

**ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672**

**9666 SENATE RESOURCES**

1 (A) adopt regulations eliminating consumptive uses[,] other than **human**  
2 **consumptive** subsistence uses;

3 (B) distinguish among subsistence users, through limitations based on

4 (i) the customary and direct dependence of the fish stock or [GAME] **wildlife**  
5 population by the subsistence user for human consumption as a mainstay of livelihood;

6 (ii) the proximity of the domicile of the subsistence user to the **fish** stock or **wildlife**  
7 population; and

8 (iii) the ability of the subsistence user to obtain food if subsistence use is restricted  
9 or eliminated.

10 [(c) THE BOARDS MAY NOT PERMIT SUBSISTENCE HUNTING OR  
11 FISHING IN A NONSUBSISTENCE AREA. THE BOARDS, ACTING JOINTLY, SHALL  
12 IDENTIFY BY REGULATION THE BOUNDARIES OF NONSUBSISTENCE AREAS. A  
13 NONSUBSISTENCE AREA IS AN AREA OR COMMUNITY WHERE DEPENDENCE UPON  
14 SUBSISTENCE IS NOT A PRINCIPAL CHARACTERISTIC OF THE ECONOMY,  
15 CULTURE, AND WAY OF LIFE OF THE AREA OR COMMUNITY. IN DETERMINING

1                                   **Draft Revised Fish & Game Statutes (AS 16.05)**  
2   **Subsistence Act of 1997**

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7                   **Sec. 16.05.258. Subsistence use and allocation of fish and [GAME] wildlife.**

8           (a) ~~[EXCEPT IN NONSUSTINENCE AREAS,] In areas and communities classified as rural,~~

9           the Board of Fisheries and the Board of Game shall identify the fish stocks and [GAME] wildlife

10           populations, or portions of stocks or populations, that are customarily and traditionally taken or

11           used for subsistence. The commissioner [SHALL] may<sup>1</sup> provide recommendations to the boards

12           concerning the stock and population identifications. [THE BOARDS SHALL MAKE

13           IDENTIFICATIONS REQUIRED UNDER THIS SUBSECTION AFTER RECEIPT OF THE

14           COMMISSIONER'S RECOMMENDATIONS.]

15                                   (b) The appropriate board shall determine whether a portion of a fish stock or

16           [GAME] wildlife population identified under (a) of this section can be harvested consistent with

17           sustained yield. If a portion of a fish stock or wildlife population can be harvested consistent with

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<sup>1</sup>This change was suggested by ADF&G in 1996 to reflect actual practice.

1       sustained yield, the board shall determine the amount of the harvestable portion that is reasonably  
2       necessary for subsistence uses and

3               (1) if the harvestable portion of the fish stock or wildlife population is sufficient  
4       to provide for all consumptive uses, the appropriate board

5               (A) shall adopt regulations that provide a reasonable opportunity for subsistence  
6       uses of those fish stocks or wildlife populations;

7               (B) shall adopt regulations that provide for other uses of those fish stocks or  
8       wildlife populations, subject to preferences among beneficial uses; and

9               (C) may adopt regulations to differentiate among uses;

10              (2) if the harvestable portion of the fish stock or wildlife population is sufficient  
11       to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate  
12       board

13              (A) shall adopt regulations that provide a reasonable opportunity for subsistence  
14       uses of those fish stocks or wildlife populations;

1 (B) may adopt regulations that provide for other consumptive uses of those fish  
2 stocks or wildlife populations; and

3 (C) shall adopt regulations to differentiate among consumptive uses that provide  
4 for a [PREFERENCE] priority for [THE] subsistence uses, if regulations are adopted under (B)  
5 of this paragraph;

6 (3) if the harvestable portion of the fish stock or wildlife population is sufficient  
7 to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

8 (A) determine the portion of the fish stocks or wildlife populations that can be  
9 harvested consistent with sustained yield; and

10 (B) adopt regulations that eliminate other consumptive uses in order to provide a  
11 reasonable opportunity for subsistence uses; and

12 (4) if the harvestable portion of the fish stock or wildlife population is not sufficient  
13 to provide a reasonable opportunity for human consumptive subsistence uses, the appropriate  
14 board shall

1 WHETHER DEPENDENCE UPON SUBSISTENCE IS A PRINCIPAL CHARACTERISTIC OF  
2 THE ECONOMY, CULTURE, AND WAY OF LIFE OF AN AREA OR COMMUNITY  
3 UNDER THIS SUBSECTION, THE BOARDS SHALL JOINTLY CONSIDER THE RELATIVE  
4 IMPORTANCE OF SUBSISTENCE IN THE CONTEXT OF THE TOTALITY OF THE  
5 FOLLOWING SOCIO-ECONOMIC CHARACTERISTICS OF THE AREA OR COMMUNITY:]

6 (c) On the effective date of this Act, all communities and areas outside the  
7 nonsubsistence areas established by regulations adopted by the Board of Fisheries and Board  
8 of Game and effective on May 15, 1993, shall be classified as rural for purposes of this Act.  
9 The Board of Fisheries and the Board of Game, acting jointly, shall determine by regulation  
10 whether additional communities or areas should be classified as rural and whether  
11 communities or areas classified as rural should no longer be classified as rural.

12 (d) The boards may permit subsistence hunting or fishing only in areas or  
13 communities classified as rural. Fish stocks and [GAME] wildlife populations, or portions of  
14 fish stocks and [GAME] wildlife populations not identified under (a) of this section may be taken  
15 only under nonsubsistence regulations.

1 (e) Takings and uses of fish and [GAME] wildlife authorized under this section are  
2 subject to regulations regarding open and closed areas, seasons, methods and means, marking and  
3 identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations.  
4 Takings and uses of resources authorized under this section are subject to AS 16.05.831 and  
5 AS 16.30.<sup>2</sup>

6 (f) For purposes of this section, "reasonable opportunity" means an opportunity,  
7 [AS DETERMINED BY THE APPROPRIATE BOARD, THAT ALLOWS A SUBSISTENCE  
8 USER] consistent with customary and traditional uses, to participate in a subsistence hunt or  
9 fishery [THAT PROVIDES A NORMALLY DILIGENT PARTICIPANT] with a reasonable  
10 expectation of success. [OF TAKING OF FISH OR GAME] Reasonable opportunity shall not  
11 guarantee the taking of fish or wildlife.

12 (g) No provision of this section requires the Board of Fisheries to close  
13 non-retention fishing if the board has made a finding that the mortality caused by

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<sup>2</sup>These two statutes prohibit waste of salmon and wanton waste of game, respectively.

1     non-retention fishing does not jeopardize subsistence uses or the conservation of healthy  
2     stocks.

3             Sec. 16.05.259. No subsistence defense. In a prosecution for the taking of fish  
4     or [GAME] wildlife in violation of a statute or regulation, it is not a defense that the taking was  
5     done for subsistence uses.

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7             Sec. 16.05.260. Advisory committees. (a) The Board of Fisheries and the Board  
8     of Game may adopt regulations they consider advisable in accordance with AS 44.62  
9     (Administrative Procedure Act) establishing, at places in the state designated by the individual  
10    boards, advisory committees to be composed of persons who collectively represent user groups  
11    in the area and who are well informed on the fish or [GAME] wildlife resources of the locality.  
12    The boards shall set the number and terms of each of the members of the advisory committees,  
13    shall delegate one member of each committee as chairman, and shall give the chairman authority  
14    to hold public hearings on fish or [GAME] wildlife matters.

1 (b) Recommendations from the advisory committees on uses other than  
 2 subsistence shall be forwarded to the appropriate board for their consideration but if the Board  
 3 of Fisheries or the Board of Game chooses not to follow the recommendations of the local  
 4 advisory committee the appropriate board shall inform the appropriate advisory committee of this  
 5 action and state the reasons for not following the recommendations.

6 (c) Recommendations from the advisory committees on subsistence uses shall  
 7 be sent to regional subsistence councils. If the regional subsistence council does not adopt  
 8 the recommendation of the advisory committee, the council shall inform the advisory  
 9 committee, state the reasons, and forward the advisory committee recommendation to the  
 10 board.

11 Sec. 16.05.261. Alaskan Regional Subsistence Councils. (a) The Board of  
 12 Fisheries and the Board of Game shall adopt regulations establishing at least six subsistence  
 13 resource regions which, taken together, cover the entire state. The number and boundaries  
 14 of the regions shall be sufficient to assure that regional differences in subsistence uses are  
 15 adequately accommodated.

1           **(b) Each subsistence resource region shall be represented by a regional**  
 2           **subsistence council with members appointed by the Governor. Each regional subsistence**  
 3           **council shall have ten members, four of whom shall be selected from nominees who reside**  
 4           **in the region submitted by tribal councils in the region, and six of whom shall be selected**  
 5           **from nominees submitted by local governments and local advisory committees. Three of**  
 6           **these six shall be subsistence users who reside in the region and three shall be sport or**  
 7           **commercial users. Sport and commercial representatives may be residents of any subsistence**  
 8           **resource region. The regulations shall provide for staggered terms of council members. The**  
 9           **maximum term shall be three years, with no limit on the number of terms served. A**  
 10          **quorum shall be a majority of the members of a council.**

11           **(c) Regional subsistence councils shall strive for consensus, but**  
 12          **recommendations shall be decided by majority vote.**

13           **(d) Each regional subsistence council shall have the authority to**  
 14          **(1) elect officers and adopt rules of procedure;**

1                   (2) hold public meetings on fish and wildlife matters and solicit proposals from  
2                   the public on subsistence use;

3                   (3) in consultation with the local fish and game advisory committees in its  
4                   region and with the department, review, evaluate, and make a recommendation to a board  
5                   on any existing or proposed regulation, policy, or management plan, or any other matter  
6                   directly relating to the subsistence use of fish and wildlife within its region;

7                   (4) comment on sport, personal use, and commercial proposals;

8                   (5) make recommendations concerning permits provided in AS 16.05.330(d)  
9                   and .405(g);

10                  (6) submit to the boards, the department, and the Secretaries of Interior and  
11                  Agriculture of the United States, by November 15 of each year, an annual report,  
12                  containing:

13                  (A) an identification of current and anticipated subsistence uses of fish and  
14                  wildlife populations within the region, and other fish and wildlife uses that the council  
15                  identifies;

1                   (B) an evaluation of current and anticipated subsistence needs for use of fish  
 2                   and wildlife populations within the region, and of other fish and wildlife needs that the  
 3                   council identifies;

4                   (C) a recommended strategy for the management of fish and wildlife  
 5                   populations within the region to accommodate the identified fish and wildlife uses and needs;  
 6                   and

7                   (D) recommendations concerning policies, standards, guidelines, and  
 8                   regulations to implement the strategy; and

9                   (7) perform other duties specified by a board.

10                   (e) Each council shall provide a forum for, and assist its local fish and game  
 11                   advisory committees in, obtaining the opinions and proposals of people interested in fish and  
 12                   wildlife matters so as to achieve the greatest possible local participation in the  
 13                   decision-making process.

1                    (f) Proposals relating primarily to subsistence issues initiated by the public or  
2                    by local fish and game advisory committees must be reviewed by the appropriate regional  
3                    subsistence council before the board takes action on the proposal.

4                    (g) Regional subsistence councils may meet to develop recommendations on  
5                    inter-regional proposals and issues.

6                    (h) The appropriate board shall consider the reports and recommendations of  
7                    the regional subsistence councils and shall give deference to their subsistence  
8                    recommendations. If the council recommendation is unanimous, there is a presumption in  
9                    favor of adoption by the board. However, the board may decide not to adopt any  
10                   recommendation which it determines violates the sustained yield principle, is not supported  
11                   by substantial evidence, is detrimental to subsistence uses, involves an unresolved statewide  
12                   or inter-regional subsistence management issue, or is contrary to an overriding statewide fish  
13                   or wildlife management interest. If a recommendation is not adopted by the board, the  
14                   board shall provide a written statement of the factual basis and reasons for its decision and

1 shall remand the recommendation to the regional subsistence council for further  
 2 consideration.

3 (f) A regional subsistence council shall give deference to proposals from local  
 4 governments, tribal councils, and local advisory committees, which identify local subsistence  
 5 needs and uses, and the methods, means, seasons, and other issues related to local  
 6 subsistence management.

7 (g) Regional subsistence councils may adopt a mediation process.

8 (h) When implementing the provisions of this section, the boards, the regional  
 9 subsistence councils, and the department shall seek data from, consult with, and make use  
 10 of the special knowledge of subsistence users. The department may, when appropriate to  
 11 implement the provisions of this section, contract for services with subsistence users and local  
 12 groups in order to utilize their special knowledge of resources in the region.

13 (i) The regional subsistence councils shall be adequately funded.

14

1                   **Sec. 16.05.330. Licenses, tags, and subsistence permits.** (a) Except as otherwise  
2 permitted in this chapter, without having the appropriate license or tag in actual possession a  
3 person may not engage in

4                   (1) sport fishing, including the taking of razor clams;

5                   (2) hunting, trapping, or fur dealing;

6                   (3) the farming of fish, fur, or [GAME] wildlife; or

7                   (4) taxidermy.

8                   (b) When obtaining the appropriate license or tag in (a) of this section, an applicant  
9 who asserts residency in the state shall provide the license vendor with the proof of residence that  
10 the department requires by regulation.

11                   (c) The Board of Fisheries and the Board of Game may adopt regulations providing  
12 for the issuance and expiration of subsistence permits for areas, villages, communities, groups,  
13 or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish  
14 and [GAME] wildlife. [THE BOARDS SHALL ADOPT THESE REGULATIONS WHEN THE  
15 **SUBSISTENCE PREFERENCE REQUIRES A REDUCTION IN THE HARVEST OF A FISH**

1 STOCK OR GAME POPULATION BY NONSUBSISTENCE USERS.]<sup>3</sup> To be eligible to take  
2 fish or wildlife in a rural community or area, a person must be a resident domiciled in that  
3 community or area.

4 (d) The Board of Fisheries and the Board of Game shall adopt regulations  
5 allowing the commissioner to issue permits for the taking of fish and wildlife in order to  
6 teach and preserve historic or traditional uses and harvest practices. The permits under this  
7 paragraph shall not entitle successful applicants to the subsistence priority in AS 16.05.258.

8  
9 **Sec. 16.05.405. Taking fish and [GAME] wildlife by proxy.** (a) Subject to  
10 regulations adopted by the Board of Fisheries or the Board of Game to implement this section,  
11 including regulations relating to or restricting seasons, areas, methods and means, and species,  
12 a resident may take fish or [GAME] wildlife harvested primarily for food on behalf of another  
13 person under this section.

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<sup>3</sup>This sentence is deleted because it applies only in the context of the current "all Alaskans" system, which would be eliminated.

1 (b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting  
2 license may take [GAME] wildlife on behalf of a person who is blind, a person with physical  
3 disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's  
4 person

5 (1) a document signed by the person on whose behalf the [GAME] wildlife is taken,  
6 stating that the resident possesses the person's hunting license or permanent identification card in  
7 order to take [GAME] wildlife on behalf of that person; and

8 (2) the person's

9 (A) resident hunting license issued under AS 16.05.403 or permanent identification  
10 card issued under AS 16.05.400(b); and

11 (B) harvest ticket, tag, stamp, or other document required by law as a condition of  
12 taking the [GAME] wildlife being hunted.

13 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial  
14 fishing license may take fish on behalf of a person who is blind, a person with physical

1 disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's  
2 person

3 (1) a document signed by the person on whose behalf the fish is taken, stating that  
4 the resident possesses the person's sport fishing license, subsistence fishing permit, personal use  
5 fishing permit, or permanent identification card in order to take fish on behalf of that person; and

6 (2) the person's

7 (A) resident sport fishing license issued under AS 16.05.403 or permanent  
8 identification card issued under AS 16.05.400(b);

9 (B) resident subsistence fishing permit issued under AS 16.05.403; or

10 (C) resident personal use fishing permit issued under AS 16.05.403.

11 (d) A resident who takes fish or [GAME] wildlife on behalf of another person  
12 under this section may, subject to applicable regulations of the Board of Fisheries or the Board  
13 of Game, take the fish or [GAME] wildlife only under those conditions that would apply to the  
14 other person if the other person took the fish or [GAME] wildlife personally.

1 (e) A resident who takes, or attempts to take, fish or [GAME] wildlife on behalf  
 2 of a person under this section may also simultaneously engage in fishing or hunting for the  
 3 resident's use; however, the resident may not take or attempt to take fish or [GAME] wildlife by  
 4 proxy for more than one person at a time. For the purposes of this subsection, a resident is  
 5 engaged in taking, or attempting to take, fish or [GAME] wildlife by proxy while the resident has  
 6 possession of

7 (1) another person's license, permit, or identification card and the other person's  
 8 signed document under (b)(1) or (c)(1) of this section; or

9 (2) fish or [GAME] wildlife taken on behalf of another person.

10 (f) A resident who takes fish or [GAME] wildlife on behalf of another person under  
 11 this section shall

12 (1) complete reports relating to the taking of the fish or [GAME] wildlife as  
 13 required by the commissioner of fish and [GAME] wildlife under AS 16.05.370;

1 (2) deliver all parts of fish and [GAME] wildlife removed from the field to the  
2 person on whose behalf the fish or [GAME] wildlife was taken within a reasonable time after the  
3 fish or [GAME] wildlife is taken;

4 (3) retain the license or permit and the signed document required under (b)(1) or  
5 (c)(1) of this section of the person on whose behalf the fish or [GAME] wildlife is taken until the  
6 fish or [GAME] wildlife is delivered to that person.

7 (g) In addition to the proxy hunting and fishing opportunities authorized by  
8 AS 16.05.405(a)-(f), the Board of Fisheries and the Board of Game shall adopt regulations  
9 to permit a resident who is a member of the family of a resident of a community or area  
10 classified as rural or any person who is a resident of a rural community or area to  
11 participate in subsistence harvest activities as a proxy for a resident eligible for the  
12 subsistence priority under AS 16.05.258, regardless of the eligible resident's age or physical  
13 ability to hunt or fish. A proxy hunter or fisher who is not part of the eligible resident's  
14 family must be a resident of the area in which the eligible resident lives. For purposes of this  
15 paragraph, "family" has the same meaning as in AS 16.05.940(32). The amount of fish or

1 wildlife permitted to be taken for subsistence uses in an area or community shall not be  
 2 increased because of proxy hunting or fishing. Any fish or wildlife taken by a proxy  
 3 pursuant to this section shall belong to the person on whose behalf it was taken and the  
 4 majority of the fish and wildlife taken by a proxy shall remain in the community or area in  
 5 which it was taken. No person may give or receive cash remuneration in connection with  
 6 any proxy harvest. A person who gives a proxy pursuant to this section may not participate  
 7 in the hunt or fishery for which the proxy was given. The proxy hunting and fishing  
 8 authorized by this section shall be further subject to the limitations and reporting  
 9 requirements of AS 16.05.405(d), (e), and (f).

10  
 11

Sec. 16.05.940. Definitions. In AS 16.05 - AS 16.40

12

...

13

(2) "barter" means the exchange or trade of fish or [GAME] wildlife, or their

14

parts, taken for subsistence uses

15

(A) for other fish or [GAME] wildlife or their parts; or

1 (B) for other food or for nonedible items other than money if the exchange is of a  
2 limited and noncommercial nature;

3 . . .

4 (7) "customary and traditional" means the noncommercial, long-term, and  
5 consistent taking of, use of, or reliance upon fish or [GAME] wildlife in a specific area and the  
6 [USE] patterns of taking or use of that fish or [GAME] wildlife that have been established over  
7 a reasonable period of time, taking into consideration the availability of the fish or [GAME]  
8 wildlife;

9 (8) "customary trade" means the limited noncommercial exchange for cash of fish  
10 or wildlife or their parts in minimal quantities, [FOR MINIMAL AMOUNTS OF CASH,] as  
11 restricted by the appropriate board, [OF FISH OR GAME RESOURCES;] The terms of this  
12 paragraph do not restrict money sales of furs and furbearers;

. . .

14 (11) "domicile" means the true and permanent home of a person from which the  
15 person has no present intention of moving and to which the person intends to return whenever the

1 person is away; [DOMICILE MAY BE PROVED BY PRESENTING EVIDENCE  
2 ACCEPTABLE TO THE BOARDS OF FISHERIES AND GAME;]

3 (12) "fish" means any species of aquatic finfish, invertebrate, or amphibian, in any  
4 stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic  
5 finfish, invertebrate, or amphibian;

6 ...

7 (14) "fishery" means a specific administrative area in which a specific fishery  
8 resource is taken with a specific type of gear; however, the Board of Fisheries may designate a  
9 fishery to include more than one specific administrative area, type of gear, or fishery resource;  
10 in this paragraph

11 (A) "gear" means the specific apparatus used in the harvest of a fishery resource;

12 and

13 (B) "type of gear" means an identifiable classification of gear and may include

1 (I) classifications for which separate regulations are adopted by the Board of  
 2 Fisheries or for which separate gear licenses were required by former AS 16.05.550 - 16.05.630;  
 3 and

4 (ii) distinct subclassifications of gear such as "power" troll gear and "hand" troll  
 5 gear or sport gear and guided sport gear;

6 ...

7 (16) "fish stock" means a species, subspecies, geographic grouping or other  
 8 category of fish manageable as a unit;

9 ...

10 (18) ["GAME"] "Wildlife" means any species of bird, reptile, and mammal,  
 11 including a feral domestic animal, found or introduced in the state, except domestic birds and  
 12 mammals; and [GAME] wildlife may be classified by regulation as big game, small game, fur  
 13 bearers or other categories considered essential for carrying out the intention and purposes of  
 14 AS 16.05 - AS 16.40;

1                   (19) ["GAME] "Wildlife population" means a group of game animals of a single  
 2 species or subgroup manageable as a unit;

3                   ...

4                   (24) "personal use fishing" means the taking, fishing for, or possession of finfish,  
 5 shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or  
 6 barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of  
 7 Fisheries;

8                   ...

9                   (26) "resident" means a person who for the preceding 12 consecutive months has  
 10 maintained a permanent place of abode in the state and who has continually maintained a voting  
 11 residence in the state; [AND IN THE CASE OF A PARTNERSHIP, ASSOCIATION, JOINT  
 12 STOCK COMPANY, TRUST, OR CORPORATION, "RESIDENT" MEANS ONE THAT HAS  
 13 ITS MAIN OFFICE OR HEADQUARTERS IN THE STATE;] however, a member of the  
 14 military service who has been stationed in the state for the preceding 12 consecutive months is a  
 15 resident for the purposes of this paragraph, and the dependent of a resident member of the military

1 service, who has been living in the state for the preceding year is a resident for the purposes of  
 2 this paragraph; and a person who is an alien but who for one year has maintained a permanent  
 3 place of abode in the state is a resident for the purposes of this paragraph;

4 **NOTE:** CSHB 25 (RES), signed by the Governor May 21, 1997, changes this definition  
 5 of "resident" effective January 1, 1998. A copy of the new definition is  
 6 attached as page 51.  
 7  
 8

9 [(27) "RURAL AREA" MEANS A COMMUNITY OR AREA OF THE STATE  
 10 IN WHICH THE NONCOMMERCIAL, CUSTOMARY, AND TRADITIONAL USE OF FISH  
 11 OR GAME FOR PERSONAL OR FAMILY CONSUMPTION IS A PRINCIPAL  
 12 CHARACTERISTIC OF THE ECONOMY OF THE COMMUNITY OR AREA;]

13 (27) "rural community or area" is a community or area substantially  
 14 dependent on fish and wildlife for nutritional and other subsistence uses.

15 ...

16 (30) "subsistence fishing" means the taking of, fishing for, or possession of fish,  
 17 shellfish, or other fisheries resources [BY A RESIDENT DOMICILED IN A RURAL AREA OF

1 THE STATE] for subsistence uses with gill net, seine, fish wheel, long line, or other means  
2 defined by the Board of Fisheries;

3 (31) "subsistence hunting" means the taking of, hunting for, or possession of  
4 wildlife [GAME BY A RESIDENT DOMICILED IN A RURAL AREA OF THE STATE] for  
5 subsistence uses by means defined by the Board of Game;

6 (32) "subsistence uses" means the noncommercial, customary and traditional uses  
7 of wild, renewable resources [BY A RESIDENT DOMICILED IN A RURAL AREA OF THE  
8 STATE] for direct personal or family consumption as food, shelter, fuel, clothing, tools, or  
9 transportation, for the making and selling of handicraft articles out of nonedible by-products of  
10 fish and wildlife resources taken for personal or family consumption, and for the customary trade,  
11 barter, or sharing for personal or family consumption; in this paragraph; "family" means persons  
12 related by blood, marriage, or adoption, and a person living in the household on a permanent  
13 basis;

1 (33) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner  
 2 disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner  
 3 capture or kill fish or [GAME] wildlife;

4 . . .

5  
 6 Sec. . . . This Act takes effect on the effective date of [describe the  
 7 constitutional amendment authorizing a rural priority].

20 \* Sec. 3. AS 16.05.940(26) is amended to read:

21 (26) "resident" means

22 (A) a person who for the [PRECEDING] 12 consecutive months  
23 immediately preceding the time when the assertion of residence is made  
24 has maintained the person's domicile (A PERMANENT PLACE OF ABODE)  
25 in the state and who is neither claiming residency in another state, territory,  
26 or country nor obtaining benefits under a claim of residency in another  
27 state, territory, or country;

28 (B) [HAS CONTINUALLY MAINTAINED A VOTING  
29 RESIDENCE IN THE STATE; AND IN THE CASE OF] a partnership,  
30 association, joint stock company, trust, or corporation [, "RESIDENT" MEANS  
31 ONE] that has its main office or headquarters in the state; a natural person  
1 who does not otherwise qualify as a resident under this paragraph may not  
2 qualify as a resident by virtue of an interest in a partnership, association,  
3 joint stock company, trust, or corporation;

4 (C) [HOWEVER,] a member of the military service, or United  
5 States Coast Guard, who has been stationed in the state for the  
6 [PRECEDING] 12 consecutive months immediately preceding the time when  
7 the assertion of residence is made;

8 (D) a person who is [A RESIDENT FOR THE PURPOSES OF  
9 THIS PARAGRAPH. AND] the dependent of a resident member of the military  
10 service, or the United States Coast Guard and who has lived [BEEN  
11 LIVING] in the state for the 12 consecutive months immediately preceding  
12 the time when the assertion of residence is made; or

13 (E) [PRECEDING YEAR IS A RESIDENT FOR THE  
14 PURPOSES OF THIS PARAGRAPH; AND A PERSON WHO IS] an alien  
15 [BUT] who for the 12 consecutive months immediately preceding the time  
16 when the assertion of residence is made [ONE YEAR] has maintained the  
17 person's domicile (A PERMANENT PLACE OF ABODE) in the state and  
18 who is neither claiming residency in another state, territory, or country  
19 nor obtaining benefits under a claim of residency in another state,  
20 territory, or country [IS A RESIDENT FOR THE PURPOSES OF THIS  
21 PARAGRAPH];

22 \* Sec. 4. This Act takes effect January 1, 1998.

1

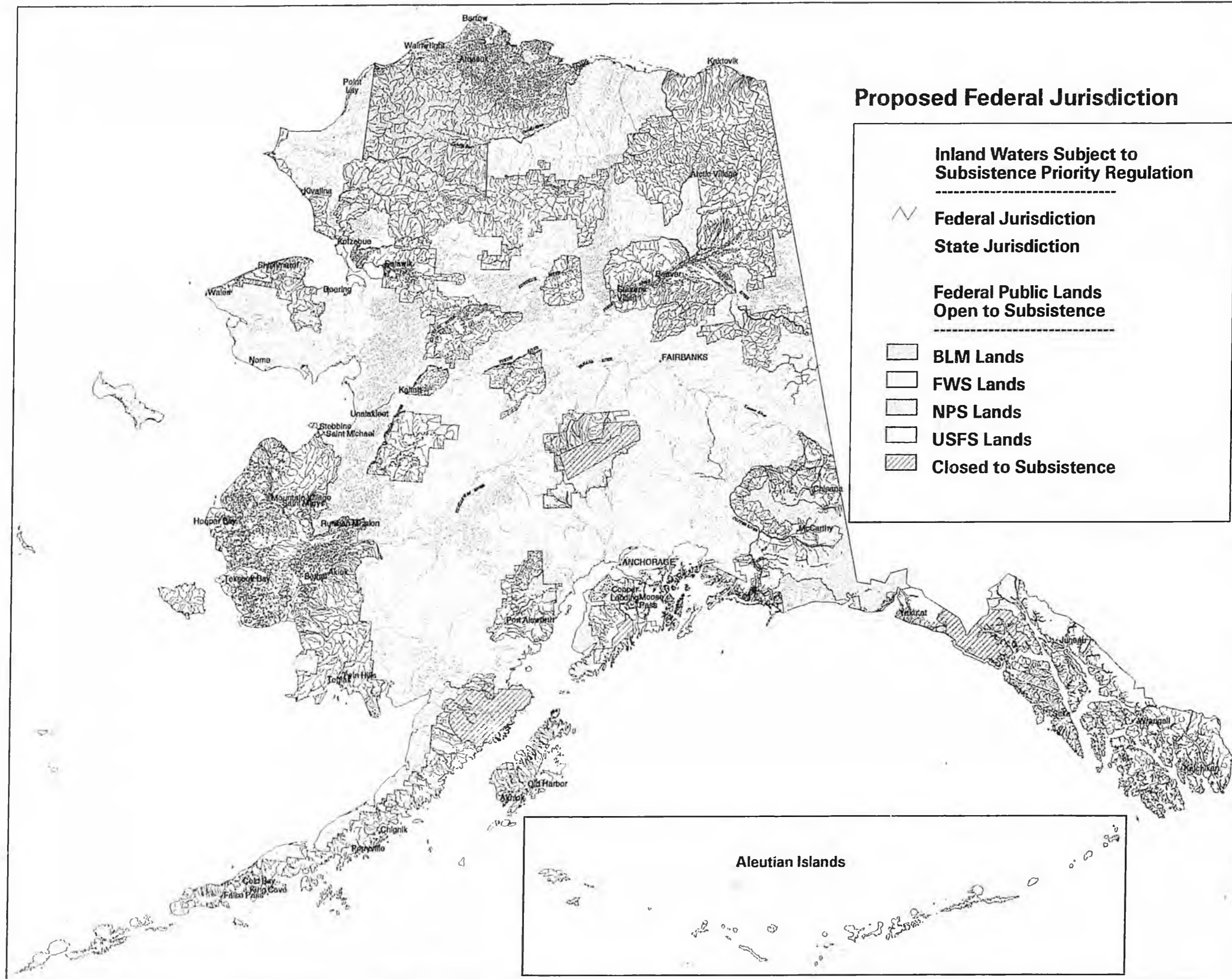
2 **NOTE:** The sunset provision in Section 12, Chapter 1, SSSLA 1992 must be repealed  
3 as part of the package.

4  
5 **NOTE:** Should boards be given authority to adopt implementing regulations before  
6 the effective date of the statute?

7  
8 **NOTE:** Appropriate legislative findings should be added to the Act.

9  
10 **NOTE:** There is some housekeeping to do after basic structure is in place (*e.g.*,  
11 consistent use of community or area, capitalization, use of domicile and  
12 resident).

13  
14 **NOTE:** The term "wildlife" has been used in place of "game" in the draft statutes.  
15 Other statutes governing fish and game/wildlife use the term "game."  
16 Conforming amendments will be necessary in the rest of AS 16.05 and the  
17 regulations to standardize the use of these terms.



**SB**

**7**



**SENATOR DAVE DONLEY**  
**ALASKA STATE LEGISLATURE**

**SPONSOR STATEMENT - SB 7**  
**Reducing Fees for Resident Combination Licenses and Increasing Fees for Non-Resident Sport Fishing Licenses and Tags**

Senate Bill 7 was introduced in response to escalating misuse of Alaska's sport fish resources by non-residents who commercially harvest, process and sell sport caught fish to pay for their Alaska summer vacation. SB 7 raises non-resident sport fishing license and tag fees to levels more consistent with similar fees in other states and creates a tool for enforcement officers to more easily trace those non-residents who abuse our sport fish resources.

Specifically, SB 7 creates a non-resident seven day king salmon license for \$40, and increases non-resident 3 and 14 day sport fishing license fees to \$20 and \$60, respectively. The bill creates a seven day nonresident anadromous king salmon tag for \$40 and increases the respective three and 14 day tag fees to \$20 and \$60.

SB 7 repeals the \$50 non-resident annual sport fish license, and thereby repeals the annual combination annual sport fish/sport hunt license. By repealing the annual non-resident sport fish licenses, the Department of Fish & Game will have a tool to help identify non-residents who abuse Alaska's sport fish resources throughout the fishing season. The Department will be able to more easily trace non-residents who continually purchase 14 day licenses.

In addition, SB 7 reduces the cost of the three types of resident combination licenses. Currently, the cost for combination licenses for residents are exactly the same, whether each license is purchased individually, or as a combination. SB 7 reduces hunting and trapping, hunting and sport fishing, and hunting, trapping and sport fishing licenses by \$5, creating an incentive for residents to purchase combination licenses. Purchasing combination licenses will save the State approximately \$2 in fees per combination license sold, thereby mitigating any loss of revenue, and will result in less paperwork for the Department to process.

If you have further questions, please contact Karen Brand of my staff at (907) 465-3892.

DD/kb 1/24/97

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**MEMBER:** Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee



**SENATOR DAVE DONLEY**  
**ALASKA STATE LEGISLATURE**

**Non-Resident Abuse of Alaska's Sport Fish  
Resources Escalating**

by Senator Dave Donley

The misuse of Alaska's sport fish resources by non-residents who harvest, process and sell sport caught fish for profit is escalating. I have introduced Senate Bill 7 to help Fish & Wildlife Protection officers stop non resident abusers and more equitably assess non-residents for use of Alaska's sport fish resources.

Senate Bill 7 raises some non-resident sport fishing license and tag fees to levels more consistent with similar fees in other states. Non-resident 3 and 14 day sport fishing license fees are increased to \$20 and \$60, respectively and a non-resident seven day sport fishing license is created which costs \$40.

Senate Bill 7 also creates a tool for Fish & Wildlife Protection officers to more easily trace those non-residents who abuse our sport fish resources. By repealing the \$50 non-resident annual sport fish license, the longest available sport fishing license for purchase by a non-resident would be a 14 day license. Non-resident abusers will be forced to continually purchase 14 day licenses throughout the season, thereby creating a valuable tracking system for enforcement officers.

In addition, SB 7 creates an incentive for residents to purchase combination hunting and trapping, hunting and sport fishing, and hunting, trapping and sport fishing licenses by reducing these license fees by \$5. Currently, the cost for combination licenses for residents are exactly the same, whether each license is purchased individually, or as a combination. Purchasing combination licenses saves the State approximately \$2 in vendor fees per license, thereby offsetting any loss of revenue, and will result in less paperwork for the Department to process.

State Fish & Wildlife Protection officers who enforce the law believe this problem, although not widespread, is serious and is escalating. Senate Bill 7 creates a mechanism for enforcement officers to more easily trace those non-residents who harvest, process and sell sport caught fish from Alaska and sets more appropriate durations and rates for non-resident sport license fees.

DD/kb

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**MEMBER:** Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Produced in House

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 1/13/97

FURTHER: Finance

Date of 5-Day Notice: 1/23/97  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/6/97

Resources Committee considered      SENATE BILL NO. 7

Reducing certain resident sport fishing, hunting, and trapping license fees, increasing certain nonresident sport fishing license and tag fees, and relating to nonresident sport fishing, hunting, and trapping licenses; efd.

and recommends:

- be replaced with \_\_\_\_\_ CS SB 7 ( 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 DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Luke Green</i>	<input checked="" type="checkbox"/>	<i>Loren D. Hume</i>	<input checked="" type="checkbox"/>		
<i>Bob M. King</i>	<input checked="" type="checkbox"/>	<i>George Smith</i>	<input checked="" type="checkbox"/>		
<b>CHAIR:</b> <i>Rick Halford</i>	<input checked="" type="checkbox"/>	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>F&amp;G WILDLIFE</i>	<i>2/6</i>		<input checked="" type="checkbox"/>
<i>F&amp;G SPORTFISH</i>	<i>2/5</i>		<input checked="" type="checkbox"/>
<i>PUBLIC SAFETY</i>	<i>1/29</i>	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

*SB  
& CS*

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Sport Fish	BILL NUMBER SB7	SPONSOR Donley
SHORT TITLE OF BILL Hunting Sport Fish Trapping Fees/Licenses			
DEPARTMENT POSITION Opposed As Written			
PREPARED BY Kevin Delaney	DATE 1/24/97	COMMISSIONER'S SIGNATURE	DATE

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUP(S) AFFECTED BY BILL Sport Fish Lodge and Guiding Industry Tourism Industry
ORGANIZATIONAL SUPPORT FOR BILL None	ORGANIZATIONAL OPPOSITION TO BILL Sport Fish Lodge and Guiding Industry Tourism Industry Isaac Walton Group
FISCAL IMPACT: <input type="checkbox"/> NONE <input type="checkbox"/> FISCAL NOTE ATTACHED	

**BACKGROUND/LEGISLATIVE INTENT**  
The fee structure for licensing sport fishermen in Alaska has a history of stability with the last significant adjustment occurring in 1992. License sales, particularly to non-residents have increased steadily over the past decade. Money received from sport fishing license sales is deposited in the Fish and Game Fund; a constitutionally dedicated fund which can only be expended for projects that provide benefits primarily to sport fishermen. This bill seeks to lower resident combination license fees, raise non-resident sport fishing license and king salmon tag fees, do away with the annual non-resident sport fishing license, and add both a seven day non-resident sport fish license and king salmon tag.

**ANALYSIS OF BILL/PROGRAM EFFECTS**  
Adoption of SB7 as written, would result in a larger annual contribution to the Fish and Game Fund due to the increases in the price of non-resident sport fishing licenses and king salmon tags proposed in this legislation. The department's confidence in the models used to prepare the attached fiscal note is not high. Our ability to project market reaction to substantial changes in license fees is limited. At the present time there is no compelling need to lower resident fees or to raise non-resident sport fishing license fees as suggested in this bill. Non-resident fees now comprise approximately 75% of the total annual income from license sales while non-resident sport fishing effort is only 35% of the total effort expended. Increases in participation in Alaska's sport fisheries has been accompanied by increased license sales. The net result has been that Sport Fish Division has been able to roughly keep pace with the increased work load required to properly manage the resource.

**AMENDMENTS PROPOSED**  
Senate Bill 7 could be the vehicle to make a number of minor yet significant improvements in the sport fish license structure. The addition of a 7-day license for non-residents appears to have merit. Many visitors to the state book trips to remote lodges for periods of four to seven days. A 7-day license would more readily meet their needs than the current options. Rather than eliminate the annual non-resident license, there is merit to adjusting the price of this license upward so that non-residents who chose to spend an extended period of time in Alaska would make a larger contribution to management of our fisheries resources. Pricing the annual non-resident license at \$75 which is 2.5 times the current cost of a 14-day license would accomplish this objective. This would also address other areas of concern such as: 1) New arrivals to the state who intend to become permanent residents would not be obligated to buy multiple short-term licenses; 2) Summer workers in the commercial fishing and tourism industries would not be discouraged from participating in the sport fishery by high non-resident fees; 3) An annual license for non-residents would remove the need for the provision in Section 4 to accommodate new residents. The existing price structure for 1 and 3-day non-resident licenses is adequate with the only change being the new 7-day license priced at \$25 and pricing the 14-day license at \$40. Instead of adding a 7-day king salmon tag, the annual tag should apply to each of the 7/14/annual non-resident sport fishing licenses.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

*Res Family Lic ? - Good Idea*

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 7

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to the amendment of hunting BRU: Fish and Wildlife Protection  
and sport fishing license and tag fees Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0490

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1002 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

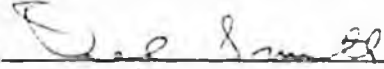
Estimate of current year (FY 97) impact: \$ -0-

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

This Bill will impact this department's sport fishing enforcement programs by increasing the time necessary for troopers to determine the length of time nonresidents have been in the state, what their residency intentions are, and if they have the appropriate sport fishing license. However, this Bill is consistent with department objectives if changes are made.

Prepared By: Lt. Joel L. Ford Phone: 269-5409  
 Division: Fish and Wildlife Protection Date: January 29, 1997  
 Approved by Commissioner:  Date: 1/29/97  
 Agency: Ronald L. Otte, Department of Public Safety

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ANALYSIS CONTINUED:

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 7

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Hunting Sport Fish Trapping Fees/Licenses BRU: Sport Fish  
 Component: Sport Fish  
 Sponsor: Senator Donlev  
 Requester: Senate Resources COMPONENT SERIAL NO. 464

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 100	FY 101	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( 1024 )</b>	<b>1,464.7</b>	<b>5,976.1</b>	<b>6,095.7</b>	<b>6,217.6</b>	<b>6,342.0</b>	<b>6,468.8</b>
------------------------------------	----------------	----------------	----------------	----------------	----------------	----------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	1,464.7	5,976.1	6,095.7	6,217.6	6,342.0	6,468.8
<b>TOTAL</b>	<b>1,464.7</b>	<b>5,976.1</b>	<b>6,095.7</b>	<b>6,217.6</b>	<b>6,342.0</b>	<b>6,468.8</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Adoption of SB 7 as written, would result in a larger annual contribution to the Fish and Game Fund due to the increases in the price of non-resident sport fishing licenses and king salmon tags proposed in this legislation. The department's confidence in the models used to prepare this fiscal note is not high. Our ability to project market reaction to substantial changes in license fees is limited.

See attached page for assumptions.

Prepared by: Kevin Delaney *[Signature]* Phone: 465-4180  
 Division: Sport Fish Date: 1/24/97  
 Approved by Commissioner: Frank Rue *[Signature]* Date: 1/28/97  
 Agency: Fish and Game

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Assumptions used for license revenue calculations:

- Effective date of bill will be 1/1/98.
- Revenue calculations are based on Fiscal Year 1996 license sales statistics.
- Approximately 25% of sport fish license sales occur in the first half of a given calendar year (based on 3 year average 1993-1995). With this in mind, FY98 revenues are only 25% of calculated total for calendar year.
- Annual license sales growth is estimated at 2% for revenue projections.
- The table below reflects Fiscal Year 1998 revenue projections with and without the enactment of this bill.
- Residents will purchase combination licenses out of convenience rather than for cost savings, therefore, same number of combination licenses will be purchased in the future.
- Nonresidents who currently purchase an annual license will be forced to purchase a series of 14 day licenses. 50% will purchase two while the remaining 50% will purchase one 14 day license.
- Of those nonresidents who currently purchase a 14 day license, 75% will continue to do so, while 25% will now purchase a 7 day license.
- Of those nonresidents who currently purchase a 3 day license, 75% will continue to do so, while 25% will now purchase a 7 day license.
- Those nonresidents who purchased a 1 day license will continue to do so.
- Of those nonresident hunters who currently purchase an annual sport fish license, 50% will now purchase two 14 day licenses and 50% will purchase one 14 day license.
- Of those nonresident hunters who currently purchase a 14 day license combination, 75% will now purchase a 14 day license and the remaining 25% will purchase a 7 day license.
- Nonresidents who currently purchase an annual king salmon tag will be forced to purchase a series of 14 day or alternate tags. 50% will purchase two 14 day tags, 25% will purchase one 14 day tag, while the remaining 25% will now purchase a 7 day tag.
- Of those nonresidents who currently purchase a 3 day king salmon tag, 75% will continue to do so, while 25% will now purchase a 7 day tag.
- Those nonresidents who purchased a 1 day king salmon tag will continue to do so.

Description	*Without SB7		*With SB7		
	# SOLD FY98	Revenue FY98	# SOLD FY98	Revenue FY98	Revenue Net (+/-)
* Sport Fish Revenue Portion only.					
Resident Sport Fishing	130,247	\$1,953.7	130,247	\$1,953.7	\$0.0
Resident Sport Fish & Hunt* (37.5%)	37,456	\$562.0	37,456	\$491.6	(\$70.4)
Resident, SF Hunt & Trap* (27.3%)	5,186	\$77.9	5,186	\$70.8	(\$7.1)
Nonresident Sport Fish	24,334	\$1,216.6	NA	\$0.0	(\$1,216.6)
Nonresident 14 day Sport Fish	87,184	\$2,615.6	105,065	\$6,296.5	\$3,680.9
Nonresident 7 day Sport Fish	NA	\$0.0	37,594	\$1,503.8	\$1,503.8
Nonresident 3 day Sport Fish	63,193	\$947.9	47,395	\$947.9	\$0.0
Nonresident 1 day Sport Fish	68,003	\$680.0	68,003	\$680.0	\$0.0
Nonresident Military Sport Fish	5,600	\$84.0	5,600	\$84.0	\$0.0
Nonresident Hunt & Sport Fish* (37%)	1,165	\$58.2	NA	\$0.0	(\$58.2)
Nonresident Hunt & 14 day SF* (26.1%)	1,905	\$57.2	NA	\$0.0	(\$57.2)
Nonresident Military SF & Small Game	301	\$4.5	301	\$4.5	\$0.0
Military King Salmon Stamp	2,322	\$46.4	2,322	\$46.4	\$0.0
Nonresident King Salmon Stamp	35,683	\$1,248.9	NA	\$0.0	(\$1,248.9)
Nonresident 14 day KS Stamp	NA	\$0.0	44,603	\$2,676.2	\$2,676.2
Nonresident 7 day KS stamp	NA	\$0.0	16,409	\$656.4	\$656.4
Nonresident 3 day KS stamp	29,952	\$449.3	22,464	\$449.3	\$0.0
Nonresident 1 day KS stamp	35,028	\$350.3	35,028	\$350.3	\$0.0
Duplicate KS Stamp	1,168	\$5.8	1,168	\$5.8	\$0.0
<b>TOTALS</b>		<b>\$10,358.2</b>		<b>\$16,217.2</b>	<b>\$5,859.0</b>

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 7

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Hunting, Sport Fish, Trapping Fees/Licenses BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Donley  
 Requester: Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (1024)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>
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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 -- F&G Fund (1024)	(140.0)	(140.0)	(140.0)	(140.0)	(140.0)	(140.0)
<b>TOTAL</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>	<b>(140.0)</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill is expected to result in a permanent annual loss of \$140.0 in hunting/trapping revenues to the Fish and Game Fund beginning in FY98.

Assumptions: (1) sales of resident combination licenses will remain constant; (2) inflation will not increase in the future; (3) approximately 5% of these revenue losses would be borne by license vendors.

At its current price of \$40, today's hunting/trapping license costs less (in inflation adjusted dollars) than the same license cost at statehood (in 1960). The current resident license fees were last increased in 1992 to help compensate for past increases in inflation. Since then, inflation has again reduced the cost of most resident license fees (already the nation's best bargain) below their 1960 prices.

Prepared by: Phil Koehl, Wildlife Biologist PK  
 Division: Wildlife Conservation

Phone: 465-4190  
 Date: 1/28/97

Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Date: 1/28/97

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## MEMORANDUM

February 3, 1997

**SUBJECT:** Draft CSSB 7 ( ) (Work Order No. 20-LS0131NE)

**TO:** Senator Dave Donley  
Attn: Karen Brand Helms

**FROM:** George Utermohle *GU*  
Legislative Counsel

Enclosed is the draft committee substitute, CSSB 7( ), that you requested.

The CS deletes proposed statutory language (page 2, lines 14 - 17 and page 3, lines 9 - 13) that would allow certain nonresidents who have lived in the state for at least six months to obtain six month nonresident sport fishing licenses and nonresident anadromous king salmon tags.

\*

In addition to the change that you requested, sec. 5 of the CS contains new language relating to the requirement that nonresident hunters must obtain nonresident big game tags before taking big game. AS 16.05.340(a)(10) currently authorizes the issuance of an annual combined nonresident sport fishing and hunting license. Attached to (a)(10) is the requirement that nonresident hunters obtain big game tags. When SB 7 repeals (a)(10) to eliminate the annual nonresident hunting and sport fishing license, the nonresident big game tag requirement is repealed with it. In order to preserve the nonresident big game tag requirement in SB 7, the requirement was attached to the nonresident hunting license under AS 16.05.340(a)(9). Section 5, SB 7 states:

\* Sec. 5. AS 16.05.340(a)(9) is amended to read:

(11) Nonresident hunting license ..... 85

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

However (a)(9) is not the only provision that authorizes the issuance of hunting licenses to nonresidents. Under AS 16.05.340(a)(11), a nonresident may obtain a combined nonresident hunting and trapping license. In order to assure that all nonresidents must obtain nonresident big game tags regardless of whether the nonresident obtains a nonresident hunting license under (a)(9) or a nonresident hunting and trapping license under (a)(11), the nonresident big game tag requirement should be attached to both provisions.

Another way to achieve the same result (and probably the best way to address this problem) without having to amend both of the nonresident hunting license provisions at (a)(9) and (a)(10) is to insert the big game tag requirement into the big game tag provisions at AS 16.05.340(a)(15). Thus, CSSB 7( ) contains a new sec. 5 which amends AS 16.05.340(a)(15) to provide that a nonresident hunter may not take big game without first obtaining a big game tag. Section 5, CSSB 7( ) reads:

\* Sec. 5. AS 16.05.340(a)(15) is amended to read:

(15) Nonresident big game tags

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

(A) Bear, black, each .....	225
(B) Bear, brown or grizzly, each .....	500
(C) Bison, each .....	450
(D) Caribou, each .....	325
(E) Deer, each .....	150
(F) Elk, each .....	300
(G) Goat, each .....	300
(H) Moose, each .....	400
(I) Sheep, each .....	425
(J) Wolf, each .....	175
(K) Wolverine, each .....	175
(L) Musk oxen, each .....	1,100

If I may be of further assistance, please advise.

GU:jdr

97-068.jdr



Senator David Donley  
Alaska State Capitol  
Juneau, AK 99801  
via fax

Re: Senate Bill No. 7 - Modifying Sport Fishing License Fees

Dear Senator Donley,

Thank you for forwarding us a copy of the subject bill. The bill, when signed into law, would accomplish many positive things for the resident sport angler.

- It would reduce aggregate fees should he or she purchase multiple licenses (fishing, hunting, trapping).
- It would bring the level of non-resident fees more closely in line with other states and provinces. It would show the visitors that we Alaskans value our fisheries as much as they do theirs. Based on comments I have heard from our visitors, there is no doubt in my mind that the visitors will gladly pay this small increase to participate in Alaska's incredible fisheries.
- The elimination of the non-resident annual fishing license will provide ADF&G with data that could enumerate who is staying for an extended period and might be a lead sheet for investigations into the illegal sale of sport caught fish. Most residents abhor the illegal sale of sport caught fish by non-residents and want this illegal activity eliminated.

The Alaska Sportfishing Association supports this bill and urges its passage.

Phil Cutler, President

# Fish sting

9/12/96  
ADN

## *Good folks, bad deeds*

Just how many folks are ripping off Alaska's sportfish and selling them Outside? Nobody knows despite the recent busts on the Kenai Peninsula, yet the evidence suggests visiting fishermen are canning salmon up and down the Kenai.

The fishermen involved hardly fit the profile of criminals. "They're your average tourist coming to Alaska," says Fish and Wildlife Protection Sgt. Jim Cockrell. But they are out to pay for their vacation with canning ventures.

The fact that the perpetrators look more like Uncle Bud than Baby Face Nelson doesn't diminish the insult to Alaska's salmon fishery. Canning sportfish and selling them is against the law. It's criminal behavior. And no amount of whining "I only wanted to pay for my Alaska summer" changes that. How would the people of Arizona, where canned Kenai sportfish are sold, respond if they knew Alaskans were stealing their resources to pay for winter vacations?

Solutions are not readily at hand. Sportfishing and commercial fishing alike depend in large measure on the integrity of the fishermen. The state can't put a Fish and Wildlife Protection officer in every campground. Sting operations are costly and time-consuming. Changing the possession limits affects the honest and dishonest alike and is bound to provoke controversy.

But clearly it's time for the Legislature and the Fish Board to pay attention to the everyday folks stealing fish. Lawmakers and board members can gather information, ask questions, and explore the best way to protect the fishery. Then they can determine who should take the appropriate action.

Alaska welcomes visitors who want to explore its streams and land some salmon for dinner. But it doesn't welcome folks who come here with thievery on their minds.

# Salmon sellers targeted

## Undercover agent roams campgrounds

By TOM KIZZIA  
Daily News reporter

He looked like just another "snowbird" from the Lower 48. He'd fish for a few days, learning from other campers how to smoke and can his salmon. Then he'd move the pickup truck and trailer to another campground on the Kenai Peninsula.

Everywhere he camped this summer, from Ninilchik to the Russian River, the man with Montana plates found tourists smoking and canning fish to sell when they got back home, according to investigators with the Alaska State Troopers' Fish and Wildlife Protection division.

The man from Montana was an undercover agent.

"Every campground he was in, there were people commercializing the salmon, even showing other people how to do it," said Fish and Wildlife Protection Sgt. Jim Cockrell.

Fish and Wildlife Protection officials said they sent the agent out in a trailer this year not to bust violators, but to check out widespread reports they'd been hearing of illegal salmon sales in the Lower 48 and in Europe, especially Germany.

"We wanted to see if it was a real problem," said Cockrell. "I think we verified everything we were being told."

In late August, troopers busted three "mom-and-pop" operations in Kenai River campgrounds, seizing about 400 pounds of frozen or canned salmon. But troopers say the problem of selling sport-caught fish appears much larger — and in most cases, there's little the state

## FISH: Undercover investigation finds tourists are smoking and selling salmon

can do about it.

The three busted operations all sold fish to the undercover agent in Alaska, according to the state. Three people have pled no contest and paid \$1,500 fines, while two others say they're not guilty and want a trial.

But the long arm of Alaska law does not reach to Arizona or Florida, where the tourists reportedly planned to sell most of their salmon. Had the tourists waited until they left Alaska, they couldn't have been charged by the state with selling sport-caught fish.

Troopers say they need to determine how widespread the practice is before proposing legal solutions. Among the possibilities: appeal to the U.S. Fish and Wildlife Service for help in chasing violators across state lines, or pass a law limiting how many fish a non-resident angler can keep.

"We could lower the possession or processed-possession limits," said Mitch Doerr, an investigator with Fish and Wildlife Protection's commercial crimes bureau. "But that becomes a political deal. Are you going to start losing tourism?"

"I don't know if the problem is great enough to warrant limits on out-of-state fish," said Ben Ellis, executive director of the Kenai River Sportfishing Association. "I'd prefer to see them deal with it with sting operations like this one. How many fish are we talking about? A few hundred or 10,000?"

Anglers have caught an average of 170,000 red salmon each year for the past decade along the Kenai River.

This year, with a big run and the daily bag limit raised from three fish to six, canners and smokers were busy.

Much of the activity is legitimate, troopers say. Beyond the daily take, there's no limit to how many fish a non-resident angler can take home to eat or give away.

The commercial canning operations broken up in August had processed fairly small volumes of fish.

"For the most part, the person isn't trying to get rich off it, but they're trying to pay for their vacation to Alaska," Cockrell said.

Melvin and Barbara Gibb were canning fish in jars in their motor home parked all summer at River Quest campground outside Soldotna. Troopers said they targeted the Gibbs because a retired trooper stumbled on them in Arizona last winter selling canned Alaska salmon at a flea market.

Doerr said the Gibbs had 200 to 300 pounds of frozen salmon when troopers seized their equipment Aug. 23, along with 12 cases of canned fish. He said they expected to receive \$4 a pint for the salmon.

"They were real nice retired people," said Sean Cude, manager of the River Quest campground, who said he was surprised by the bust.

Anchorage  
Daily  
News  
9/11/90

"They probably had about enough fish to make money for gas in their big chug-a-lug motor home," said Cude.

"But it's against the law and they're stealing fish from you and me and our kids. If everybody does it, we're going to be like Oregon and Washington, with all our rivers fished out."

Barbara Gibb, reached on her mobile phone in Soldotna earlier this week, refused to answer questions about selling fish in the Lower 48. She admitted she and her husband sold several silver salmon to the man from Montana, however.

"The man begged us," she said. "He said he was heading back to Montana but he hadn't caught any silvers yet. He came knocking on our door."

Also fined was Richard Willet, a Florida mariner who troopers said had sold smoked fish from Alaska in the past and planned to expand his market. Willet told the undercover agent he expected to leave with 800 pounds of vacuum-sealed salmon, which he could sell for \$10 a pound. But he only had 100 pounds of salmon when the bust occurred, said Doerr.

Willet sold a 35-pound king salmon and two smoked fillets to the undercover agent at River Quest, Doerr said.

Robert and Edith Miller, who camped at Riverbend Campground, were charged with selling halibut from their son's sportfishing charter. They have pleaded not guilty. Charges against their son, Robert J. Miller, are pending, troopers said.

## FISH: Undercover investigation finds tourists are smoking and selling salmon

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"We wanted to see if it was a real problem," said Cockrell. "I think we verified everything we were being told."

In late August, troopers busted three "mom-and-pop" operations in Kenai River campgrounds, seizing about 1,000 pounds of frozen or canned salmon. But troopers say the problem of selling sport-caught fish appears much larger — and in most cases, there's little the state

can do about it.

The three busted operations all sold fish to the undercover agent in Alaska, according to the state. Three people have pled no contest and paid \$1,500 fines, while two others say they're not guilty and want a trial.

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Anchorage  
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News  
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ADN 9/1/96

## Illegal fishing

### *They broke the law; law broke them*

Alaska welcomes visitors with open arms, but there are some guests Alaskans would prefer never to see again. Recently, officers of the Fish and Wildlife Protection Division fingered a bunch of them — folks, some in league with their Alaska hosts, who had been canning and freezing sportfish they caught on the Kenai Peninsula and selling it Outside to finance their summer vacations.

This kind of illegal salmon fishing apparently can be found in just about every campground on the Kenai Peninsula. It's so prevalent, in fact, that Sgt. Bruce Lester of fish and wildlife protection says, "We have a second, unregulated commercial fishery going on down here."

Make no mistake: The violators knew exactly what they were doing. Several of them showed an undercover officer how to put together a salmon-canning operation — and reminded him to keep mum about canning sports fish because it is illegal.

People who abuse Alaska's fish in this fashion don't fit our everyday image of criminals. They're typically middle-class folks who would stand out in a police lineup. But they are bandits nonetheless. They stole fish that didn't belong to them — and their thievery was as real and as destructive as true nasty guys' behavior. That's why the sale of sport-caught fish is a misdemeanor that can lead violators to a year in jail and a fine of up to \$5,000.

A successful fisherman needs a mixture of talent, patience, timing and the right equipment. And once successful, a fisherman needs a conscience. The law simply cannot be on every bank of every stream enforcing honorable behavior.

These folks did not have a conscience, and now they're going to pay for it. Perhaps their example will awaken the conscience of other abusers; if it doesn't, Alaska's fish and wildlife protection officers will have to show them just how harsh the law can be.

8/28/96 ADN

# Vacationers' fish seized

## Undercover officers say salmon financed trips

The Associated Press

KENAI — Law enforcement officers have confiscated six freezers of fish and 30 cases of canned salmon as part of a undercover investigation of illegal fish-selling operations.

Officers of the Fish and Wildlife Protection Division have long suspected that some retirees and other Alaska visitors have been canning and freezing sport-caught fish on the Kenai Peninsula to help pay for their vacations. Now Fish and Wildlife Protection troopers are cracking down.

"One of our goals was to show that we have a second, unregulated commercial fishery going on down here," said Sgt. Bruce Lester of the Fish and Wildlife Protection Division's commercial crimes division.

An investigation this summer led to the seizure of the freezers and cases of canned salmon, according to Sgt. James Cockrell of the Fish and Wildlife Protection Division in Soldotna.

Lester said most, if not all, of the fish seized were caught by sportfishing methods, though limits may have been exceeded. It doesn't take a ge-

nus to catch a limit, change clothes and catch another limit, Lester said.

"One individual stated that just the fish his wife caught paid for the trip," Lester said.

Cockrell said three separate groups were targeted in the recent seizures. Charges have not yet been filed, so he would not reveal their identities.

The three groups of suspects, from Washington, Oregon and Alaska, are all retired and travel extensively, Lester said. The couple claiming Alaska residency have a son who lives on the Kenai Peninsula.

That son, Lester said, also will be charged with running an unlicensed charter operation and growing marijuana.

Sale of sport-caught fish is a misdemeanor. Violators can be sentenced to a year in jail and fined up to \$5,000.

"I think this is pretty prevalent, based on the information we're getting from the Lower 48," Cockrell said. "Once the reds hit the (Kenai) river, they fish them solid. They all plan on showing up here around the 10th of July."

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## STING: Sales of sportfish targeted

Continued from Page B-1

This year the operations were so blatant, fish were being sold in the campgrounds right on the Kenai Peninsula, Cockrell said.

"Some of those operations have really sophisticated gear and they work long,

hard hours. Those canners and smokers are going all night," Lester said.

"One operator even had a commercial outlet to sell his fish down south," he said.

An undercover officer was stationed in a peninsula campground this summer after a retired officer bought

some canned Alaska salmon at a flea market in Arizona, Lester said.

Veteran violators return year after year, Cockrell said.

"They teach the new people — give them tips on how to pay for their trips to Alaska," he said.

**S B**

**8**

# -SENATE COMMITTEE REPORT

DATE: 1/29/97

FURTHER:

DATE TURNED IN TO OFFICE: 2/6/97

Resources Committee considered SENATE BILL NO. 8

"An Act relating to the noise levels of airports and sport shooting facilities."

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 change
  - new: SCR# \_\_\_\_\_

SIGNING DO. PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Wing L. Taylor</i>	✓	<i>Amended</i>	✓		
<i>Ben Hony</i>	✓				
<i>Linda Green</i>	✓				
<i>Alan D. Lucas</i>	✓				
<i>John Ingram</i>	✓				
<b>CHAIR: <i>Rick Halford</i></b>	✓	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
LAW	1/28	✓	

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill



Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

## Senate Bill 8 Sponsor Statement

### Noise at Airports and Sport Shooting Ranges

Airports and sport shooting ranges offer a public service as well as recreational opportunities and have become increasingly under attack in the lower forty-eight states. Since populations are tending to shift from urban to rural areas, new groups of citizens are moving into areas with existing airports and ranges. This encroachment has resulted in hundreds of lawsuits and complaints against airport and range owners and operators due to the noise level.

Senate Bill 8 was introduced to provide private airports and sport shooting ranges in Alaska protection from lawsuits if the action arises out of the noise level from normal operation or its uses; provided the facility was established before the person acquired the property or prior to any noise control ordinance or law.

Without the passage of SB 8 private airports and sport shooting ranges within Alaska will remain vulnerable to legal sanctions jeopardizing the opportunities they provide through their ongoing and traditional uses.

This issue was addressed by the 19th Legislature with Senate Bill 274. SB 274 passed the Senate by a vote of 17-1, and the House by a margin of 33-5, before being vetoed by the governor.

This piece of legislation is endorsed by the National Rifle Association, Alaska Air Carriers Association, the Alaska Outdoor Council, Alaska Boating Association and the Alaska Airmen's Association.

Thank you for your consideration.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 8

Revision Date: 1/27/97, 1:30 p.m. Dept. Affected: Department of Law  
 Title: "An Act relating to the noise levels of airports and sport shooting facilities." BRU: Civil Division  
 Sponsor: Senator Halford Component: General Legal Services  
 Requester: House Transportation COMPONENT SERIAL NO. 2087

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

SB 8 will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*  
 Agency: Department of Law

Phone: 465-5370  
 Date: 1/27/97  
 Date: 1/27/97

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# LEGAL SERVICES

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

JAN 17 1997

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


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

## MEMORANDUM

January 16, 1997

**SUBJECT:** Sectional Summary of SB 8 (Work Order 20-LS0135\A)

**TO:** Senator Rick Halford  
Attn: Brett Huber

**FROM:**  Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Adds a new chapter relating to the noise levels of sport shooting facilities and private airport facilities.

Sec. 34.75.010(a) prohibits the bringing of a civil or criminal action against a person who operates or uses a sport shooting facility or a private airport facility, if the action is based on the noise level from the normal operation or use of the facility. Establishes certain conditions for the application of this provision.

Sec. 34.75.010(b) states that (a) does not apply to a contract action or to certain personal injury actions.

Sec. 34.75.010(c) prohibits a person from bringing a nuisance action for noise level against a sport shooting facility or a private airport facility located in the vicinity of the person's property if the facility was established before the person acquired the property. Establishes some exceptions to this prohibition.

Sec. 34.75.020 sets a time limit on bringing a nuisance action against a sport shooting facility or a private airport facility for noise level. The time limit is five years after the facility is established or begins operation, or three years after a substantial change in the use of the facility.

Senator Rick Halford  
January 16, 1997  
Page 2

Sec. 34.75.030(a) prohibits the state and municipalities from regulating the outdoor level of noise at a sport shooting facility or private airport facility, if the facility is exempt from criminal or civil action under AS 34.75.010(a).

Sec. 34.75.030(b) allows a municipality to regulate the noise level of a facility except as otherwise provided by the new chapter.

Sec. 34.75.090 defines some terms for the new chapter.

**Section 2.** Limits the applicability of AS 34.75.010 to exclude a civil action that accrues before the effective date of the Act and a criminal action where the criminal activity occurred before the effective date of the Act.

If I may be of further assistance, please advise.

TLB:jdr  
97-014.jdr



JAN 23 1997

NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
555 CAPITOL MALL, SUITE 455  
SACRAMENTO, CA 95814  
(916) 446-2455

January 16, 1997

Senator Rick Halford  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Dear Senator Halford,

On behalf of the over 25,000 Alaska members of the National Rifle Association, let me take this opportunity to thank you for introducing Senate Bill 8 and to indicate strong support for the bill. Firearms shooting ranges are under attack across the United States and it is important to head this off, particularly in a state like Alaska which has such a strong firearms and shooting heritage.

Firearms shooting ranges have established a long tradition of service to a wide variety of citizen groups in local communities. However, population shifts from urban to suburban or rural areas have moved new groups of citizens in closer proximity to existing ranges. In recent years, this encroachment on previously existing ranges has resulted in hundreds of lawsuits and complaints filed by newcomers against range owners and operators or the passage of local ordinances aimed at closing ranges because of noise.

It is critical that the state of Alaska adopt SB 8 to ensure that ranges remain open for operation so as to provide safe places for the use of firearms. Range owners and operators must be protected from civil court action, criminal prosecution, or other local restrictions. SB 8 would only protect existing ranges and existing activity levels. This legislation would not tie the hands of local government to regulate the location of future ranges nor limit local government from regulating unsafe ranges.

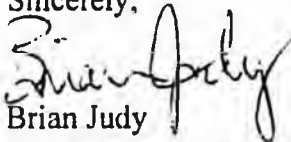
Firearm shooting ranges have longstanding records of safely providing important public services and recreational or training opportunities and often serve as training facilities for local law enforcement officials and military personnel. In addition to serving as locations to hold both informal practice sessions and organized competitions for those engaged in recreational shooting, firearm ranges offer firearm and hunter education and safety courses, providing invaluable hands-on instruction in the safe and proper handling and use of firearms.

January 16, 1997  
Senate Bill 8  
Page 2

Without the protection afforded by Senate Bill 8, shooting ranges which currently offer valuable public services and recreational opportunities while posing no hazard to nearby residents will continue to remain vulnerable to arbitrary legal or legislative sanctions. To date, eighteen other states have passed range protection legislation similar to SB 8, including Idaho, Indiana and Oklahoma which passed their laws just last session.

Senate Bill 8 is an important piece of legislation which will provide real benefits to Alaska's law-abiding firearm users and to the public at large.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Judy".

Brian Judy  
Alaska State Liaison



JAN 17 1997

**ALASKA AIR CARRIERS ASSOCIATION**

1117 E. 35th Avenue, Suite 102  
Anchorage, Alaska 99508  
(907) 277-0071 Fax (907) 277-0072

January 14, 1997

Senator Rick Halford  
Alaska State Senate  
State Capital Building  
Juneau, AK 99801-1182

via fax: 465-4928

Re: SB8 Noise Levels at Private Airports

Dear Senator Halford,

The Alaska Air Carriers Association, representing more than 100 air carriers operating throughout Alaska, supports the legislation you have introduced relating to noise levels at airports and shooting facilities.

If we can be of further assistance in the promotion of SB8, please contact this office.

Best Regards,

Kimberly S. Daniels Ross  
Executive Director

cc: AACCA Board of Directors



ALASKA AIRMEN'S ASSOCIATION.. INC.

January 16, 1997

sent by facsimile

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

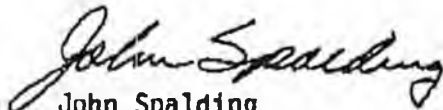
Ref: SB-8

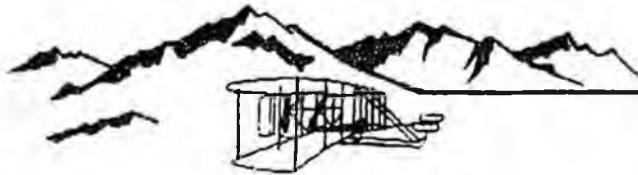
Dear Senator *Halford* *Rick*:

It is the position of the Alaska Airmen's Association to strongly support SB-8, which is an act relating to the noise levels of airports and sport shooting facilities. In the definition of "airport facility" which currently reads "private area of land or water that is used or intended for use for the landing and take-off of aircraft", we are in support of you including heliports.

The Alaska Airmen's Association would like to thank you for the opportunity to review and submit our position on this important bill.

Sincerely,

  
John Spalding  
President

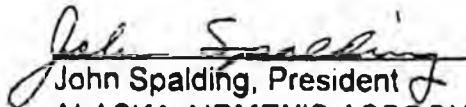


ALASKA AIRMEN'S ASSOCIATION., INC.

## RESOLUTION

The Alaska Airmen's Association hereby resolves that the Alaska Legislature adopt proposed Senate Bill 8 relating to the noise levels of airports and sport shooting facilities.

So Resolved this 22 day of January, 1997

  
John Spalding, President  
ALASKA AIRMEN'S ASSOCIATION, INC.

SERVING GENERAL AVIATION IN ALASKA SINCE 1951

P.O. Box 241185 Anchorage, Alaska 99524-1185 Tel/Fax 907-272-1251 e-mail [airmens@alaska.net](mailto:airmens@alaska.net)

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska




ALASKA AIRMEN'S ASSOCIATION, INC.

## RESOLUTION

The Alaska Airmen's Association hereby resolves that the Alaska Legislature adopt proposed Senate Bill 8 relating to the noise levels of airports and sport shooting facilities.

So Resolved this 22 day of January, 1997

  
John Spalding, President  
ALASKA AIRMEN'S ASSOCIATION, INC.

**SERVING GENERAL AVIATION IN ALASKA SINCE 1951**

P.O. Box 241185 Anchorage, Alaska 99524-1185 Tel/Fax 907-272-1251 e-mail [airmens@alaska.net](mailto:airmens@alaska.net)



## ALASKA OUTDOOR COUNCIL

P.O. BOX 2790  
PALMER, AK. 99645  
(907) 376-2913

Jan. 14, 1997

The Honorable Rick Halford, Chair  
Senate Resources Committee  
Alaska State Capitol  
Juneau, Ak. 99801

Dear Senator Halford:

The Alaska Outdoor Council and its member organizations strongly support SB 8 and appreciate your continued efforts on the behalf of the citizens of Alaska to protect traditional activities important to them.

SB 8, "An act relating to the noise levels of airports and sport shooting facilities" is an important effort to maintain the opportunity to pursue traditional activities inherently important to many Alaskans. As you are well aware, most long time Alaskans have recently found themselves constantly fighting the increasing involvement of government in their lives. The Alaska Outdoor Council feels it is time to work towards reducing the level of government in our daily lives and look at efforts like SB 8 as a good start in the fight to protect and maintain traditional Alaskan activities.

Once again, the AOC would like to thank you Senator for your efforts supporting the traditions our members value. If there is something further we can do to assist you in this effort, please feel free to contact us.

Sincerely,

Rod Arno  
President

cc: Senator Pearce



January 17, 1997

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Alaska Boating Association • P.O. Box 210430 • Anchorage, Alaska 99521

---

Senator Rick Halford  
Alaska State Senate  
State Capitol, Interdepartmental Mail Stop: 3101  
Juneau, AK 99801-1182

Dear Senator Halford:

This letter is in response to your proposed SB0008 relating to the noise levels of airports and sport shooting facilities. At a regularly scheduled meeting of the Alaska Boating Association held on January 16, 1997, our organization voted unanimously to join the National Rifle Association, Alaska Air Carriers Association, Alaska Outdoor Council, and the Alaska Airmen's Association in endorsing this piece of legislation. This letter communicates to you our official position on this legislation.

In addition, many of our individual members will be corresponding with individual letters, POM's, testimony at teleconferences, etc. This bill is important to all of us for if it is not passed opportunities provided through ongoing and traditional uses may become jeopardized.

Thank you for your efforts and continue to keep us informed of any and all related legislative matters we can be effective in supporting.

Yours truly,

Roy J. Burkhart, Legislative Affairs Officer  
Alaska Boating Association  
Voice: (907)495-6337 FAX: (907)495-6338 E-Mail: rjburk@alaska.net

cc: Donald Sherwood, President, Alaska Boating Association  
Senator Drue Pearce, Co-Sponsor SB0008, Alaska State Senate

- Dedicated to the rights of Alaskan Boaters -



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325, Fax (907) 463-5480

February 3, 1997

Senator Rick Halford  
State Capitol  
Juneau, AK 99801

Dear Senator Halford:

Thank you for the opportunity to work with you on SB 8, relating to noise levels of airports and shooting facilities.

The Transportation, Utilities & Environment Policy Subcommittee and the Land Use, Resources and Economic Development Policy Subcommittee of the AML Legislative Committee discussed the legislation via teleconference. Municipalities recognize the right of the state to assume control and liability for certain statewide regulatory concerns.

The municipalities' biggest concern about the bill is clarifying the balance of rights between property owners regarding changes in the use of the facilities and its affect on existing surrounding private property owners. We understand the issue of people moving into an area where there is an existing airstrip or shooting range and complaining about noise after the fact. However, if, for example, an airstrip is historically used for landing a single small airplane but suddenly becomes a landing pad for helicopters, the neighbors could have a right to be upset at the change in noise levels.

At the recommendation of our legislative subcommittees, we suggest the language be changed under Sec. 34.75.010 (b) to clarify this intent. Beyond this amendment, the AML does not have further comments, nor will it oppose the bill as curenly written with the amendment. The proposed clarification takes the language in ( c ) in the same section, and adds it to ( b ) to make it clear that the provision applies to both nuisance actions and regulatory exemptions:

- (b) The exemption [prohibition] in (a) of this section do not apply to an action that arises out of
- (1) a contract; or
  - (2) a personal injury suffered by a person while on the premises of the facility; or
  - (3) substantial change in use of the facility.

Again, we appreciate the opportunity to work with you and your staff on this legislation and if you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin C. Ritchie', written over a horizontal line.

Kevin C. Ritchie  
Executive Director

cc: Senate Resources Committee  
AML Legislative Committee

c:\kleg97\sb8ltr.doc

**SB**

**16**



Official Business

# ALASKA STATE LEGISLATURE

## SENATE RESOURCES COMMITTEE

State Capitol  
Juneau, AK 99801

Chairman: Senator Rick Halford  
Vice Chair: Senator Lyda Green  
Senator Loren Leman  
Senator Bert Sharp  
Senator Robin Taylor  
Senator John Torgerson  
Senator Georgianna Lincoln

**AGENDA**  
3:30 TO 5:00 p.m.  
Monday, April 7, 1997

**HB 25: Fish and Game: Licenses & Residency**  
Rep. Ogan, sponsor

Expected Witnesses:  
Rep. Ogan to present the bill

**SB 16: Use of Fish & Game fund/Commissioner's powers**  
Senator Taylor, sponsor

Expected Witnesses:  
Senator Taylor to present the bill

**NEXT MEETING**  
Wednesday, April 9

SB 52 - Fishery business tax credits

\* Bills previously scheduled

**ADJOURN**

# Alaska State Legislature

*Chairman,*  
Judiciary Committee

*Member,*  
Resources Committee  
Rules Committee  
Committee on Committees



State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax (907) 465-3922

352 Front Street  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax (907) 225-0713

*Senator Robin L. Taylor*

SENATE BILL 16

## SPONSOR STATEMENT

Since statehood Alaskan sportsmen and women have paid over 350 million dollars into Alaska's Fish and Game Fund with the trust that those funds would be used for the enhancement of Alaska's wildlife populations and provide high levels of human harvest on a sustained yield basis as required by Alaska's Constitution.

While other states routinely harvest 30 - 60% of their big game each year, harvest in Alaska has fallen to a point where currently Alaskans are harvesting less than 3% of the harvestable surplus of moose, caribou and sheep. Though Alaskans universally desire increased wildlife populations and a return to abundance, legislative attempts to institute widespread programs of active wildlife management have been ignored.

Upon close examination of the Alaska Department of Fish and Game, it seems clear that the department has adopted a philosophy which is now opposed to managing Alaska's wildlife for a return to abundance. Unlike all other state agencies however, the Department of Fish and Game sport-fish and game divisions are funded solely by license sales, user fees and self imposed taxes paid by consumptive users. This legislation would recognize the public trust for the use of these funds and prohibit the use of these funds for any activity other than projects which directly increase wildlife and sport fish populations or directly benefit license purchasers.

No longer will Alaska's sportsmen tolerate the usurpation and siphoning of their dollars for the management of non-game species, routine administration, or projects on lands where access to and/or consumptive uses have been restricted.

This legislation is urgently needed because of the documented misuse of these funds and the actual misappropriation of funds provided by the legislature during previous years. The department has violated the public trust by shifting \$900,000 earmarked specifically for increasing wildlife populations under intensive management projects and improperly redirecting those funds for payment of employee salaries

Alaska license holders are further outraged by the department's adoption of a preservationist philosophy which opposes consumptive uses. At the fall 1995 Board of Game meeting, the department urged the board to close 236 square miles to Alaska's hunters. The department's biologists testified that there was no biological problem, nor justification nor actual conflict among user groups in the

area. The department's director admitted that the only issue was one based solely on a misperception resulting from purposeful misinformation and disinformation promulgated by animal rights extremists.

The department's unprecedented betrayal of Alaska's consumptive users, the previously mentioned misappropriation of legislative funds and the department's violation of the public trust have negated any legitimacy it may have once had to decide how funds are expended.

This legislation would require that all money deposited in the Fish and Game Fund would be prohibited from any use other than reintroduction, restocking, transplantation, habitat manipulation, intensive management, predator removal, public access and the restoration of sport fish and game resources or other project that directly benefit Alaska's consumptive users.

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/13/97

FURTHER: Finance

Date of 5-Day Notice: 2/6/97  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/7/97

Resources Committee considered      SENATE BILL NO. 16

"An Act restricting the use of certain funds deposited in the fish and game fund; and relating to the powers and duties of the commissioner of fish and game."

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>Adrian L. Taylor</i>	✓	<i>Loren D. Sena</i>	✓		
		<i>Lynne Green</i>			✓
		<i>Bob McRae</i>			✓
		<i>Rick Halford</i>	✓		
CHAIR:		CHAIR: <i>Rick Halford</i>	✓		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>FISH GAME / SPORT FISH</i>	<i>2/8</i>		X
<i>F&amp;G / WILDLIFE FUNDS</i>	<i>2/10</i>		X
<i>F&amp;G / ADMIN</i>	<i>2/13</i>		X
<i>DPS / F&amp;W PROTECTION</i>	<i>2/7</i>	X	
<i>LAW / CIVIL</i>	<i>2/12</i>		X

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO: SB 16**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act restricting the Commissioner of Fish and Game's use of moneys in the F&G fund BRU: Fish and Wildlife Protection  
 Component: Detachments  
 Sponsor: Senator Taylor  
 Requestor: S. Resources COMPONENT SERIAL NO. 0490

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>CHANGE IN REVENUES ( )</b> Revenue Code	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_ -0-

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

This Bill would limit the State's ability to manage fish and game stocks in their entire range and would preclude FWP from requesting enforcement funding in areas closed to "consumptive uses", but where illegal hunting and fishing may still occur. The Bill is inconsistent with department objectives.

Prepared By: Lt. Joel L. Hard Phone: 269-5409  
 Division: Fish and Wildlife Protection Date: February 7, 1997  
 Approved by Commissioner: *Joel Smith* Date: 2/10/97  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Use of Fish & Game Fund/Comm'r's Powers BRU: Sport Fish  
 Component: Sport Fish  
 Sponsor: Senator Taylor  
 Requester: Senate Resources COMPONENT SERIAL NO. 464

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	163.2	166.5	169.8	173.2	176.6	180.2
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	16.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>185.2</b>	<b>172.5</b>	<b>175.8</b>	<b>179.2</b>	<b>182.6</b>	<b>186.2</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1004)	1,648.7	1,648.7	1,648.7	1,648.7	1,648.7	1,648.7
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)
1003 GF Match						
1004 GF	1,648.7	1,648.7	1,648.7	1,648.7	1,648.7	1,648.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)
<b>TOTAL</b>	<b>1,648.7</b>	<b>1,648.7</b>	<b>1,648.7</b>	<b>1,648.7</b>	<b>1,648.7</b>	<b>1,648.7</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	4	4	4	4	4	4
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Assumptions used in analyzing SB 16: (1) Although there are changes in the amount of Federal Receipts (\$-1,519.1) and Fish and Game Fund (\$-241.7) money that the Division of Sport Fish will be allowed to use with enactment of SB 16, the revenues in these fund sources will not change. The money not used from the Fish and Game Fund will remain in the account, however, the money left in the Federal Aid to Fish Restoration (DJ/WB) account will eventually revert and not be available to the state. (2) Division of Sport Fish will operate all projects at proposed FY 98 levels. (3) General Funds will be provided to offset loss of Fish and Game Fund and Federal revenues. (4) Federal Aid apportionment and license/tag revenues will remain constant for foreseeable future. (5) A large number of frivolous law suits filed against Fish and Game employees during the execution of their duties can be expected. This will require Dept of Law to prepare a fiscal note outlining the cost of defense against these suits. (6) The division would require 4 new full-time administrative assistants to help track budgets under this legislation. (7) This bill prohibits the use of Fish & Game Fund and Federal Aid funding for the following projects: Headquarters - Aquatic Education and Public Communications (RSA to Commissioner's Office); Research and Technical Services (RTS) - Reporting, Statewide Economics, Responsive Management, Public Communications and 50% of Information Management; Region I (Southeast) - Reduce all projects under Resident Species P2 by 75%; Region II (Southcentral) - Angler Outreach/Education, Karluk Steelhead, Bristol Bay RT Pop. Studies, Willow Creek Rainbow Trout and Kenai River Dolly Varden; Region III (Interior) - Piledriver/Badger Grayling Studies, Chena Grayling Studies and Chaga River Grayling.

Continued on attached page.

Prepared by: Kevin Delaney Phone: 465-4180  
 Division: Sport Fish Date: 2/8/97  
 Approved by Commissioner: Frank Rue Date: 2/10/97  
 Agency: Fish and Game

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Title: Use of Fish & Game Fund/Comm'r's Powers

(8) To continue to provide these services, general funds (\$1,648,700) will have to compensate for the loss of current revenue sources. (9) Costs associated with administration of projects within the Division of Sport Fish are allowable, however, those costs of project administration which currently occur outside our Division (ie Division of Administration or Department of Administration) are now limited. Under the 10% limitation clause found in Section 2(a)(2)(C) of this legislation, Fish and Game Fund money may be used to pay Division of Administration the 6% overhead charged on federal funds expended. (10) A table outlining current funding sources and funding shifts if SB 16 were enacted follows.

**Current FY 98 Funding Sources and Funding Sources With Senate Bill 16**

FY 98 Sport Fish Projects		Current Funding Sources				Funding Sources With SB 16					
Project #/Title	Total \$	F&G*	Fed*	Prog*	CIP*	F&G*	Fed*	Prog*	CIP*	GF*	Total \$
54 Headquarters	1,532.3	1,385.1	132.2	15.0	0.0	1,320.4	16.1	15.0	0.0	180.8	1,532.3
64 Boating Access	370.8	39.2	110.4	0.0	221.2	39.2	110.4	0.0	221.2	0.0	370.8
55 RTS	2,075.6	1,154.8	920.8	0.0	0.0	836.1	764.9	0.0	0.0	474.6	2,075.6
56 SE Supervision	1,295.6	1,295.6	0.0	0.0	0.0	1,295.6	0.0	0.0	0.0	0.0	1,295.6
57 SE Salmon	1,698.5	424.6	1,273.9	0.0	0.0	424.6	1,273.9	0.0	0.0	0.0	1,698.5
58 SE Resident Sp	534.1	133.5	400.6	0.0	0.0	31.9	95.6	0.0	0.0	406.6	534.1
63 SE Shellfish &	18.0	18.0	0.0	0.0	0.0	18.0	0.0	0.0	0.0	0.0	18.0
64 SE Access	61.2	15.3	45.9	0.0	0.0	15.3	45.9	0.0	0.0	0.0	61.2
91 SE Hatcheries	1,151.2	395.8	533.6	221.8	0.0	395.8	533.6	221.8	0.0	0.0	1,151.2
59 SC Supervision	2,254.0	1,940.3	313.7	0.0	0.0	1,923.2	262.4	0.0	0.0	68.4	2,254.0
60 SC Salmon	3,090.2	1,336.7	1,753.5	0.0	0.0	1,336.7	1,753.5	0.0	0.0	0.0	3,090.2
61 SC Resident Sp	367.2	91.8	275.4	0.0	0.0	13.7	41.0	0.0	0.0	312.5	367.2
62 SC Shellfish &	543.5	276.3	267.2	0.0	0.0	276.3	267.2	0.0	0.0	0.0	543.5
64 SC Access	103.9	26.0	77.9	0.0	0.0	26.0	77.9	0.0	0.0	0.0	103.9
90 SC Hatcheries	1,754.5	429.6	1,288.9	36.0	0.0	429.6	1,288.9	36.0	0.0	0.0	1,754.5
69 INT Supervision	994.6	994.6		0.0	0.0	994.6	0.0	0.0	0.0	0.0	994.6
70 INT Salmon	181.3	45.3	136.0	0.0	0.0	45.3	136.0	0.0	0.0	0.0	181.3
71 INT Resident Sp	875.5	218.9	656.6	0.0	0.0	181.5	544.5	0.0	0.0	149.5	875.5
64 INT Access	38.4	9.6	28.8	0.0	0.0	9.6	28.8	0.0	0.0	0.0	38.4
92 INT Hatcheries	88.3	22.1	66.2	0.0	0.0	8.0	24.0	0.0	0.0	56.3	88.3
Total	19,028.7	10,253.1	8,281.6	272.8	221.2	9,621.4	7,264.6	272.8	221.2	1,648.7	19,028.7
Admin Overhead**	502.1		502.1			390.0					390.0
Grand Total	19,530.8	10,253.1	8,783.7	272.8	221.2	10,011.4	7,264.6	272.8	221.2	1,648.7	19,418.7

\* F&G is the Fish and Game Fund; Fed is Federal Funds; Prog is Program Receipts; CIP is Capital Improvement Project Funds; GF is General Funds.

\*\* Fees paid to Department of Fish and Game, Division of Administration for overhead related to federal funding.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date:		Dept. Affected: <u>Fish and Game</u>
Title:	<u>Use of Fish &amp; Game Fund/Commissioner's Powers</u>	BRU: <u>Wildlife Conservation</u>
Sponsor:	<u>Senator Taylor</u>	Component: <u>Wildlife Conservation</u>
Requester:	<u>Senate Resources</u>	COMPONENT SERIAL NO. <u>473</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	96.7	98.6	100.6	102.6	104.6	106.7
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL						
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	12.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>111.7</b>	<b>101.6</b>	<b>103.6</b>	<b>105.6</b>	<b>107.6</b>	<b>109.6</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES (1024)</b>	0.0	0.0	0.0	0.0	0.0	0.0
----------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	240.0	240.0	240.0	240.0	240.0	240.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)	(128.3)	(138.4)	(136.4)	(134.4)	(132.4)	(130.4)
<b>TOTAL</b>	<b>111.7</b>	<b>101.6</b>	<b>103.6</b>	<b>105.6</b>	<b>107.6</b>	<b>109.6</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	2	2	2	2	2	2
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Assumptions: (1) To maintain department services and programs at existing levels, General Funds will be provided to offset funding cuts in Fish & Game Fund revenues. (2) Federal Aid apportionments and license/tag revenues will remain constant for foreseeable future. (3) The regulatory process (\$713.3) and data processing programs (\$1,042.9) are assumed to directly benefit consumptive users and will continue to be funded by federal aid and Fish & Game Fund revenues. (4) The 10% limit on administrative costs of projects (Sec. 2) applies to Dept. Admin. and F&G Div. Admin only. (5) Costs of defending department personnel from frivolous lawsuits (Sec. 4g) will be borne by Dept. Law.

This bill prohibits use of Fish & Game Fund and Federal Aid funding for nongame conservation, marine mammals endangered species, construction, interpretive programs, wildlife education, and non-hunting related programs. To continue to provide these services, general funds (\$240.0) will have to compensate for the loss of current revenue sources.

The division would need to hire 2 full-time administrative assistants and 1 part-time accounting clerk to help track budgets under this legislation. These positions would be in Wildlife Conservation and be paid from the F&G Fund.

Prepared by: Diana Ground, Administrative Officer *DG*  
Division: Wildlife Conservation

Phone: 465-6194  
Date: 2/10/97

Approved by Commissioner: Gerard Bruner *GB*  
Agency: Alaska Department of Fish and Game

Date: 2/10/97

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB 16**

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "... restricting the use of certain funds  
deposited in the fish and game fund; . . ." BRU: Civil Division  
 Component: General Legal Services  
 Sponsor: Senator Taylor  
 Requester: Senate Resources Committee COMPONENT SERIAL NO. 2087

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	107.5	107.5	107.5	107.5	107.5	107.5
TRAVEL	6.4	6.4	6.4	6.4	6.4	6.4
CONTRACTUAL	56.0	56.0	56.0	56.0	56.0	56.0
SUPPLIES	2.1	2.1	2.1	2.1	2.1	2.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>178.5</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	178.5	172.0	172.0	172.0	172.0	172.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>178.5</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>	<b>172.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill would restrict the uses of certain funds deposited in the fish and game fund. In addition, the bill would permit individuals to bring a civil action against a state agency or public official for an injunction to compel compliance with the restrictions or correct the consequences of a violation of the restrictions.

The language in the bill is unclear as to whether damages would be an available remedy. Assuming that they are, the department believes that there would be approximately five to six lawsuits filed over these provisions per year, with at least two requiring full trial preparation. These matters will require more attorney time than typical challenges to statutes or regulations. The department estimates the services of one full-time equivalent attorney position would be required. In addition, any suits under this bill over spending of funds would involve complex factual issues and will require extensive discovery, depositions, and reliance on expert testimony (accountants, auditors, budgetary experts, and possibly legal experts on the requirements of federal law).

The department's weighted cost for an attorney position is \$127,000 per year, plus \$6,500 for one-time new

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370  
 Division: Administrative Services Division Date: 2/12/97  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/12/97  
 Agency: Department of Law

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ANALYSIS CONTINUATION:

position equipment. The weighted cost includes clerical support, communications, space, supplies, data processing, and all other normal overhead expenses. It does not include direct, out-of-pocket case costs such as experts, court reporters, and case travel. We have included \$5,000 for direct case travel costs, and \$40,000 for expert witnesses.

If the bill is amended to make it clear that damages are not available, or the court determines that damages are not a remedy, and the only relief available is injunctive, the fiscal impact is expected to be reduced to one-half an attorney position. In that event, the department would expect no more than two or three cases per year, almost all to be resolved by summary judgment. The department would then expect its costs to be \$86,000 per year, with an additional \$6,500 for FY98 one-time equipment purchases (\$63,500 for one-half an attorney position, \$2,500 for direct case costs, and \$20,000 for expert witnesses). The department anticipates that most challengers would be granted "public interest litigant" status. This would add to the cost to the state, because public interest litigants, if they lose, cannot be required to pay costs and fees, and if they win, receive full costs and fees. This additional cost is speculative at this point, however, and is not included as part of the department's estimated fiscal impact.

All legal costs would be paid from the general fund as use of fish and game funds for legal defense would be precluded by this bill.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: An Act restricting the use of certain funds BRU: Administration and Support  
deposited in the fish and game fund Component: Administrative Services  
 Sponsor: Senator Taylor  
 Requester: Senate Resources COMPONENT SERIAL NO. 479

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( 1002 )	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)
1003 GF Match						
1004 GF	1,084.1	1,084.1	1,084.1	1,084.1	1,084.1	1,084.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

To maintain department services and programs at existing levels, general funds will be necessary to offset the decrease in federal funding.

Federal receipts are currently collected as indirect overhead to fund statutorily required functions, such as accounting services, personnel and payroll services, budgeting services, procurement and contracting services, and data processing services.

Prepared by: Kevin Brooks Kevin Brooks, Director  
 Division: Administrative Services

Phone: 465-5999  
 Date: 2/13/97

Approved by Commissioner: Garon Bruce  
 Agency: Fish and Game

Date: 2/13/97

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# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
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## MEMORANDUM

April 3, 1997

**SUBJECT:** Sectional Summary of SB 16; An Act restricting the use of certain funds deposited in the fish and game fund; and relating to the powers and duties of the commissioner of fish and game.

**TO:** Senator Robin Taylor

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of SB 16; An Act restricting the use of certain funds deposited in the fish and game fund; and relating to the powers and duties of the commissioner of fish and game.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends the powers and duties of the commissioner of fish and game under AS 16.05.050 to allow the commissioner to cooperate with sportsmen's organizations and other organizations to increase game populations and to introduce new populations into suitable habitat.

Section 2 of the bill repeals and reenacts AS 16.05.130(a). Revenue received by the state from sport fishing, hunting, and trapping licenses, permits, and tag fees may only be expended as provided by legislative appropriation. The revenue may be only used for intensive management projects; for propagation, reintroduction, restocking, transplantation, habitat manipulation, predator removal, hunter education, access to hunting and sport fishing areas, and restoration of game and sport fish resources; for certain types of projects that directly benefit purchasers of sport fishing, hunting, and trapping licenses, permits, and tags; for construction and preservation of shooting ranges; or for administration of the fish and game licensing function. The revenue may not be used for projects in areas where consumptive use of sport fish and game are not allowed, used for a purpose not permitted under this subsection, expended for certain personnel and administrative costs, or expended for certain kinds of construction projects.

Section 3 of the bill amends AS 16.05.130(b) by changing the uses for which revenue derived from the waterfowl conservation tag fee may be used.

Senator Robin Taylor

April 3, 1997

Page 2

Section 4 of the bill adds new subsections to AS 16.05.130. Federal monies received under the federal sport fish and wildlife restoration programs may only be used for certain kinds of projects. The Department of Fish and Game shall prepare an annual report of expenditures from the fish and game fund and provide the report to members of the legislature. A person may bring a civil action in the courts to enforce the requirements of AS 16.05.130. The terms "harvestable surplus", "high level of human harvest", "intensive management", and "maximum sustained yield" are defined.

Section 5 of the bill repeals AS 16.05.130(d) (relating to the use of hunting, fishing, and trapping license revenues and federal sport fish and wildlife restoration monies) and AS 16.05.340(a)(17)(B) (relating to exemptions from the waterfowl conservation tag requirement).

GU:jdr

97-239.jdr

# License revenue intended to benefit wildlife, those who buy licenses

By LYNN E. LEVENGOOD

If the headlines read "School tax revenue to fund wildlife," I am sure it would generate legitimate uproar. Why? Don't many property owners enjoy watching wildlife? The answer is simply that the law requires property taxes collected for our schools to be spent on schools.

Alaska law also provides that the license revenue generated by the purchase of hunting and fishing licenses must be placed in a dedicated fund (the Alaska Fish & Game Fund) and that these monies cannot be diverted from purposes other than projects intended to benefit the license purchasers!

Until a few years ago the Alaska Department of Fish & Game received significant general fund revenue, which was not restricted. ADF&G utilized these general funds for many projects which had no intended benefit to license purchasers. Marine mammals, endangered species and non-game bird projects are examples.

Two years ago our Legislature decided, without any objection from the non-hunting public, to fund the Alaska Department of Fish & Game almost exclusively from the Alaska Fish & Game fund and federal tax funds from taxes on firearms and ammunition. In response to this major funding shift, ADF&G did not curtail any of its many programs not intended to benefit consumptive users. Instead, this bureaucracy viewed the license revenues as an endowment to be used in any manner they chose.

Simultaneous to this funding shift came large closures of land to hunting and increased restrictions on hunters and fishermen. Alaska's hunters became concerned because they harvest less than 3 percent of Alaska's big

## Guest Opinion

game, a percentage so small that it ranks among the bottom of all states where big game hunting is allowed. Alaska's harvest is so small that the amount of animals harvested for Alaska's tables is statistically insignificant to the health of our big game populations. Notwithstanding these facts, restrictions on human harvest continued while efforts to satisfy Alaska's intensive management statute (which included predator management) were stopped.

Responding to this crisis, the AWCA sought legislative appropriations which would benefit wildlife by enhancing big game populations. These efforts, aimed at increasing the total abundance of wildlife, would benefit all Alaskans.

Last year the Legislature responded by providing nearly \$1 million for intensive management aimed at the enhancement of big game populations. Additionally, the Legislature reduced funding for certain divisions within ADF&G, in response to the restricted funding base and in an effort to make ADF&G more responsive to the license purchasers who now provided 100 percent of its funding.

Ignoring this legislative direction, ADF&G diverted over \$2 million. Commissioner Rue diverted funds away from the game management and into selfish research. He diverted hundreds of thousands of dollars into the other functional areas which were purposefully not funded by the Legislature. Most significantly, the entire \$1 million intended for intense management projects was diverted to routine use. Outraged, Alaska's wildlife

conservation Association, and others quickly discovered these diversions. Numerous meetings, letters, and warnings from various legislators to the governor and the commissioner of Fish & Game were sent indicating that ADF&G was going to be held fiscally accountable for every dollar which was diverted.

When this year's Legislature designed ADF&G's budget, be assured, it was no surprise to ADF&G that their budget reflected their diversion of funds. This legislative attempt to make this bureaucracy fiscally responsible and accountable for the over \$2 million diverted and/or mis-spent dollars is welcome news. ADF&G's claim that they were unaware why they were facing budget reduction is baloney! AWCA has copies of multiple letters informing the department that they were going to be held accountable for their misuse of funds. Perhaps it's time for an audit to find out just what license revenue is, and has paid for?

Notwithstanding, the AWCA, whose sole goal is to return Alaska to an abundance of wildlife, remains concerned about initiating and funding wildlife enhancement projects. While reviewing the administration's proposed 1997 budget, we quickly discovered that the governor's budget contained many bankrupt policy programs. Examples include raiding the Alaska's Fish & Game Fund to fund a Denali Park road access study and the publishing of pamphlets for non-consumptive users.

Responding to this budget challenge, AWCA developed and recommended budgetary appropriations for a dozen specific wildlife programs aimed at one simple goal, the enhancement of Alaska's wildlife resources. These

our requested enhancement projects and projects requested by the governor and ADF&G is the intended benefit. Our projects were intended to benefit all Alaskans by increasing wildlife populations. This is in contrast to the non-consumptive users who have been crying for the spending of hunter's funds for projects aimed to benefit, not wildlife, but people. Their projects include fixing old buildings, making boardwalks, viewing stands, and interpretative signs. While these may be worthwhile projects, they do not benefit wildlife populations or license holders and should be paid for by the viewers.

It is inconceivable why hunters should bear the burden for the administration of, and research in areas where non-consumptive users have exclusive use and where hunters cannot utilize their licenses.

I have yet to see a letter to the editor that advocates a \$1 per pound tax on birdseed or creating a \$55 viewing license (which is the cost of a hunting, fishing, trapping license). Hunters and fishermen justifiably oppose additional taxes on "camping equipment" because that would amount to triple taxation.

The truth is that Alaska's consumptive users pay for Alaska's wildlife management, and, by law, are required to be the direct beneficiaries of the expenditures of their funds—yes, their license revenues. Unless you purchase a hunting or fishing license, big game tag, waterfowl stamp, a personal use fishery permit, salmon stamp and/or a host of user fees placed on Alaska's consumptive users, then you have no legitimate argument on how these funds should be spent.

Lynn E. Levengood is executive director

# Wolf kill debate erupts

## Legislators tackle hunting issues

By DIRK MILLET  
Associated Press Writer

JUNEAU—State biologists and wildlife activists say Alaska lawmakers are getting too involved in wildlife management—trying to force the state to kill wolves in areas where game populations are low.

Lawmakers, though, say they are only involved because the state has not been managing game with hunters in mind. "We want to get the Department of Fish and Game acting like a Department of



Fish and Game and base its decisions on good science," said Sen. Robin Taylor. "The department failed to request one thin dime to do wolf control in this (year's) budget."

Bills have been filed that would allow the state Board of Game to approve a bounty on wolves in some areas and another that would call for intensive management to ensure hunters get about a third of the surviving game born each year in specific areas.

Taylor, a Wrangell Republican, has filed a bill that would restrict the use of money from hunting, fishing and trapping licenses and fees from being used on wildlife viewing projects and other non-consumptive uses.

Two other bills would require the state to open up three times the acreage elsewhere whenever Alaska lands are closed to hunting. Another measure would change the name of the state wildlife conservation division back to the division of game.

Wayne Regelin, state wildlife conservation director, said the political activity is keeping him and deputy director Ken Taylor busy at the Capitol.

"They're trying to legislate wolf control," Regelin said. See HUNTING, Page A-8

Fairbanks Daily News-Miner, Sunday, March 17, 1996

## HUNTING: Legislators introduce bills

Continued from Page A-1  
"What I tell them is it's not a solution."

Wildlife official Taylor said wolf control might help in a couple of places in Alaska where game populations are down. In the McGrath area, the state believes wolves are keeping the numbers of moose low. And wolves preying on young caribou are keeping the Fortymile herd near Tok and Eagle at a level far below what the land could support, the deputy director said.

A joint Canada, Alaska task force put together a management plan on how to increase the Fortymile herd. The plan calls for

sterilization of dominant wolves and relocation of other wolves from the calving grounds. None of that would start until next year, though.

Just about all sides in the debate concede that public concern over wolf control is a problem. Gov. Tony Knowles halted a controversial wolf-control program last year when photos of a hunter killing a wolf several times ignited headlines across the nation's papers.

Knowles says the state won't run any wolf-control programs until a study by the National Academy of Sciences on the issue is complete.

But hunting groups are not willing to wait.

"They are currently moni-

toring Alaska wildlife, they are not actively managing anything," said Lynn Levensood, a Fairbanks attorney who is involved with the Alaska Wildlife Conservation Association, a hunting organization. "They are doing nothing to increase wildlife populations."

Levensood said none of the bills mandate wolf control but some do give the state Board of Game the option of killing wolves to increase game populations.

Eddie Grasser of the Alaska Outdoor Council said the legislation is driven by hunters' frustration at game management in Alaska.

"Over the last 15 years, the department has gotten away from the traditional role of managing wildlife," said Grasser, the council's Juneau lobbyist. "It's entered a phase where they more or less are managing people."

Grasser said hunters and trappers figure they pay for the division's payroll with their fees and taxes. But they are not happy with the way their money is being spent.

Regelin said only a small percentage of the division's budget is spent on strictly non-hunting projects.

# Hunting bill puts burden on state Fish and Game

By DOUGLAS FISCHER  
Staff Writer

Alaska would see "no net loss" in hunting opportunity should a measure before the Senate Resources Committee become law.

The bill calls for the Alaska Department of Fish and Game to manage game animals "solely ... for maximum biological sustained yield by human harvest" and ease some hunting restrictions.

Further, the bill directs the Alaska Board of Game—if any area should be closed to hunting for any species—to mirror that closure by opening an area at least five times the size of the closed area to the same sort of hunting activity.

"These restrictions are being adopted in lands which sportsmen ... set aside and whom exclusively pay for the maintenance, management and administration of these lands," said Sen. Mike Miller, R-North Pole, the bill's sponsor.

Under the measure, which must have a second hearing be-

fore the committee releases it, Fish and Game officials could not spend money raised from hunting tags and licenses on "lands where consumptive uses have been eliminated or restricted."

It would also allow citizens to sue state agencies or officials who fail to comply with the measure.

Supporters insist the bill is neither a predator control nor a subsistence bill, but detractors aren't so sure.

"This has nothing to do with the issue, but it does affect it," said Director Wayne Regelin of Fish and Game's Division of Wildlife Conservation. "It does have an impact on how we manage lands primarily for subsistence."

For example, the department could no longer spend money on subsistence users without allowing other hunters a shot, he said.

Regelin said the department already spends 96 percent of its \$14.5 million budget on hunters and hunting programs.

Legislation that forces Fish and Game officials to manage wildlife only for hunters turns "non-hunters into anti-hunters.

"Hunters have to realize that they're not the only ones that own the wildlife," Regelin testified before the committee. "I am really afraid that to say the 'only and best use of wildlife' is for human use and consumption has damaging long-term affects."

Lynn Levengood, executive director of the Alaska Wildlife Conservation Association, which supports the bill, said this measure would have "absolutely no effect" on Tier II restrictions and other subsistence issues.

"This would take less land out of consumptive use," he said, testifying in Fairbanks at the teleconferenced hearing. "More land for consumptive use benefits subsistence users."

Mike Tinker, who also testified in Fairbanks, thought the measure offered state wildlife officials comprehensive management objectives.