

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 00/2

9970 HOUSE RESOURCES

100

HB

164

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100
FACSIMILE: (907) 465-2332

January 20, 2000

The Honorable Bill Hudson
Co-Chair, House Resources Committee
Alaska State Legislature
State Capitol, Room 108
Juneau, AK 99801

The Honorable Beverly Masek
Co-Chair, House Resources Committee
Alaska State Legislature
State Capitol, Room 128
Juneau, AK 99801

Dear Representatives Hudson and Masek:

I am writing to request the House Resources Committee schedule House Bill 164, which authorizes the electronic sale and issuance of hunting and fishing licenses, permits and tags. This bill will make it more convenient for the public to immediately purchase licenses and tags needed to hunt and fish in the state.

The Department of Fish and Game has worked closely with the Department of Public Safety and the Department of Law in drafting this bill. Individuals may now apply for licenses using either an 800 phone number or a computer and the Internet. The applicant subsequently receives his or her license by mail.

This bill will allow the department to institute a paperless licensing system that allows applicants, upon successful completion of an electronic licensing process, to be immediately issued a valid license to hunt or fish. This system provides the maximum convenience to the public by allowing the purchase of a valid license 24 hours a day, seven days a week.

Several other states, including Idaho, Georgia, Florida, Texas, and Nebraska, are using some variation of electronic means to sell and issue hunting and fishing licenses. These systems have been well received by the hunting and fishing public. We have contacted fish and wildlife management and enforcement personnel in several of these states and they also report that electronic licensing has been performing successfully.

The department is always looking for ways to involve more people in hunting and fishing, and we believe that making it easier to get licensed is an effective means to that end. I hope you will schedule a hearing on this bill as soon as possible.

Sincerely,



Frank Rue
Commissioner

cc: Pat Pourchot
Ron Otte
Geron Bruce

AMENDMENT

OFFERED BY ADF&G

TO: FB 164

Page 1, line 8:

Following "surcharge":

Insert "not to exceed existing compensation to vendors or three dollars,
whichever is less"

Sectional Analysis of House Bill 164

Section 1 authorizes the commissioner to add a processing fee for any additional costs for electronic issuance of a license or tag.

Section 2 authorizes the commissioner, with the concurrence of the commissioner of public safety, to accept and process electronic applications; and describes the requirements to purchase a license electronically.

To purchase a license electronically, an applicant must submit the information required by the department; and possess, when applying for a license, a valid identification card bearing a picture of the applicant. If a paper license is issued, the applicant must sign it to be valid. There must be a notice on the electronic application form, and any paper license, permit, or tag, stating the provisions and penalties for making false statements or material omissions when applying for hunting or fishing licenses, permits, and tags.

The commissioner of fish and game and commissioner of public safety are authorized to adopt regulations to interpret or implement their duties under this statute.

"Electronic" is defined as a means of licensing using the Internet, electronic mail, a toll-free telephone number, or other means using telephone lines or communication between electronic computing devices. "Identification card" means a card issued by a state or federal agency or other organization designated by the Alaska Department of Public Safety.

Section 3 authorizes the commissioner of fish and game to enter into contracts with private vendors to provide processing and issuance of electronic licenses, permits and tags.

Section 4 provides that contractors authorized to issue electronic licenses may only collect fees as allowed by the contract; they could not, for example, also collect vendor compensation as set by statute.

Section 5 amends definition of application process to also include electronic applications.

Section 6 establishes that a licensee who has purchased an electronic license, permit or tag must carry a current and valid picture identification card and the electronic number issued for the fishing or hunting activity in which they are engaged. The licensee must provide the identification card and license number(s) to peace officers or other persons authorized by the commissioner. The licensee must also corroborate any information about the status and validity of any electronic license issued to the licensee.

Section 7 allows the commissioner to determine effective date of electronic issuance of licenses, permits and tags, and to convey that date to the lieutenant governor and revisor of the statutes.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 164

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
 Title FISH & GAME LICENSING BY ELECTRONICS BRU Admin. & Support
 Component Admin. Services
 Sponsor House Rules Committee
 Requester House Resources Committee Component No. 479

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Kevin Brooks *Kevin Brooks* Phone 465-5999
 Division Administration Date/Time 2/15/00 2:10 PM
 Approved by: Commissioner Frank Rue *Frank Rue* Date 02/15/2000
 Agency Department of Fish and Game

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 164(RES)

Revision Date/Time (Note if correction) 2/21/00 Dept. Affected Fish and Game
 Title FISH & GAME LICENSING BY ELECTRONICS BRU Admin. & Support
 Component Admin. Services
 Sponsor House Rules Committee
 Requester House Resources Committee Component No. 479

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Kevin Brooks Phone 465-5999
 Division Administration Date/Time 2/21/00 10:42 AM
 Approved by Commissioner Frank Rue Date 02/21/2000
 Agency Department of Fish and Game

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Alaska Department of Fish and Game
Fiscal note for CSHB 164(RES)

Analysis:

This bill provides for the electronic issuance of hunting and fishing licenses, tags and permits. This process is intended to be a convenience to the public and will complement the current paper system that will continue to be offered and account for the vast majority of sales. The state currently sells over 700,000 pieces of licensing stock annually, generating over \$20 million in revenue, and pays out approximately \$2 million in vendor compensation.

Any licenses sold by the state as a license vendor will result in the foregone vendor compensation remaining in the Fish and Game fund pending appropriation by the Legislature through the normal budget process. Any fees assessed by a vendor for providing electronic licenses are anticipated to be less than the amount currently paid out as vendor compensation. In the event that an electronic vendor, through a competitive solicitation process, charges more than the current allowance for vendor compensation, the bill allows for a surcharge (or convenience fee) of not more than \$3 to be assessed by the vendor.

HB

194

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 194

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title An Act correcting a reference to the former oil and BRU Spill Prevention and Response
hazardous substance release response fund Component Prevention and Emergency Response
 Sponsor Rep. Whitaker
 Requester House Oil & Gas Component Serial No. 2064

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

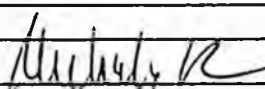
Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impacts.

Prepared by Larry Dietrick, Director Phone 465-5255
 Division Spill Prevention and Response Date/Time 4/20/99 8:44 AM
 Approved by Commissioner Michele Brown  Date 4/20/99
 Agency Department of Environmental Conservation

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB194

Revision Date: _____ Dept Affected: Military & Veterans Affairs
 Title: An Act correcting, in the Alaska Disaster Act, BRU: Disaster Planning & Control
a reference to the former oil and hazardous substance... Component: Disaster Planning & Control
 Sponsor: Rep. Whitaker
 Requestor: (H)O&G Component Serial No. #1808

Expenditures/Revenues (inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill corrects language that references the former oil and hazardous substance release response fund, and describes it correctly as the oil and hazardous substance release prevention and response fund.

There is no fiscal impact to the Division of Emergency Services as a result of implementation of this legislation.

Prepared by: Carol Carroll, Director Phone: 465-4730
 Division: Administrative Services Date: 19-Apr-99
 Approved by Commissioner: [Signature] Date: 4-19-99
 Agency: Military & Veterans Affairs

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Alaska State Legislature

Representative Jim Whitaker

House Special Committee on Oil and Gas, Chairman
House Resources Committee
House Health, Education, and Social Services
Committee
House State Affairs Committee
House Special Committee on Fisheries



House of Representatives
District 31

Session:
State Capitol, Room 13
Juneau, Alaska 99801-1182
Phone: (907) 465-3004
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119 N. Cushman St. Suite 213
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

Sponsor Statement

House Bill 194 – Disaster Assistance

House Bill 194 makes a technical statutory change as suggested by Legislative Legal Services. The Oil and Hazardous Substance Release Response Fund, under the administration of the Department of Environmental Conservation, was established to provide relief in the event of oil or hazardous substance discharges. In 1994, the name of this fund was changed to the Oil and Hazardous Substance Release *Prevention and* Response Fund, in order to establish an account intended to pay the expenses of making preparations for the possibility of a threatened release of oil or hazardous substances. All statutory references relating to the fund were amended to reflect the new name with the exception of AS 26.23.050(b). House Bill 194 corrects this oversight and brings the section into conformity with AS 46.08.010(a).

LEGAL SERVICES

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

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

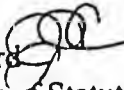
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 24, 1999

SUBJECT: Apparent Error in AS 26.23.050

TO: Representative Jim Whitaker, Chair
Oil & Gas Committee

FROM: James P. Crawford 
Assistant Revisor of Statutes

I wanted to point out what appears to be an error in AS 26.23.050(b). This section relates to financing efforts to cope with "disaster emergencies." In subsection (b), there is a reference to the "oil and hazardous substance release response fund":

Whenever, and to the extent that, money is needed to cope with a disaster, the first recourse shall be to money regularly appropriated to state and local agencies. The second recourse shall be to money available in the disaster relief fund or, for oil or hazardous substances discharges, the oil and hazardous substance release response fund, as the governor determines appropriate. If money available from these sources is insufficient, and if the governor finds that other sources of money to cope with the disaster are not available or are insufficient, the governor may, notwithstanding the limitations imposed by AS 37.07.080(e),

- (1) transfer and spend money appropriated for other purposes; or
- (2) borrow money for a term not to exceed two years.

However, that fund was renamed in 1994 as the "oil and hazardous substance release prevention and response fund." Section 21, ch. 128, SLA 1994. Consequently, the reference in AS 26.23.050(b) appears to be obsolete.

Ordinarily, this is the sort of problem that could easily be remedied in a revisor's bill, and I initially thought to include such a correction in this year's bill. However, in this case, when the fund was renamed, two different accounts within the fund were created: (1) the oil and hazardous substance release prevention account; and (2) the oil and hazardous substance release response account. Although the titles of the accounts might provide some clue, there is no definitive way to tell whether the 1994 legislature wanted recourse under AS 26.23.050(b) limited only to one particular account or, alternately, whether recourse could be had with respect to both accounts, at least under some circumstances.

Representative Jim Whitaker

March 24, 1999

Page 2

Because of this uncertainty, I do not think the correction should be made in a revisor's bill. However, given that it involves oil spills, at least in part, I did want to bring the issue to your attention in case you wanted to address the issue in a substantive bill sponsored by the Oil & Gas Committee.

JPC:pl

99-040.plm

LEGAL SERVICES

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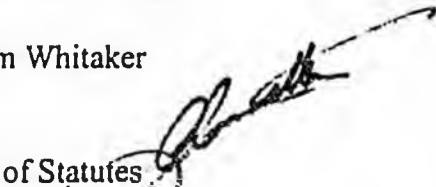
MEMORANDUM

April 9, 1999

SUBJECT: Correcting a reference to the former oil and hazardous substance release response fund in the Alaska Disaster Act (Work Order No. 1-LS0839A)

TO: Representative Jim Whitaker

FROM: Jack Chenoweth
Assistant Revisor of Statutes



This memo accompanies a bill draft.

The oil and hazardous substance release prevention and response fund is composed of two accounts. One of the accounts, the response account, is intended to provide money "readily available to the commissioner [of environmental conservation] for the payment of the expenses incurred by the Department of Environmental Conservation during a response to a release or threatened release of oil or hazardous substances when authorized by AS 46.08.045 and for related purposes intended to address those releases." AS 46.08.005(1). The balance of the second account, the prevention account, is available for the state to use "during a response to a release of oil or a hazardous substance, other than one described in [AS 46.08.005(1)], and to a threatened release of oil or a hazardous substance, to pay the expenses of making preparations for the possibility of a release or threatened release of oil or hazardous substances, to reduce the amount, degree, or intensity of a release or threatened release, and for other related purposes identified in law." AS 46.08.005(2).

Though the bill, as drafted, does not limit the source of disaster relief by reference to a specific account, another statute, AS 26.23.020(g)(11), indicates which account is to serve as the source:

(g) In addition to any other powers conferred upon the governor by law, the governor may, under AS 26.23.010 - 26.23.220,

....
(11) use money from: the oil and hazardous substance release *response* account in the oil and hazardous substance release prevention and response fund, established by AS 46.08.010, to respond to a declared disaster emergency related to an oil or hazardous substance discharge.

JBC:lmb
99-053.lmb
Enclosure

Sec. 46.08.010. Fund established.

(a) There is established in the state general fund the oil and hazardous substance release prevention and response fund. The fund shall be administered by the commissioner. The fund is composed of two accounts,

(1) the oil and hazardous substance release prevention account;

(2) the oil and hazardous substance release response account.

(b) Money from an appropriation made to an account in the fund remaining in that account at the end of a fiscal year does not lapse and remains available for expenditure in successive fiscal years.

(c) The fund shall be used for actual expenses incurred under AS 46.08.040. Except as provided in AS 46.08.040(a)(2)(D) for the acquisition, repair, or improvement of assets as preparedness measures, the fund may not be used for capital improvements.

History -

(Sec. 1 ch 59 SLA 1986; am Sec. 3 ch 48 SLA 1991; am Sec. 21 - 23 ch 128 SLA 1994)

Amendment Notes -

The 1991 amendment, effective September 13, 1991, in subsection (c), added "Except as provided in AS 46.08.040(d)(2), the" to the beginning of the second sentence.

The 1994 amendment, effective October 2, 1994, in subsection (a), in the introductory language, inserted "prevention and" in the first sentence and added "The fund is composed of two accounts," at the end and added paragraphs (1) and (2); in subsection (b), inserted "an account in," substituted "that account" for "the fund," and inserted "does not lapse and"; and, in subsection (c), substituted "in AS 46.08.040(a)(2)(D) for the acquisition, repair, or improvement of assets as preparedness measures" for "in AS 46.08.040(d)(2)."

Decisions -

Funds validly appropriated. - Because the legislature has made the entire balance of the oil and hazardous substance release response fund available for expenditure, the amounts deposited into the fund are already validly appropriated and therefore no longer available for appropriation. *Hickel v. Cowper*, 874 P.2d 922 (Alaska 1994).

Sec. 26.23.050. Financing.

(a) It is the intent of the legislature, and declared to be the policy of the state, that funds to meet disaster emergencies will always be available.

(b) Whenever, and to the extent that, money is needed to cope with a disaster, the first recourse shall be to money regularly appropriated to state and local agencies. The second recourse shall be to money available in the disaster relief fund or, for oil or hazardous substances discharges, the oil and hazardous substance release response fund, as the governor determines appropriate. If money available from these sources is insufficient, and if the governor finds that other sources of money to cope with the disaster are not available or are insufficient, the governor may, notwithstanding the limitations imposed by AS 37.07.080(e),

(1) transfer and spend money appropriated for other purposes; or

(2) borrow money for a term not to exceed two years.

(c) Nothing in this section limits the governor's authority to apply for, receive, administer, and spend grants, gifts, or payments from any source, to aid in disaster prevention, preparedness, response, or recovery.

History -

(Sec. 3 ch 104 SLA 1977; am Sec. 3 ch 59 SLA 1986; am Sec. 5 ch 178 SLA 1990; am Sec. 2 ch 190 SLA 1990)

Amendment Notes -

The first 1990 amendment, in subsection (b), substituted "money" for "funds" in the first and second sentences and substituted the language beginning "the limitations imposed" for "any limitation imposed by AS 37.07.080(e), transfer and spend money appropriated for other purposes or, in situations involving natural disasters, borrow from the United States government or other public or private sources for a term not to exceed two years" at the end of the third sentence.

The second 1990 amendment, in the second sentence of subsection (b), inserted ", for oil or hazardous substances discharges," and "the governor determines".

HB

203



Alaska State Legislature

REPRESENTATIVE JOHN HARRIS

District 35 - Valdez, Cordova, Whittier, Glennallen, Delta Junction, Tatitlek, Kenny Lake, Paxson, Gakona, Chenega Bay

Sponsor Statement

HB 203 – “An Act relating to loans from the agriculture revolving loan fund and to contracts for the sale of state agriculture land; and providing for an effective date.”

Agriculture is important to Alaska, but because state statutes have not kept pace with changing needs and outside financial pressures, our agriculture loan program is in jeopardy. HB 203 works to answer these needs, protect the state's interest in the ARLF by making it more attractive to borrowers and continue to help Alaska's farmers by making the following three changes:

- It reduces the interest rate on ARLF loans from 8 percent to 5 percent, in line with federal Farm Service Agency loans. Normal FSA loans are at 5 percent, while FSA emergency loans have an interest rate of 3.75 percent. Bank loans are available at under 8 percent.
- It increases emergency loan provision limits from \$25,000 to \$50,000, with approval by a committee of the director of the division of agriculture, the ARLF board chairman, and a loan officer.
- It provides farmers the ability to reschedule their farm loans if they experience disasters, such as drought, in three years out of a five year period.

Alaska's agriculture revolving loan fund has approximately \$5 million continuing to revolve to and from the farmers, with about five years of useful life left at the rate it is being used. A reduction in the rate of interest will reduce the returning income to the fund; however, other changes in HB 203 should help to ensure that distressed farmers will be able to continue to make their payments on schedule. In addition to funding loans, the ARLF is used to fund the operations of the division of agriculture, which is a significant reason why the loan fund is not performing ideally. However, some additional income to the ARLF is expected through the sale of agricultural land.

AGRICULTURAL REVOLVING LOAN FUND
Fiscal Summary

FISCAL YEAR	APPROPRIATION		INCEPTION TO DATE TOTAL	STATUTORY AUTHORIZATION AND CHANGES
	ADDITION	WITHDRAWAL		
1953	\$200,000		\$200,000	Fund created; authorized up to \$1,000,000 short-term loans not to exceed \$2,000 for 1-year terms at 6%; chattel loans not to exceed \$10,000 for 5-year terms at 5%; farm development loans not to exceed \$15,000 for up to 20-year terms at 4.5%
1955	150,000		350,000	Farm development limit raised to \$20,000 maximum
1957	125,000		475,000	
1959	100,000		575,000	
1960	75,000		650,000	
1961	200,000		850,000	Authorized fund increased to \$2,000,000; short-term limit raised to \$5,000; chattel limit raised to \$25,000; farm development limit raised to \$40,000
1962	200,000		1,050,000	
1964				Authorized to utilize TR and PER Funds
1966	45,000		1,095,000	Short-term limit raised to \$10,000; chattel limit raised to \$40,000 for 7 years at 6%; farm development limit raised to \$50,000 for 30 years at 5%
1967	45,000		1,140,000	Short-term limit raised to \$15,000; farm development limit raised to \$75,000 at 6%
1968	300,000		1,440,000	
1969	100,000		1,540,000	
1970	500,000 800,000		2,840,000	Special irrigation fund established with up to 20 years at 4%; chattel limits raised to \$100,000; farm development limit raised to \$150,000; authority to sell loans to Dept of Revenue Authorized fund increased to \$5,000,000
1971	200,000		3,040,000	Agreement with Ccmmissioner for sale/purchase of loans @ 0.5% service fee
1975	200,000		3,240,000	Short-term limit raised to \$25,000; farm development loans @ 6%
1976	200,000		3,440,000	Farm development limit raised to \$200,000
1977	200,000		3,640,000	Loan Board re-established
1978	400,000		4,040,000	Irrigation loans @ 6%

AGRICULTURAL REVOLVING LOAN FUND
Fiscal Summary

FISCAL YEAR	APPROPRIATION		INCEPTION TO DATE TOTAL	STATUTORY AUTHORIZATION AND CHANGES
	ADDITION	WITHDRAWAL		
1979	200,000		4,240,000	Farm development limit raised to \$500,000; chattel limit raised to \$300,000; short-term limit raised to \$100,000 AS 03-10-030(e) 15-day delinquency; 7% penalty; AS 03.10.035 Use or Disposal of Mortgaged Farm Land
1980	4,000,000 6,800,000	(1,200,000)	13,840,000	\$1.2 million taken for fire fighting AS 03.10.030(f) Product processing loans with \$2,500,000 limit; repeal authority to sell loans
1981	6,160,000 8,500,000		28,500,000	
1982	14,000,000		42,500,000	
1983	10,000,000		52,500,000	
1984	10,000,000		62,500,000	Appropriated \$1 million for Grain Reserve Loan Program
1985	5,000,000		67,500,000	
1986	2,500,000		70,000,000	
1988		(6,762,000)	63,238,000	AS 03.10.050 Good Borrower Credit program instituted; AS 03.10.033 Restructure of agricultural debt
1989		(1,462,000) (460,314)	61,315,686	\$460,314 in GF expenditures paid by ARLF
1990		(1,000,000) (253,888)	60,061,797	Moratorium on loans - Delta Area \$253,888 in GF expenditures paid by ARLF
1993		(180,500)	59,881,297	\$180,500 in GF expenditures paid by ARLF
1994		(180,900)	59,700,397	\$180,900 in GF expenditures paid by ARLF
1995		(203,361)	59,497,036	\$203,361 in GF expenditures paid by ARLF
1996		(455,487)	59,041,549	\$455,487 in GF expenditures paid by ARLF
1997		(1,110,730)	57,930,818	\$1,110,730 in GF expenditures paid by ARLF
1998		(951,222)	56,979,596	Moratorium on loans affected by Mt. McKinley Meat Plant fire \$951,222 in GF expenditures paid by ARLF

Subject: HB203 5% cash flow projection

Date: Fri, 23 Apr 1999 13:37:56 -0900


From: Candy Easley <candye@dnr.state.ak.us>

To: Peter Fellman <Peter_Fellman@legis.state.ak.us>

Pete,

Pursuant to your request,

Attached is a cash flow projecting the possible effects of HB203 (reducing the interest rate to 5% on all agreements approved after 7-1-99; reamortizing all Delta loans to 5% effective 7-1-99). Even if Delta has another disaster this year, not all borrowers will refinance, and they certainly won't do so all at once on 7-1-99; however, the cash flow is prepared by fiscal year, so this was easiest. It's also probably a "worst case" scenario.

 5%-SE203.xls	<p>Name: 5%-SB203.xls Type: Excel File (APPLICATION/MSEXCEL) Encoding: BASE64 Description: 5%-SB203.xls Download Status: Not downloaded with message</p>
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**Agricultural Revolving Loan Fund
Cash Flow Projection
July 1, 1998**

Assuming 8% for FY99 loans, 5% on all subsequent loans, refinance all existing Delta loans at 5% eff 7/1/99

	Actuals	Estimates						
	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Beginning Cash Balance	\$6,304,655	\$6,421,719	\$5,663,081	\$4,336,371	\$3,398,411	\$2,546,245	\$1,648,218	\$749,829
Cash Inflows:								
Principal & interest payments - Note 1	2,817,903	2,451,254	2,478,516	2,658,749	2,700,112	2,690,237	2,698,171	2,672,190
Leases	94,552	69,212	46,651	44,749	12,025	9,345	9,345	9,345
Late payment penalties - Note 2	7,054	14,217	14,375	15,421	15,661	15,603	15,649	15,499
Settlements on defaulted loans - Note 3		24,638	1,100	1,100	0	0	0	0
Trsfr from original Mntl Health Fund - Note 7	76,459							
Sale of Assets, Misc - Note 4	628,236	819,147	448,048	302,421	361,687	314,375	295,486	295,486
Cash Outflows:								
New loans - Note 5								
Current year disbursements	(1,618,950)	(1,800,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)
Disbursements on prior year loans	(42,794)	(280,703)	(200,000)	(220,000)	(220,000)	(220,000)	(220,000)	(220,000)
ARLF Operating expenses - Note 6	(448,947)	(638,600)	(638,600)	(613,600)	(594,850)	(580,788)	(570,241)	(562,330)
Division expenditures paid by ARLF - Note 6	(912,840)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)
CIP expenditures - Note 8	(218,236)	(250,000)	(350,000)					
Pymts on prior year encumbrances - Note 9	(265,374)	(21,003)						
Ending Cash Balance	\$6,421,719	\$5,663,081	\$4,336,371	\$3,398,411	\$2,546,245	\$1,648,218	\$749,829	(\$166,782)

Note 1 - Principal & interest payments based on 6% interest rate for loans issued from: FY99 through FY05, less 4% bad debt allowance.

Note 2 - Late payment penalties represents FY93-FY98 historical assessment rate of 0.58% of total payments.

Note 3 - Conservative estimate of expected recovery from accounts assigned to the Attorney General's office for collection.

Note 4 - Estimates provided by Div. of Ag. Assume 20% sold for cash; 80% financed (10% cash down; finance bal @ 5%, 20yrs.)
Planned sales: FY99-12 parcels; FY00-9 parcels; FY01-1 parcel; FY02-1 parcel; FY03-1 parcel

Note 5 - Loans are assumed to be disbursed 90% in the current fiscal year and 10% in the subsequent fiscal year. Estimates provided by Division of Agriculture.

Allocated as follows:

C-loans = 10% of total loans per year, amortized over 5 years

F-loans = 29% of total loans per year, amortized over 14 years

P-loans = 3% of total loans per year, amortized over 10 years

S-loans = 58% of total loans per year, amortized over 1 year

Note 6 - Annual expenditure estimates - same as FY99 budget per Division of Agriculture, except gradual decrease in asset management costs as assets are sold.

Note 7 - Lease revenues on original Mental Health lands held in trust pending final resolution of all appeals in FY98.

Note 8 - 1998: Mt. McKinley Meat Plant renovations; 1999: Land disposal (\$100,000) and Mt. McKinley Meat Plant roof (\$150,000); 2000: Land Disposal (\$150,000) and Mt. McKinley Meat Plant upgrades (\$200,000)

Note 9 - 1998: property taxes '92-'98(\$127,317); Mt. McKinley Meat Plant renovations (\$87,044); seed potato project (\$32,570)
1999: seed potato project (\$21,003)

TRYTTEN FARMS
Craig D. & Vicki L. Trytten

Tract 15 & 22A
P.O. Box 871628
Wasilla, AK 99687-1628

Phone 1-907-373-0340
Fax 1-907-373-1043

April 22, 1999

To Whom It May Concern,

I would like to give my support for HB 203. As a past borrower of the Agriculture Revolving Loan Fund (ARLF), because of the higher interest rate, and other restrictions that ARLF puts on its borrowers, we have opted to do *all* of our agriculture loans through FSA (Farm Service Agency, formerly FmHA).

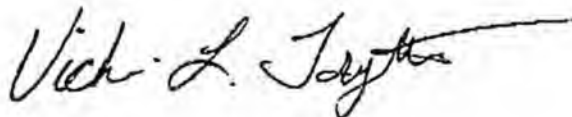
It is a shame to have access to a state agricultural loan fund, and be turned away for the very reasons it was originated...to help farmers in the state.

I do, however, have a son, 18, and a daughter, 12, and I foresee them needing agricultural loans (and my son has already done so through ARRC) in the very near future, and I would like them to be able to choose ARLF for their banking needs. I would like them to be able to support Alaska, and its state loan fund, as one way of many ways of doing so. It (ARLF) also allows the state a method of determining the agricultural needs of its Alaska farmers, through a steady operating, land, chattel, and other farm loan programs, that can accumulate the present and future needs of its farmers first hand.

Therefore, I would wholeheartedly support HB 203, as I see that this bill could address those issues herein discussed, that could make it a competitive agricultural loan fund for farmers to utilize, thus making the ARLF a stronger, more constant source through banking support for its farmers.

Thank you for your time and support!

Respectfully yours,



Vicki L. Trytten

Representative John Harris
District 35 Room 110
State Capitol
Juneau, Alaska, 99801

Scott Miller-President Alaska Farm Bureau
Delta Chapter
HC 60 box 4140
Delta Junction, Alaska, 99737

Dear, Representative Harris

The Delta Chapter of the Alaska Farm Bureau supports H.B.203 and thanks you for sponsoring such needed Agricultural legislation. Alaska needs to update its agricultural statutes to keep its growth and development on track.

There's no reason why farmers should have to go to other lenders to get better interest rates. The current interest rate of 8% is not consistent with the state's efforts to promote agricultural development. The 5% is much more in line and will reattract more borrowers.

By increasing emergency loan provisions the need for moneys to offset an unexpected disaster will be more readily available, and more in line with today's costs. It also should speed up the process.

Given the past three years of drought that Delta has experienced. The need for a meaningful way for the state to reschedule loan payments is an absolute must. Many of our farmers are at the verge of going under without some relief. When things out of the control of a farmer hit year after year, it's in the state's best interest to protect the industry and reschedule the loan payments.

Please consider this issue as urgent as most Delta's farmers won't survive another year of drought. Thank you for your consideration.

Sincerely,
Scott Miller, Delta Farm Bureau

Mr. Robert
PO Box 75184

H Franklin

488-7738

			Distribution	Affiliation	Reg Voter
Fairbanks	AK	99707	60	Alaska	Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/07/1999	N			UNIVERSITIES	

ALASKA FARM BUREAU SUPPORTS THE INCREASE OF FUNDING OF 16.3 MILLION TO U.A.F. GIVE MARK HAMILTON A CHANCE TO IMPROVE AND PUT THE U.A.F. BACK ON TRACK.

Mr. Robert
PO Box 75184

Franklin

488-7738

			Distribution	Affiliation	Reg Voter
Fairbanks	AK	99707	02	Alaska	Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/22/1999	N	SB 161	Supports		

ALASKA FARM BUREAU SUPPORTS THE FARMER RELIEF BILL AND ESPECIALLY THE INTEREST RATE REDUCTION. A LETTER WILL FOLLOW WITH MORE EXPLANATION.

ARLF BORROWERS - April 21, 1999

Alaska Agriquip Leasing
P O Box 969
Palmer, Alaska 99645
Partners

Alaska Natural Meats Limited
800, Eau Claire Place II, 521 3rd Ave. SW
Calgary, Alberta, Canada T2P 3T3
Gentlemen

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Delta Junction, Alaska 99737
Ms. Baughman

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Mr. & Mrs. Boyd

Buck, Tweed & Green
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Woodburn, Oregon 97071
Partners

Kay Cashman
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Anchorage, Alaska 99518
Ms. Cashman

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Paula Giauque
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Anchorage, Alaska 99510-4500
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Mr. & Mrs. Hartman

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Anchorage, Alaska 99510-1246
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Mr. O'Connor

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Mr. & Mrs. Sunderland

John W. & Grace Theuringer
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Mr. Williams

Bryce H. Wrigley
P O Box 1036
Delta Junction, Alaska 99737
Mr. Wrigley

ARLF BORROWERS - April 21, 1999

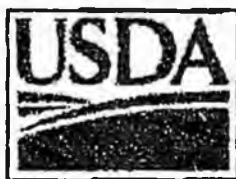
Additions or Name Changes

Stephanie J. Bailey
HC31 Box 5152
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Joseph & Jennifer Cizek
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Mr. & Mrs. Cizek

Mark W. Kern
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Eielson AFB, Alaska 99702
Mr. Kern

Samuel H. Schurig
11462 Business Boulevard
Eagle River, Alaska 99577

**United States Department of Agriculture****Farm
Service
Agency****Alaska State FSA Office**

800 West Evergreen, Suite 216, Palmer, Alaska 99645-6539

Telephone: 907-745-7982 FAX: 907-745-7984

April 27, 1999

SUBJECT: Proposal to Lower the Interest Rate on ARLF Loans**TO:** Representative John Harris**FROM:** Charles W. Thompson
Farm Loan Chief

A handwritten signature in cursive script, appearing to read "CWT", written in black ink.

We understand that there is an initiative in the legislature that is intent on lowering the interest rate on ARLF loans to farmers and ranchers in the State of Alaska. We would support such a change on the basis that support for the Agricultural economy in Alaska will more than pay for any revenue loss due to lower interest rates.

Agriculture is still in its infancy in Alaska and it will need our support for it to grow. However, growth is presently rapid and we believe our support now is critical. Therefore, providing a lower interest rate to the farmers through the State loan program is prudent at this stage.

Support in many other ways should also be considered, but certainly as time and resources permit.

An Equal Opportunity Employer

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SSB203

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to loans from the agriculture revolving loan fund and to contracts for the sale of state ... BRU: Agricultural Revolving Loan Program Admin
 Component: Agricultural Revolving Loan Program Admin
 Sponsor: Rep. Harris
 Requestor: (H)RES Component Serial No. #2235

Expenditures/Revenues (Inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1021)	(24.5)	(126.0)	(244.9)	(382.4)	(535.3)	(707.3)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

An interest rate reduction from 8% to 5%, and farm disaster changes would reduce revenue to ARLF. See attached information for detail on difference between 8% and 5%.

Prepared by: Robert Wells, Director *[Signature]* Phone: 907-745-7200
 Division: Agriculture Date: 27-Apr-99
 Approved by Commissioner: John Shively *[Signature]* Date: 4-27-99
 Agency: Natural Resources

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**Agricultural Revolving Loan Fund
Cash Flow Projection
July 1, 1998**

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Cash Outflows:								
New loans - Note 5								
Current year disbursements	(1,618,950)	(1,800,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)
Disbursements on prior year loans	(42,794)	(280,703)	(200,000)	(220,000)	(220,000)	(220,000)	(220,000)	(220,000)
ARLF Operating expenses - Note 6	(448,947)	(638,600)	(638,600)	(613,600)	(594,850)	(580,788)	(570,241)	(562,330)
Division expenditures paid by ARLF - Note 6	(912,840)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)
CIP expenditures - Note 8	(218,236)	(250,000)	(350,000)					
Pynts on prior year encumbrances - Note 9	(265,374)	(21,003)						
Ending Cash Balance	\$6,421,719	\$5,664,321	\$4,362,149	\$3,525,677	\$2,792,406	\$2,031,887	\$1,286,356	\$541,789

Note 1 - Principal & interest payments based on 8% interest rate for loans issued from FY99 through FY05, less 4% bad debt allowance.

Note 2 - Late payment penalties represents FY93-FY98 historical assessment rate of 0.58% of total payments.

Note 3 - Conservative estimate of expected recovery from accounts assigned to the Attorney General's office for collection.

Note 4 - Estimates provided by Div. of Ag. Assume 20% sold for cash; 80% financed (10% cash down; finance bal @ 8%, 20yrs.)

Planned sales: FY99-12 parcels; FY00-9 parcels; FY01-1 parcel; FY02-1 parcel; FY03-1 parcel

Starting FY99, sell 2 Pt. MacKenzie parcels each year for \$200,000 each (10% down, balance at 8% for 20 years)

Note 5 - Loans are assumed to be disbursed 90% in the current fiscal year and 10% in the subsequent fiscal year. Estimates provided by Division of Agriculture.

Allocated as follows:

C-loans = 10% of total loans per year, amortized over 5 years

F-loans = 29% of total loans per year, amortized over 14 years

P-loans = 3% of total loans per year, amortized over 10 years

S-loans = 58% of total loans per year, amortized over 1 year

Note 6 - Annual expenditure estimates - same as FY99 budget per Division of Agriculture, except gradual decrease in asset management costs as assets are sold.

Note 7 - Lease revenues on original Mental Health lands held in trust pending final resolution of all appeals in FY98.

Note 8 - 1998: Mt. McKinley Meat Plant renovations; 1999: Land disposal (\$100,000) and Mt. McKinley Meat Plant roof (\$150,000); 2000: Land Disposal (\$150,000) and Mt. McKinley Meat Plant upgrades (\$200,000)

Note 9 - 1998: property taxes '92-'98(\$127,317); Mt. McKinley Meat Plant renovations (\$87,044); seed potato project (\$32,570)
1999: seed potato project (\$21,003)

**Agricultural Revolving Loan Fund
Cash Flow Projection
July 1, 1998**

Assuming 8% for FY99 loans, 5% on all subsequent loans, refinance all existing Delta loans at 5% eff 7/1/99

	Actuals	Estimates						
	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Beginning Cash Balance	\$6,304,655	\$6,421,719	\$5,664,321	\$4,337,611	\$3,399,651	\$2,547,485	\$1,649,458	\$751,069
Cash Inflows:								
Principal & Interest payments - Note 1	2,817,903	2,452,487	2,478,516	2,658,749	2,700,112	2,690,237	2,698,171	2,672,190
Leases	94,552	69,212	46,651	44,749	12,025	9,345	9,345	9,345
Late payment penalties - Note 2	7,054	14,224	14,375	15,421	15,661	15,603	15,649	15,499
Settlements on defaulted loans - Note 3		24,638	1,100	1,100	0	0	0	0
Trsr from original Mntl Health Fund - Note 7	76,459							
Sale of Assets, Misc - Note 4	628,236	819,147	448,048	302,421	361,687	314,375	295,486	295,486
Cash Outflows:								
New loans - Note 5								
Current year disbursements	(1,618,950)	(1,800,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)	(1,980,000)
Disbursements on prior year loans	(42,794)	(280,703)	(200,000)	(220,000)	(220,000)	(220,000)	(220,000)	(220,000)
ARLF Operating expenses - Note 6	(448,947)	(638,600)	(638,600)	(613,600)	(594,850)	(580,788)	(570,241)	(562,330)
Division expenditures paid by ARLF - Note 6	(912,840)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)	(1,146,800)
CIP expenditures - Note 8	(218,236)	(250,000)	(350,000)					
Pymts on prior year encumbrances - Note 9	(265,374)	(21,003)						
Ending Cash Balance	\$6,421,719	\$5,664,321	\$4,337,611	\$3,399,651	\$2,547,485	\$1,649,458	\$751,069	(\$165,542)

Note 1 - Principal & Interest payments based on 8% Interest rate for loans approved in FY99, then 5% for loans issued from FY00 through FY05, less 4% bad debt allowance.

Note 2 - Late payment penalties represents FY93-FY98 historical assessment rate of 0.58% of total payments.

Note 3 - Conservative estimate of expected recovery from accounts assigned to the Attorney General's office for collection.

Note 4 - Estimates provided by Div. of Ag. Assume 20% sold for cash; 80% financed (10% cash down; finance bal @ 5%, 20yrs.)
Planned sales: FY99-12 parcels; FY00-9 parcels; FY01-1 parcel; FY02-1 parcel; FY03-1 parcel

Note 5 - Loans are assumed to be disbursed 90% in the current fiscal year and 10% in the subsequent fiscal year. Estimates provided by Division of Agriculture.

Allocated as follows:

C-loans = 10% of total loans per year, amortized over 5 years

F-loans = 29% of total loans per year, amortized over 14 years

P-loans = 3% of total loans per year, amortized over 10 years

S-loans = 58% of total loans per year, amortized over 1 year

Note 6 - Annual expenditure estimates - same as FY99 budget per Division of Agriculture, except gradual decrease in asset management costs as assets are sold.

Note 7 - Lease revenues on original Mental Health lands held in trust pending final resolution of all appeals in FY98.

Note 8 - 1998: Mt. McKinley Meat Plant renovations; 1999: Land disposal (\$100,000) and Mt. McKinley Meat Plant roof (\$150,000); 2000: Land Disposal (\$150,000) and Mt. McKinley Meat Plant upgrades (\$200,000)

Note 9 - 1998: property taxes '92-'98(\$127,317); Mt. McKinley Meat Plant renovations (\$87,044); seed potato project (\$32,570)
1999: seed potato project (\$21,003)

To: Elizabeth Snyder
From: Sig Restad
Re: S.B. 116 Ag Loans +
Companion bill H.B. 203

FAX 465-3883
Elizabeth Snyder

I am Master of Northland Pioneer Grange No 1 and at the request of the grange I testified against the bill S.B. 116 (Board of Agriculture and Conservation) for several reasons even though it had provisions for reducing interest rates for farm loans and restructuring loans for farmers after disaster conditions.

S.B. 116 and H.B. 203 provide for lowering interest rates and restructuring loans after extreme conditions which should be a big help for Alaskan Agriculture.

Northland Pioneer Grange No 1 has been a supporter of the Agricultural Revolving Loan Fund since its formation in 1953 and would encourage legislative action that would make the program even more workable.

Sincerely,
Sig Restad
Master Northland Pioneer Grange No 1

P.S. Sorry about
the hand writing.
Had no secretary available.

P.O. Box 2304
Palmer, AK 99645

Fax 465-3883

Elizabeth Snyder

To: Elizabeth Snyder
From: Sig Restad
Re: SB 116 Ag Loans.

I am writing in support of SB116 regarding lowering ARRF interest rates and restructuring loans after disastrous seasons.

I was director of the Division of Agriculture for six years during the Egan administration and part of the Hickel Administration so I am quite familiar with the purpose and importance of the Agricultural Revolving Loan Fund. I worked closely with agriculture as an administrator in Alaska's agricultural research program from 1968 until 1987.

This experience plus my agricultural training at the University of Minnesota provides a background that supports the need of agricultural financing that is long term and has a relatively low interest rate. ARRF was established because that type of financing was not available for many developing farms in Alaska. This situation has improved somewhat from 1953 but not a lot.

The option of restructuring loans after disastrous crop season is very desirable. A full time farm operation is extremely dependent on the farms ability to have a successful growing season. The potential for restructuring loans could save experienced hard working operations which assist the industry, the farm operator and in the long run the ARLF.

As a member of the Northland Plover Grange No 1, I testified against proposed legislation that would completely reorganize the Division of Agriculture but strongly support the ARLF proposals in this legislation.

Sincerely,

Sig Kestad

1103, Box 9571

Palmer AK 99645

P.S. Sorry about the handwriting. Some of us retired folk don't have good secretarial service.

HB

204

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
 Title Elk Farming BRI' Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Rep. Harris
 Requester House Resources Component No. 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
CHANGE IN REVENUES ()	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)

FUND SOURCE (Thousands of Dollars)

	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)
TOTAL	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)	(1.3)

Estimate of any current year (FY2000) cost: _____

POSITIONS

	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The department currently sells 5 biennial elk farming licenses annually and deposits the money in the Fish and Game fund. If HB 204 becomes law, this funding will no longer be available to the department. For the purposes of this bill analysis, we assume no general funds will be appropriated to compensate for the revenue lost to the fish and game fund.

Note: Although the department will no longer issue elk farming licenses or inspect elk farms, these functions were performed incidentally by staff whose primary duties involved other functions. Those staff will continue to perform their primary duties and there will be no reduction in expenditures. This is reflected in the fiscal note by no identification of reduction in department expenses.

Prepared by: Phil Koehl
 Division: Wildlife Conservation
 Approved by: Commissioner Frank Rue *Frank Rue*
 Agency: Department of Fish and Game

Phone: 465-6198
 Date/Time: 3/3/00 4:59 PM
 Date: 03/03/2000

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title Elk Farming BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Harris
 Requester House Resources Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Department

Prepared by: Janice Adair, Director Phone 269-7644
 Division Environmental Health Date/Time 3/3/00 11:41 AM
 Approved by Commissioner *Ken Sedberry* Date _____
 Agency Department of Environmental Conservation

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title Elk Farming BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Harris
 Requester House Resources Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Department.

Prepared by: Janice Adair, Director Phone 269-7644
 Division Environmental Health Date/Time 3/3/00 11:41 AM
 Approved by Commissioner *K. S. Fedak* Date _____
 Agency Department of Environmental Conservation

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1-LS0528\H ✓
Utermohle
1/29/00

CS FOR HOUSE BILL NO. 204()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE HARRIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elk farming."

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

3 * Section 1. AS 03.05 is amended by adding a new section to read:

4 Sec. 03.05.075. Elk farming. (a) Elk may be raised and bred as domestic
5 stock for commercial purposes, including the sale of meat, by a person who lawfully
6 owns the elk and who holds a current valid elk farming license. The commissioner
7 of natural resources may issue an elk farming license for the farming of elk to a person
8 who applies on a form provided by the commissioner, pays the biennial elk farming
9 license fee, and proves to the satisfaction of the commissioner that the person lawfully
10 owns the elk, intends to raise and breed elk, and possesses facilities for maintaining
11 the elk under positive control. Before issuing or renewing an elk farming license, the
12 commissioner shall conduct a physical inspection of the elk farming facilities and
13 determine that the facilities are in good repair and comply with the fencing standards
14 established under (d) of this section. In this subsection, "lawfully owns" means
15 ownership that was obtained without violating a state or federal law or regulation or

1 a condition of a license or permit issued with respect to elk.

2 (b) The commissioner of natural resources shall provide to the Department of
3 Fish and Game a copy of each application for an elk farming license received by the
4 commissioner and each elk farming license issued by the commissioner.

5 (c) The fee for a biennial elk farming license is \$250.

6 (d) The commissioner of natural resources shall establish fencing standards for
7 elk farming facilities to maintain elk under positive control. Proposed fencing
8 standards shall be submitted to the commissioner of fish and game for review before
9 the standards are adopted or amended.

10 (e) Notwithstanding other provisions of law, a license or permit is not required
11 from the Department of Fish and Game in order to import, export, or possess elk for
12 the purpose of elk farming. Elk imported, exported, or possessed for the purpose of
13 elk farming are subject to the provisions of this title and regulations adopted under this
14 title by the commissioner of natural resources or the commissioner of environmental
15 conservation for domestic animals and livestock, to the extent they are made applicable
16 to elk by the commissioners.

17 (f) In this section, "elk" means an animal of a subspecies of *cervus elaphus*
18 that is indigenous to North America; "elk" does not include red deer or a red deer
19 hybrid.

20 * Sec. 2. AS 03.40.010 is amended to read:

21 **Sec. 03.40.010. Brands and marks.** Any person owning cattle, reindeer,
22 bison, muskox, elk, sheep, horses, mules, or asses [,] may adopt a brand or mark.
23 After recording the brand or mark as provided in AS 03.40.030, the person has the
24 exclusive right to its use.

25 * Sec. 3. AS 03.40.050 is amended to read:

26 **Sec. 03.40.050. Use without certificate prohibited.** A person may not brand
27 any horse, cattle, reindeer, bison, muskox, elk, mule, or ass, unless the person using
28 the brand holds a written certificate of acceptance from the commissioner.

29 * Sec. 4. AS 16.40.050(c) is amended to read:

30 (c) [NOTWITHSTANDING OTHER PROVISIONS OF LAW, A LICENSE
31 OR PERMIT FROM THE DEPARTMENT, OTHER THAN A GAME MAMMAL

1 FARMING LICENSE, IS NOT REQUIRED IN ORDER TO IMPORT, EXPORT, OR
2 POSSESS ELK FOR THE PURPOSE OF ELK FARMING.] A live elk may not be
3 captured from the wild or released into the wild without an appropriate license or
4 permit from the department.

5 * Sec. 5. AS 16.40.050(a), 16.40.050(b), 16.40.050(d), and 16.40.050(e) are repealed.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to elk farming. BRU: Agricultural Development
 Component: Agricultural Development
 Sponsor: Rep. Harris
 Requestor: (H)RES Component Serial No. #455

Expenditures/Revenues (inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES	1.0	1.0	1.0	1.0	1.0	1.0
TRAVEL	0.5	0.5	0.5	0.5	0.5	0.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.5	1.5	1.5	1.5	1.5	1.5

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

CHANGE IN REVENUES (fund code)						
--------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	1.5	1.5	1.5	1.5	1.5	1.5
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1.5	1.5	1.5	1.5	1.5	1.5

Estimate of any current year (FY00) cost: \$ none

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

Nine elk farms have permits currently. Travel for inspections would be incorporated into other staff functions to minimize costs. Modest growth is expected in permit issuance.

\$1,500.00 in FY2001 (receipts from license fees) should cover the additional inspection costs.

Prepared by: Robert Wells Phone: 745-7200
 Division: Agriculture Date: 02-Mar-00
 Approved by Commissioner: John Shively Date: 03-02-00
 Agency: Natural Resources

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ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 110, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement

HB 204

"An Act relating to elk farming."

There is great potential for farming elk in Alaska, and more ranchers would get involved in this endeavor if regulation of elk farming can be transferred to the division of agriculture from ADF&G.

Currently, ADF&G regulates elk as a game animal, and the department's adaptation of game management regimes to domesticated, privately-owned elk creates unnecessary burdens and roadblocks for elk farmers.

HB 204 seeks to remedy this problem by transferring the oversight responsibilities for domestic elk breeding and farming from ADF&G to the division of agriculture. This will lower the risk of health problems and animal escape concerns, as well as enhance the opportunities for commercial success.

This change makes sense in that elk are currently allowed to be raised and bred as domestic stock for commercial purposes under fish and game statutes. The division of agriculture has the authority and mission to administer domestic animal programs, while ADF&G's authority is limited to public wildlife management. In fact, the responsibilities for ADF&G to license and approve fencing plans for elk farms lack regulatory authority. Licensing is administered under provisions intended for game mammals, while fencing standards are not administered under any existing regulation. The division of agriculture, on the other hand, has authority in both of these areas, and would continue to refer changes in such policies to ADF&G for its review and comment.

Alaska's climate and location are ideal for the propagation of elk, which produce a lean, mild meat for which there is a growing demand on world markets. The statutory changes proposed in HB 204 would help to enable the elk farming business to grow to its potential in Alaska.

House Bill 204

"An Act relating to elk farming"

Fact Sheet

Elk in private ownership are clearly defined by statute as domestic stock and elk farming does not conflict or interact with the public management of wildlife by ADF&G.
Ref: AS 16.05.331(A) Elk may be raised and bred as domestic stock for commercial purposes....."

The DNR-Division of Agriculture has the proper statute and regulatory authority to administer elk farming. Department of Fish & Game's authority is limited to public wildlife management.

Ref: AS Title 3 - Agriculture & Animals - AS03.05.010(6) regulate the farming of elk in a manner similar to the manner in which the commissioner regulated domestic animals and livestock..."

The duties for licensing and fencing of elk farms presently assigned to DF&G lacks regulatory authority. Elk farms are being licensed under a ADF&G game mammal license which is intended for wildlife animals, not domestic agriculture animals. The fencing standards are administered by "policy" because F&G has no regulations to govern fencing. The DNR, Division of Agriculture has authority to provide for both licensing and fencing requirements of elk farming.

Ref: AS 03.30 Agriculture & Animals - Fencing

There is a greater opportunity for commercial success and a lower risk of health problems or animal escape concerns when the administration of elk farming is maintained by an agriculture agency. It is a matter of record that most states and Canadian provinces are delegating administrative authority for elk farming to their agriculture departments.

Ref: USDA, AgCanada, & NAEBA joint state & province review -1997.

The USDA is modifying their Uniform Standards to include privately owned elk as livestock subject to their inspection process. Elk will be subject to interstate shipment standards and slaughter inspection similar to other agriculture livestock.

Prior to this legislative initiative, a joint meeting occurred between the Director of Agriculture, Director of F&G Wildlife Conservation, State Veterinarian, and industry members to consider the actions proposed by this legislation. There was a concurrence of all parties that it would be appropriate for the administration of elk farming to be held by the DNR, Division of Agriculture.

This legislation will have no cost impact to the state and should carry no fiscal note. The existing fees for administering the license and fencing inspection are being transferred to the Division of Agriculture.

Ref: HB 204/G page 2, line 2

The requests of ADF&G have been incorporated into HB 204. The licensing and fencing standards will continue to be referred to the F&G for their review.

Ref: HB204/G page 1, line 14 & 15 - page 2, line 3-6

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH ANIMAL INDUSTRIES

TONY KNOWLES, GOVERNOR

500 S. ALASKA STREET
PALMER, ALASKA 99645
(907) 745-3236
FAX (907) 745-8125
<http://www.state.ak.us/dec>


February 9, 2000

Mr. Bill Ward
PO Box 1087
Delta Junction, AK 99737

Dear Mr. Ward:

I have reviewed HB# 204 and have no problem with it's content. Currently, three state agencies are involved with elk farming. This bill will leave the animal health regulations in DEC and move all other functions to DNR. Excluding Kodiak Island, all existing elk farms are on the road systems and inspections of new and existing facilities could be accomplished concurrently with other agricultural inspections.

Sincerely,



Bert Gore
State Veterinarian

RG'da(EH\eh-dairy\corres\ward28001r)

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 485-4190
FAX: (907) 465-6142

February 9, 2000

The Honorable John Harris
Alaska State Legislature
State Capitol, Room 110
Juneau, AK 99801-1182

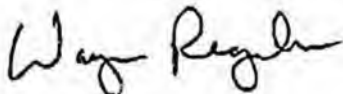
Dear Representative Harris:

Pete Fellman recently provided us with a copy of the proposed committee substitute for HB 204, which incorporated language we proposed regarding inspections of elk farming facilities.

Thank you for amending your bill to address our concerns. The Division of Wildlife Conservation is comfortable supporting the elk farming bill (CSHB 204 (RES)) as currently written.

Please let me know, if I can provide further assistance with this matter.

Sincerely,



Wayne Regelin
Director

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME
DIVISION OF WILDLIFE CONSERVATION

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4190
FAX: (907) 465-6142

MEMORANDUM

TO: Pete Fellman
Legislative Assistant
Office of Rep. Harris

FROM: Wayne Regelin *wregelin*
Director

DATE: January 26, 2000

SUBJECT: Elk Farming (HB 204)

Thanks for faxing the current copy of Representative Harris' legislation on elk farming.

Because of our department's responsibility for protecting wildlife populations from potential problems that could result from interactions with livestock, our primary concern with this bill is that the requirement for "facilities for maintaining elk under positive control" be adequate and enforced.

Years ago, the regulation of fur farms was transferred from our department to DNR. In the mid-1980s, however, due to a lack of financial resources, the commissioner instructed the state veterinarian to stop inspecting and permitting fur farms. We don't question DNR's competence or resolution to comply with all the provisions of HB 204. We are concerned, however, that circumstances might force that agency to give up its responsibilities to periodically inspect elk farm fencing for the same reasons they no longer inspect or permit fur farms.

To help prevent such an occurrence, we suggest the following amendment to Representative Harris' bill. On page 2, line 6, after the word "amended" add the following sentence: "Before an elk farming license may be issued or renewed, a representative of the department will physically inspect the elk farming facilities of the applicant to ensure that they are in good repair and meet or exceed the fencing standards established by the commissioner for maintaining elk under positive control." We believe that this amendment will force inspections by prohibiting permit renewals without them. Because the Department of Fish and Game has area offices throughout the state, we would be happy to cooperate with the DNR and act as that agency's representative for inspecting facilities whenever DNR staff are unable to visit a facility in person.

If this amendment is added, the department will feel comfortable supporting HB 204.

Please give me a call, if you want to discuss this matter.

Misty Mountain Farm

HC 60 Box 4140
Delta Junction, AK 99737
Phone (907) 895-6208/5022

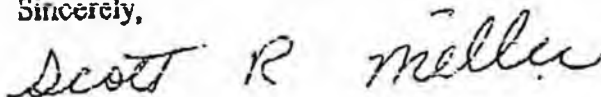
January 19, 2000

To: Members of the Legislature
Re: HB 204 "An act relating to elk farming"

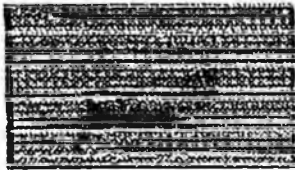
I would like to voice my support of HB 204. Our family has been farming in the Delta area since 1981 and raising cattle has been the main enterprise of our operation. In the fall of 1997 we expanded into the elk farming business. We have found elk to be a very good fit to this climate and are very excited about the future potential this "alternative livestock" offers Alaskan agriculture. Elk require much less feed and management than do beef cattle and the economic returns look much better also.

I would like to see the licensing authority and fencing oversight transferred to DNK, Division of Agriculture, as HB 204 would do. Being specifically involved in agricultural issues and promotion, it seems a logical agency to foster commercial success of the industry. I would appreciate your support and passage of HB 204.

Sincerely,



Scott R. Miller
HC 60 Box 4140
Delta Jct., AK 99737
(907) 895-6208/5022



Ward Farms

P.O. Box 1087 - Delta Junction, Alaska 99737 - Phone (907) 895-5415 Fax 895-5416

January 18, 2000

To: Members of the Legislature

Re: HB 204 "An Act relating to elk farming"

I would request your review and approval of HB 204. Elk farming was authorized in 1989 and since then the industry has expanded to ten elk farms in Alaska. The owners of these farms are increasing their herd sizes and contributing to the rural Alaska economy by selling meat, live animals, tourism, and velvet antler. The "alternative livestock" industry is being viewed as one of the bright spots in agriculture and the raising of naturally adapted species, like elk, is considered a logical choice for an arctic environment like Alaska.

House Bill 204 does not change the basics of elk farming in Alaska. It simply transfers the licensing authority and fencing oversight from ADF&G to DNR Div. of Agriculture. It is intended as housekeeping legislation to streamline government and to facilitate the growth of a private industry subject to agency oversight.

When this legislation was originally passed, administration was given to both Agriculture and Fish & Game because elk were considered wildlife at the time even though there was a clear definition in statute of privately and lawfully owned elk being domestic livestock. This occurred in other states as well but there were problems caused either by the wildlife agencies lack of an understanding of agriculture or a prejudice against the private ownership of elk. Authority has been transferred solely to agriculture in most states and it has been demonstrated that the potential problems of disease control, animal escaping, and poaching was reduced by this action. There is a greater level of trust and interaction resulting in fewer problems when an industry is governed by an informed and advocacy agency.

While we have not had significant problems in Alaska by joint administration, both the Director of F&G, Wildlife Conservation, Wayne Regelin and the Director of Agriculture, Rob Wells recognize the advantages of single administration and support the intent of this action. There should be no cost impact to the state since the fees to cover the administrative cost of licensing and fencing inspection are being transferred from F&G to Agriculture.

I would appreciate your support and passage of HB 204.

Sincerely,

Bill D. Ward



The Alaska Farm Bureau

P.O. Box 2410 • Palmer, AK 99645

Fax 745-2727



January 18, 2000

Representative John Harris
Alaska Legislature
State Capitol Bldg, 110
Juneau, Ak. 99801

Re: HB 204

Dear Representative Harris,

House Bill 204, "An Act relating to elk farming" is a good piece of legislation worthy of support and passage. This legislation will consolidate the administration of elk farming under a single agency, the Division of Agriculture. It will help the farmers to have one agency to work with and at the same time make administration efficient and help lower the cost of state government.

On a federal level, the U.S. Department of Agriculture has been consolidating offices nationwide to create the "one stop" approach for farmers to deal with USDA agencies. It has been demonstrated that there is a greater level of compliance to regulations and more of a cooperative relationship when farmers work with fewer offices of government. I believe that the same approach will work with state government, be it for elk farmers and other agriculture enterprises or for Alaska business in general.

The resolution platform adopted by the general membership of the Alaska Farm Bureau states in part that administration of elk farming should belong within the statute authority (AS03) of DNR. This legislation helps bring the administrative oversight for elk farming under one agency and this will help agriculture to contribute to the Alaskan economy. I request your support for HB 204.

Sincerely,

Robert Franklin - pres.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE

1800 GLENN HIGHWAY, SUITE 12
PALMER, ALASKA 99645-6736

PHONE: (907) 745-7200

FAX: (907) 745-7112

NORTHERN REGION OFFICE

3700 AIRPORT WAY
FAIRBANKS, ALASKA 99709-4699

PHONE: (907) 451-2780

FAX: (907) 451-2751

PLANT MATERIALS CENTER

HCO4 BOX 7440
PALMER, ALASKA 99645-9706

PHONE: (907) 745-4469

FAX: (907) 746-1568

April 5, 1999

Representative John Harris
State Capitol, Room 110
Mailstop 3100
Juneau, AK 99801-1182

Dear Representative Harris:

I understand that you have been working with the elk ranching community to draft legislation that would shift inspection duties from Department of Fish and Game to Department of Natural Resources, Division of Agriculture.

It is also my understanding that you have incorporated Department of Fish and Game's concerns into the draft of the bill, as well as our request for receipt authority for the fees that would result from these inspections. With these issues addressed, the division has no objection to the concept. I look forward to reviewing the final version. Please contact me if I can be of assistance.

Sincerely,



Robert Wells
Director

RW/ss

HB

206

1-LS0858V
Utermohle
2/16/00

CS FOR HOUSE BILL NO. 206()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE HARRIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to migratory game bird hunting; to a nonresident combined
2 sport fishing and hunting license, to the nonresident military small game and
3 sport fishing license, to applications for certain licenses, tags, registrations, and
4 permits issued by the Department of Fish and Game, and to duplicate
5 crewmember licenses."

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

7 * Section 1. AS 16.05.110(a) is amended to read:

8 (a) The fish and game fund shall be made up of the following money and
9 other money the legislature appropriates, which shall be deposited and retained in the
10 fund until expended:

11 (1) money received from the sale of state sport fishing, hunting, and
12 trapping licenses, tags, and special permits, migratory game bird [WATERFOWL]
13 conservation tags purchased by hunters, and anadromous salmon tags purchased by

1 fishermen;

2 (2) proceeds received from the sale of furs, skins, and specimens taken
3 by predator hunters and other employees;

4 (3) money received in settlement of a claim or loss caused by damage
5 to the fish and game resources of the state;

6 (4) money received from a federal, state, or other governmental unit,
7 or from a private donor for fish and game purposes;

8 (5) interest earned upon money in the fund;

9 (6) money from any other source.

10 * Sec. 2. AS 16.05.130(b) is amended to read:

11 (b) Money accruing to the state from migratory game bird [WATERFOWL]
12 conservation tag fees from hunters may not be diverted to a purpose other than (1) the
13 conservation and enhancement of migratory game birds [WATERFOWL]; (2) the
14 acquisition, by lease or otherwise, of wetlands that are important for migratory game
15 birds [WATERFOWL] and public use of migratory game bird [WATERFOWL] in
16 the state; (3) migratory game bird [WATERFOWL] related projects approved by the
17 commissioner; (4) the administration of the migratory game bird [WATERFOWL]
18 conservation program; and (5) emergencies in the state as determined by the governor.
19 The department shall maintain a state migratory game bird conservation
20 [WATERFOWL] tag fee account within the fish and game fund to permit separate
21 accounting records for the receipt and expenditure of money derived from the sale of
22 migratory game bird conservation [WATERFOWL] tags. The department shall
23 prepare a report before April 15 of each even-numbered year for the public and the
24 legislature on the use of money derived from migratory game bird [WATERFOWL]
25 conservation tags and limited edition prints. The department shall notify the legislature
26 that the report is available.

27 * Sec. 3. AS 16.05.340(a)(17) is repealed and reenacted to read:

28 (17) Migratory game bird hunting

29 (A) Migratory game bird conservation tag \$5

30 (B) Migratory bird harvest information program registration

31 \$5

1 A person may not engage in migratory game bird hunting without having in the
2 person's actual possession either the current year's migratory game bird conservation
3 tag or proof of current registration in the migratory bird harvest information program
4 unless that person is a resident who is under the age of 16 years or who is 60 years
5 of age or older. A person who qualifies for a \$5 license fee under (6) of this
6 subsection or who is a disabled veteran eligible for a free license under AS 16.05.341
7 may obtain the migratory bird harvest information program registration without charge.
8 The Board of Game shall by regulation grant an exemption from the requirement for
9 a migratory game bird conservation tag for migratory game bird hunting in areas of
10 the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

11 * Sec. 4. AS 16.05.340(a) is amended by adding a new paragraph to read:

12 (25) Nonresident seven-day sport fishing and hunting license . . \$115

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

20 * Sec. 5. AS 16.05.340(d) is amended to read:

21 (d) Members of the military service on active duty who are permanently
22 stationed in the state, and their dependents, who do not qualify as residents under
23 AS 16.05.415 [AS 16.05.940,] may obtain special nonresident military small game and
24 sport fishing licenses at the lower of the rates for the respective resident or
25 nonresident hunting or [AND] sport fishing licenses, but may not take a big game
26 animal without previously purchasing a regular nonresident hunting license and a
27 numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate,
28 under (a)(15) of this section.

29 * Sec. 6. AS 16.05.350(a) is amended to read:

30 (a) Licenses, permits, registrations, and tags required under AS 16.05.330 -
31 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing

1 licenses, the resident trapping license, the nonresident anadromous king salmon tags,
2 the migratory game bird [WATERFOWL] conservation tag, a migratory bird
3 harvest information program registration, and permits having a different specified
4 expiration date, expire at the close of December 31 following issuance.

5 * Sec. 7. AS 16.05.350(e) is amended to read:

6 (e) The migratory game bird [WATERFOWL] conservation tag expires at
7 the close of January 31 of the year following the year of issue of the tag. A
8 registration in the migratory bird harvest information program expires at the
9 close of January 31 of the year following the year in which registration occurred.

10 * Sec. 8. AS 16.05.360(a) is amended to read:

11 (a) The commissioner or an authorized deputy shall issue each license,
12 registration, and tag to a qualified person under written application containing such
13 reasonable information as required by the commissioner. The commissioner shall
14 designate the license, registration, and tag form or type. The form or type must be
15 sufficient to identify and locate the applicant, establish the applicant's status as to
16 residency and citizenship, and supply the person's social security number if required
17 by this chapter. Each application must contain a notice that a false statement or
18 material omission made by the applicant may be punishable under AS 11.56.210
19 or AS 16.05.420 [SHALL BE SUBSCRIBED AND SWORN TO BY THE
20 APPLICANT BEFORE AN OFFICER AUTHORIZED TO ADMINISTER OATHS IN
21 THE STATE].

22 * Sec. 9. AS 16.05.380 is amended to read:

23 Sec. 16.05.380. Commissioner may appoint agents. The commissioner may
24 appoint state employees or other persons to take applications, issue licenses, permits,
25 registrations, and tags, and collect fees. The commissioner is not liable for
26 defalcation or failure to account for the fees collected by any person so appointed, but
27 the commissioner shall require a bond in an adequate sum, conditioned upon faithfully
28 accounting for all money collected. However, the commissioner may waive the bond
29 requirements of an instrumentality of the United States or its agents and employees
30 when the instrumentality or its agents or employees sell licenses, permits,
31 registrations, or tags primarily to persons in the armed forces. [EACH PERSON,

1 UPON APPOINTMENT BY THE COMMISSIONER, MAY ADMINISTER OATHS
2 ON APPLICATIONS FOR LICENSES, PERMITS, AND TAGS.]

3 * Sec. 10. AS 16.05.390(a) is amended to read:

4 (a) Except as provided in (e) of this section, an agent appointed by the
5 commissioner under AS 16.05.380 to sell licenses, permits, registrations, and tags is
6 entitled to

7 (1) retain five percent of the fee that is charged for a license, permit,
8 registration, or tag or 25 cents for each license, permit, registration, or tag sold,
9 whichever is greater; and

10 (2) compensation of \$50 per year or \$1 for each license, permit,
11 registration, or tag sold during the year, whichever is greater.

12 * Sec. 11. AS 16.05.390(b) is amended to read:

13 (b) Each agent appointed to sell licenses, permits, registrations, or tags under
14 AS 16.05.380 shall, as directed by the commissioner, transmit the proceeds from the
15 sales of licenses, permits, registrations, and tags, except the amount authorized to be
16 retained under (a)(1) of this section, together with a report of the sales, to the
17 commissioner for deposit in the fish and game fund or the general fund.

18 * Sec. 12. AS 16.05.390(c) is amended to read:

19 (c) On March 31, June 30, September 30, and December 31 of each year the
20 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
21 section, minus the penalties assessed under (g) of this section. If the compensation due
22 exceeds \$50, the commissioner shall pay the compensation not later than 30 days after
23 the date for which the compensation was calculated. If the compensation due is \$50
24 or less, the commissioner shall pay the compensation not later than January 30 of the
25 year following the year in which the compensation was earned. The commissioner
26 shall pay compensation only for sales of licenses, permits, registrations, or tags for
27 which the commissioner has received the report and proceeds required to be
28 transmitted under (b) of this section.

29 * Sec. 13. AS 16.05.390(e) is amended to read:

30 (e) The provisions of (a) of this section do not apply to a state employee
31 appointed by the commissioner under AS 16.05.380 to sell licenses, permits,

1 registrations, and tags.

2 * Sec. 14. AS 16.05.390(f) is amended to read:

3 (f) Proceeds and reports under (b) of this section shall be transmitted to the
4 commissioner by the last day of the month following the month in which the licenses,
5 permits, registrations, and tags are sold, unless an alternative reporting schedule has
6 been established by contract.

7 * Sec. 15. AS 16.05.420 is amended to read:

8 **Sec. 16.05.420. License, tag, registration, and permit violations.** (a) A false
9 statement of a material fact in an application for a license, tag, registration, or permit
10 issued under AS 16.05.330 - 16.05.430 voids the license, tag, registration, or permit
11 for which the application is made.

12 (b) A person may not make a false statement, or omit a material fact, in an
13 application for a license, tag, registration, or permit issued under AS 16.05.330 -
14 16.05.430. A person who without any culpable mental state makes a false statement
15 as to the person's identity or residency in an application for a license, tag, registration,
16 or permit issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon
17 conviction is punishable by a fine of not more than \$300. A person who knowingly
18 violates this subsection is guilty of a class A misdemeanor.

19 (c) A person to whom a license, registration, or tag has been issued under this
20 chapter may not alter, change, loan, or transfer the license, registration, or tag. A
21 person may not use a license, registration, or tag that has been issued under this
22 chapter to another person.

23 * Sec. 16. AS 16.05.450 is amended by adding a new subsection to read:

24 (e) The commissioner or an authorized agent may issue a duplicate
25 crewmember license as a replacement for a crewmember license issued under
26 AS 16.05.480 if the commissioner or authorized agent is satisfied that the original has
27 been lost or destroyed. A fee of \$5 shall be charged for each duplicate crewmember
28 license.

29 * Sec. 17. AS 16.05.826(a) is amended to read:

30 (a) The migratory game bird [WATERFOWL] conservation tag authorized
31 in AS 16.05.340(a)(17)(A) [AS 16.05.340(a)(17)] shall be produced annually in stamp

1 form by the department in an amount the commissioner considers appropriate. The
2 department shall make stamps available for the creation of migratory game bird
3 [WATERFOWL] conservation limited edition prints and shall provide for the sale of
4 stamps and prints to the public.

5 * Sec. 18. AS 16.05.826(b) is amended to read:

6 (b) The department shall provide by appropriate means for the selection of the
7 design of the annual migratory game bird [WATERFOWL] conservation stamp and
8 for the production and sale of the stamps.



ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 110, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor statement

HB 206 – “An Act relating to the migratory game bird conservation tag, to a nonresident combined sport fishing and hunting license, to the nonresident military small game and sport fishing license, to applications for certain licenses, tags, and permits issued by the Department of Fish and Game, and to duplicate crewmember licenses.”

House Bill 206 is a short, general clean-up bill for the department of fish and game.

It has several sections changing “waterfowl” conservation tags to “migratory game bird,” which will expand the definition to include snipes and cranes, which are not currently covered. This is to allow accurate accounting of the harvest of all migratory game birds.

A second portion of the bill requires formerly exempt holders of \$5 licenses and free disabled veteran licenses to register in the national migratory bird harvest information program, through one of two methods. This will allow the take of birds by these hunters to be included in data gathered by the federal government to track birds covered under international treaty.

A third feature of the bill is to create a combination 7-day hunting and fishing license for nonresidents, a popular combination that is more convenient for those visitors who want to hunt and fish during a short stay.

A fourth change proposed in the bill is to equalize the fees paid by nonresident military for small game and sport fishing licenses. Through some glitch, nonresident military now pay a higher fee than ordinary nonresidents.

The final significant change proposed by HB 206 is to authorize ADF&G to issue a duplicate commercial fishing crewmember license for \$5.

Favorable action on HB 206 would be appreciated.

**Sectional Analysis of CSHB 206(RES)
Work Draft--LS0858/I**

Section 1 changes the name of the *waterfowl conservation tag* to *migratory game bird conservation tag* to conform to section 3 of the bill.

Section 2 changes *waterfowl conservation tag* wherever it appears in AS 16.05.130(b) to *migratory game bird conservation tag* to conform to section 3 of the bill.

Section 3 changes the *waterfowl conservation tag* to the *migratory game bird conservation tag*. This extends the tag requirement to snipe hunters and crane hunters in Alaska. This will enable the department to gather harvest information on all migratory game birds. Proof of registration in the migratory game bird harvest information program is added as an alternative to possession of the migratory game bird conservation tag when hunting migratory game birds. The \$5 fee for registration in the migratory bird harvest information is waived for disabled veterans and for persons qualifying for the \$5 hunting license.

Section 4 establishes a combination nonresident seven-day sport fishing and annual hunting license. Combination licenses are popular with individuals who plan to both hunt and fish while in Alaska. The fee for the combination license is the same as that for separate hunting and fishing licenses.

Section 5 sets the fee for special nonresident military small game hunting licenses at the lower of the rates paid by residents for general hunting licenses or the rate paid by nonresidents for small game hunting and fishing licenses. Currently nonresident military pay \$25 for small game hunting licenses and nonresidents pay \$20. There is no resident small game hunting license. Resident hunting licenses cost \$25 and enable residents to hunt both small and big game. Nonresident military will continue to be able to purchase resident sport fishing licenses at \$15, instead of the \$100 nonresidents pay.

Section 6 substitutes *migratory game bird* for *waterfowl* in the list of licenses and tags that may have a different expiration date than December 31. Adds migratory bird harvest information program registration to this list.

Section 7 substitutes *migratory game bird* for *waterfowl* in the statute that specifies the expiration date of the tag. Adds migratory bird harvest information program registration to this list.

Section 8 authorizes the commissioner to issue a registration and designate the form of that registration. This section also removes the requirement that each applicant for a registration, hunting, or fishing license swear under oath before a notary as to his or her residency and citizenship. Substitutes the requirement that each license or registration application contain a notice that a false statement or material omission by the applicant when applying for a hunting or fishing license is a violation of the law.

Section 9 adds registrations to the list of items that the commissioner may appoint agents to issue. This section also removes the provision that each person authorized to sell registrations, hunting, and fishing licenses administer oaths on applications for licenses, permits, and tags.

Section 10 entitles vendors who sell registrations to receive compensation from the department.

Section 11 requires vendors who sell registrations to transmit the proceeds, except that amount they are authorized to retain, to the department.

Section 12 adds registrations to the list of items for which a vendor may receive additional compensation.

Section 13 states that a state employee is not entitled to compensation for selling registrations.

Section 14 requires that the proceeds and reports of vendor sales of registrations be transmitted to the department by the last day of the month following the month in which the registrations were sold.

Section 15 makes a false statement or omission of material fact on the application for a registration a violation of law and voids the registration. A person who knowingly provides false information is guilty of a class A misdemeanor. Otherwise, the fine is not more than \$300. This section also prohibits the alteration of a registration or its use by another person than the one to whom the registration was issued.

Section 16 authorizes the issuance of a duplicate commercial crewmember license and charges \$5 for this service.

Section 17 changes *waterfowl* to *migratory game bird* in AS 16.05.826(a), which authorizes the production and sale of stamps and limited edition prints, to conform to similar changes elsewhere in the bill.

Section 18 substitutes *migratory game bird* for *waterfowl* in AS 16.05.826(b). This statute authorizes the department to provide a means for the selection of a design for an annual migratory game bird conservation tag.

Sectional Analysis of House Bill 206

The purpose of House Bill 206 is to make minor amendments to a number of licensing provisions in state statutes that are confusing, have become outdated, or are inconsistent with other, more recent state or federal statutes.

Section 1 changes the name of the waterfowl conservation tag to migratory game bird conservation tag to conform to section 3 of the bill.

Section 2 changes waterfowl conservation tag wherever it appears in AS 16.056.130(b) to migratory game bird conservation tag to conform to section 3 of the bill.

Section 3 changes the waterfowl conservation tag to the migratory game bird conservation tag. This extends the tag requirement to snipe hunters and crane hunters in Alaska for the purpose of harvest reporting on all migratory game birds. In conformance with federal regulations, this section includes formerly exempt holders of \$5 licenses and free disabled veteran licenses in the requirement to register in the national migratory bird harvest information program, through either purchase of a migratory game bird conservation tag or other form of registration. Proof of registration in the national migratory bird harvest information program is added in section 3 as an alternative to having possession of the migratory game bird conservation tag while hunting.

Section 4 establishes a combination nonresident seven-day sport fishing and hunting license. Combination licenses are popular with individuals who plan to both hunt and fish while in Alaska. The fee for the combination license is the same as that for separate hunting and fishing licenses.

Section 5 sets the fee for special nonresident military small game and sport fishing licenses at the lower of the rates paid by residents or by nonresidents for small game hunting and fishing licenses. Currently nonresident military pay \$25 for small game hunting licenses and nonresidents pay \$20. Nonresident military will continue to be able to purchase resident sport fishing licenses at \$15.

Section 6 substitutes *migratory game bird* for *waterfowl* in the list of licenses and tags that may have a different expiration date than December 31.

Section 7 substitutes *migratory game bird* for *waterfowl* in the statute that specifies the expiration date of the tag.

Section 8 removes the requirement that each applicant for a hunting or fishing license swear under oath before a notary as to their residency and citizenship.

Section 9 removes the provision that each person authorized to sell hunting and fishing licenses administer oaths on applications for licenses, permits, and tags.

Section 10 authorizes the issuance of a duplicate commercial crewmember license and charges \$5 for this service.

Section 11 changes waterfowl to migratory game bird in AS 16.05.826(a), which authorizes the production and sale of stamps and limited edition prints, to conform to similar changes elsewhere in the bill.

Section 12 substitutes migratory game bird for waterfowl in AS 16.05.826(b). This statute authorizes the department to provide a means for the selection of a design for an annual migratory game bird conservation tag.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 206

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Fish & Game Licenses and Tags BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Representative Harris
 Requester House Resources Component Serial No. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1002)	5.8	5.8	5.8	5.8	5.8	5.8

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

POSITIONS	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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)

Assumption: This bill eliminates the duck stamp exemption for individuals who qualify for and purchase low-income hunting licenses or are disabled veterans. Although the percentage of these licensees who hunt waterfowl is thought to be very low, the department may realize additional revenue if these hunters purchase duck stamps. The purpose of this provision is not to raise revenue but to include more hunters in the harvest reporting system as required in the federal regulations.

In the 1990s, approx 8.3% of Alaskan hunters (95,700) purchased federal duck stamps. If we assume that low-income licensees purchase duck stamps at the same rate as other hunters, then we project that we will sell an additional 1,160 duck stamps annually. Gross annual revenue to the state would be \$5.8. (This would be an annual maximum, and doesn't take into account folks who buy collector stamps but do not hunt.)

We estimate that any other additional revenue (e.g., number of additional stamps that would be sold to crane/snipe hunters who do not also hunt waterfowl) would be insignificant.

Prepared by Phil Koehl, Wildlife Biologist
 Division Wildlife Conservation
 Approved by Frank Rue, Commissioner
 Agency Alaska Department of Fish and Game

Phone 465-4190
 Date 2/7/00
 Date 02/07/2000

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 206

Revision Date	2/7/00	Dept. Affected	Public Safety
Title	An Act relating to the migratory game bird conservation tag, and to applications for certain licenses	BRU	Fish and Wildlife Protection
Sponsor	Rep. Harris	Component:	Delachments
Requester	H. Resources	Component No.	490

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

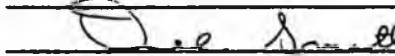
Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is consistent with the Department's program objectives and does not significantly impact our budget.

Prepared by: <u>Lieutenant Howard Starbard</u>	Phone <u>746-9107</u>
Division <u>Fish and Wildlife Protection</u>	Date/Time <u>2/7/00 10:25 AM</u>
Approved by: <u></u>	Date <u>2-8-00</u>
Agency <u>Commissioner Ronald L. Otte, Department of Public Safety</u>	

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Juneau, Alaska 99801-2105

MEMORANDUM

April 17, 1999

SUBJECT: Federal Migratory Bird Harvest Information Program and the State Waterfowl (Migratory Game Bird) Conservation Tag Program (Work Order No. 21-LS0858\A)

TO: Representative John Harris
Attn: John Manley

FROM: George Utermohle *GU*
Legislative Counsel

As part of the work draft (Work Order No. 21-LS0858\A) that I prepared for you regarding certain fish and game licenses, the bill addressed the state's waterfowl (migratory game bird) program.

There appears to be an incongruity between the federal program and the state program that can be cured as part of your bill.

Under the federal program, every person hunting migratory game birds must register with the appropriate state hunting licensing agency and carry proof of this registration on their person. 50 C.F.R. 20.20(b); copy enclosed. This requirement applies to every person who is required to have a hunting license in the state. Those persons who are exempt from the requirement for a hunting license are also exempt from the registration requirement for hunting migratory game birds. 50 C.F.R. 20.20(d). In Alaska, the federal requirement is satisfied by requiring hunters to obtain a waterfowl (migratory game bird) conservation tag from the Department of Fish and Game.

There is an incongruity between the state and federal programs because the state law (AS 16.05.340(a)(17)) establishing the waterfowl (migratory game bird) conservation tag program exempts certain persons who are required to have hunting licenses from the requirement of obtaining the tag. A person who qualifies for a S5 hunting, trapping, and sport fishing license and a disabled veteran who is eligible for a free hunting and sport fishing license are both required to have a hunting license even though the fee for the license is waived or reduced. Under AS 16.05.340(a)(17) both classes of hunters are exempt from the requirement to obtain a waterfowl (migratory game bird) conservation tag. In order to comply with the federal regulations these two classes of hunters must register with the state if they hunt migratory game birds.

Representative John Harris
April 17, 1999
Page 2

The appropriate solution is to require that these persons obtain the waterfowl (migratory game bird) conservation tag so that they would then be registered with the state as waterfowl (migratory game bird) hunters in compliance with the federal regulation. The legislature may waive or reduce the fee for the conservation tag for these persons, if it wishes.

Residents who are under 16 years of age or older than 60 years of age are also exempt from the requirement to obtain the conservation tag. AS 16.05.340(a)(17). However, this exemption does not conflict with the federal regulation because both these classes of hunters are exempted from the hunting license requirement by AS 16.05.400.

You may wish to discuss this issue with the Department of Fish and Game to determine how they feel about cleaning up the waterfowl (migratory game bird) conservation tag statute (AS 16.05.340(a)(17)).

If you do decide to address this issue as part of your bill, I can prepare the appropriate language to address this issue.

If I may be of further assistance, please advise.

GU:jdr
99-223.jdr

Enclosure

5) Scolopacidae (woodcock and pe).

List of migratory birds protected by international conventions and the Migratory Bird Treaty Act appears in § 13 of this subchapter.

1) *Seasons*—(1) *Open season* means the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

2) *Closed season* means the days on which migratory game birds shall not be taken.

3) *Bag limits*—(1) *Aggregate bag limit* means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the hunter in predetermined or predetermined quantities to satisfy a maximum take limit.

2) *Daily bag limit* means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during an open season in any one specified geographic area for which a daily bag limit is prescribed.

3) *Aggregate daily bag limit* means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit shall be equal to, but shall not exceed, the best daily bag limit prescribed for one species or for any one specified geographic area in which taking occurs.

4) *Possession limit* means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

5) *Aggregate possession limit* means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by

any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(d) *Personal abode* means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(e) *Migratory bird preservation facility* means:

(1) Any person who, at their residence or place of business and for hire or other consideration; or

(2) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(3) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(f) *Paraplegic* means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

[53 FR 24290, June 28, 1988]

Subpart C—Taking

§ 20.20 Migratory Bird Harvest Information Program.

(a) *Information collection requirements.* The collections of information contained in § 20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0015. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunt-

ing migratory game birds. Public reporting burden for this information is estimated to average 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, rm-9-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

(b) *General provisions.* Each person hunting migratory game birds in any State except Hawaii must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

(c) *Tribal exemptions.* Nothing in paragraph (b) of this section shall apply to tribal members on Federal Indian Reservations or to tribal members hunting on ceded lands.

(d) *State exemptions.* Nothing in paragraph (b) of this section shall apply to those hunters who are exempt from State-licensing requirements in the State in which they are hunting.

(e) *State responsibilities.* The State hunting licensing authority will ask each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

[58 FR 15098, Mar. 19, 1993, as amended at 59 FR 53336, Oct. 21, 1994; 61 FR 46352, Aug. 30, 1996; 62 FR 45708, Aug. 28, 1997; 63 FR 46401, Sept. 1, 1998]

Dear Representative Harris

I request that you amend your bill HB206 with the following language:

Line 27 second page: add

Sec.3. AS 16.05.340(a)(1)

(1) Resident [sport] fishing license.....\$15

(22) Chitina [personal use] salmon dipnet fishing permit.....\$20

justification: The word sport does not require a fishing license to subsistence fish in this state. However management of subsistence cost money but fund money cannot be used for management of a subsistence fishery such as the new C&T fishery at Chitina. Prior to this finding all dipnetters had to have a (Sport fishing license). I believe that all fishers in the state should have to have a fishing license.

Dropping the words (Personal Use) from para (22) will allow us to continue to pay the Native corporations for the use of their land at Chitina. The increase is due to a long term lease that f&G is negotiating with the Chitina Native Corp and AHTNA Corp. All the land at Chitina on both sides of the river belongs to the natives. It has been easier to pay them than have all the hassles of trespassing every year. WE ARE THE ONLY GROUP WHO PAYS THE NATIVES FOR THE USE OF THEIR LAND.

I can be reached at 474-2234 during the day and at 452-5068 during the evenings. Thank you for your help in this matter.

Sincerely Stan Bloom
303 Bentley Drive
Fairbanks, Alaska 99701.

PS: I plan to testify before your hearing on Wed.

Finally: as one who was a member of the military in Alaska for 9 years let me comment on the militarys Special treatment. Alaska is the only state that treats our military so badly. In every other state after 30 days Military are classified a residents. All our Alaskan soldiers and sailors are residents for the purpose of hunting and fishing in other states. This comes out of the Soldiers and Sailors Benefact act of 1939. It was meant to compensate the

*No more compensation for Alaska
No more special treatment
No license to be in the base other benefits*

brave young people who were drafted and sent to far off places to protect our liberty. ONLY in Alaska are we so paranoid as to require one year residency for hunting and fishing. This means that a young soldier who comes to Alaska for an unaccomplished tour may never stay long enough to become a resident. He has to return home and tell his family that he couldn't hunt or fish because of the high costs of non-residents licenses and fees. All the people in the lower 48 believe that we are over run with game up here. I believe this unfair policy leads to wanton shooting of game and leaving it. These are young people at the peak of their energy and they need an outlet for these things. The least you could do is put Alaska in line with other states and honor our young people.

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