April 30, 1997. On May 1, 1997, and each May 1 thereafter, the trigger price shall be adjusted by an inflation factor equal to fifty percent of the "inflation rate" defined as the Producer Price Index for Industrial Commodities ("PPI") for December of the previous year, as reported by April 30 of the current year, divided by the PPI for December of 1995, as reported by April 30, 1996. The supplemental royalty value for oil, gas, natural gas liquids and associated substances is defined in paragraphs 36 and 37 above. Exhibit B is a sample calculation to demonstrate the method of calculating supplemental royalty for oil.

These amendments do not affect: (1) any future agreements which may be reached for the handling of outside substances as that term is used in the Northstar Unit Agreement effective January 24, 1990 or (2) the current valuation methodology for royalty for any other Alaska Net Profit Share leases between the State and BPXA or any affiliates or any future agreements which may be reached regarding a future valuation methodology for Alaska Net Profit Share leases. These amendments take effect when and if an Act(s) substantially similar to the act, attached as Exhibit D and incorporated by reference, takes effect. This amendment is dated for reference purposes as of March 22, 1996.

LESSEE:

BP EXPLORATION (ALASKA), INC.



E. M. Luttrell, Vice President

LESSOR:

STATE OF ALASKA



John T. Shively, Commissioner
Department of Natural Resources

STATE OF ALASKA)
) ss.
Third Judicial District)

On March 22, 1996, before me appeared John T. Shively, Commissioner, State of Alaska, Department of Natural Resources, and who executed this lease and acknowledged voluntarily signing it on behalf of the State of Alaska, as lessor.

Dianne A. Pitts
Notary Public in and for the State of Alaska
My Commission Expires: 1/2/99



STATE OF ALASKA)
) ss.
Third Judicial District)

On March 22, 1996, before me appeared E. M. Luttrell, Vice President of BP Exploration (Alaska), Inc., and who executed this lease and acknowledged voluntarily signing it on behalf of the BP Exploration (Alaska), Inc., as lessee.

Dianne A. Pitts
Notary Public in and for the State of Alaska
My Commission Expires: 1/16/99



Exhibit B
Calculation of the Supplemental Royalty Payment for Oil

1) The calculation of the ANS West Coast spot price is derived from Platt's "Oilgram Price Report" Spot Crude Price Assessments:

Date	Platt's Reported Daily Assessment (\$/barrel)		ANSWC Daily Average	ANSWC Daily Average (After Rounding) ¹
	ANSWC Low	ANSWC High		
01/02/96	\$17.97	\$18.06	\$18.015	\$18.02
01/03/96	\$17.94	\$18.03	\$17.985	\$17.98
01/04/96	\$17.96	\$18.03	\$17.995	\$18.00
01/05/96	\$18.60	\$18.64	\$18.620	\$18.62
01/09/96	\$18.23	\$18.29	\$18.260	\$18.26
01/10/96	\$17.99	\$18.05	\$18.020	\$18.02
01/11/96	\$17.10	\$17.17	\$18.135	\$17.14
01/12/96	\$16.64	\$16.71	\$18.675	\$16.68
01/15/96	\$16.75	\$16.83	\$16.690	\$16.79
01/16/96	\$16.60	\$16.66	\$16.730	\$16.63
01/17/96	\$16.91	\$16.97	\$16.940	\$16.94
01/18/96	\$17.46	\$17.54	\$17.500	\$17.50
01/19/96	\$17.28	\$17.37	\$17.325	\$17.32
01/22/96	\$17.02	\$17.08	\$17.050	\$17.05
01/23/96	\$17.10	\$17.16	\$17.150	\$17.13
01/24/96	\$17.35	\$17.41	\$17.380	\$17.38
01/25/96	\$16.76	\$16.81	\$17.785	\$16.78
01/26/96	\$16.43	\$16.53	\$17.480	\$16.48
01/29/96	\$16.16	\$16.24	\$16.200	\$16.20
01/30/96	\$16.30	\$16.38	\$16.340	\$16.34
01/31/96	\$16.46	\$16.56	\$16.510	\$16.51

Monthly Average calculated from ANSWC Daily Average (After Rounding) = \$17.2271 per barrel

ANS West Coast spot price for the January 1996 month of production = \$17.23 per barrel

2) The inflation factor shall be calculated as follows: Assume that by April 30, 1996, the U.S. Department of Labor reports a PPI for December 1995 as 126.2. Assume that by April 30, 1998, the PPI for December 1997 is 134.2. The inflation factor for 1998 is calculated according to the following formula:

¹ All source and calculated numbers shall be rounded as required in the ANS Agreement.

$$\begin{aligned} \text{Inflation Factor for May 1, 1998 through April 30, 1999} &= [(PPI \text{ December of the previous year} + PPI \text{ December 1995}) - 1] \times 0.5 \\ &= [(134.2 - 126.2) - 1] \times 0.5 = 0.0317 = 3.17 \text{ percent} \end{aligned}$$

3) The trigger price for May 1, 1998 through April 30, 1999 is calculated by adjusting \$17.35 per barrel by the inflation factor as follows:

$$\begin{aligned} \text{Trigger price for the current year} &= \$17.35 \text{ per barrel} \times (1 + \text{inflation factor}) \\ &= \$17.35 \text{ per barrel} \times (1 + 3.17 \text{ percent}) \\ &= \$17.35 \times 1.0317 \\ &= \$17.90 \text{ per barrel} \end{aligned}$$

4) Assuming the current month ANSWC spot price is \$21.40, the supplemental royalty percentage rate is calculated as:

$$\begin{aligned} \text{Supplemental royalty percentage rate} &= (\text{ANSWC spot price} - \text{trigger price for the current year}) \\ &\quad \times (1.5 \text{ percent per dollar per barrel}) \\ &= (\$21.40 \text{ per barrel} - \$17.90 \text{ per barrel}) \times 1.5 \text{ percent per dollar per barrel} \\ &= (21.40 - 17.90) \times 0.015 \\ &= 0.05250 = 5.25 \text{ percent} \end{aligned}$$

5) The calculation of the supplemental royalty payment for the current month is the product of the production volume times the royalty value and the supplemental royalty percentage rate. Assume that 1,550,000 barrels of oil were produced in the Northstar unit in the current month and that the royalty value is \$17.71. The supplemental royalty is:

$$\begin{aligned} \text{Supplemental royalty payment} &= \text{production volume} \times \text{royalty value} \times \text{supplemental royalty} \\ &\quad \text{percentage rate} \\ &= 1,550,000 \text{ barrels} \times \$17.71 \text{ per barrel} \times 5.25 \text{ percent} \\ &= \$1,441,151.25 \end{aligned}$$

EXHIBIT C
PROJECT SCHEDULE

The Northstar Development Project ("the Project") is described in the document titled "Northstar Development Project. Conceptual Engineering Report" dated February 1996. BPXA shall comply with the following schedule for the Project and shall provide satisfactory evidence of compliance within fifteen days of the date performance is due under the schedule:

BPXA shall receive Project sanction within twelve (12) months after passage by the legislature of an Act approving the First Amendments to the Northstar Unit Leases for the Project. "Project sanction" means approval in writing by the highest appropriate authority in BPXA or its parent entity necessary for the total amount of expenditures required for the Project. Satisfactory evidence of receipt of sanction shall be tendered to the State in the form of the sanctioning entity's documents approving the expenditure of funds for the Project. If Project sanction is withdrawn for any reason whatsoever, BPXA shall notify the State within three working days by letter from an authorized officer and BPXA shall be deemed to have failed to comply with this schedule.

EXHIBIT D

ACT

___ BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE ___ RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing, approving, and ratifying the amendment of Northstar Unit
2 oil and gas leases between the State of Alaska and BP Exploration (Alaska)
3 Inc. and providing for an effective date."

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

5 * Section 1 The legislature finds that

6 (1) the production of oil and gas from state land is a matter of statewide
7 interest and effect because it is an important source of revenue to the state and job
8 opportunities for the people of the state;

9 (2) BP Exploration (Alaska) Inc. holds state oil and gas leases in the Northstar
10 Unit that include net profit share provisions;

11 (3) with the current and projected price of oil, BP Exploration (Alaska) Inc.
12 maintains that the net profit share provisions of the Northstar Unit leases prevent the timely
13 development of the unit;

14 (4) existing law set out in AS 38.05 does not provide the commissioner of the

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DRAFT - DEPARTMENT OF LAW

DRAFT

1 Department of Natural Resources with sufficient express authority to amend the net profit
2 share provisions of the Northstar Unit leases held by BP Exploration (Alaska) Inc.:

3 (5) unless the net profit share provisions of the Northstar Unit leases are
4 amended, production of oil and gas from the unit is unlikely to begin until the year 2002;

5 (6) the Department of Revenue currently forecasts that production will not
6 begin from the unit until the year 2002;

7 (7) if the net profit share provisions of the Northstar Unit leases are amended,
8 full production of oil and gas from the unit may begin as early as the year 1999;

9 (8) amending the net profit share provisions of the Northstar Unit leases to
10 provide for a supplemental royalty will maximize the economic benefits of oil and gas
11 production to the people of the state by encouraging timely production from the unit;

12 (9) the development of the unit and the associated construction of unit facilities
13 within the state will provide additional revenue to the state and increased job opportunities;

14 (10) BP Exploration (Alaska) Inc. has committed to use its best efforts to hire
15 Alaska residents and contractors and to fabricate modules for the unit in Alaska;

16 (11) the timely development of the unit may result in increased state revenue
17 in future lease sales;

18 (12) the timely development of the unit may result in technological
19 breakthroughs and other cost savings that may make other development opportunities in
20 Alaska economically feasible; and

21 (13) the development of the unit will include the first truly offshore Arctic
22 island construction and Arctic subsea pipeline for oil.

23 * Sec. 2. (a) The State of Alaska and BP Exploration (Alaska) Inc. are parties to the
24 following leases in the Northstar Unit:

25 (1) ADL 312798, effective February 1, 1980;

26 (2) ADL 312799, effective February 1, 1980;

27 (3) ADL 312808, effective February 1, 1980;

28 (4) ADL 312809, effective February 1, 1980; and

29 (5) ADL 355001, effective August 1, 1983.

30 (b) The commissioner of the Department of Natural Resources may amend the
31 Northstar Unit leases described in (a) of this section to the extent set out in the "First

DRAFT

DRAFT - DEPARTMENT OF LAW

DRAFT

- 1 Amendment to the Northstar Unit Leases Between the State of Alaska and BP Exploration
- 2 (Alaska) Inc.", dated March ____ 1996.
- 3 (c) Notwithstanding any other provision of law, the "First Amendment to the Northstar
- 4 Unit Leases Between the State of Alaska and BP Exploration (Alaska) Inc.", dated March
- 5 ____, 1996, is approved and ratified.
- 6 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

3
New text added (deleted text omitted)

SCR

24

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCR 24

Revision Date: _____ Dept. Affected: Dept. Fish & Game
 Title: Reestablish ADFG Division of BRU: _____
Game Component: _____
 Sponsor: Senator Sharp
 Requester: Senate Resources Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY96) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate Resources Committee Phone: 465-2095
 Division: Senator Loren Leman, Chairman Date: 2/8/96
 Approved by Commissioner: *Loren Leman* Date: _____
 Agency: _____

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**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/2/96

FURTHER:

Date of 5-Day Notice: 2-8-96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-22-96

The Resources Committee considered SCR 24

Relating to a division of game in the Alaska Department of Fish and Game and to management of game.

and recommends:

- be replaced with SEN CS SCR 24 (RES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rick Halford</i>	<input checked="" type="checkbox"/>	<i>Sym Hoff</i>	<input checked="" type="checkbox"/>		
<i>Grace</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>CHAIR: Loren A. Jensen</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>CS & SCR Committee</i>	<i>2/5/96</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

9-LS1624G ✓
Utermohle
2/21/96

CS FOR SENATE CONCURRENT RESOLUTION NO. 24(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR SHARP

A RESOLUTION

1 **Relating to a division of game in the Alaska Department of Fish and Game and**
2 **to management of game.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS, under Governor Steve Cowper, the name of the Alaska Department of**
5 **Fish and Game, division of game, was changed to the division of wildlife conservation on**
6 **January 1, 1989; and**

7 **WHEREAS, during the seven years under the new name, the primary mission of the**
8 **division, to manage the vast game resources of Alaska, has been significantly redirected**
9 **toward nongame, nonconsumptive uses and users; and**

10 **WHEREAS the change of the name of the division appears to also have changed the**
11 **focus of the division from management goals reflective of the taxes, license fees, and**
12 **matching federal dollars provided by consumptive users of game resources to management**
13 **goals based on public opinion and unscientific data; and**

14 **WHEREAS significant amounts of federal and state fish and game funds have been**
15 **used for purposes other than those purposes statutorily mandated to benefit those hunters and**
16 **sportsmen whose license fees and equipment taxes provide funding for the division;**

1 **BE IT RESOLVED** that the Alaska State Legislature finds that the number of actions
2 by the Alaska Department of Fish and Game to manage people, instead of game, by reducing
3 harvests, implementing onerous methods and means regulations, and restricting access to
4 game, should be kept at the lowest possible levels; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature finds that the game
6 resources of Alaska have the potential to be a truly growing "permanent fund," capable of
7 providing the highest harvestable and viewing benefits to all Alaskans; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature finds that if the Department
9 of Fish and Game desires to provide viewing opportunities and other nonconsumptive uses of
10 resources, that those uses compete with other department programs for general fund money
11 and not siphon federal and state fish and game funds provided by hunters and sportsmen; and
12 be it

13 **FURTHER RESOLVED** that the Alaska State Legislature urgently requests Governor
14 Knowles to reestablish the division of game within the Alaska Department of Fish and Game
15 and to reaffirm the division's primary mission to manage the game resources of the state to
16 achieve and maintain high sustainable levels of game for all Alaskans.



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: George Utermohle
Legal Services
via fax: 2029 this page only

FROM: Annette Kreitzer, Aide to
Senator Loren Leman

DATE: February 20, 1996

RE: CS for SCR 24 (RES)

It is simplest to send you the language the committee wants IN this resolution. It is as follows:

WHEREAS under Governor Steve Cowper the name of the Alaska Department of Fish and Game, division of game, was changed to the division of wildlife conservation on January 1, 1989; and

WHEREAS, during the seven years under the new name, the primary mission of the division, to manage the vast game resources of Alaska, has been significantly redirected toward non-game, non-consumptive uses and users; and

WHEREAS the change of the name of the division appears to also have changed the focus of the division from management goals reflective of the taxes, license fees and matching federal dollars provided by consumptive users of game resources to management goals based on public opinion and unscientific data; and

WHEREAS significant amounts of federal and state fish and game funds have been used for purposes other than those purposes statutorily mandated to benefit those hunters and sportsmen whose license fees and equipment taxes provide funding for the division;

BE IT RESOLVED that the Alaska State Legislature finds that the number of actions by the Alaska Department of Fish and Game to manage people, instead of game, by reducing harvests, implementing onerous methods and means regulations, and restricting access to game, be kept at the lowest possible levels; and be it

FURTHER RESOLVED that the Alaska State Legislature finds that the game resources of Alaska have the potential to be a truly growing "permanent fund," capable of providing the highest harvestable and viewing benefits to all Alaskans; and be it

FURTHER RESOLVED that the Alaska Legislature finds that if the Department of Fish and Game desires to provide viewing opportunities and other nonconsumptive uses of resources, that those uses compete with other department programs for general fund moneys and not siphon federal and state fish and game funds provided by hunters and sportsmen.

+ last resolve line 11-14, page 2 (verbal to G.U.)

Technical Change

SENATE CONCURRENT RESOLUTION NO. 24
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR SHARP

Introduced: 2/2/96
Referred: Resources

A RESOLUTION

1 Relating to a division of game in the Alaska Department of Fish and Game and
2 to management of game.

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

4 WHEREAS ~~Governor Steve Cowper changed~~ ^{was changed} the name of the Alaska Department of
5 Fish and Game, division of game, to the division of wildlife conservation on January 1, 1989;
6 and

7 WHEREAS, during the seven years under the new name, the primary mission of the
8 division, to manage the vast game resources of Alaska, has been seriously eroded and blurred;
9 and *significantly re-directed toward*

10 WHEREAS the change of the name of the division has fostered fragmentation of
11 management goals that has resulted in building a bureaucracy of self-serving biologists and
12 administrators with nongame management agendas who justify decisions on public opinion
13 polls rather than current scientific biological data; and

14 WHEREAS the fragmentation of management goals has caused serious degradation
15 of the professionalism, self-esteem, and morale of the personnel of the division; and

16 WHEREAS blurring of the game management mission of the division has resulted in

non game, non-consumptive, uses of wildlife

He will now

**SENATE CONCURRENT RESOLUTION NO. 24
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION**

BY SENATOR SHARP

**Introduced: 2/2/96
Referred: Resources**

A RESOLUTION

1 Relating to a division of game in the Alaska Department of Fish and Game and
2 to management of game.

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** Governor Steve Cowper changed the name of the Alaska Department of
5 Fish and Game, division of game, to the division of wildlife conservation on January 1, 1989;
6 and

7 **WHEREAS**, during the seven years under the new name, the primary mission of the
8 division, to manage the vast game resources of Alaska, has been seriously eroded and blurred;
9 and

10 **WHEREAS** the change of the name of the division has fostered fragmentation of
11 management goals that has resulted in building a bureaucracy of self-serving biologists and
12 administrators with nongame management agendas who justify decisions on public opinion
13 polls rather than current scientific biological data; and

14 **WHEREAS** the fragmentation of management goals has caused serious degradation
15 of the professionalism, self-esteem, and morale of the personnel of the division; and

16 **WHEREAS** blurring of the game management mission of the division has resulted in

1 serious misuse of millions of dollars of federal and state fish and game funds that are
2 statutorily mandated to benefit those hunters and sportsmen whose license fees and equipment
3 taxes provide funding for the division;

4 **BE IT RESOLVED** that the Alaska State Legislature finds that the number of actions
5 by the Alaska Department of Fish and Game to manage people, instead of game, by reducing
6 harvests, implementing onerous methods and means regulations, and restricting access to
7 game, be kept at the lowest possible levels; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature finds that the game
9 resources of Alaska have the potential to be a truly growing "permanent fund," capable of
10 providing the highest harvestable and viewing benefits to all Alaskans; and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature urgently requests Governor
12 Knowles to reestablish the division of game within the Alaska Department of Fish and Game
13 and to reaffirm the division's primary mission to manage the game resources of the state to
14 achieve and maintain high sustainable levels of game for all Alaskans.

*WAS NOT ON COAST
we are really going to
get stacked up.*

*Take something to the
A. B. Smith*



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

SENATE RESOURCES COMMITTEE

*expected to be present

- *Chairman: Senator Loren Leman
- *Vice Chairman: Senator Drue Pearce
- *Senator Steve Frank
- *Senator Rick Halford
- Senator Robin Taylor
- *Senator Georgianna Lincoln
- *Senator Lyman Hoffman

Teleconference Sites: ANC, FBX, Cordova, Kenai

AGENDA
3:30 to 5:00 p.m.
Wednesday, February 14, 1996

SCR 24: Reestablish ADF&G Division of Game
SENATOR SHARP, Sponsor

Teleconferenced

Expected Witnesses:
Senator Sharp to present resolution

SB 243: Oil & Gas Leases: Areawide & Others
SENATE RESOURCES COMMITTEE, Sponsor
SB 245: North Slope Oil & Gas Best Interest Finding
SENATE RULES BY REQUEST OF THE GOVERNOR

Teleconferenced

Expected Witnesses:

- Ken Boyd, Director, Division of Oil & Gas/DNR to give overview of 5-year Lease Sale Process
- Carol Shobe, Realty Services Section, Division of Land/DNR: overview of title work to prepare for 5-year Lease Sale Process
- Jim Hansen, Leasing & Evaluations, Division of Oil & Gas/DNR: overview of current best interest finding process for 5-year Lease Sale Process
- Ken Boyd: areawide lease sales, best interest finding as proposed in the bills before the committee
- Pat Foley, Lands Committee Chairman, Alaska Oil and Gas Association

NEXT MEETING:

~~Friday, Feb. 16 canceled, will be rescheduled;~~
~~Wednesday, February 21: Schedule to be announced~~

ADJOURN

Alaska State Legislature

*Revised
resubmitted to
Fairbanks Committee*

SENATOR
BERT SHARP

DISTRICT P

CHAIRMAN
SENATE STATE AFFAIRS COMMITTEE

MEMBER
FINANCE COMMITTEE
RULES COMMITTEE



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(907) 465-3004/4921

Senate

SPONSOR STATEMENT SCR-24

BY: MARILYN WILSON, LEGISLATIVE AIDE TO
SENATOR BERT SHARP, SPONSOR OF SCR-24

SCR-24 IS A REQUEST BY THE LEGISLATURE TO THE GOVERNOR TO CHANGE THE NAME DIVISION OF WILDLIFE CONSERVATION BACK TO THE DIVISION'S FORMER NAME, DIVISION OF GAME.

IN 1989, GOVERNOR STEVE COWPER'S ADMINISTRATION RENAMED THE DIVISION OF GAME, TO THE DIVISION OF WILDLIFE CONSERVATION.

THE NAME CHANGE TO WILDLIFE CONSERVATION ENCOURAGED THE FRAGMENTATION OF THE DIVISION'S MISSION INTO MANY SECTIONS, MANY WITH OPPOSING GOALS. THE DIVISION'S RESOURCES HAVE BEEN REDIRECTED TOWARD BENEFITING NON-HUNTERS, GATHERING AND MANIPULATION OF PUBLIC OPINION FOR NON-USERS-PAYER BENEFIT AND VIRTUALLY ABANDONING THE MANAGEMENT OF ALASKA'S GAME RESOURCE FOR ABUNDANCE.

A NAME CARRIES A SIGNIFICANT MEANING. LET'S GET BACK TO THE MANAGEMENT OF THE GAME RESOURCE AS A HARVESTABLE RESOURCE FOR ALASKANS. LET'S RE-ESTABLISH A DIVISION OF GAME.

THANK YOU FOR YOUR CONSIDERATION.



REPRESENTING
GOLDEN HEART
OF ALASKA

From:
ALASKA LEGISLATIVE
RESEARCH AGENCY

December 16, 1988

Mr. Ron Somerville
Alaska Outdoor Council
3780 McGinnis Drive
Juneau, AK 99801

Dear Mr. Somerville:

The Division of Game within the Alaska Department of Fish and Game will change its name to the Division of Wildlife Conservation on January 1, 1989. This new name more accurately reflects the responsibilities and programs that this division administers.

The Division of Game is responsible for the management and conservation of all wildlife species which reside within the state. Many of these species are not hunted, and the word "game" connotes only those species which are hunted or trapped. Management of game species will remain a primary function of the division. However, the division has numerous other responsibilities--such as nongame management, wildlife research, refuge and sanctuary management, hunter education, and wildlife technical assistance.

The division's primary goals will remain: (1) to protect, maintain, and enhance the wildlife resources of Alaska; and (2) to provide for optimum use, both consumptive and nonconsumptive, consistent with sound biological principles and public needs. We believe the new name is more symbolic of the division's role as stewards of Alaska's wildlife resources.

Sincerely,

Don W. Collinsworth
Commissioner

Alaska State Legislature

SENATOR
BERT SHARP
DISTRICT P
CHAIRMAN
SENATE STATE AFFAIRS COMMITTEE
MEMBER
FINANCE COMMITTEE
RULES COMMITTEE



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(907) 465-3004/4921

Senate

SPONSOR STATEMENT SCR-24 BY: SENATOR BERT SHARP

SCR-24 SIMPLY PUT IS A REQUEST BY THE LEGISLATURE TO THE GOVERNOR TO REMOVE THE NAME DIVISION OF WILDLIFE CONSERVATION AND REPLACE IT WITH THE DIVISION'S FORMER NAME, DIVISION OF GAME.

THE FIRST WHEREAS NOTES THAT, THEN GOVERNOR COWPER, IN 1989 RENAMED THE DIVISION OF GAME, THE DIVISION OF WILDLIFE CONSERVATION.

WHAT'S IN A NAME YOU SAY? A ROSE BY ANY OTHER NAME SMELLS JUST AS SWEET YOU SAY.

THE ROSE, (DIVISION OF GAME) THAT EVERYONE COULD RECOGNIZE AS RESPONSIBLE FOR THE MANAGEMENT OF GAME RESOURCES WAS REPLACED BY A BROAD ARRAY OF FLOWERING PLANTS THAT EMITS SUCH A RANGE OF SCENTS THAT EVERY POSEY SNIFFER CLAIMS TO DETECT THEIR FAVORITE AND DEMANDS THAT THEIR SENSE OF SMELL IS THE MOST ACCURATE AND OVERPOWERING.

UNFORTUNATELY, THE ROSE WHICH REPRESENTED THE DIVISION OF GAME'S COMMITMENT TO THE MANAGEMENT OF GAME, BASED ON SOUND SCIENTIFIC DATA, HAS DETERIORATED TO A MANGY BRAMBLE.



REPRESENTING
GOLDEN HEART
OF ALASKA

THE GOAL OF ACHIEVING HIGH SUSTAINABLE POPULATION LEVELS OF GAME ANIMALS FOR PERSONAL USE HARVEST AND VIEWING BY ALASKANS IS NO LONGER A COMMITMENT OF THE DIVISION. NO LONGER IS HANDS ON ACTIVE MANAGEMENT OF THE RESOURCE CONSIDERED THEIR RESPONSIBILITY.

THEIR MISSION NOW IS MORE FOCUSED ON THE MANAGEMENT OF PEOPLE, PARTICULARLY THOSE WHO HARVEST GAME.

THEY NOW ADVOCATE THE NEED TO MANAGE PUBLIC OPINIONS AS ONE OF THEIR RESPONSIBILITIES, SUCH AS THEIR NEWLY PROPOSED "HUMAN DIMENSIONS" PROGRAM COSTING OVER 1/4 MILLION DOLLARS.

THE FACT IS THAT 100% OF THIS DIVISION'S BUDGET IS PAID FOR BY TAXES AND FEES ON HUNTERS, SHOOTERS, SPORTFISHING ACTIVITIES AND THEIR ASSOCIATED EQUIPMENT.

THE NAME CHANGE IN 1989 TO WILDLIFE CONSERVATION ENCOURAGED THE FRAGMENTATION OF THE DIVISION'S MISSION INTO MANY PARTS, MANY WITH DIAMETRICALLY OPPOSING GOALS. THE DIVISION'S RESOURCES HAVE BEEN REDIRECTED TOWARD BENEFITING NON-HUNTERS, GATHERING AND MANIPULATION OF PUBLIC OPINION FOR NON-USERS-PAYER BENEFIT AND VIRTUALLY ABANDONING THE MANAGEMENT OF ALASKA'S GAME RESOURCE FOR ABUNDANCE.

I SUBMIT THAT A NAME CARRIES A SIGNIFICANT MEANING. ASK THOSE ENGAGED IN THE COMMERCIAL FISHING INDUSTRY, WOULD THEY FAVOR A CHANGE OF NAME FROM DIVISION OF COMMERCIAL FISHERIES TO THE DIVISION OF CONSERVATION OF MARINE LIFE? I THINK NOT. LET'S SEND A MESSAGE TO THE GOVERNOR. LET'S GET BACK TO BASICS, LET'S GET BACK TO THE MANAGEMENT OF THE GAME RESOURCE AS A HARVESTABLE RESOURCE FOR ALASKANS, LET'S RE-ESTABLISH A DIVISION OF GAME.

THANK YOU FOR YOUR CONSIDERATION.

To: Senate Resources, Senator Bert Sharp

February 14, 1996

From: Peter E.K. Shepherd, 1012 Galena St., Fairbanks AK 99709
Phone 474-4685 Fax 474-9173 E-Mail pekshep@polarnet.com

Subject: SCR 24

I would like to thank Senator Sharp for introducing SCR 24; this resolution appropriately returns the title of game division to its original and descriptive meaning and reaffirms the management mission of this division.

I was hired as an ADF&G, game division biologist July 1, 1960 and retired in May of 1981. Many of us who joined the cadre of this newly formed division had years of experience in Alaska, prior to statehood, with the U.S. Fish & Wildlife Service. This prior experience was gained not only through academic training, but by field work in Alaska, and backgrounds of hunting, fishing, and trapping. Today one finds that many of the biologists charged with management of the wildlife resource are products of a very different philosophy and not in sympathy with the consumptive user.

It was with great pride that my fellow biologists and I looked forward to applying our biological training and practical experience towards research and management of Alaska's wildlife. Myself and contemporary biologists were fully aware of the state constitutional mandate to manage wildlife for sustained yield with consumptive use a priority use of fish and game.

Our salaries were furnished by Federal Aid in Wildlife Restoration monies provided by the Pittman-Robertson Act and matched with Alaskan and non-resident license fees. I was obligated to do my best for the resource and the hunting public, but at the same time realized that with a pro-active management program and favorable environmental factors our efforts towards game abundance would also benefit the non-consumptive public. This attitude seems to be directed today towards a passive mode which in the long-run will benefit neither group.

I agree with Senator Sharp's vision that in the last decade the wildlife division's mission has distinctly changed from one of active management to a biocentric oriented passive mode. This philosophical view doesn't complement legislative direction or constitutional mandate. The public understanding of the word "conservation" no longer has the same connotation it did in the recent past. Most people associate conservation with preservation and the concept that the best way to preserve nature is to leave it alone. However, many scientists would agree that to leave nature alone is to leave it to a torrent of change. Nature can not manage animal populations; we can, by the most scientific and humane means possible.

I urge the legislators to continue their welcome efforts for game management reforms, since it appears the present ADF&G leadership is reluctant to meet their obligation to the wildlife resource, legislative direction, the constitutional philosophy, and the ^{users} ~~users~~.

Peter Shepherd

ATTN: Sonak Resource Services

To: Editorial Page Editor
Daily News-Miner
Fairbanks, AK

February 12, 1996

From: Peter E.K. Shepherd
1012 Galena St.
Fairbanks, AK 99709 Phone 474-4685 Fax 474-9173

Dear Editor,

Celia Hunter is again showing her environmental need for ecological deliverence. She begins by critiquing the bounty bill and other legislative efforts to jump-start a stalled wildlife management program. She speaks as if environmentalists were guardians of the public trust, whereas for years the movement embraced and lobbied for laws endangering cultures and liberties. I disagree with some of the points she presents.

Indigenous people respect wolves and bears for far different reasons than those profffered by self-anointed preservationists. This respect was fostered by intense competition for food and admiration for predators speed, strength, and endurance. Hunter-gatherers also routinely burned vegetation to promote new growth or sustain productive secondary successional stages---practices which would hardly be acceptable to todays saviors of mature forests.

I suggest that wolf control is beneficial and necessary under certain ecological situations, and because ADF&G participation has been halted by political interference, encouraging public harvests of wolves has become an option. Bounties are simply subsidies, an incentive to supplement low fur prices, especially for rural Alaskans. After all, government subsidizes just about everything else it wants to succeed!

Accidental death of moose by vehicular traffic has no relationship to wolf bounties, unless one wishes to eliminate trains and automobiles by paying removal bounties. Furthermore, this unnecessary loss of animal life could possibly be alleviated by forest and wildlife management practices opposed by enviromental organizations.

In due respect to Dr. Robert B. Weedens' metaphysical prose, a healthy land capable producing wolves can become biologically dysfunctional during explosive predator population eruptions, leaving a land devoid of prey and predator. Despite the hubris claims of the biocentric populus, nature left alone is subject to a torrent of change.

We live on a very unpredictable planet where changes are often swift and devastating. The environmentalists vision is that of a kind and balanced nature. However, to give birth to this vision we must learn how to tame the chaos. Nature can not manage animal populations; we can, by the most scientific and humane means possible.

P.S. Doubt if they'll publish this

Peter Shepherd

P.S.

Bounties: an archaic, expensive idea

NEWS - WINNER FEB. 8, 1996

Legislators should stop demonizing our wolves

Deja vu. The current brouhaha regarding wolf control is a

replay of so many similar conflicts which have raged around the issue of "The Wolf's Place in Alaska" since white men arrived here in the last century.

It's interesting that we Caucasians have transferred our vision of morality—of good versus evil—almost literally into our attitude toward the wolf. Indigenous peoples rarely see the world in terms of black and white—good animals and bad animals. They view the other creatures who share the world with them as deserving of respect and courtesy and offer them a ceremonial acknowledgment of their importance to their own survival even when they hunt the animals as part of their subsistence economy.

I was shocked to note in a recent news article on the proposal by one of our local legislators to reinstate a bounty system for "managing" wolves that he described wolves as "vermin." The bill in question would de-classify the wolf as a big game animal in favor of listing it as an unclassified animal "ranking them as vermin along with porcupines and starlings."

When I first arrived in Alaska, the territory had a bounty system on several predators. The first Territorial Legislature in 1915 established a bounty of \$10 on wolves "to conserve game animals." Over the years, other species were added to the list of bountied wildlife and bird life, in-



Cella Hunter

cluding the bald eagle, hair seals (which included the harbor seal, ringed seal, ribbon seal, and bearded seal), Dolly Varden trout, and the wolverine. By 1960, when the Alaska Department of Fish and Game was created, they reported that bounties had cost the taxpayers nearly \$3 million.

In this 1980 report by ADF&G, biologist Cal Lensink emphasized that in certain situations predator control might be justified, but that bounties were the least desirable method of providing predator control. When I see the present statistics (1990s) on the number of moose slaughtered by automobiles, plus those killed by the Alaska Railroad, it seems to me if we're going to protect our big game animals, we ought to be collecting so much a head from the railroad and vehicle operators for each moose killed.

Unfortunately, all this talk about predator control by bounties or any other methods pussy-foots around the basic issue, which is legislative interference in the management of our fish and wildlife. Much of the legislature's actions are based on myths and long-standing prejudices, and the individual legislators harbor deep suspicions about the activities and research carried out by ADF&G wildlife biologists and management personnel.

Under the present set-up in the Legislature, the ADF&G is

even being deprived of federal funding which would take some of the burden off state monies because various legislators are determined to do away with the wildlife Habitat Division due to its supposed restriction of unfettered private enterprise as it seeks to maintain adequate habitat protection including breeding areas for fish.

One of the treasures of being an Alaska resident is the opportunity to live in a land which still supports abundant wildlife of many varieties. We know moose quite intimately as we share our woods and ski trails with them. We even have a moose here in Dogpatch who has acquired a taste for the black sunflower seeds we put out for our friendly chickadees. The other morning we watched one young bull stretch up to his full height while he tried to poke his nose into the openings on the bird feeder beside our back deck.

During my long acquaintance with Mt. McKinley National Park as my partner and I were busy building and operating Camp Denali, we had wonderful opportunities to enjoy the park wildlife. Bears, Dall sheep, caribou and moose, abundant waterfowl, and other bird life made each trip through the park an adventure.

The animal which gave us the greatest thrill, however, was the wolf, and our guests from all over the world shared that enjoyment. Thank goodness, the earlier attitudes toward the wolf no longer prevailed within the park. When I first visited Mt. McKinley National Park, during the late '40s and early '50s, wolves were not esteemed, and National Park Service rangers had orders to shoot wolves on sight.

But it was in the 1960s that

Dr. Robert B. Weeden penned these memorable lines, which appear on a beautiful poster, produced by the Northern Environmental Foundation of Winnipeg, featuring a lone Arctic black wolf loping across an expanse of tundra beneath a fantastic cloud formation:

"The world needs an embodiment of the frontier mythology, the sense of horizons unexplored, the mystery of uninhabited miles. It needs a place where wolves stalk the strand lines in the dark, because a land that can produce a wolf is a healthy, robust and perfect land."

In conclusion, I have gone back to Aldo Leopold's "A Sand County Almanac," to his description of killing a wolf: "In those days we had never heard of passing up a chance to kill a wolf. In a second we were pumping lead into the pack, but with more excitement than accuracy ... When our rifles were empty, the old wolf was down, and a pup was dragging a leg into impassable slick rocks.

"We reached the old wolf in time to watch a fierce green fire dying in her eyes. I realized then, and have known ever since, that there was something new to me in those eyes—something known only to her and the mountain. I was young then, and full of trigger-itch; I thought that because fewer wolves meant more deer, that no wolves would mean hunters' paradise. But after seeing the green fire die, I sensed that neither the wolf nor the mountain agreed with such a view."

Amen.

Cella Hunter has been involved in the Alaska conservation movement since 1960.

ATTN: Senator Sharp

SSCR

1

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/21/96

FURTHER:

Date of 5-Day Notice: 2-22-96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-27-96

The Resources Committee considered SENATE SPECIAL CONCURRENT RESOLUTION NO. 1
Disapproving Executive Order No. 92.

and recommends:

- be replaced with _____ CS SSCR | _____ (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR° _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>True Peace</i>		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Loren J. Lewan</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Senate Committee</i>	<i>2/24/96</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH 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

February 19, 1996

SUBJECT: Procedure for Disapproving an Executive Order

TO: Senator Drue Pearce

FROM: Tamara Brandt Cook
Director *TBC*

You have asked what the procedure is for the disapproval of an executive order. The state constitution contains the requirement that disapproval of an executive order is accomplished ". . . by resolution concurred in by a majority of the members in joint session . . ." (Article III, Section 23) This must be complied with or any attempt by the legislature to disapprove an executive order will probably be held invalid by the court.

In addition to the procedure set out in the constitution, Uniform Rule 49(a)(4) provides

A special concurrent resolution is employed to consider disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

Prior to 1981 that same rule in identical language was contained in Uniform Rule 48(d). So, the uniform rule adds to the constitutional requirements the requirement that a joint committee consider each special concurrent resolution before it is adopted in joint session.

The literal language of the rule appears to require formation of a joint committee for the purpose of considering a special concurrent resolution. Uniform Rule 21(b) describes the formation of a joint committee as follows:

(b) A joint committee is a committee of both houses. A joint committee may be established only by the adoption of a concurrent resolution. The presiding officer of each house appoints one-half of the members of a joint committee. The persons who co-chair a joint committee shall be chosen in the manner provided by the presiding officers.

Senator Druc Pearce

February 19, 1996

Page 2

Uniform Rule 21(d) provides further:

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

Despite these rules, it has been the position of this office since at least 1981 that, because Uniform Rule 49(a)(4) does not specifically require the establishment of a joint committee under Rule 21, two standing committees meeting jointly would fulfill the requirement of consideration by a joint committee. The conclusion at that time appears to have been based on the established practice of the legislature in referring these resolutions to standing committees. That practice has never been formally challenged under a point of order so far as I have ascertained.

The legislature has not considered a special concurrent resolution very often, and, having checked back to 1975, I cannot find an example of the appointment of a joint committee to do so. In 1976, HSCR 1 was referred to the State Affairs Committee but went no further. (House Journal, page 73) In 1976 HSCR 2 was referred to the State Affairs Committee which met jointly with the Senate State Affairs Committee and was, ultimately, adopted in joint session. (House Journal, March 11, page 567) In 1977 SSCR 1 was referred to the Senate State Affairs Committee with a specific direction to meet jointly with the House committee. (Senate Journal, March 8, page 498) That resolution failed to pass in joint session. In 1980 HSCR 1 was referred to standing committees but went no further. In the Twelfth Legislature SSCR 1 was only referred to standing committees and never adopted. (Senate Journal, January 26, 1981, page 120) In the Thirteenth Legislature HSCR 1, HSCR 2, and SSCR 1 were referred to standing committees. Ultimately, the Rules Committees met jointly on SSCR 1 (disapproving Executive Order No. 53, establishing an office of management and budget) and on HSCR 1 (disapproving Executive Order 54, establishing the Department of Corrections). That same day both these resolutions were adopted in joint session. (Senate Journal, March 16, 1983, pages 407-410)

HSCR 1 was referred in the Sixteenth Legislature to standing committees and never adopted. In the Seventeenth Legislature, First Session, Executive Orders No. 78 and 79 were referred to standing and special committees (Senate Journal, January 21, 1991) but no action was taken to reject them. (Senate Journal, March 22, 1991) Executive Order 80 was returned to the governor as defective by the presiding officers. (Senate Journal, January 23, 1991) During the Second Session SSCR 1, disapproving a new Executive Order 80, was introduced and referred to a standing committee. (Senate Journal, January 13, 1992) That Executive Order was withdrawn by the governor. (Senate Journal, January 15, 1992)

As recently as 1994 SSHSCR 3 disapproving Executive Order 89 was referred to the House Labor and Commerce Committee, which met in a joint meeting with the Senate

Senator Drue Pearce
February 19, 1996
Page 3

Labor and Commerce Committee. The House committee then reported the resolution out and the House sent a message to the Senate inviting it to attend a joint session for purposes of considering the resolution. It was considered and passed in joint session. (House Journal, 3/9/94, page 2699; Senate Journal, 3/9/94, pages 3100-3101) No Senate resolution was ever introduced, referred to Committee, or reported out.

Note that procedures of a joint committee differ slightly from procedures of two committees that meet jointly. Mason's Manual addresses the subject in Secs. 663-669. In both cases, members report separately to their bodies. Sec. 664 which indicates that a joint committee typically has a single chair has been superseded by Uniform Rule 21(b) which calls for co-chairs. Otherwise, it is significant to note that a quorum of a joint committee is a majority of the combined membership, while a quorum of each committee separately is required for action at joint meetings of separate committees. Additionally, members of a joint committee vote individually and not by house while action is taken separately by vote of each committee meeting jointly.

Lastly, note that sec. 669(1) states "A house may authorize or direct two standing committees to sit as one committee for the consideration of a specific bill or subject." While I am not aware of a case when two standing committees were actually directed to sit as one committee, this could be done. There have been instances when a standing committee was directed to hold a joint meeting with a committee of the other body.

TBC:glc
96-102.glc

CS FOR SENATE SPECIAL CONCURRENT RESOLUTION NO. 1(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RESOURCES COMMITTEE

A RESOLUTION

1 Disapproving Executive Order No. 92.

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

3 WHEREAS the governor, under authority of art. III, sec. 23, Constitution of the State
4 of Alaska, has proposed in Executive Order No. 92 to combine the functions of the division
5 of oil and gas and the division of geological and geophysical surveys into a division of oil,
6 gas, and geology; and

7 WHEREAS the Alaska State Legislature believes the functions of the division of
8 geological and geophysical surveys as outlined in AS 41.08.020 would be diluted in a
9 consolidation with the division of oil and gas; and

10 WHEREAS certain efficiencies can be accomplished by incorporating the division of
11 geological and geophysical surveys within the division of mining and water management; and

12 WHEREAS art. III, sec. 23, Constitution of the State of Alaska, provides that unless
13 disapproved within 60 days of a regular session by resolution concurred in by a majority of
14 the members of the legislature in joint session, an executive order becomes effective at a date
15 designated by the governor;

16 BE IT RESOLVED by the Alaska State Legislature that Executive Order No. 92 is
17 disapproved.



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Tam Cook, Legal Services

FROM: Annette E. Kreitzer, Aide to Senate Resources Committee

DATE: February 26, 1996

RE: CS for SSCR 1 - Disapproving EO 92

Please create a final CS for Senate Special Concurrent Resolution 1, including the following language beginning at line 7:

WHEREAS the Alaska Legislature believes the functions of the division of geological and geophysical surveys as outlined in AS 41.08.020 would be diluted in a consolidation with the division of oil and gas; and

WHEREAS certain efficiencies can be accomplished by incorporating the division of geological and geophysical surveys within the division of mining and water management; and

Then, continue with the resolution at line 7: "WHEREAS art. III, sec. 23, ... to the end with no further changes.

Cook

9-LS1726A

**SENATE SPECIAL CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE RESOURCES COMMITTEE

Introduced:

Referred:

A RESOLUTION

1 **Disapproving Executive Order No. 92.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the governor, under authority of art. III, sec. 23, Constitution of the State
4 of Alaska, has proposed in Executive Order No. 92 to combine the functions of the division
5 of oil and gas and the division of geological and geophysical surveys into a division of oil,
6 gas, and geology; and

7 **WHEREAS** art. III, sec. 23, Constitution of the State of Alaska, provides that unless
8 disapproved within 60 days of a regular session by resolution concurred in by a majority of
9 the members of the legislature in joint session, an executive order becomes effective at a date
10 designated by the governor;

11 **BE IT RESOLVED** by the Alaska State Legislature that Executive Order No. 92 is
12 disapproved.

WORK ORDER REQUEST FORM

W.O. [19] LS-1726

KEYWORDS: EXECUTIVE ORDER ASSIGNED: Cook

GOVERNMENT ORGANIZATION

RESOURCES

REQUEST FOR: Resolution TAKEN BY: Lamonica

SUBJECT: Disapproving E.O. 92: Dept. of Natural Resources

REQUESTED FOR: SC SRES BY: Annette PHONE: 465-2095

DELIVER TO: Sen. Leman, Cap. 115

INSTRUCTIONS: Draft resolution disapproving E.O. 92, relating to consolidating Division of Oil and Gas and Division of Geological and Geophysical Surveys into a Division of Oil, Gas and Geology in the Department of Natural Resources.

OBTAIN	SPECIAL DRAFTING INSTRUCTIONS ATTACHED [] AUTHORIZED TO CONFER WITH _____ _____ RETURN _____ _____ TO REQUESTOR APPROVED: <input checked="" type="checkbox"/> DIRECTOR, LEGAL SERVICES
--------	---

REVIEWED _____ IN <u>02/20/96</u> DUE BEFORE <u>4:00</u> TYPED: Draft _____ Date _____ Final _____ Date _____ PROOFED _____ DELIVERED _____	SPECIAL INSTRUCTIONS to TYPING/PROOFING _____ <u>RUSH for Intro</u> _____ Request for FINAL
---	---



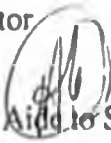
Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Tam Cook, Director
Legal Services

FROM: Annette Kreitzer,  Aide to Senate Resources Committee

DATE: February 20, 1996

RE: Senate Special Concurrent Resolution Disapproving EO 92

Please prepare a Senate Special Concurrent Resolution identical to HSCR 1, which has already been introduced in the House. The resolution should disapprove Executive Order 92, Consolidating the Division of Oil and Gas and the Division of Geological and Geophysical Surveys into a Division of Oil, Gas, and Geology in Department of Natural Resources. This is a Senate Majority priority. Please deliver to Senator Leman's office, Room 115 in final form in time for introduction tomorrow.

HOUSE SPECIAL CONCURRENT RESOLUTION NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON OIL AND GAS

Introduced: 1/26/96

Referred: Resources, Finance

A RESOLUTION

1 **Disapproving Executive Order No. 92.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the governor, under authority of art. III, sec. 23, Constitution of the State
4 of Alaska, has proposed in Executive Order No. 92 to combine the functions of the division
5 of oil and gas and the division of geological and geophysical surveys into a division of oil,
6 gas, and geology; and

7 **WHEREAS** art. III, sec. 23, Constitution of the State of Alaska, provides that unless
8 disapproved within 60 days of a regular session by resolution concurred in by a majority of
9 the members of the legislature in joint session, an executive order becomes effective at a date
10 designated by the governor;

11 **BE IT RESOLVED** by the Alaska State Legislature that Executive Order No. 92 is
12 disapproved.

Introduced in the House: 1/8/96

Referred: House Special Committee on Oil and Gas, Resources, Finance

Introduced in the Senate: 1/8/96

Referred: Resources, Finance

EXECUTIVE ORDER NO. 92

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with
2 AS 24.08.210, I order the following:

3 * Section 1. FINDINGS. As governor, I find that it would be in the best interests of
4 efficient administration to transfer duties in the Department of Natural Resources to
5 consolidate the division of oil and gas and the division of geological and geophysical surveys
6 into a division of oil, gas, and geology in that department. The transfer and consolidation
7 of these divisions and their functions will permit closer coordination within state government
8 regarding its mineral exploration policy.

9 * Sec. 2. AS 39.25.110(14) is amended to read:

10 (14) petroleum engineers and petroleum geologists employed in a
11 professional capacity by the Department of Natural Resources and by the Oil and Gas
12 Conservation Commission[, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION
13 OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF
14 NATURAL RESOURCES];

15 * Sec. 3. AS 41.08.010 is amended to read:

16 Sec. 41.08.010. DIVISION OF OIL, GAS, AND GEOLOGY
17 [GEOLOGICAL AND GEOPHYSICAL SURVEYS]. There is established in the
18 department a division of oil, gas, [GEOLOGICAL] and geology [GEOPHYSICAL
19 SURVEYS] under the direction of the state geologist.

20 * Sec. 4. AS 41.08.020(b) is amended to read:

21 (b) In addition, the division of oil, gas, [GEOLOGICAL] and geology
22 [GEOPHYSICAL SURVEYS] shall:

23 (1) collect, record, evaluate, and distribute data on the quantity,
24 quality, and location of underground, surface, and coastal water of the state;

DATED:

Tony Knowles
Governor

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6-78

Central Microfilm Services
Department of Education
State of Alaska

Introduced in the House: 1/8/96

Referred: House Special Committee on Oil and Gas, Resources, Finance

Introduced in the Senate: 1/8/96

Referred: Resources, Finance

EXECUTIVE ORDER NO. 92

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with
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18 department a division of oil, gas, [GEOLOGICAL] and geology [GEOLOGICAL
19 SURVEYS] under the direction of the state geologist.

20 * Sec. 4. AS 41.08.020(b) is amended to read:

21 (b) In addition, the division of oil, gas, [GEOLOGICAL] and geology
22 [GEOLOGICAL SURVEYS] shall:

23 (1) collect, record, evaluate, and distribute data on the quantity,
24 quality, and location of underground, surface, and coastal water of the state;

- 1 (2) publish or have published data on the water of the state;
- 2 (3) require the filing with it of the results and findings of surveys of
- 3 water quality, quantity, and location;
- 4 (4) require of water well contractors, the filing with it of basic water
- 5 and aquifer data normally obtained, including but not limited to well location,
- 6 estimated elevation, well driller's logs, pumping tests and flow measurements, and
- 7 water quality determinations;
- 8 (5) accept and spend funds for the purposes of this section,
- 9 AS 41.08.017, and 41.08.035 and enter into agreements with individuals, public or
- 10 private agencies, communities, private industry, state agencies, and agencies of the
- 11 federal government;
- 12 (6) collect, evaluate, and distribute geologic data on seismic events and
- 13 engineering geology of the state;
- 14 (7) identify potential seismic hazards that might affect development
- 15 in the state;
- 16 (8) inform public officials and industry about potential seismic hazards
- 17 that might affect development in the state.

18 * Sec. 5. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings

19 pending under a law amended by this Order, or in connection with functions transferred by

20 this Order, continue in effect and may be continued and completed notwithstanding a transfer

21 or amendment provided for in this Order.

22 (b) Regulations adopted by the Department of Natural Resources that refer to the

23 division of oil and gas or the division of geological and geophysical surveys in that

24 department remain in effect and may be implemented and enforced until the department

25 makes changes to those regulations that reflect this Order.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended

27 by this Order, and in effect on March 8, 1996, remain in effect notwithstanding this Order's

28 taking effect. Records, equipment, appropriations, and other property of agencies of the state

29 whose functions are transferred under this Order shall be transferred to implement the

30 provisions of this Order.

31 * Sec. 6. This Order takes effect March 9, 1996.

DATED:

Tony Knowles
Governor

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

February 26, 1996

SUBJECT: Fiscal notes on special concurrent resolutions

TO: Senator Drue Pearce
President of the Senate

FROM: Tamara Brandt Cook
Director *TBC*

You have asked whether a zero fiscal note is appropriate for a special concurrent resolution. In my opinion it is. AS 24.08.035(a) states in part:

Before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding fiscal years, or if the bill has not fiscal impact, a statement to that effect shall be attached.

The language of subsection (c) requires that a fiscal note contain information on "the fiscal impact on existing programs" and "the fiscal impact of new programs..." Clearly, a fiscal note is used to compare costs to the state of the existing law or policy and the law or policy as it would be changed by the measure if it is adopted. The purpose behind the requirement of a fiscal note is to enable legislators to have some idea of the fiscal impact of the change.

A special concurrent resolution is used to disapprove an executive order. Rather than resulting in a change in statute, adoption of a special concurrent resolution prevents a change in statute from occurring. Consequently, a special concurrent would, it seems to me, always have a zero fiscal note.

I have tried to ascertain how fiscal notes for special concurrent resolutions have been treated in the past. In 1993 a zero fiscal note was prepared by the House Finance Committee for HSCR 2 and in 1994 a zero fiscal note was prepared by the House Labor and Commerce Committee for HSCR 3. Other special concurrent resolutions that I checked did not have published fiscal notes.

TBC:klb:glc
96-132.klb

(C) all dissolved or entrained minerals and gases that may be obtained from the material medium, but excluding hydrocarbon substances and helium;

(4) "geothermal system" means a stratum, pool, reservoir, or other geologic formation containing geothermal resources;

(5) "operator" means a person drilling, maintaining, operating, producing, or in control of a well;

(6) "owner" means a person who, by reason of an interest in real property, has the right to drill into, produce, and make use of geothermal resources;

(7) "waste" means an inefficient, excessive, or improper production, use, or dissipation of geothermal resources, including, but not limited to,

(A) drilling, transporting, or storage methods that cause or tend to cause unnecessary surface loss of geothermal resources;

(B) locating, spacing, drilling, equipping, operating, producing, or venting of a well in a manner that results or tends to result in reducing the ultimate economic recovery of geothermal resources;

(8) "well" means a well drilled, converted, or reactivated for the discovery, testing, production, or subsurface injection of geothermal resources. (§ 6 ch 175 SLA 1980; am § 43 ch 85 SLA 1988)

Cross references. — For additional definitions, see AS 41.99.900.

Chapter 07. Geological Survey.

[Repealed, § 2 ch 93 SLA 1972.]

Chapter 08. Geological and Geophysical Surveys.

Section

- 10. Division of geological and geophysical surveys
- 15. State geologist
- 17. Hydrological and seismic hazard data declared to be of public interest

Section

- 20. Powers and duties
- 30. Printing and distribution of reports
- 35. Regulations
- 40. Cooperation with other agencies

Collateral references. — 63A Am. Jur. 2d, Public Lands, §§ 48-53.
73A C.J.S., Public Lands, §§ 30-35.

Recovery for unauthorized exploration or survey. 67 ALR2d 444.

Sec. 41.08.010. Division of geological and geophysical surveys. There is established in the department a division of geological and geophysical surveys under the direction of the state geologist. (§ 1 ch 93 SLA 1972)

Sec. 41.08.015. State geologist. The commissioner shall appoint the state geologist, who must be qualified by education and experience to direct the activities of the division. (§ 1 ch 93 SLA 1972)

Sec. 41.08.017. Hydrological and seismic hazard data declared to be of public interest. (a) Systematic collection, recording, evaluation, and distribution of data on the quantity, location, and quality of water of the state in the ground, on the surface of the ground, or along the coasts, are in the public interest and necessary to the orderly domestic and industrial development of the state.

(b) Systematic collection, evaluation, archival, and distribution of geologic data and information on earthquakes, volcanic eruptions, and engineering geology and identification of potential seismic, volcanic, and other geological hazards throughout the state are in the public interest and necessary to orderly, safely, and cost-effective development in the state. (§ 1 ch 41 SLA 1977; am § 1 ch 101 SLA 1983; am § 3 ch 36 SLA 1987)

Sec. 41.08.020. Powers and duties. (a) The state geologist shall conduct geological and geophysical surveys to determine the potential of Alaskan land for production of metals, minerals, fuels, and geothermal resources; the locations and supplies of groundwater and construction materials; the potential geologic hazards to buildings, roads, bridges, and other installations and structures; and shall conduct such other surveys and investigations as will advance knowledge of the geology of the state. With the approval of the commissioner, the state geologist may acquire, by gift or purchase, geological and geophysical reports, surveys, and similar information.

(b) In addition, the division of geological and geophysical surveys shall:

(1) collect, record, evaluate, and distribute data on the quantity, quality, and location of underground, surface, and coastal water of the state;

(2) publish or have published data on the water of the state;

(3) require the filing with it of the results and findings of surveys of water quality, quantity, and location;

(4) require of water well contractors, the filing with it of basic water and aquifer data normally obtained, including but not limited to well location, estimated elevation, well driller's logs, pumping tests and flow measurements, and water quality determinations;

(5) accept and spend funds for the purposes of this section, AS 41.08.017, and 41.08.035 and enter into agreements with individuals, public or private agencies, communities, private industry, state agencies, and agencies of the federal government;

(6) collect, evaluate, and distribute geologic data on seismic events and engineering geology of the state;

(7) identify potential seismic hazards that might affect development in the state;

(8) inform public officials and industry about potential seismic hazards that might affect development in the state. (§ 1 ch 93 SLA 1972; am § 2 ch 41 SLA 1977; am § 7 ch 175 SLA 1980; am § 2 ch 101 SLA 1983; am § 4 ch 36 SLA 1987)

Cross references. — For declaration of sources, see § 1, ch. 175, SLA 1980, in the legislative policy on geothermal resources, Temporary and Special Acts.

Sec. 41.08.025. Accounting and disposition of receipts. [Repealed, § 28 ch 90 SLA 1991. For current law, see AS 37.05.142 — 37.05.144.]

Sec. 41.08.030. Printing and distribution of reports. The state geologist shall print and publish an annual report and such other special and topical reports and maps as may be desirable for the benefit of the state, including the printing or reprinting of reports and maps made by other persons or agencies, where authorization to do so is obtained. Reports and maps may be sold and all money received from these sales shall be paid into the general fund. (§ 1 ch 93 SLA 1972)

Sec. 41.08.035. Regulations. The department may adopt regulations relating to and providing for the systematic collection, recording, and distribution of data on the water of the state. (§ 3 ch 41 SLA 1977)

Sec. 41.08.040. Cooperation with other agencies. The state geologist, with the consent of the commissioner, may enter into cooperative agreements with federal, state, and local governmental agencies to perform geological and geophysical surveys, studies, investigations, and services. (§ 1 ch 93 SLA 1972)

HOUSE RESOURCES STANDING COMMITTEE

February 5, 1996

8:13 a.m.

HSCR 1 - DISAPPROVING EXECUTIVE ORDER 92

Number 1888

CO-CHAIRMAN GREEN brought HSCR 1 before the committee. No one from the House Special Committee on Oil & Gas was available to testify. A memorandum from Representative Rokeberg, Chairman, House Special Committee on Oil & Gas to the House Resources Committee is as follows:

"Executive Order No. 92 consolidates the Division of Oil and Gas with the Division of Geological and Geophysical Surveys located within the Department of Natural Resources. The testimony before the House Special Committee on Oil and Gas indicated that there is no consensus regarding whether the consolidation outlined in Executive Order No. 92 is the correct configuration of the two divisions.

"Remarks during public testimony indicates there are both good and bad consequences if the consolidation goes forward. As a result of committee testimony, the members of the committee voted to introduce a special resolution to oppose the consolidation in order to expedite the process and move the executive order to the appropriate authorized committee.

"In addition, we checked with Legislative Legal on the proper procedure for handling a resolution opposing an executive order. The legal memorandum we received stated that under Uniform Rule 21, joint standing committees must consider executive orders."

Number 1924

NICO BUS, Acting Director, Division of Support Services, Department of Natural Resources provided background information on the bill. During last year's budget process, the funding for the director's position of the Division of Geological and Geophysical Surveys was deleted. He said the department then looked at the division to see if it warranted it's own division status. The commissioner asked the Alaska Geologic Mapping Advisory Board to establish a committee and assess the role and function of the Division of Geological & Geophysical Surveys and decide whether or not the department needed a director.

MR. BUS said that report was finalized, last fall. The board recommended that the director/state geology office be relocated to Anchorage; recruiting through a nationwide recruiting system, and that the director be appointed for a five year term. Another recommendation was that the Division of Geological and Geophysical Surveys needed to have a strong presence in the state of Alaska because of its importance to the resource and because of recurring geological hazards.

MR. BUS said another recommendation was that the geological surveys division pursue and develop partnerships with those who are working

Handwritten signature

towards common goals. He said during the Fiscal Year 97 budget preparations, the department looked at efficiencies. The DNR did not want to diminish the mission of the Division of Geological and Geophysical Surveys, and the department also wanted to implement the recommendations of the Alaska Geologic Advisory Board. He said the DNR's objective was to strengthen the surveys and improve administrative support. As a result, the Department of Natural Resources proposed Executive Order No. 92.

Number 2082

MR. BUS said, to make sure that the Division of Geological and Geophysical Surveys will not be absorbed into the Division of Oil and Gas, which was a concern of the House Special Committee on Oil and Gas, they will be doing best interest findings for the oil and gas people. The DNR basically wants to keep them separate in terms of budgetary issues. These two divisions will each have their own budget component and the legislature will have the opportunity to fund them at appropriate levels. The DNR plans to keep the field presence in tact for the geological surveys which it feels is very critical.

MR. BUS said the consolidation provides some budget efficiencies by sharing administrative support for both divisions and, in that process, the DNR saves \$50,000 in the FY97 budget, which is in line with what the legislature charged us with during the budget deliberations.

MR. BUS said the DNR feels Executive Order No. 92 is an efficiency measure in state government aimed at improving cooperation and communication between the two divisions and strengthening their missions. In the process, the department is gaining budgetary and administrative efficiencies. He said Mr. Ken Boyd was available to answer programmatic questions.

Number 2282

KENNETH A. BOYD, Director, Division of Oil and Gas, Department of Natural Resources, testified that the resolution combines two divisions with a long history of cooperation on various projects including methane projects, and North Slope field work in general. He hoped this combination will provide new opportunities to work together in the future. He said he strongly supports Executive Order No. 92. It is an opportunity for administrative efficiencies.

Number 2347

CO-CHAIRMAN GREEN referred to Executive Order NC. 92. Section 3. AS 41.08.010 and Section 4. AS 41.08.020 and discussed requirements and duties of the state geologist. There is no prerequisite in the order requiring that the person who does the administration be a registered geologist; like the Oil and Gas Conservation Commission, for example.

CO-CHAIRMAN GREEN said, speaking in accordance with the Special Committee on Oil and Gas, his concern is that, as a function, the prior Division of Geological and Geophysical Surveys would be under

received July 5 1965 etc. etc.
where certain specimens to be accepted.
By order in Dr. J. R. ...

the auspices of the Division of Oil and Gas....end tape.

TAPE 96-13, SIDE A
Number 000

CO-CHAIRMAN GREEN stated that the geology surveys division has consistently been utilized by the minerals industry for their expertise, maps, and hazard specialization which are the described duties for the general public and for entities that do not have large and sophisticated groups of geological and geophysical expertise; whereas the oil and gas industry has these resources at their command.

CO-CHAIRMAN GREEN mentioned his past association with the oil and gas industry and expounded on the industry's self-reliance in doing its own surveys. He alluded to the bidding on bonus lease sales and lease sales where there has been no bidding. He said a more direct example would be "bonus bidding" and "the money left on the table." What that is, is significant amounts of money left on the table, even with the most sophisticated geological departments in some of these companies.

CO-CHAIRMAN GREEN declared that a better use of the agency's resource might be to keep the Division of Geological & Geophysical Surveys either autonomous or combined with the Division of Mines. He said he agreed with the House Special Committee on Oil and Gas and tended not to approve Executive Order No. 92.

Number 327

MR. BOYD said the Division of Oil and Gas does not nominate areas for leasing, the division takes lease sale nominations from industry as far as the five-year process. The two lease sales that had no bidders, both of those areas were nominated by industry, in areas where they had an interest. As time passes, economics may change and companies interest may move, but industry does nominate the acreage.

MR. BOYD continued, the purpose of the geology section in the Division of Oil and Gas is not just the technical part of the lease sale, it is there to do a lot of the work that involves unitization computerization and other issues that involve geological and geophysical knowledge. In summary, to protect the state's interest.

MR. BOYD said he would try to do a good job as the state's geologist. It is not his intention to meld the groups together except to use the capabilities of both groups in a cross pollination. He would like the people in Fairbanks involved in day-to-day operations, the unitization and computerization functions and to learn how tract allocation works. He felt this is a valuable lesson for any geologist.

Number 429

CO-CHAIRMAN GREEN commended Mr. Boyd on the work that he has been doing, he said the work is exemplary. Chairman Green clarified that his comments, in no way, reflect any disrespect for the great

job Mr. Boyd is doing.

HOUSE RES BASIS - 3 - 02/05/96

Number 457

CO-CHAIRMAN WILLIAMS said the state is encouraging fiscal restraint and talking about consolidation in many areas. He asked Chairman Green that if his concern was resolved, would it hinder the industry to consolidate.

Number 500

CO-CHAIRMAN said consolidation would not hurt the Division of Oil and Gas, it would help them. He said his concern is that the divisions would not stay separate, and the Division of Geological and Geophysical Surveys would not continue to be as aggressive in the charges that are incumbent upon them. He said if there is an economy of scale, he would rather see them combined with a group that does utilize them and stay focused on hard rock and tectonics.

Number 643

REPRESENTATIVE AUSTERMAN asked if consolidation can be done and still protect those issues. He said, there is nothing wrong with saving money and now we are saying that we do not want to save money.

CO-CHAIRMAN GREEN said there may be a better marriage that saves the same amount of money but does away with the potential of drifting into the wrong element.

CO-CHAIRMAN GREEN said the intent of HSCR 1 is to not put the Division of Geological and Geophysical Surveys in the Division of Oil and Gas. Leaving it by itself will require a fiscal note, or continue without a leader, or meld them with the Division of Mines.

Number 709

REPRESENTATIVE AUSTERMAN asked if the committee could amend the Executive Order No. 92 to delete the Division of Oil and Gas and include the minerals division.

CO-CHAIRMAN GREEN said the House Resources Committee or someone would have to sponsor a bill to do that prior to February 11th.

Number 751

REPRESENTATIVE OGAN moved HSCR 1 move from the House Resources Committee with individual recommendations and attached zero fiscal note. Hearing no objection, it was so ordered.

SSCR

2

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/21/96

FURTHER:

Date of 5-Day Notice: 2-22-96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-27-96

The Resources Committee considered SENATE SPECIAL CONCURRENT RESOLUTION NO. 2 Disapproving Executive Order No. 95.

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>True Cause</i>		<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>John A. Leman</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Sen. Re. Committee</i>	<i>4/6</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

**State of Alaska - Boards and Commissions
Membership Roster**

BIG GAME COMMERCIAL SERVICES (042)

Member	Appointed	Reappointed	Term. Ex
Vacant Public			06/30/97
Vacant Commercial Use Permit Holder/Restricted			06/30/95
* Glen Alsworth Transporter/restricted 2425 Merrill Field Drive Anchorage, AK 99501	08/29/89	08/15/90	06/30/94
Peter R. Bulst Guide-Outfitter P.O. Box 71561 Fairbanks, AK 99707	08/01/91		06/30/95
Richard Burley Board of Game/Restricted 1165 Copper Street Fairbanks, AK 99709		11/15/93	06/30/97
Glenn W. Fredericks Native landholders rep. 1400 Virginia Court Anchorage, AK 99510	10/28/92		06/30/95
Paul E. Johnson Guide-outfitter P.O. Box 22 Elfin Cove, AK 99825	08/29/89	07/13/92	06/30/95
* Thomas N. Scarborough Public P.O. Box 80868 Fairbanks, AK 99708	08/01/91	06/30/93	06/30/97
Eric C. Stirrup Transporter/Restricted P.O. Box 4123 Kodlak, AK 99615	09/24/91		06/30/95

TERM EXPIRED 6-30-95

TERM EXPIRED 6-30-95

* Board members who recommended the termination of the BGCSB.

AS OF JUNE 30, 1995 THE BOARD OF NINE MEMBERS HAD FOUR VACANCIES AND TWO MEMBERS RECOMMENDING SUNSET.

GOVERNOR MADE NO APPOINTMENTS.



KUSKOKWIM GUIDE SERVICE

PETE SHEPHERD REG. GUIDE
 1012 GALENA STREET FAIRBANKS, ALASKA 99709
 PHONE (907) 474-4685 RADIO (907) 345-1160
 FAX (907) 474-9173

FAX TRANSMITTAL SHEET

TO		DATE: <u>Feb 1, 1996</u>
COMPANY: <u>Senate</u>		FROM: <u>Peter E.K. Shepherd</u>
ATTENTION: <u>Senator Halford</u>		PAGE <u>1</u> OF <u>2</u> (INCLUDES COVER)
FAX NUMBER: <u>(907) 465-4928</u>		
RE: <u>Executive Order No. 95</u>		

MESSAGE: Dear Senator Halford, February 1, 1996

I have been a registered guide for nearly 30 years and have witnessed the potential for an estimated half-billion dollar source of income for Alaskans eroded by over-regulation of the industry and non-management of the wildlife resource. Governor Knowles' Executive Order No. 95, transferring the duties of the sunsetted Big Game Commercial Services Board to the Department of Commerce, will further jeopardize the survival of the guiding industry. Furthermore, and just as significant, is the obvious trashing of the sunset act and executive usurpation of legislative functions.

I assure you that my concerns are shared by many guides and outfitters who wish to see reform in guide regulation, redefined professional standards, and restoration of industry oversight by an entity other than the Department of Commerce. I pledge my support and professional advice to any legislator(s) willing to introduce a bill that can clear up the current impasse involving the guiding industry. I sincerely hope you will join your fellow legislators and vote against Executive Order No. 95.

Best Regards,

Peter E.K. Shepherd
 Peter E.K. Shepherd

Rock,
 This is the text and
 statement I have sent
 to all Interior Republicans.

Pete

Dear *Rick*

Do you believe the provisions for sunseting boards and commissions should be eliminated? Do you believe that the Executive Branch has the legal authority to reinstate all of the functions and regulatory powers of a sunsetted board or commission? If so, the DO NOTHING and ALLOW EXECUTIVE ORDER NO. 95 TO BECOME LAW.

On the other hand, if you believe that sunseting is a legitimate process and gives the legislature appropriate checks and balances in the burgeoning regulatory practices of the Executive Branch or if you believe that the Executive Branch should honor legislative intent, then you should bring Executive Order No. 95 to a vote and cast your vote against approval.

The stated purpose of Executive Order No. 95 is to transfer the responsibility for licensing and regulation of big game guides from the sunsetted Big Game Commercial Services Board to the Department of Commerce and Economic Development. Nobody should have an argument with the Governor's statement that licensing and regulation of the guiding industry is in the best interest of the State of Alaska. What should concern us, however, is the method in which Governor Knowles has usurped legislative powers and abandoned any pretense that the legislature is the body that makes the law and the Executive Branch is the body who enforces the law.

In June, 1995, after the 1995 legislative session, Governor Knowles entered Administrative Order No. 159 by which the Department of Commerce and Economic Development assumed all the functions of the sunsetted Big Game Commercial Services Board. Governor Knowles now seeks your approval of that illegal and unconstitutional act, and is hoping for your inaction on Executive Order No. 95.

Administrative Order No. 159 and Executive Order No. 95 in effect, does away with the sunset act. Article 3, 23 of the Alaska Constitution prohibits the Executive Branch from using an Administrative Order when doing so changes the law or statutes. Governor Knowles clearly violated this prohibition and continued the functions of the Big Game Commercial Services Board. Executive Order No. 95 asks that you approve this on a constitutional procedure and has its own "savings clause" that approves of the acts conducted illegally during the interim.

It appears that the legislature needs to take control of this serious situation. There does not appear to be any reason why the Governor should not be forced to work with the legislature on very important issues of boards and commissions. The Governor should not be allowed to run rough-shod over the sunseting process. These issues extend far beyond the current sitting legislature and the current sitting Governor. Your support for disapproving Executive Order No. 95 is your support for returning legislative power back to the legislature. There is no reason this administration or any legislator could not introduce legislation to clear up the current conflict involving the guiding industry. The method chosen by the current administration, however, is clearly and simply wrong.

SENATOR RICK HALFORD
FAX 465-4928

REF SSCR2

DEFEAT GOVERNORS ILLEGAL ORDER ON COMMERCIAL SERVICES GUIDE
BOARD ACTION
WE CAN NOT CLEAR UP THIS MESS UNTIL THIS IS DONE

DON AND KAY SISSON
SISSON GUIDE BOARD
PO BOX 670707
CHUGIAK, AK. 99567
PH. 688-2802

Mr. Sam
1438 Luke St

Snyder

479-2170

Fairbanks

AK

99709

Distribution Affiliation
16

Reg Voter
Y

Date POM Sent
02/26/96

Constituency
N

Bill Number
SSCR 2

Response
Opposes

Subject

I SUPPORT YOUR DISAPPROVAL TO EXECUTIVE ORDER 95 AND YOUR SUPPORT OF SSCR2 AND HSCR 2. THANK YOU.

Mr Brent
8920 Lakehurst Drive

Hudson

243-0308

Anchorage

AK

99502

Distribution Affiliation
16

Reg Voter
U

Date POM Sent
02/26/96

Constituency
N

Bill Number
SSCR 2

Response
Supports

Subject

PLEASE LET ME STRONGLY EXPRESS MY SUPPORT FOR SSCR2 THAT WOULD DO AWAY WITH EO 95. I FEEL THAT GOV KNOWLES DID NOT FOLLOW THE GUIDELINES OF THE LAW IN USING THIS EO AND I REALIZE THAT THERE WERE PROBLEMS WITH THE OLD GUIDE BOARD BUT AT LEAST IT PROVIDED A WAY FOR THE GUIDING INDUSTRY TO SOLVE PROBLEMS BEFORE A PANEL AND A FEW PEERS. THANK YOU FOR YOUR TIME IN LISTENING TO MY CONCERNS ON THIS ISSUE. SINCERELY,
B. HUDSON

Mr Tom
Box 2772

Hundley

745-2084

Palmer

AK

99645

Distribution Affiliation
60 Master

Reg Voter
U

Date POM Sent
02/26/96

Constituency
N

Bill Number
SSCR 2

Response
Supports

Subject

GUIDE LICENSING NEEDS GENUINE REFORM. NOTHING BENEFICIAL WILL EVER OCCUR IF THE A.P.H.A. MANIPULATES THE STATE AND KEEPS THE DIVISION OF LICENSING CONFUSED AND STUMBLING AROUND LIKE A DRUNKEN FOOL. NOBODY SPENDS THOUSAND OF DOLLARS LOBBYING JUNEAU OVER CONCERN FOR A CARIBOU. IT'S ABOUT MONEY, SUPERCUBS, AND RUTHLESS MEN WHO WANT POWER.

THOMAS N. SCARBOROUGH
1676 TAROKA DRIVE
FAIRBANKS, ALASKA 99709
(907) 479-3412

February 20, 1995

Senator Rick Halford
State Capitol - Room 508
Juneau, Alaska 99801-1182

Re: House Bill No. 102, An Act extending the termination date of the Big Game Commercial Services Board.

Dear Rick:

The providing of Big Game Commercial Services has become an extremely complicated system of rules and regulations administrated by both the State of Alaska and the Federal Government. The State of Alaska Department of Commerce and Economic Development, Division of Occupational Licensing is the Administrative agency assigned to administer Big Game Commercial Services. The Federal Agencies consisting of Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service and National Park Service as land managers directly interact with those providing Big Game Commercial Services. Private Land Holders as land managers also are required to provide land use permits.

Big Game Commercial Services is generally viewed by the public as the Big Game Hunting Guide Industry. Actually the State Statutes are much boarder that this. They include any one providing:

1. Land, water or air transportation to big game hunters. Transporter license required.
2. Guide-outfit hunting for a specific marine mammal. Special license required. (I do not believe any license have ever been issued)
3. Big Game Commercial Services service for compensation, other than a guide-outfitter, marine mammal guide-outfitter or transporter. Commercial use permit required.

A Board consisting of 9 members is appointed by the Governor for the purpose of licensing and regulating the above activities. Make up of Board is stipulated by statute. The State Departments of Fish and Game, Department of Natural Resources and Department of Public Safety are to provide technical assistance.

Sen. Halford Ltr. cont. Re: House Bill No. 102, An Act extending the termination date of the Big Game Commercial Services Board.

The history of previous Big Game Commercial Services prior to 1989 was to create a closed fraternity for a select number of Big Game Guides. This system was found to be unconstitutional by the Alaska Supreme Court. The result was a revised set of statutes for Big Game Commercial Services. These have proved to be very cumbersome to work with by the Board and costly to the industry. Some members of the Big Game Guiding industry have worked diligently to find some legal way to return the system back to that similar to 1989. This has caused confusion and in my opinion a lot of wasted effort.

The Federal Agencies have been quite cooperative with working with the Board. With the exception of the Department of Public Safety, other State agencies have ignored the Big Game Commercial Services industry. This includes the Dept. of Fish and Game. The attitude of ADF&G is hard to understand as approximately 80 % of State of Alaska funds dedicated to wildlife management are generated by this industry.

The Dept. of Commerce has supplied one staff person to deal with Big Game Commercial Services. Overall the fees (taxes) paid by the industry amounts to about \$400,000 per year. Actual expenditures by the Dept. of Commerce including charges by Attorney Generals staff for legal assistance totals only about \$200,000.

The Big Game Guiding industry has been estimated to generate upwards of 100 million dollars of business per year. This must be considered a portion of the tourist industry. Most of this money is spent right here in Alaska. Very different to the major providers of tourist services. The State of Alaska provides the tourist industry with 7 to 10 million dollars each year for advertising. None of these dollars are used to promote the Big Game Guiding (hunting) industry.


It can be concluded very quickly that Big Game Services is an important industry to Alaska. It can also be quickly seen that the State of Alaska Government agencies have little interest in Big Game Guiding even though this is a 100 million dollar renewable industry. Something different must be done.

I believe the only solution is to establish a private (or quasi private) board. This Board could then represent the Big Game industry. It could also have a staff which could truly service the industry and achieve cooperation from

Sen. Halford Ltr. cont. Re: House Bill No. 102, An Act extending the termination date of the Big Game Commercial Services Board.

Involved State and Federal agencies. A change in some state statutes may be required to achieve a private board to oversee Big Game Commercial Services. Obviously the fees required of the industry must be revised. A simple way to achieve this would be to sunset the current Board and then set up a process to revise the statutes next legislative session. This would force the industry to reevaluate where it is at today and what might be done to correct the current situation. I believe with proper management this could be a renewable industry to Alaska of several times what it is today. This will not occur unless major changes are made.

Sincerely,


Thomas H. Scarborough

cc to: DOC



7/1/ 03 1223

Tom Hundley
Registered Guide – Outfitter

Senator Rick Halford
State Capitol, Juneau, Alaska 99801-1182

5/1/95

Concerning: Guide legislation/Senate Finance Committee Members

Honorable Rick Halford:

My family and I want you to know that we fully support your effort to bring accountability into the guide licensing program. Rick, without your sense of historical perspective on guiding issues, it would be very easy for the legislature to be misled by those wanting to use the BGCSB/Guide Board as an advocacy tool for drafting regulations for personal gain. Some in this industry have become quite adept at ignoring the law, they will be sending their hacks and carpetbaggers to Juneau to try to twist your arm and make an end run around the Legislature, just as they've always done.

I live in a world where there is a wrong and a right, integrity does mean something, and when it comes to big game guiding in Alaska - it means everything - irregardless of the pressures to ignore the law. You haven't forgotten this fact, Senator and I admire you for holding fast to principles.

We need genuine statutory changes which limit and set legal and justifiable priorities for the Guide Board. Unless sweeping changes are made to the Statutes which empower the Board, I would hope that your office not allow the guide legislation to pass through the Senate Finance Committee. No more funding for illegal and arbitrary guide area programs which enslave men to wrongfulness and force all of us to cheat to get by. A horrible legacy has been woven by the Guide Board over the past 20+ years. I am 40 years old and have been guiding since I was a skinny kid with hair in the 1970's. I find it difficult to forgive the state for what has been allowed to occur in my lifetime and find it even harder to imagine why any thinking person would want this corruption to continue.

Quote:

"There is nothing worse, nothing more destructive of respect for the government and the law of the land than passing laws which cannot be enforced". - Albert Einstein.

My Highest Regards,


Tom Hundley
Guide-Outfitter

THOMAS N. SCARBOROUGH
1676 TAROKA DRIVE
FAIRBANKS, ALASKA 99709
(907) 479-3412

April 29, 1995

Senator Rick Halford
State Capitol - Room 508
Juneau, Alaska 99801-1182

Re: House Bill No. 102, An Act extending the termination date of the Big Game Commercial Services Board.

Dear Rick:

The providing of Big Game Commercial Services has become an extremely complicated system of rules and regulations administrated by both the State of Alaska and the Federal Government. The Federal Agencies consisting of BLM, U.S. F & WS, U.S. FS and the NPS as land managers directly interact with those providing Big Game Commercial Services. State of Alaska Dept. of ADF&G and DNR also dictate how Services are provided. Private land holders are required to provide land use permits.

The Big Game Guiding industry is expected to help fund all of the above Agencies for management and enforcement through user fees and licence fees (taxes). These fees must be passed on to the clients. Alaska may now be the most expensive place in the world to obtain Professional Big Game Guiding services.

In addition the Big Game Commercial Services Board has no legal function in the management of the wildlife utilized by the providers of Big Game services. This responsibility is mandated to the Alaska Department of Fish and Game by Alaska State Statutes.

I believe the only solution is to establish a private (or quasi private) board. This Board and staff could then truly represent the Big Game industry. A change in some state statutes may be required to achieve a private board to oversee Big Game Commercial Services. Obviously the fees required of the industry must be revised. A simple way to achieve this would be to sunset the current Board and then set up a process to revise the statutes next legislative session. This would force the industry to reevaluate where it is at today and what might be done to correct the current situation. I believe with proper management this could be a renewable industry to Alaska of several times what it is today. This will not occur unless major changes are made. If no changes are made this industry will be regulated and taxed out of existence with the loss of millions of dollars of revenue to Alaskans

Sincerely,

Thomas N. Scarborough



LOST CREEK RANCH

Les & Norma Cobb
P. O. Box 84334
Fairbanks, Alaska 99708
(907) 672-3099

October 9, 1995

Rick Halford
PO Box 670190
Chugiak, Ak 99567

RECEIVED
OCT 10 1995
Ans'd.....

Dear Rick,

I have written you in the past. I'm the 43 yr. old who for the past 5 years has tried to obtain a hunting guide license. The guy who operates a horse guest ranch 150 miles NW of Fairbanks.

The reason I wish a guide license was to help save my guest business by being able to add hunting to it. I've lived in the Minook Valley 23 years, 19 miles south of Rampart. My closest neighbors are 20 miles so my area would be good for a hunting guide service.

The problem as I have stated before, the past guide board is corrupt and not fair or honest. We need a system that will be fair to all Alaskans. Not just the few who have the license and controls the governing laws.

I will back you up in changing the present law to be honest and fair. But for me to open up and tell what I personally have seen, experienced, and was affected by would only jeopardize my chances of obtaining a guides license in the future. Because you alone cannot guarantee change. The people who are normally hurt are the little guys at the bottom, like me.

Please let me state again, the future of my little tourist business depends on my obtaining a game guide license.

Enclosed is our brochure.

Thank you for your work on these matters!!!


Les Cobb

RAY ATKINS

Guide and Outfitter

RECEIVED

OCT 10 1995

Ans'd.....

October 4, 1995

Senator Rick Halford
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

RE: Big Game Commercial Service Board

Thank you for your letter of August 23, 1995.

I believe a simple program as you list in your item #2 would be best for the State and the industry.

I remeber years ago when you came to me asking that I not protest your application to work in Unit 13, I did not protest. I do not believe anyone should be able to say who can and who can't work as long as the people are ethical and qualified.

Personally I would like to see a five year apprenticeship program with a schhol for guides at the end of it before being certified, so a person really has a part of themselves in the license.

I would also like to see that all convicted felons be refused or licenses revoked, so one could feel he was backing honest people. If you are going to let felons work in this business, I believe they should not be able to run their business while in prison, f.e. book hunts.

Sincerely,


Ray Atkins

WAS
Ray Atkins

CANTWELL

ALASKA

99729

RECEIVED
OCT 0 1995
Ans'd

ALASKA - RUSSIA

Lazer's Guide Service

HCO1 Box 6877 Palmer, Alaska 99645 ☎ (907) 745-3006 / Fax

26 years experience in Alaska

Dear Rick,

Sept. 26, 95

Thankyou for going to bat for the silent majority. The BGCSB was a monster out of control. Everybody generally believes we need less government but it never happens.

I beleive in a simple one type of guide business license for big game guiding, at a reasonable fee.

The liability insurance, first aid, CPR, native land permission, Federal land permission, etc. should be optional- up to the guide to get if he wants. The state should not be a caretaker for these other parties.

A guide should be able to recommend anyone for a asst. guide license too, as it was in the past.

These are ridiculous, taxation by the government :

- 1 \$ 100. commercial use license
- 2 \$ 100. for each guide area. (3 areas = \$ 300.00)
- 3 \$ 350. to camp on State land.
- 4 \$ 200. guide license (\$ 25.00 would cover all the paperwork.)
- 5 \$ 25. business license.

I believe that the guide who books the hunt should guide the client, with the help of one or two asst. guides. No guide areas would be needed. There would be no way for the guide to be in more than one area at a time. Not 3 guide areas with 10 asst. guides, 3 or 4 planes, taking 15, 20, plus Brown bear in 2 weeks!

I hear that APHA (seems they're the only ones the newspaper quotes), only have a membership of appox. 10 % of all the guides yet they take 75% of all the non-resident hunters. So who is really Raping the game!

ALASKA - RUSSIA

Lazer's Guide Service

HCO1 Box 6877 Palmer, Alaska 99645 ☎ (907) 745-3006 / Fax

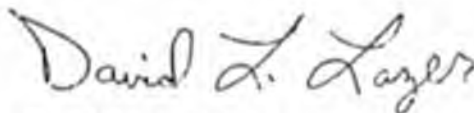
24 years experience in Alaska

Heres a simple story. Alaska Peninsula, guide area 9-26 (south of Wildman lake to Pt. Moler and inland from the ocean appox. 20 mile). State land appox. 20 x 50 mile. 1993, 11 guides signed up for it. At least 2 of these 11 guides, Mel Gilles, and Don Johnson have exclusive Federal areas adjoining this state land. They can hunt bear on Fed. land and also come and hunt in 9-26 competing against 9 other guides. But the 9 guides can't go and hunt on their Fed. land. And who knows which land they claim the bears were actually shot on !

We're all pretty busy now till early Dec. Then the shows Jan.----- March. If you're going to be arround in Dec. or having any meetings please let me know.

We (the guides) are the only union where the members never get to vote. A Board simply tells us when to jump and how high. Sure they have open meetings and let us speak but then at lunch they decide what they are really going to do. I'm just sick and tired of all this CRAP !!!

Sincerely



David L. Lazer

(p.s. and I typed this letter myself)

RECEIVED

NOV 21 1995

11/14/95

Ans'd.....

Dear Senator Halford,

I'm writing in regard to the guiding regulations. I'm in favor of simplifying and/or eliminating most of what I consider needless or redundant regulations.

ADF+G already has the ability to keep track of game taken through harvest tickets and big game tag records and protect the resource through the regulation process. It's difficult enough to keep track of the logistics of a hunt without having an array of paperwork from various agencies to contend with.

I would like to eliminate the mandatory insurance requirement. I think insurance actually encourages lawsuits. Hunt insurance is available for hunters who are so inclined.

I think the additional aircraft coverage is unfair. It's forced me to charter my clients and only use my own plane

for hauling gear. This really cuts down on the flexibility and quality of the hunt.

Right now the state is faced with declining revenues. Guided hunts bring a lot of money into state coffers, both directly through license and tag fees and indirectly by pumping money into the economy. I believe the state should be encouraging guides to operate by simplifying the rules.

An argument can be made that ~~by~~ making it more expensive and complicated to operate limits the number of guides and lessens the pressure on the resource. I think the opposite often occurs. Because of the increased costs it forces the operator to book more hunts to turn a profit.

Bush Alaska is particularly in need

really cuts down
quality of the
faced with
ed hunts.
state
ough license
by pu.

2

of more job opportunities. Guiding is a perfect choice. Rural residents would have a job close to home and the meat stays in the village.

Unfortunately, many bush residents, though skilled in all aspects of woodcraft, lack the familiarity or education to deal with the complicated paperwork involved. The present regulations actively discourage them from getting in the business. Frankly the system caters to bookkeepers or accountants - not woodsmen.

I would be in favor of a simple licensing by game management unit after an apprentice period. This would weed out total neophytes or ~~more~~ incompetents. I strongly oppose any mandatory insurance.

I've probably rambled as long enough. I appreciate your addressing

this problem. Please keep it as simple
as possible.

Sincerely,
Steve O'Brien

Box 42
Manley Hot Springs
Alaska 99756

672-3362

RECEIVED
SEP 26 1995
Ans'd.....

September 20, 1995

Senator Rick Halford
P. O. Box 670190
Chugiak, AK 99567

Dear Rick:

Thank you for your recent update on the status of guiding and the board. I was totally in support of your position last session to sunset the Big Game Commercial Services Board.

In my opinion, the ability to enjoy exercising the privilege of one's guide license has steadily deteriorated since the advent of exclusive areas during the 70s. This is due to the meddling and intrusive regulations that have shackled us in recent years. The myriad fees, permits and regulations are discouraging, confusing, do nothing to improve the quality of the profession, and make it very difficult for "part time" guides to contract with clients.

You asked what I, as a guide, want out of the next legislative session. Please, not more of what we have had. I want a minimum of regulation and overlapping agency interference. A simple licensing by game management unit and an objective test similar to what we had in the 60s would be satisfactory. I don't see any reason for the government to require insurance, permit areas, operating plans, and the like. An appropriately constituted board can deal with ethical and regulatory issues, as they do with other licensed professionals.

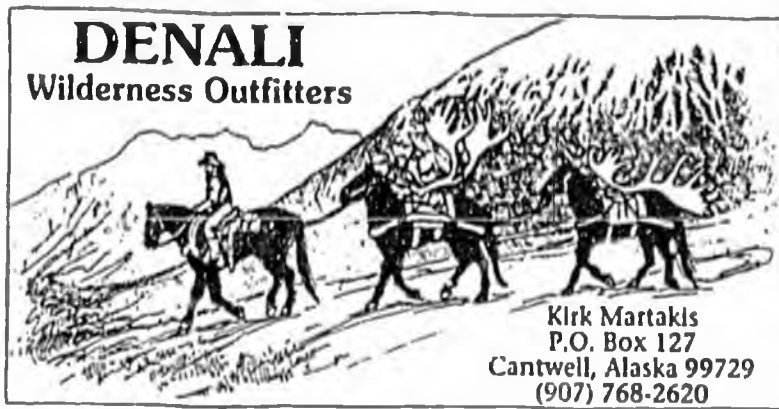
September 20, 1995
Senator Halford
Page 2

I hope you will continue to resist the forces that want to take us back to what we have had for the past 15 or 20 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Browning", with a long horizontal line extending to the right.

Lee Browning
Reg. Guide 176



RECEIVED
 OCT 30 1995
 Ans'd.....

Alaskan Hunting at its Finest

Oct. 20, 1995

Harvey Rich

I've never written to any politicians but I just wanted to show my support to you on what you are trying to do with BGCS. I agree with you that they have overstepped their reason for being, and the result has been higher fees for guides and incredible excess in paperwork.

I operate both a wilderness tourist business and a hunting business. The difference in government mottling, paperwork and government fees are like night and day. The only reason hunting guides are under such heavy scrutiny is BGCS. In working (or trying) with a new man at DNR, I could access state land with my tourist business, unregulated, but as a guide trying to be honest my fees and bonds have gone up 4000% in 3 yrs! This state employee who hands out permits admitted to me they are targeting hunting guides and only because of BGCS. They collect 0 fees from the ecotourist outfits, but wanted hunting guides to eat fee changes from \$100 yr to \$1000 yr and bonds from \$1000 to \$4700 in one yr.



Dick Lounsbury
Registered Guide & Outfitter
601 West 20th Avenue
Anchorage, Alaska 99503
Phone (907) 272-5126

RECEIVED
NOV 20 1995
Ans'd.....

November 21, 1995

Senator Rick Halford
P.O. Box 670190
Chugiak, Alaska 99567

Dear Senator Rick Halford

I am writing in response to your letter of August 23, 1995 concerning the sunset of the Big Game commercial Services Board. There is an obvious need to create a more simple means of licensing Big game Guides.

During the past 40 years I have had involvement in big Game Guiding. I have seen the licensing requirements evolve from a simple practical process to the most intrusive bureaucratic process imaginable under the Big Game Commercial Services Board. It would be interesting to see who needed and used all of the data collected by this make work bureaucracy.

The big game guiding industry is under too much regulation. The regulation should not be more than for sports fishing, water fowl guiding or any other outdoor adventure business.

I would suggest that with the statutory requirements to comply with that a simple licensing by game management unit after a 3 year apprentice period and an objective test would be reasonable. Abolish the existing Assistant Guide licensing requirements. A letter of recommendation from a Registered Guide should suffice for an assistant guide License.

Thank you for your efforts in attempting to reduce the regulation and bureaucracy

Very truly yours,

Dick Lounsbury

BRANHAM ADVENTURES

A L A S K A



P.O. Box 190184 • Anchorage, Alaska 99510 U.S.A.
 Phone (907) 243-4901 • Fax (907) 243-4907

FAX #: 907-465-4928

Date: January 17, 1996

PAGES: one

Reply To Fax: 907-243-4907

From: Dennis Branham

TO:
 Senator, Rick Halford

I really don't know what new has transpired regarding Guides, and Guide control Boards, assigned areas etc., Please send me anything you might have on the above. Also I want you to know that I will be on your side and would back anything that you might be able to do regarding the guiding situation.

Regarding your letter of Aug. 23, 1995 I would like to see the whole industry revamped with a waiting period for getting a license and for recommendation for the license also ~~but~~ the discrimination against Guides for cost of camp sites or base^{camp} camps, license fees, paper work etc., Over the years it has skyrocketed both in cost and paperwork.

Please advise if I can do anything to help regarding the Guide laws. Rick I may be the oldest active Guide in the State now.

Thanks for your efforts.

Dennis Branham
 Master Guide # 2

Dennis W. Confer
2509 Kilkenny Circle
Anchorage, AK 99504
338-3099

RECEIVED
SEP 20 1995

Ans'd.....

Senator Rick Halford
State Capitol
Juneau, AK 99801-1122

Sep 7, 1995

REF: Your Aug 23/95 Letter to Guides

SUB: Big Game Guide licensing, board, regulations: WHAT I WANT

Thank you for the information and the opportunity to provide input.

I am totally against excessive regulation and licensing requirements.

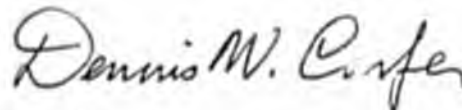
I am FOR a simple licensing by game management unit after a 3 year apprentice period and an objective test and low fees.

I am FOR simplifying the regulations so that you don't need a lawyer for interpretation. I believe that most guides use common sense, courtesy and consideration and ethical guiding as a rule and we can do without excessive government meddling.

I believe waterfowl and fishing guides should not need anything more than a business license to practice.

I have spent over 30 years of work in government and can see great wasted effort in excessive regulation. I am a retired USAF Major and MBA and feel very qualified to judge regulations.

Respectfully,



Dennis W. Confer

Ellis Big Game Guides

Guiding and Outfitting

Guides:

LYNN ELLIS
TERRY ELLIS
CAREY DAVIS
RED ILER

MILE 42 NABESNA RD.
SRA BOX 1455 - SLANA, AK 99586
PHONE (907) 822-3426
FAX (907) 822-5519

Guides:

BILL & LORENE ELLIS
COLE & CHRISTY ELLIS
KIPK & GENNIE ELLIS

September 18, 1995

RECEIVED

SEP 20 1995

Ans'd.....

Senator Rick Halford
P. O. Box 670190
Chugiak, Alaska 99567

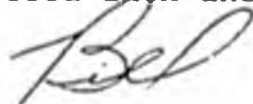
Hi Rick:

Well here we (as in the guides) are again!

I sure wish I could see some good coming out of this. Sure hope you can pull it off. But, in all honesty, every time the guide issue comes up we get shoved back a damned mile. I get the feeling that once you earn a guide license you immediately become a "second class citizen".

However, it is worth a try. I would like to see it as it was before. They tried to make us so damn perfect and in compliance with every bureaucracy that the state and feds could come up with.

Good luck and good hunting,



Bill Ellis

P. S. Guess I got carried away and didn't address the issue as the learned people say. I would like to see the #2 idea that was in your letter.

Please Reply Via Airmail or FAX

SHEEP

MOOSE

GOAT & BEAR HUNTS

FISHING

FLOAT TRIPS

PHOTO TRIPS

There will also be those who think the de-regulation of hunting guides would make the treatment of all types of guides consistent.

Next legislative session we will have a clear slate – no board, no regulations, no legal authority for department action. What do you want?

1) A board like the last one tied to the Department of Natural Resources, federal land managers, the Federal Aviation Administration and the Coast Guard requiring insurance, permit areas, operating plans, reports and all other obstacles invented by their prior regulations?

②) A simple licensing by game management unit after a 3 year apprentice period and an objective test?

3) A combined, all-purpose guiding statute for fishing, hunting and all other personally guided outdoor adventure businesses?

4) A business license only; just like a fishing or waterfowl guide?

5) Something else...?

Whatever you think, this fall is the time to be heard. Special interests and big operators will be heard. They will hire lobbyists and lawyers and travel to Juneau.

If nothing else, write your opinion on the back of this letter and send it back to me at Post Office Box 670190, Chugiak, AK 99567. Don't let this decision be controlled by others.

Sincerely,

Rick Halford
RICK HALFORD

5 SEPT. 95

PLEASE NOTE:

RH:kg

1. I SPENT FOR ALASKA SAFARIS - BROOKS RANGE ARCTIC HUNTS, REGISTERED GUIDES EUGENE M. WITT #0268, EUGENE M. WITT, II, #649, & DANN G. WITT #503.

2. WE FAVOR NUMBER ② CIRCLED ABOVE. ALTERNATE CHOICE IS NUMBER 4) ABOVE.

3. WE CERTAINLY OPPOSE PAST & PRESENT OVER REGULATION BY TRAIL GUIDE BOARD & BIG GAME COMMERCIAL SERVICES BOARD AS UNNECESSARILY COSTLY, TIME CONSUMING & HARASSING. WE HAVE THE SAME TROUBLE WITH FISH & WILDLIFE (FEDS) WITH OUR ASSIGNED AREAS ARC-11 & 18 IN THE ARCTIC NAT'L. WILDLIFE REFUGE WHERE WE HAVE BEEN 28 YRS.

Eugene M. Witt