

12027 SENATE RESOURCES

27
Dear Senator Elton

I support HB 19, ~~have bill 19~~
I support it because being against
or with something, in opinion, is
only based on knowledge and facts, if
you are not informed, you cannot
make a good decision on an important
subject, and I think the knowledge
of something is just as important as
the subject itself, people never know

- Jesse Putman

Dear Senator Elton,

I support HB 19. The public has a right to know in which public places any sorts of pesticides are being sprayed. Pesticides are potentially health hazards. If you are going to be endangering ~~the~~ my health, then I want to know! Please support this bill.

Walker Janelle



4/15/05

15 April 2005

Dear Senator Kim Elton,

I support HB19. I believe that I have a right to know what is being used in my community. You are my state senator; you should support this bill!

We should have a right to know!

Thank you for your time!

I am the grassroots.

Sincerely,
Bullany Sinesian

April 15th, 2005

Dear Senatorilton,

I support HB19, because as a citizen of Alaska who cares about my health and the health of those around me, I want to know where pesticides and other chemicals are sprayed.

As my representative, I am informing you of my opinion.

I am the grassroots.

Sincerely,
Maggie Logan

Dear Senator Elton,

As a high school student at JDHS I would like to encourage you to support HB19.

I believe I have the right to know what pesticides are being used in our community.

Sara Bernstein

April 15, 2004

Dear Sen. Kim Elton:

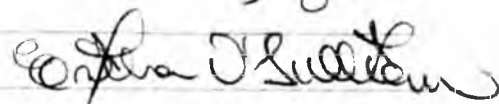
First, I would like to thank you for the very thoughtful "congratulations" note on Winning Science fa

I am writing primarily to discuss "HB 19: Pesticide Right to know". I think this an immensely important issue not just for Alaska, but for the world. It's not O.K. that Alaska has fallen behind the times, and is the only state where pesticides and pesticide producers do not have to be made public to those they are affecting: the people of Alaska.

Living here, we have a right to know what is going into our soils and eventually our air and water. People should be allowed to access information regarding what was sprayed, how much and when.

I trust that as the senator for Juneau, you will make the right decision and vote yes for HB 19, "Pesticide Right to know".

Sincerely yours,



Enka O'Sullivan
303 Coleman St
Juneau, AK 99801

Lane Lumber
April 15, 2005
10 05

Dear Senator Kim Litch,

I support the H&A pesticide fight to + now bill,
because as a citizen of the United States and
a person who lives in such a beautiful, clean
environment, at least what I do believe, of course I want
to know what I'm sitting on, eating on, living in, whatever
I want to know, when I'm safe and when I am not
I'd love to live my life without worrying about
my health and my children's health and families
and friends I agree with the 'H&A' bill,
and I'd very much appreciate it if we all found
out that we, as the only state that doesn't have
this law, won't ^{be} the only state that doesn't have this
law anymore! I just want to feel clean
and very healthy for later in the future...

Thank you

- Lane Lumber

comment
return address:

Lane Lumber
9245 Oakwood Court
Juntura, OR 97501

Dear Senator Elton,

In light of the bill HB 119, I would like to express my thoughts. I believe Alaskans have a right to know what is in our communities. I expect that you already know the bill, but I would like to reinforce the fact that this is not limiting the pesticides to be used, just informing the people of what is going on. Again, thank you for reading my few thoughts and ideas.

Sincerely



Dane Harlamert

127w 7th Street
Juneau, Ak, 99801

April 15, 2005

Dear Senator Elton,

The reason I am writing to you today is concerning the HB 19 bill. I believe that it is important for you to know how the Alaskan residents feel.

Even if passing this bill doesn't get rid of toxic pesticides, I still want to know what might harm my family and I and where. My little brother plays outside everyday and I want to know if he is going to be safe. Thank you for taking the time to rec'd my thoughts.

Sincerely,

Leah Moore
Leah Moore

Leah Moore
P.O. Box 210512
Juneau, Ak 99821

15 Apr 05

Dear Senator Elton,

I am for HR 19 because I believe that the people should know about pesticide use in Alaska. I know I would not want to be in areas where I have no idea there could be health hazards. Alaska is the only state without the pesticide -right to know and that is sad. It should just be allowed that the people know because it affects us.

Thanks for your time

Sincerely,

Ramona Allen

P.O. Box 21958
Juneau, AK 99802

April 15, 2005

Dear Senator Elton,

I support "HB 19" and think it is a very good thing for Alaskans to know that they may be exposed to bad pesticides and other harmful chemicals.

Supporting "HB 19" would be a good decision because then we would know where to stay away from and could make our own decision if we want to be exposed to such chemicals. A right to know would be nice for us and the ability to make a decision by knowing there could be harmful chemicals around would be a good thing to have.

Sincerely,
Chase Thomas
Chase Thomas

5851 Montgomery St.
Juneau, AK 99801

Señor Senador Elton,

Pienso que las personas de la ciudad desean el derecho de saber los "pesticidas" que hay por todos lados. Especialmente si nos lastime.

Senseraante
Rina

Jonathan Maki
per 6
4/15/04

Dear Senator Eilton,

I support bill "HB 19" because
we do have the RIGHT to know!!!
There is no reason for us to know!!!

Your Alaskan citizen,
Jonathan Maki

Jonathan Maki
8910 Birch Ln
Jureau, AK 99501

April 15, 1985

Dear Senator Elton,

I support "HB 19" because I feel that the people of Alaska have a right to know about pesticides, what the health risks are and when and where they will be used.

Sincerely,

Jacob Hakami
4472, Juneau, Alaska

4/15/05

Kim Elton

Dear senator Elton:

I support the Hb 19, Pesticide right to know. I would like to know where pesticides are so I can choose if I want to go there or not. It is also important for health reasons.

Tanya Trucano
2967 Powell Ave
99801, Juneau AK

April 15th, 2005

Dear Senator Elton,

I support HB 19' because it will let people know what pesticides are being used at what time and place, thus allowing them to decide with knowledge whether they want to move in or out of the area at that time. I would prefer to not live in ignorance of what chemicals are out there, and I'm sure others think the same.

Sincerely,
Ripley M. Williams

Return address:
P.O. Box 34905
Juneau, AK 99803

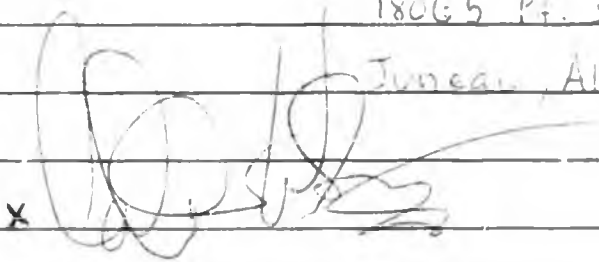
Dear Mr. Kim Elton,

I support "AB 19" and the fact that we
have the right to know what pesticides are in
use, when they're in use. Power to the people! and stuff

Caleb White

18065 Pt. Stephens Dr

Juneau, AK 99801

x 

Dear senator Elton,

April 15th 2005

I think that the bill HB-19
is a good Idea and it should be passed.
Some people are all mad about pesticides
but I don't really care about that.
I think that people do deserve
the right to know what they are
sitting on when they are having a
picnic. So I support HB-19 and you
should to. please write me back.

Thank you,

Landon Harris

Return to:

Landon Harris
10417 Fox Farm Tr.
Juneau AK 99801

Kim
C. [unclear]

Dear Senator

I support the HB-19. I think
that it is important for the public
to be aware of what chemicals
they may be coming in contact
with that could be hazardous
to ones health. I hope that
you will see it this way as
well so that we can all
live in a more safe environment.

Dear Senator Kim Eaton,

4/15/05



Alaska Trollers Association

130 Seward St., No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

April 15, 2005

Senator Thomas Wagoner, Chair
Senate Resources Committee
Alaska State Legislature
Juneau, AK 99811

Dear Senator Wagoner and Committee Members:

The Alaska Trollers Association supports CSHB19, which seeks to certify pesticide applicators, register pesticides, and provide adequate public notice when pesticides are used.

ATA strongly supports measures to inform the public when chemicals will be applied, in order to avoid potential risks to human health, or to the health of wildlife and habitat. To that end, it also seems logical and reasonable to require programs that ensure proper training for those who apply chemicals in a manner that could affect the public.

The bill includes provisions for administrative fees to cover the cost of the program. While this makes sense, and on its face the fee seems reasonable in comparison to other states, ATA will refrain from taking a position on this matter. Instead, we encourage you to work with the affected industry groups to establish fair and reasonable fee schedule.

Obviously, chemical application has proven beneficial in many cases, but it never comes without risk. Programs to safeguard the public from chemical usage are important and timely. Determining when and how the public should be notified is critical and can provide, at minimum, for the comfort of those who are sensitive to various chemical agents. Protecting fish and wildlife and the areas they depend upon are also important considerations. Notification will provide the public an opportunity to engage in healthy and necessary debate about what goes on in the environment around them.

We encourage your support of CSHB 19.

Respectfully,

Dale Kelley
Executive Director

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 22, 2005

TO: Senator Thomas Wagoner, Chairman
Senate Resources Committee

FROM: Representative Kevin Meyer

RE: Request to schedule House Bill 19 *Pesticide and Broadcast Chemicals*

Please schedule CSHB 19 *Pesticide and Broadcast Chemicals* for a hearing in the Senate Resources Committee at your earliest convenience.

CSHB 19 (FIN) authorizes DEC to charge a fee to manufacturers who register chemicals for sale or distribution, a fee for licensing of certified applicators, and directs DEC to set public notice requirements.

Included in this packet:

- CSHB 19 (FIN) *Pesticide and Broadcast Chemicals* v. LS-0149\L
- Sponsor statement
- Sectional analysis
- Fiscal note (FIN) 3/18/05
- DEC description of intent
- Change summary
- Fiscal Note 3/01/05
- CSHB19 (RES) *Pesticide and Broadcast Chemicals* v. LS-0149\I
- HB 19 *Pesticide and Broadcast Chemicals* v. LS-0149\G
- Summary of state registration fees
- Kenai Peninsula Borough Resolution
- Letters of support
 - Emails
 - Alaska Public Health Association
 - Alaska Community Action on Toxics



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement

CS for House Bill 19

“An Act relating to pesticides and broadcast chemicals; and providing for an effective date.”

CS for House Bill 19 authorizes a registration fee on pesticide and broadcast chemicals registered for sale or distribution in the state of Alaska and a licensing fee for certified applicators. CSHB 19 also directs the Alaska Department of Environmental Conservation (ADEC) to promulgate reasonable public notice requirements for pesticides applied in a public place.

ADEC currently registers pesticides and other broadcast chemicals for sale in the state of Alaska. Every state has a registration program, and in every state except Alaska a manufacturer must pay a fee to register a chemical for sale or distribution. Fees range from \$15.00 per chemical in Missouri to \$750.00 per chemical in California. Fees from registrations support respective state agencies pesticide and broadcast chemical regulation and registration programs.

Alaska's pesticide and broadcast chemical registration program has traditionally been paid for with state general fund dollars. The per chemical fee authorized in CSHB 19 would shift the burden of Alaska's pesticide regulation and registration program from general funds to program receipts.

Approximately 5,500 chemicals are currently registered with ADEC. These chemicals are used for a wide variety of beneficial public purposes on public and private property. CSHB 19 requires that public notice be given when these chemicals are used in a public place. The definition of public place is limited to common areas of an apartment building, portions of government buildings, parks, plazas, and public sports fields.

The sustainable funding for Alaska's pesticide and broadcast chemical regulation and registration programs, and reasonable public notice requirements established in CSHB 19 will strengthen ADEC's ability to regulate pesticide and broadcast chemical use for the public benefit.

(Updated 3/22/05)

LEGAL SERVICES

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

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

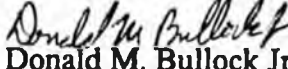
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 2, 2005

SUBJECT: Sectional analysis for HB 19, version 24-LS0149\I

TO: Representative Kevin Meyer
Attn: Mike Pawlowski

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

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

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds a new paragraph to AS 37.05.146(c) to separately account for program receipts from the registration of pesticides and broadcast chemicals under AS 44.46.025.

Section 2. Amends AS 37.10.058(2) to add regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4) to the definition of "designated regulatory service."

Section 3. Adds the regulation of pesticides and broadcast chemicals and the licensing of pesticide applicators to the list of responsibilities in AS 44.46.025(a), and sets the maximum reasonable fees that may be assessed.

Section 4. Amends AS 46.03.320(a) to authorize DEC to register pesticides and broadcast chemicals for sale or distribution.

Section 5. Amends AS 46.03.320(b) to authorize the department to adopt regulations relating to a temporary license waiver for private applicators of restricted-use pesticides and for the licensing of or temporary license waiver for other persons engaged in the spraying or application of pesticides and broadcast chemicals in public places.

Section 6. Adds a new subsection (c) to AS 46.03.320 to prohibit a person from applying a pesticide or broadcast chemical in a public place unless licensed or otherwise authorized by the department; requires the department to adopt regulations requiring notification at the application site when pesticides and broadcast chemicals are applied in a public place; defines "public place."

Representative Kevin Meyer

March 2, 2005

Page 2

Section 7. Makes the Act effective January 1, 2006 and will require a 2/3 vote in each body.

If I may be of further assistance, please advise.

DMB:jad
05-133.jad

CSHB19 – What would DEC do?

Registration Fees

- Would estimate fee at \$105 assuming certification fee exists
- Fee would cover program costs to regulate the use of the chemicals in Alaska

Certification

- Require all individuals who apply pesticides in public areas to become certified
- The cost would be \$25 annually with a free course and test every three years
- Public area includes: hotels, restaurants, parks, government buildings, parking lots, places of business etc. sections that are accessible by the public
- Develop a CD that trains applicators who can't attend a class in person

Public Notification

- Would vary by type of facility. Some examples:
 - Hotels – a note card in the room notifying the occupant chemicals may be used and to contact the manager if they have questions
 - Multi-family dwellings – a registration for occupants that want to be notified if spraying is to occur on the premise
 - Parking Lot – signs posted stating spraying has occurred in the area.
 - Restaurants – exempt because they fall under the Alaska Food Code
- Promulgation of regulations with public and industry input

Fiscal Note

- Would replace all GF by FY 2008 with fees generated from chemical registration and certified applicator fees
- Would have a cost of \$105 yearly for registration
- Would include a yearly cost of \$25 for certified applicators
- Add three additional staff to implement the work of increased inspection, enforcement, and complaint investigation
- Reflect database improvement costs and regulation drafting expenses

Contact: Kristin Ryan, Director, Environmental Health Division, 907-269-7644,
email Kristin_Ryan@dec.state.ak.us

Changes to CSHB 19 in CS HB 19 version 24-LS 0149\

HB 19

- Sec. 3 - (9)&(10) "a reasonable fee"
- After inserting new section 4
- Sec. 6 - AS 46.03.320 is amended by adding a new section to read: (c) A person may not apply a pesticide or broadcast chemical in a public place unless licensed by the department or otherwise authorized under a regulation of the department. The department shall by regulation provide for reasonable public notification, including written notice posted on the application site, when pesticides and broadcast chemicals are applied in a public place. In this subsection, "public place" means (A) *that portion of a public accommodation to which access is not ordinarily restricted to employees or residents*; (B) common areas of an apartment building or other multifamily dwelling; (C) that portion of a government office or facility to which access is not ordinarily restricted to employees; and (D) *outdoor areas that the general public may frequent, including plazas, parks, parking lots, and public sports fields. In this subsection, "public place" does not include a restaurant, hotel, or motel.*

(italicized and bold deleted)

CSHB 19

- ***New* Sec. 4** - (e) In (a) (9) and (10) of this section, "reasonable fee" means a fee that does not unduly interfere with the conduct of commerce in the state.
- Renumber sections accordingly

Sec. 7 - AS 46.03.320 is amended by adding new subsections to read: (c) A person may not apply a pesticide or broadcast chemical in a public place unless licensed by the department or otherwise authorized under a regulation of the department. The department shall by regulation provide for reasonable public notification, including written notice posted on the application site, when pesticides and broadcast chemicals are applied in a public place. In this subsection, "public place" means (1) common areas of an apartment building or other multifamily dwelling; (2) that portion of a government office or facility to which access is not ordinarily restricted to employees; and (3) plazas, parks, and public sports fields. (d) **In this section, "multifamily dwelling" means a building that includes 10 more than four single-family dwellings.**

(Bold added)

Changes to HB 19 in CS HB 19 version 24-LS 0149\I

HB 19

- **Sec. 1-** Adds receipts from the regulation of pesticides to the list of program receipts in AS 37.05.146.
- **Sec. 2-** Directs DEC to charge a \$115 annual fee to register pesticides and broadcast chemicals for sale or distribution in Alaska.
- **Sec. 3-** Conforming amendment to DEC's authority.
- **Sec. 4-** Requires and specifically details the provisions of a public notification program for pesticide applications in public places.
- **Sec. 5-** Requires government employees and subdivisions to comply with the notice requirement in section 4.
- **Sec. 6-** Effective Date

CSHB 19

- **Sec. 1-** Adds receipts from the regulation of pesticides and fees from the licensing of pesticide applicators, to the list of program receipts in AS 37.05.146.
- **Sec. 2-** Conforming amendment adding regulation and registration of pesticides and broadcast chemicals to the definitions in AS 37.10.058 (Public Funds) for accounting purposes.
- **Sec. 3-** [Corresponds to section 2 in the (G) version] Gives DEC the authority (rather than a directive to) to charge a reasonable fee for the registration of pesticides and the licensing of pesticide applicators. Sets a cap on fees at:
 - \$120 for registration.
 - \$25 for licensing.
- **Sec. 4-** Same as old section 3
- **Sec. 5-** Gives DEC the authority to temporarily waive the license requirements set in section 6.
- **Sec. 6-** Prohibits a person from applying a pesticide or broadcast chemical in a public place without a license, directs DEC to promulgate regulations that provide for reasonable public notice, and defines "public place."
- **Sec. 7-** Effective Date

ADAMS TECHNOLOGY SYSTEMS

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ADAMS TECHNOLOGY STATE PESTICIDE REGISTRATION SERVICE CENTER (ATSSC)

This chart is for quick reference only! It is meant to give an overview of the registration fees and the total cost of registering one product in all states. We have intentionally used the New Product Fee that most registrants will likely pay. This chart is not perfect but gives a rough picture of the fees as of the date listed below. Please refer to the state forms for current and complete registration information. Most states post their regulations, fee schedules and forms on the internet.

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State	2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chg?	Comments
AK Alaska	\$0.00	11/13/03	\$0.00	No	Proposed \$150
AL Alabama	\$100.00	11/17/03	\$100.00		
AR Arkansas	\$150.00	11/13/03	\$200.00	Yes	Reg \$150 + \$50 Pesticide Disposal (some exemptions)
AZ Arizona	\$100.00	11/11/03	\$100.00		
CA California	\$200.00	11/13/03	\$750.00	Yes	Plus Mill Tax: \$0.0021 - Amendments: \$100 (new chg & form)
CO Colorado	\$95.00	11/12/03	\$95.00	No	
CT Connecticut	\$500.00	11/13/03	\$750.00	No	Five year registration (\$150/yr) - Pro-rated first year registration to fit into a 5 year cycle
DC Washington DC	\$75.00	11/11/03	\$130.00	No	
DE Delaware	\$70.00	11/11/03	\$70.00		Two year registration (\$35/yr)
FL Florida	\$250.00	11/12/03	\$250.00	Yes	SLN & EUP: \$100
GA Georgia	\$100.00	11/17/03	\$100.00		
HI Hawaii	\$225.00	11/18/03	\$225.00		Three year registration (\$75)
IA Iowa	\$250.00	11/17/03	\$250.00		Based on sales: Minimum \$250, Maximum \$3000
ID Idaho	\$145.00	11/11/03	\$145.00		
IL Illinois	\$500.00	11/17/03	\$600.00	Yes	Includes Company Fee of \$400/yr! Registration fee after first is \$200/product
IN Indiana	\$75.00	11/11/03	\$75.00		
KS Kansas	\$210.00	11/13/03	\$210.00	Yes	Antimicrobials \$150
KY Kentucky	\$125.00	11/13/03	\$125.00	No	
LA Louisiana	\$300.00	11/12/03	\$400.00	No	
MA Massachusetts	\$100.00	11/11/03	\$300.00	Yes	New AI: \$500, Renewals: \$250
MD Maryland	\$60.00	11/11/03	\$100.00		
ME Maine	\$115.00	11/11/03	\$125.00		
MI Michigan	\$190.00	11/17/03	\$190.00		Fee is 0.75% of sales, minimum \$190. Antimicrobials, Household, etc: \$140
MN Minnesota	\$250.00	11/11/03	\$250.00	Yes	Plus Mill Tax: Sales x 0.004 plus 0.003 ACRRA - Proposed \$350
MO Missouri	\$15.00	11/11/03	\$15.00	No	Proposed \$100

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State		2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chggs?	Comments
MS	Mississippi	\$200.00	11/13/03	\$200.00	Yes	
MT	Montana	\$185.00	11/13/03	\$185.00	No	
NC	North Carolina	\$80.00	11/11/03	\$150.00		Reg fee \$100 + \$50 > \$5000 in sales or \$25 < \$5000
ND	North Dakota	\$350.00	11/12/03	\$350.00	No	Designated Two year registration periods (\$175/yr)
NE	Nebraska	\$200.00	11/12/03	\$200.00	Yes	Specialty Products: \$135
NH	New Hampshire	\$50.00	11/13/03	\$50.00	No	
NJ	New Jersey	\$250.00	11/11/03	\$250.00		
NM	New Mexico	\$35.00	11/11/03	\$35.00		
NV	Nevada	\$60.00	11/11/03	\$60.00		
NY	New York	\$310.00	11/13/03	\$310.00	No	Two year registration (\$155/yr) (expect fee increase by July 1, 2005!)
OH	Ohio	\$75.00	11/17/03	\$75.00		
OK	Oklahoma	\$100.00	11/12/03	\$160.00	No	
OR	Oregon	\$160.00	11/11/03	\$160.00		
PA	Pennsylvania	\$135.00	11/17/03	\$135.00	No	
RI	Rhode Island	\$80.00	11/11/03	\$80.00		
SC	South Carolina	\$100.00	11/17/03	\$175.00		
SD	South Dakota	\$175.00	11/12/03	\$175.00	No	Two year registration (\$87.50/yr)
TN	Tennessee	\$100.00	11/11/03	\$100.00		
TX	Texas	\$350.00	11/12/03	\$420.00	Yes	Two year registration (\$210/yr) (Pro-rated first year registration to fit into a 2 year cycle)
UT	Utah	\$70.00	11/17/03	\$70.00		
VA	Virginia	\$160.00	11/13/03	\$160.00	Yes	
VT	Vermont	\$75.00	11/11/03	\$75.00		
WA	Washington	\$290.00	11/17/03	\$290.00	Yes	Two Year Registration (\$145/yr)
WI	Wisconsin	\$265.00	11/12/03	\$265.00	No	Reg Fee from \$265 to \$3060 plus 1.3% of sales. *See detail below.
WV	West Virginia	\$100.00	11/17/03	\$100.00		
WY	Wyoming	\$75.00	11/11/03	\$75.00		
One Reg Fee Total		\$8,230.00		\$9,860.00		119.81% percent of last year (Reg Fees only. No mill taxes included)

* Wisconsin Registration Fee Details

"HOUSEHOLD" pesticides: \$0 to \$24,999 in sales pay \$265; sales between \$25,000 and \$74,999 pay \$750; and sales over \$75,000 pay \$1,500.

"INDUSTRIAL" pesticides: \$0 to \$24,999 in sales pay \$315; sales between \$25,000 and \$74,999 pay \$860; and sales over \$75,000 pay \$3,060.

"NON-HOUSEHOLD" pesticides: \$0 to \$24,999 in sales pay \$325; gross sales between \$25,000 and \$74,999 pay \$1060; sales over \$75,000 pay \$3,060 PLUS 1.3% of the gross sales of the product in WI.

Introduced by: Chay
Date: 03/15/05
Action: Adopted as Amended
Vote: 8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH

RESOLUTION 2005-024

A RESOLUTION SUPPORTING HB 19 AND ALASKANS' RIGHT TO KNOW ABOUT PESTICIDE USE IN PUBLIC PLACES

WHEREAS, pesticides are currently used without notice in places where Alaskans live, work, and play: in parks, public recreation areas, apartment buildings, day care facilities, universities, gardens, greenhouses, agricultural and forest lands, hospitals, nursing homes and military reservations; and

WHEREAS, pesticide exposure is linked to serious health problems including cancer, reduced fertility, birth defects, neurological diseases, and hormone disruption; and

WHEREAS, many pesticides are highly toxic to fish and wildlife, degrade our water quality, and persist in the environment for long periods of time; and

WHEREAS, children are particularly vulnerable to the toxic effects of pesticides, and when pesticides are applied indoors, exposure times are long and intense; and

WHEREAS, Alaskans should have a right to know where, when, and what toxic pesticides are being sprayed to avoid exposure, and protect the health of our children, and pregnant or nursing mothers; and

WHEREAS, a bill under consideration in the Alaska State Legislature, House Bill 19, would require adequate public notice for pesticide applications in public places;

THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly strongly supports Alaskan's right to know about pesticide use in places they live, work and play, and therefore the assembly supports HB 19.

SECTION 2. That the Kenai Peninsula Borough Assembly supports requiring pesticide applicators to provide notice when pesticides are applied in areas the general public, especially children and pregnant or nursing mothers, may frequent, so health-conscious Alaskans can avoid these areas.

SECTION 3. That a copy of this resolution be sent to Senator Thomas Wagoner, Senator Gary Stevens, Senator Al Kookesh, Senator Con Bunde, Representative Mike Hawker, Representative Mike Chenault, Representative Kurt Olson, Representative Paul Seaton, Representative Woodie Salmon, Representative Kevin Meyer, Representative Beth Kerttula, and Representative Gabrielle LeDoux.

SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF MARCH, 2005.

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

From: Dr. Daniel J. Young [mailto:akyoungs@mtaonline.net]
Sent: Monday, February 07, 2005 1:29 PM
To: Rep. Kevin Meyer
Subject: Bill HB 19

Representative Meyer,

Thank you for sponsoring this very important legislation. As a Naturopathic Physician I see people with chemical sensitivities and they benefit immensely when they know about spraying. Of course it benefits all of us particularly the children.
Thank You,

Madeleine Morrison-Young N.D.
Eagle River

From: Michelle Wilber [mailto:katmainomad@hotmail.com]
Sent: Friday, February 04, 2005 11:02 AM
To: Rep. Kevin Meyer
Subject:

Dear Representative Meyer,

Thanks so much for your sponsorship of HB 19! I am happy to see your support for public notification of pesticide application. As a mother of a small child in Anchorage, I appreciate any effort to keep him and others safe from harmful chemicals.

Yours,
Michelle Wilber

From: Dale and Linda Slaughter [mailto:archdles@ak.net]
Sent: Friday, February 04, 2005 9:58 AM
To: Rep. Kevin Meyer
Subject: HB 19

Thank you for sponsoring House Bill 19. Notice of application of pesticides is dear to my heart because I try to grow organic vegetables for personal use. Even if I can't prevent the pesticides from blowing across my growing area, it would be nice to know what's in the produce. There are a lot of other important issues addressed by your bill and I support your efforts.

Linda Slaughter

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

-----Original Message-----

From: Pixie Siebe [<mailto:pixies@alaskalife.net>]
Sent: Tuesday, February 01, 2005 9:53 PM
To: Rep. Kevin Meyer
Subject: HB 19

Dear Representative Meyer,

Thank you very much for introducing HB 19. I am most concerned with the public's right to know about chemical use in public places. I am concerned that chemicals can cause reactions and harm when people come into contact with them. The public should have the right to know when public areas pose a possible exposure risk.

I am currently reading Riki Ott's Sound Truth and Corporate Myths. It is very disturbing to read about how many of the workers were exposed to chemicals that they had been assured were okay or were not given proper protection in the work environment. I know many of these people just wanted to do something to help Prince William Sound, and in the process were exposed, and will probably be affected the rest of their lives.

The public's right to know of potential exposure is critical. We are lucky in Alaska to have a pristine environment in many respects. I think this makes us less aware of potential hazards.

Thank you for your concern, and work on this matter.

Sincerely,
Martha (Pixie) Siebe
8700 Solar Drive
Anchorage, AK 99507

Email For: Representative Kevin Meyer
From: shannonkuhn@gmail.com
Name: Shannon Kuhn
Street: 9120 Cathedral Pl.
City: Anchorage
Zip Code: 99507

Subject: HB 19

Dear Rep. Meyer,

As one of your constituents, I found it necessary to applaud you on the creation of HB 19. Taking the initiative to do so shows strong leadership, and your actions are commendable. I am an 18 year old student, working with Alaska Community Action on Toxics. On behalf of my peers as well as the community, I strongly support and encourage you not to weaken your bill by relinquishing control of posting requirements and registration fees to the DEC. Your bill as it currently stands is absolutely incredible, and is providing for a healthier state and environment for everyone. This is not an environmental issue; this is a HEALTH issue. You are paving the way for a healthier Alaska. I would like to speak with you, please reply by email. Thank you again.

Shannon Kuhn



ALPHA

ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

**HB 19—Public Right to Know About Pesticides
(H)Resources Committee Wednesday, Feb.23, 2005**

Dear Members of the House Resources Committee:

Thank you for listening to public testimony on HB 19 "Public Right to Know About Pesticides."

On behalf of the Alaska Public Health Association, representing two hundred twenty public health professionals across Alaska who are committed to developing sound public health policy to improve the health of all Alaskans, I would like to express support for HB 19 as important public health policy.

The Alaska Public Health Association and our national organization, the American Public Health Association, have long established resolutions in support of Environmental Health and Preserving the Right-To-Know Information to Reduce the Risk of Exposure to Toxic Substances. My comments reflect this rich tradition of preserving the Right-To-Know of individuals and the community in an effort to reduce the risk of exposure to toxic substances and to best protect the public's health.

We firmly believe the right-to-know about chemicals in one's community, work place or near one's child's school is not only an important right in our democracy but a vital component of public health. HB 19 makes the commercial use of pesticides in public areas – such as schools, parks and municipal buildings – known to the public.

Hazard reduction activities and Right-to-Know programs are an essential means to protect individuals and communities from the harm due to the release of hazardous chemicals, including the use of many common herbicides and pesticides, which have been correlated to serious health risks to people, the environment and toxicity to the fish our economy and subsistence depend on.

Community Right-To-Know about potential exposure to pesticide use is an essential information tool for public health and affirms that individual citizens, community leaders as well as their elected representatives have the necessary information to make informed choices about their own and their community's health and safety.

We encourage you to move HB 19 out of Committee when you hear it this Wednesday.

Thank you.


Marie J. Dwyer, Executive Director
Alaska Public Health Association

Pesticides and Public Health: The Importance of Public Notification

In a systematic review of the peer-reviewed scientific literature concerning health effects of pesticides, a team of physicians concluded: "The literature does not support the concept that some pesticides are safer than others; it simply points to different health effects with different latency periods for the different classes."ⁱ People may be exposed to pesticides, including herbicides, insecticides, fungicides, and biocides. We can be unknowingly exposed to pesticides applied in public buildings, parks, lawns, golf courses, airports, roadsides, railways, forest lands, and apartment complexes. Harmful pesticides are often applied without our notice or consent. Notification measures provide important right-to-know information necessary to protect public health. Pesticides can profoundly damage our health. Recent studies demonstrate that pesticide exposures are linked with such harmful health effects such as Parkinson's disease, learning disabilities, birth defects, lymphoma, and leukemia.

Even very low exposures to pesticides can cause health effects long after the initial exposure occurs. Children are more susceptible to the harmful effects of pesticides. In some cases, parental exposure can result in health effects in the children because developing babies are particularly vulnerable. Recent studies show that home extermination increases the risk of non-Hodgkin's lymphoma, leukemia, and Wilm's tumor in children.ⁱⁱ Elderly people and those with chronic illnesses and chemical sensitivities are also at greater risk from exposures.

Surprising positive associations were found for pesticides that are considered less toxic in acute poisoning settings. For example, "the herbicides glyphosate (the active chemical compound found in Roundup, a commonly used herbicide manufactured by Monsanto) and glufosinate had associations with congenital malformations (birth defects). Parental preconception exposure to glyphosate was associated with late abortion."ⁱⁱⁱ

Strong evidence links Parkinson's disease to pesticide exposure. Research demonstrates a link between occupational exposures to pesticides, especially herbicides, to increased risk of Parkinson's disease.^{iv} There is also evidence of increased risk of Parkinson's from exposure to pesticides in the home.^v Parkinson's has also been associated with elevated levels of organochlorine pesticides in brain tissue.^{vi}

The Lymphoma Foundation of America recently compiled dozens of studies documenting increased risk of lymphoma from pesticide exposure.^{vii} Increased risk of developing non-Hodgkin's lymphoma was found among people exposed to lindane, DDT, organophosphorus insecticides and various herbicides, including 2,4-D.^{viii}

Pesticides are also known to disrupt the endocrine system, causing such harmful health effects as thyroid dysfunction, developmental disorders and reproductive problems (e.g. low sperm count, infertility, birth defects). The list of endocrine disrupting pesticides include widely used carbamates such as aldicarb and carbaryl, common organophosphate pesticides such as malathion and chlorpyrifos, and persistent chlorinated pesticides such

as endosulfan and lindane.^{ix} "More than 60% of herbicides are documented endocrine disruptors. Among the most widely used herbicides that interfere with the thyroid system are 2,4-D, acetochlor, aminotriazole, amitrole, bromacil, bromoxnil, pendamethalin, and the thioureas."^x

Asthma can be triggered by pesticides. Several types of pesticides are known to cause allergic reactions or airway constriction, including pyrethrins, pyrethroids, organophosphates, and carbamates. Infants exposed to herbicides before the age of one were 10 times more likely to develop early persistent asthma.^{xi}

The following example demonstrates why we need to take precautionary measures to prevent pesticide exposure. The science about the health effects of pesticides is ahead of public policy. Dr. Warren Porter, a professor in physiological ecology of the University of Wisconsin, Madison states: "In 1945, a National Geographic photographer took a picture of a child walking through DDT that was being sprayed from a truck at New York's Jones Beach State Park. The side of the truck said, 'DDT. Powerful Insecticide. Harmless to Humans.' Since that time, herbicides like Roundup (glyphosate) have been touted for their safety. Yet, they are capable of modifying the most fundamental biological processes. A paper published in August 2000 shows that Roundup alters gene expression and inhibits necessary steroid production by disrupting a particular protein expression. In 2002, a paper shows that Roundup can also affect early cell division processes in embryos."^{xii}

Research has shown that exposures to certain pesticides (particularly organophosphates and pyrethroids) can disrupt neurological development and can lead to learning disabilities. Even a relatively small exposure to a toxic chemical during a window of vulnerability can have a permanent impact, one that might not occur if the same exposure happened at another time.^{xiii} "The vast majority of pesticides and other industrial chemicals in use today have never been examined for their impacts on the developing brain. Given the vulnerability of the developing brain to chemical exposures, scientists have raised concerns that this lack of information may be affecting many children and preventing us from recognizing the true magnitude of the public health threat."^{xiv} For example, despite the fact that organophosphate and pyrethroid pesticides are common and 90% of U.S. children have detectable residues of at least one organophosphate pesticide in their bodies, little is known about their effects on the developing brain. In the laboratory, a single low-level exposure to an organophosphate pesticide or a pyrethroid at day 10 of life causes permanent changes in the brain and hyperactivity of rodents.^{xv} The effects of combined multiple and cumulative exposures experienced in the course of our daily lives remains virtually unstudied.

Prepared by Pamela Miller, M.Ed., Biologist and Director of Alaska Community Action on Toxics.

ⁱSanborn, M. et.al. 2004. Systematic Review of Pesticide Human Health Effects. Publication of the Ontario College of Family Physicians. Found on the following web site: <http://www.ocfp.on.ca>.

ⁱⁱa) Leiss, J.K. and D.A. Savitz. 1995. Home pesticide use and childhood cancer: a case-control study. *Am. J. of Public Health*. 85(2):249-252.

^b Ma, X. et.al. 2002. Critical windows of exposure to household pesticides and the risk of childhood leukemia. *Environmental Health Perspectives* 110(9):955-960.

-
- c) Olshan, A.F. et.al. 1993. Risk factors for Wilm's tumor. *Cancer* 72(3):938-944.
- ⁱⁱSanborn, M. et.al. 2004. Systematic Review of Pesticide Human Health Effects. Publication of the Ontario College of Family Physicians.
- ^{iv}Gorell, J.M. et.al. 1998. The risk of Parkinson's disease with exposure to pesticides, farming, well water, and rural living. *Neurology* 50(5):1346-1350.
- ^vButterfield, P.G. et.al. 1993. Environmental antecedents of young-onset Parkinson's disease. *Neurology* 43(6):1150-1153.
- ^{vi}Fleming, L., et.al. 1994. Parkinson's disease and brain levels of organochlorine pesticides. *Ann. Neurol.* 36(1):100-103.
- ^{vii}Osborn, S. 2001. Do Pesticides Cause Lymphoma? Lymphoma Foundation of America. www.lymphomaresearch.org.
- ^{viii}a) Zahm, S.H. et.al. 1990. A case-control study of non-Hodgkin's lymphoma and the herbicide 2,4-D in eastern Nebraska. *Epidemiology* 1(5):349-356.
- b) Zahm, S.H. and A. Blair. 1992. Pesticides and non-Hodgkin's lymphoma. *Cancer Research* 52(Supplement 19):5485s-5488.
- c) Blair, A. et.al. 1998. Non-Hodgkin's lymphoma and agricultural use of the insecticide lindane. *Am. J. Ind. Med.* 33(1):82-87.
- ^{ix}Shafer, K.S. 2004. Chemical Trespass: Pesticides in Our Bodies and Corporate Accountability. Pesticide Action Network North America.
- ^xColburn, T. 2004. Neurodevelopment and endocrine disruption. *Environmental Health Perspectives* 112(9):944-949.
- ^{xi}Salam, M.T. 2003. Early life environmental risk factors for asthma: findings from the children's health study. *Environmental Health Perspectives* 9 December 2003.
- ^{xii}Porter, W. 2004. Do pesticides affect learning and behavior? The neuro-endocrine-immune connection. *Pesticide and You. A Publication of Beyond Pesticides/National Coalition Against the Misuse of Pesticides* 24(1):11-15.
- ^{xiii}Scettler, T, J Stein, F Reich, and M Valenti. 2000. In Harm's Way: Toxic threats to child development, Greater Boston Physicians for Social Responsibility.
- ^{xiv}Global Pesticide Campaigner. A Publication of Pesticide Action Network North America. August 2003: 13(2).
- ^{xv}Ahlbom J, Fredriksson A, Eriksson P. '995. Exposure to an organophosphate (DFP) during a defined period in neonatal life induces permanent changes in brain muscarinic receptors and behaviour in adult mice. *Brain Res* 677:13-19.

Sent: Monday, February 07, 2005 1:29 PM
To: Rep. Kevin Meyer
Subject: Bill HB 19

Representative Meyer,

Thank you for sponsoring this very important legislation. As a Naturopathic Physician I see people with chemical sensitivities and they benefit immensely when they know about spraying. Of course it benefits all of us particularly the children.
Thank You,

Madeleine Morrison-Young N.D.
Eagle River

From: Michelle Wilber [<mailto:katmainomad@hotmail.com>]
Sent: Friday, February 04, 2005 11:02 AM
To: Rep. Kevin Meyer
Subject:

Dear Representative Meyer,

Thanks so much for your sponsorship of HB 19! I am happy to see your support for public notification of pesticide application. As a mother of a small child in Anchorage, I appreciate any effort to keep him and others safe from harmful chemicals.

Yours,
Michelle Wilber

From: Dale and Linda Slaughter [<mailto:archdles@ak.net>]
Sent: Friday, February 04, 2005 9:58 AM
To: Rep. Kevin Meyer
Subject: HB 19

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Linda Slaughter

-----Original Message-----

From: Pixie Siebe [mailto:pixies@alaskalife.net]

Sent: Tuesday, February 01, 2005 9:53 PM

To: Rep. Kevin Meyer

Subject: HB 19

Dear Representative Meyer,

Thank you very much for introducing HB 19. I am most concerned with the public's right to know about chemical use in public places. I am concerned that chemicals can cause reactions and harm when people come into contact with them. The public should have the right to know when public areas pose a possible exposure risk.

I am currently reading Riki Ott's Sound Truth and Corporate Myths. It is very disturbing to read about how many of the workers were exposed to chemicals that they had been assured were okay or were not given proper protection in the work environment. I know many of these people just wanted to do something to help Prince William Sound, and in the process were exposed, and will probably be affected the rest of their lives.

The public's right to know of potential exposure is critical. We are lucky in Alaska to have a pristine environment in many respects. I think this makes us less aware of potential hazards.

Thank you for your concern, and work on this matter.

Sincerely,

Martha (Pixie) Siebe

8700 Solar Drive

Anchorage, AK 99507

Email For: Representative Kevin Meyer

From: shannonkuhn@gmail.com

Name: Shannon Kuhn

Street: 9120 Cathedral Pl.

City: Anchorage

Zip Code: 99507

Subject: HB 19

Dear Rep. Meyer,

As one of your constituents, I found it necessary to applaud you on the creation of HB 19. Taking the initiative to do so shows strong leadership, and your actions are commendable. I am an 18 year old student, working with Alaska Community Action on Toxics. On behalf of my peers as well as the community, i strongly support and encourage you not to weaken your bill by relinquishing control of posting requirements and registration fees to the DEC. Your bill as it currently stands is absolutely incredible, and is providing for a healthier state and environment for everyone. This is not an environmental issue; this is a HEALTH issue. You are paving the way for a healthier Alaska. I would like to speak with you, please reply by email. Thank you again.

Shannon Kuhn

Mary Jackson

From: Sen. Tom Wagoner
Sent: Friday, April 08, 2005 5:05 PM
To: Mary Jackson
Subject: FW: PTCN article by Maureen Conley on AK

HB 19

From: Ken Perry, AL7GA [mailto:AL7GA@W2BN.org]
Sent: Friday, April 08, 2005 1:24 PM
To: Sen. Ben Stevens; Sen. Gary Stevens; Sen. Johnny Ellis; Sen. Con Bunde; Sen. John Cowdery; Sen. Bettye Davis; Sen. Fred Dyson; Sen. Kim Elton; Sen. Hollis French; Sen. Lyda Green; Sen. Gretchen Guess; Sen. Lyman Hoffman; Sen. Charlie Huggins; Sen. Albert Kookesh; Sen. Donny Olson; Sen. Ralph Seekins; Sen. Bert Stedman; Sen. Gene Therriault; Sen. Tom Wagoner; Sen. Gary Wilken
Subject: PTCN article by Maureen Conley on AK

Following article appeared in Pesticide & Toxic Chemical News

As Alaska's legislature considers legislation that would, for the first time, levy fees for pesticide registrations, the pesticide industry is warning the proposal could have dire consequences for a state that has such a small pesticide market to begin with.

H.B. 19 passed the Alaska House March 23 by a 33-3 bipartisan vote and is now awaiting action in the state Senate. The bill was referred to both the Senate Resources and Finance committees, but no hearings have yet been scheduled. Support has been widespread among state officials, environmental groups, youth groups and healthcare professionals, who note Alaska is the only state that does not require pesticide manufacturers to pay the costs associated with registering their products.

The bill also mandates that only licensed applicators can apply pesticides in "public places" and that they must post notices when such areas are treated. Public places are defined to include common areas of apartments housing five families or more, unrestricted access areas of government buildings, and parks, plazas and public sports fields.

As originally introduced by state representative Kevin Meyer (R), the bill would set a cap of \$115 on the annual fee that would be charged to register pesticides for sale and distribution. That cap was amended to \$120 before the final House vote, though DEC officials have stated they expect to charge closer to \$85. Kristin Ryan, environmental health director at Alaska's Department of Environmental Conservation, told Pesticide & Toxic Chemical News the bill would replace state funding for registrations. It is a measure her agency supports.

The concern, according to trade association officials and Alaska's most outspoken pesticide applicator, is that the magnitude of the increase could drive manufacturers out of the already-small Alaska market. Ken Perry, owner of Paratex Pied Piper and a spokesman for pesticide applicators, said debate over the measure has already chased some manufacturers away. Since the idea first came up three years ago, he said, Alaska has lost 19% of an estimated 5,700 product registrations. He charged that the bill is "being pushed by the anti-pesticide forces as a way to drive these chemicals out of our market."

While manufacturers are keeping their plans confidential, he said, at least one company that predominantly supplies boric acid products has told him "they are so taken aback by this they will probably pull those products from the Alaska market." Another manufacturer told him "they would rather add 'Not for sale in Alaska' to their label than

4/11/2005

pay to register their products here." Even with free registration, he said he was unable to convince three other manufacturers to register their products in his state. Perry said they told him, "it wasn't worth the hassle of dealing with your environmentalists."

Perry said his business is limited to structural pest control and some applications to ornamental trees and shrubs. Mosquito control is not done widely in Alaska because there are so many wetlands. He said, "We want to encourage commercial users and trained people to do these applications. Every time they make it more complicated and expensive, they drive more and more people to do it themselves."

Frank Gasperini, director of state issues for RISE (Responsible Industry for a Sound Environment), told PTCN that the organization does not oppose registration fees in general, but prefers to see smaller fees on the order of \$25. While no members of RISE live in or travel to Alaska, some had provided written comments to the legislature attesting to their plans to re-evaluate product registrations in the state based on the new fees, he said. Gasperini said RISE has provided comments to the state urging officials to "consider whether they want to make products unavailable to their citizens based on economics."

He added that the proposal is "messy," raising the question of how state officials will enforce the law if manufacturers pull the registration for products such as DEET, which are frequently brought in by tourists.

"Will they look for these products at the airport? And fine tourists? I don't think so," he said.

But Pam Miller, executive director for Alaska Community Action on Toxics, says it is "absolutely wrong for them to make those claims." Calling the opposition's comments "scare tactics," Miller said she finds it hard to believe pesticide manufacturers will choose to lose sales over paying an annual fee. DEC needs the funding "to be able to properly monitor pesticide use, ensure certified applicators are doing their job, and do enforcement," she said, adding chemical companies "makes millions of dollars in profits every year, surely they could afford a \$100 fee to register a chemical in Alaska." If not, said Miller, "I don't have much sympathy."

Miller pointed out her group is trying to promote safer alternatives, which she thinks exist for many of the products used in her state. As for Perry's comments about driving business away from qualified applicators, she said the bill "actually benefits them because requires certified applicators be hired to do applications in public places."

— Maureen Conley maureen.conley@informa.com

Pesticide & Toxic Chemical News, April 4, 2005, Volume 33, Number 24, Copyright © 2005,
Agra Informa, Inc.

Kristin Van Veer
RISE (Responsible Industry for a Sound Environment)
Communications & Public Relations Manager
1156 15th St. NW, Ste. 400
Washington, DC 20005-1704
202/872-3893

Anchorage Daily News Letter to the Editor

(April 6, 2005)

Proposed pesticide control changes are necessary and reasonable

A flurry of comments about AO 2005-38 on pesticide control presently before the Anchorage Assembly have questioned both the timing and the need for its passage. As for its timing, this amendment was proposed long before the current election. As for "why not wait and see what happens with the current code," as some have suggested, the pest management, lawn care and landscaping, and paving companies as well as the entrepreneurial community whom the current code has seriously impacted are made or broken during each short summer season. It is unfair to ask them to be financial guinea pigs for an overly restrictive activist cause.

As to why the code needs this minor adjustment, it is quite simple. This amendment maintains the requested notification regulation but merely allows the applicators of pesticides such as spider and ant sprays, liquid weed control chemicals, etc., to post the notice at the time and location of service rather than make the customers pay for two services rather than one, or delay the service by many days. Applications with drift potential such as horticultural sprays are not being exempted; they will still require 48 hours pre- and post- notification within 150 feet. This reasonable step is a reflection of working notification laws elsewhere and in line with the proposed "on site/at time of service" notification included in HB 19 currently before the Alaska Senate.

---- Ken Perry, general manager

PARATEX Pied Piper

Anchorage

(Underline added for emphasis)

HB

26

Representative Carl E. Moses, House District 37
(907) 465-4451 – Adam Berg, Staff

SPONSOR STATEMENT / SECTIONAL ANALYSIS

CSHB26 (FIN) – Short-Term Commercial Fishing Crewmember Licenses

The economic health of certain communities in Western Alaska has been jeopardized by unprecedented low salmon returns and / or prices. It is in the best interest of the State of Alaska and these communities to maximize options available for commercial fishermen to earn a living. One option available is to allow the purchase of short-term commercial fishing crewmember licenses. This would allow visitors an affordable way to engage in a sort of extreme tourism adventure by actually participating in the fishery as a crewmember.

Currently, tourists can go out with a commercial boat but cannot have any form of active participation without buying a full year crewmember license.

The House Fisheries Committee changed the bill as follows: The committee added a clause that prohibits fishing with rod and reel from a commercial fishing vessel and changed the length of the short-term license to seven days.

The House Resources Committee changed the bill as follows: The committee added a clause that prohibits short-term license holders from being compensated.

The House Finance Committee changed the bill as follows: The committee deleted the "no compensation" clause added in House Resources.

BILL SECTIONS 1-2: Changes the term from a "crewmember fishing license" to an "annual crewmember fishing license". (Note: The reason for the term change applies to Bill Section 4.)

BILL SECTION 3: Allows residents and non-residents to purchase a seven-day commercial fishing crewmember license for \$30. Assures that short-term license holders are prohibited from using rod and reel while on a commercial vessel.

BILL SECTION 4: Assures that a short-term license holder is not considered a fisherman eligible for the Commercial Fishing Revolving Loan Fund.

BILL SECTION 5: Allows the Department of Fish & Game to add and collect an additional administrative fee of \$3 on licenses issued in 2005.

BILL SECTION 6: Makes the effective date July 1, 2005.



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 7, 2005

Representative Kevin Meyer, Co-Chair
House Finance Committee
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

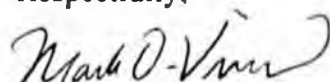
Dear Representative Meyer,

United Fishermen of Alaska (UFA) represents thirty-one Alaska commercial fishing groups and hundreds of individual fishermen, crew members and related businesses. Our board of directors recently met and discussed HB 26 regarding short term commercial fishing crew license. UFA believes that a short term crew license will provide greater flexibility in fishing operations, such as in cases of emergencies, fisheries of short duration or to fill in for departing crew at the end of season. The recent amendment that prohibits the short term members from being paid is an obstacle to the practical use of the idea behind the bill.

In its present form CSHB 26 will allow short term visitors an opportunity to experience commercial fishing in Alaska without pay, which is also of some potential benefit to marketing and public relations through greater awareness of our wild fisheries and unsurpassed fisheries management.

UFA continues to support HB 26 for a short term commercial fishing crew license.

Respectfully,


Mark D. Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association
Western Gulf of Alaska Fishermen

Adam Berg

From: Rep. Carl Moses
Sent: Monday, March 14, 2005 6:23 AM
To: Adam Berg
Subject: FW: CLARIFICATION

-----Original Message-----

From: Jorgensen, Sue [mailto:SJorgensen@CGAlaska.USCG.mil]
Sent: Friday, March 11, 2005 2:19 PM
To: 'castlerock@gci.net'
Cc: Rep. Carl Moses
Subject: CLARIFICATION

Galen Brevik of the Juneau Charter Boat Operators Association asked for clarification of the Coast Guard rules governing carriage of individuals on board.

On a commercial fishing industry vessel:

if/when an individual is hired and receives wages for his work, that individual is a crewmember.

if/when an individual goes on board and pays for the opportunity to do so (assisting with fishing or just along for the ride), that individual is a passenger for hire.

If the vessel carries a paying passenger, even though the vessel continues to commercial fish, the operator must comply with not only the commercial fishing industry safety requirements (i.e. immersion suits for every person on board, visual distress signals, survival craft, EPIRB, etc) but all the passenger vessel safety requirements (i.e. licensed operator, random drug testing program, vessel documented for "Coastwise" as well as "Fishery", Type I personal flotation devices for every person on board, etc.).

Sue Jorgensen
FV Safety Coordinator
907-463-2810
907-463-2820 (fax)
800-478-7369 (in Alaska)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 26(FSH)
(H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title Short-term Commercial Fishing RDU Administration and Support
Crewmember License Component Administrative Services
Sponsor Representative Moses
Requester House Fisheries Committee Component No. 479

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	1.7	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.7	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	1.5	1.5	1.5	1.5	1.5	1.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.7	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund						
TOTAL	1.7	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Assumptions:

- 100 new short-term licenses will be purchased.
- Per AS 23.35.060(a) Fishermen's Fund will receive 39% of the gross revenue. Fish and Game Fund will receive 61%.
- Given the mid-year effective date, the department must print 5,000 new licenses for distribution statewide. We estimate the printing costs for these new licenses to be a one-time cost of roughly \$1,700. In the following years, this new license option will be incorporated into our standard license, so there will be no additional cost for offering this option.

(Continued on page 2)

Prepared by: Tom Lawson Phone 465-5999
Division Administrative Services Date/Time 2/11/05 3:19 PM
Approved by: Acting Commissioner Wayne Regelin Date 2/11/2005
Agency Department of Fish and Game

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 26(FSH)
(H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Department: Labor & Workforce Development
Title: Short-Term Com Fishing Crewmember License RDU: Workers' Compensation
Sponsor: Representative Moses Component: Fishermen's Fund
Requester: House FSH Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	*	*	*	*	*	*
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1432)	1.1	1.1	1.1	1.1	1.1	1.1
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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—Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: None
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
According to information provided by the Department of Fish and Game, it is anticipated 100 new licenses will be purchased. Under AS 23.35.060(a) the Fishermen's Fund will receive 39% of the revenue (\$1,053.00).

The revenues to the Fund generated by the new licenses (\$30 for a seven day license) compare favorably to those from annual licenses (\$21.06) that expose the Fund to much longer periods of potential liability. However, licensees who are tourists or otherwise inexperienced in fisheries may be more likely to sustain an injury. *Consequently, the ultimate impact on the Fund's claim payment outlays is indeterminate.

Prepared by: Paul F. Lisantio, Director Phone: 465-6059
Division: Workers' Compensation Division Date/Time: 2/15/05 4:36 PM
Approved by: Geog O'Claray, Commissioner Date: 2/15/2005
Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 26(FSH)
 (H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Short-term Commercial Fishing RDU: Administration and Support
Crewmember License Component: Administrative Services
 Sponsor: Representative Moses
 Requester: House Fisheries Committee Component No. 479

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	1.7	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.7	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	1.5	1.5	1.5	1.5	1.5	1.5
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF	1.7	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund						
TOTAL	1.7	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Assumptions:

- 100 new short-term licenses will be purchased.
- Per AS 23.35.060(a) Fishermen's Fund will receive 39% of the gross revenue. Fish and Game Fund will receive 61%.
- Given the mid-year effective date, the department must print 5,000 new licenses for distribution statewide. We estimate the printing costs for these new licenses to be a one-time cost of roughly \$1,700. In the following years, this new license option will be incorporated into our standard license, so there will be no additional cost for offering this option.

(Continued on page 2)

Prepared by: Tom Lawson Phone: 465-5999
 Division: Administrative Services Date/Time: 2/11/05 3:19 PM
 Approved by: Acting Commissioner Wayne Regelin Date: 2/11/2005
 Agency: Department of Fish and Game

FISCAL NOTE NO. 1

**STATE OF ALASKA
2005 LEGISLATIVE SESSION**

BILL NO. CSHB 26(FSH)

ANALYSIS CONTINUATION

This bill gives the department the ability to charge a \$3 administrative fee per license that would be imposed through regulation. If such a fee were imposed, printing costs would decrease by \$300 (\$3 fee x 100 new licenses sold).

Type of License Sold	Number of Licenses Sold	Amount	Total Gross Revenue	Vendor Commission	Total Commission	Total Net Revenue
Seven-day	100	\$30	\$3,000.00	10%	\$300.00	\$2,700.00
			\$3,000.00		\$300.00	\$2,700.00
<u>Break-out of Funds:</u>						
Fishermen's Fund			39%	\$1,170.00		
Fish & Game Fund			61%	\$1,530.00		
			Total			\$2,700.00

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 26(FSH)
(H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Department: Labor & Workforce Development
Title: Short-Term Commercial Fishing Crewmember License RDU: Workers' Compensation
Sponsor: Representative Moses Component: Fishermen's Fund
Requester: House FSH Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	*	*	*	*	*	*
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1032)	1.1	1.1	1.1	1.1	1.1	1.1
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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 -Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: None
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
According to information provided by the Department of Fish and Game, it is anticipated 100 new licenses will be purchased. Under AS 23.35.060(a) the Fishermen's Fund will receive 39% of the revenue (\$1,053.00).
The revenues to the Fund generated by the new licenses (\$30 for a seven day license) compare favorably to those from annual licenses (\$21.06) that expose the Fund to much longer periods of potential liability. However, licensees who are tourists or otherwise inexperienced in fisheries may be more likely to sustain an injury. Consequently, the ultimate impact on the Fund's claim payment outlays is indeterminate.

Prepared by: Paul F. Lisankie, Director Phone: 465-6059
Division: Workers' Compensation Division Date/Time: 2/15/05 4:36 PM
Approved by: Greg O'Clary, Commissioner Date: 2/15/2005
Agency: Department of Labor and Workforce Development

CSHB 26 (FIN) - VOTE TOTAL
APR 27

37-1

(WEYHRAUCH)

(Ref. Date)

Sen Res.
May 4, 2005
New

Dear Resource Committee Members,

I am writing concerning HB26 which recently passed from the House to the Senate. Although I speak only for myself I can assure you that these issues are closely followed among Juneau's charter operators. As a charter operator and sport fishing lodge owner in Juneau I would like to express these concerns about this bill:

1. Problem. It is one thing to say that federal laws for vessels for hire will apply to commercial fishing vessels that carry a "paying crew member" under HB26. It is quite another to enforce these laws. Coast Guard and other agencies have stated that it will be impossible for them to enforce these regulations unless they can identify which commercial fishing vessels are carrying passengers for hire and which are not.

Solution. Require that commercial fishing vessels carrying passengers for hire display a prominent sticker that clearly identifies them as such.

2. Problem. Should this bill pass I believe conflicts will arise between the current guided sport fishery and the new guided commercial fishery created by this bill. Typical sport fish clients that now hire sport charter vessels or visits sport lodges will have a new choice in selecting an Alaskan fishing vacation. They may pay to spend a week on a commercial fishing boat. This will allow a huge reservoir of existing nonresident sport anglers to choose to bypass sport regulations by booking with a commercial operator who may include the catch in the price of the vacation package.

Solution. Require that the catch may not be included in the price of the adventure and that fish tickets show the sale of fish caught during these for hire experiences. If the client wishes to keep some or all of the fish he must have accompanying documentation showing they were purchased by the "Dude" for market value of the fish.

These two issues are paramount among my concerns. I also feel that it is unwise of the State to allow tourists on board commercial fishing boats without requiring all the same standards of client safety and vessel operator responsibility required of sport charter vessels carrying passengers for hire such as:

- Establishment of operator fees to pay for implementation and enforcement of this new program.
- Current first aid card.
- Current drivers license or other ID.
- Operator and crew may not aid in violation of a crime.
- Proof of liability insurance.
- Proof of Alaska business license.
- Possess current commercial fishing permits and display USCG Operators License.

I believe that these regulations and others that were recently placed on sport charter vessels should be placed on all vessels engaged in passenger for hire activities in Alaskan waters. Public safety is a recognized responsibility of the State of Alaska. Commercial fishing is recognized as a particularly dangerous activity. Not to require the highest standard of safety and operator responsibility on commercial fishing businesses taking adventure tourists for hire aboard commercial fishing vessels would leave the State of Alaska remiss in its duty to provide for the public safety.

That said, I would be satisfied if points 1 and 2 were included in the final draft of this bill. I'm sure that down the road, after a few "Dudes" are killed or disabled while on these adventures, the other safety and operator responsibility issues will be addressed.

Sincerely,

Captain Rick Bierman, Owner
Whale's Eye Lodge and Charter
PO Box 210166
Auke Bay, AK 99821
723-2920

*Sen Res # 2005
May 7
New*

Summary of testimony by
Captain Jack Cadigan USCG (Retired)
3199 Pioneer Avenue
Juneau, AK 99801
321-3466

Background: Retired USCG Captain, Unlimited Merchant Mariner's license over 40 years, current Charter Boat Owner/Operator, member JCBOA (Juneau Charter Boat Owners Association), member USCG Auxiliary.

1. HB 26 is silent on any reference to compliance requirements with CFR 46 for any vessels operating under authority of this bill. Specifically, these vessels will be, at the very least, required to have on board a licensed OUVV license. (Operator of Uninspected Vessels – or “six-pack”)
2. I would submit that fishing vessels operating under the authority of this bill should also be specifically required to comply with all applicable state laws and regulations as set forth for those operating as fishing guides and fishing businesses.
3. Such requirements would assure passengers that the vessel is licensed properly under state and federal laws, that the skipper is appropriately licensed under state and federal law, that the vessel is adequately insured, and further that personnel aboard are trained in first aid and CPR, and subject to random drug testing.
4. The State of Alaska, to better protect visitors, enacted laws and regulations to assure, as best as they can, that visitors going out on boats for a fishing experience will be aboard vessels meeting certain federal and state standards over and above that of recreational craft and that they will be adequately protected by liability insurance in the event of an accident, and that the operator of the vessel is appropriately licensed and trained.
5. I would further submit the commercial fishing is inherently, and substantially, more dangerous than sportfishing on a charterboat, so these requirements are even more germane to that venue.
6. I would suggest that vessels so licensed for this activity be required to display an appropriate decal similar to, or identical to, that required of licensed charter vessels, thus identifying them as in compliance with all applicable laws and regulations.
7. Lastly, I assume through regulation, the ADF&G will address issues of whether these are sport or commercial fish allocations, and whether passengers will be allowed to keep any fish caught without having to purchase them via a fish ticket. (In which case how will the catch be identified and allocated?)
8. In summary I suggest a simple Senate Resources committee substitute directing that vessels operating under the authority of this legislation be required to comply with all applicable regulations under CFR 46, and to comply with all Alaska licensing requirements apropos to Sport Fishing Guides and Sport Fishing Business Licenses.

Senate Resources

May 2, 2005

HB 71 – Sectional, Bill & Fiscal Notes

- Talking Points – **WITHOUT** amendment on House Floor
- Bill Description **WITHOUT** amendment on House Floor
- CS HB 71(FIN) am: 9 pages
- FN #1: DNR: 12-8-04: 1 page
- FN #2: DOR: 1-11-05: 2 pages
- FN #3: DNR: 4-06-05: 1 page
- Letters of Opposition:
 - Alliance: May 2, 2005: 2 pages
 - AOGA: April 29, 2005: 3 pages
 - Resource Development Council: April 30, 2005: 2 pages

Talking Points HB 71

This bill builds on the work we did in 2003 to make exploration in Alaska more internationally competitive.

That bill, SB 185 was focused on frontier exploration – trying to expand the boundaries and reach of North Slope development. It created a four year window for explorers to have up to 40% of the cost for finding oil or gas reimbursed by the State of Alaska.

This bill does several things

- (1) It clarifies the rules for North Slope exploration for 2006 and 2007, the last two years of the window.
- (2) It opens the window in the rest of the state even wider – encouraging exploration for the next five years. Among the areas that we hope will become active producing provinces because of this bill are the Alaska Peninsula (the original target of HB 71), the Copper River Basin, the Healy Basin, Red Dog area and the Nenana Basin.
- (3) **This bill incorporates several incentives appropriate for a mature, well explored basin like the Cook Inlet. Instead of 25 miles from an existing unit, well work need only be 10 miles distant to qualify. If an explorer wants to spend money looking for distinct exploration targets, even if they are closer than three miles to another well, under this bill those targets can qualify for a tax credit. And to make sure we haven't gone too far in changing those rules, the total amount of credits under these distinct rules in the Cook Inlet Basin is limited to 20 million dollars over the next five years.**
- (4) Finally, this bill looks at another area where we don't believe any incentives are needed – the Artic National Wildlife Refuge – and prohibits the state from spending any more money to “encourage” drilling there.

The administration supports this bill because it is a targeted use of tax incentives. In the short term we might get more money if had no credits. But the money we give up in the short term is in exchange for people plunking down exploration, drilling and seismic work dollars here in Alaska. And in the long term, if Alaska is as prospective as we think, the additional royalties, income taxes, property taxes and perhaps even production taxes more than make up for the credits.

Bill Description HB 71 (FIN)

The House Finance CS for HB 71 extends the AS 43.55.025 (production tax) exploration credit program enacted in 2003 everywhere in Alaska south of the Brooks Range to July 1, 2010. It also provides a new set of rules for the exploration tax credit in the Cook Inlet Basin.

Section 1 rewrites the statutory language to clear up confusion that has arisen over the original language. It makes clear that there are only four possible situations:

- (1) Well work more than three miles from an existing well, but not more than 25 miles from a unit that qualifies for a 20% credit,
- (2) Well work more than 25 miles from an existing unit but not more than 3 miles from an existing well that qualifies for a 20% credit,
- (3) Well work that is both 25 miles from an existing unit and 3 miles from an existing well that qualifies for a 40% credit, and
- (4) Seismic work that qualifies for a 40 % credit.

There is no way to combine these to get an 80% credit for any given dollar outlay.

Section 2 does two things. It extends the sunset of the existing credit from 2007 to 2010 for all work performed south of the Brooks Range. In the Cook Inlet, while also extending the sunset to 2010, section 2 also sets new rules, effective July 1 2005, more appropriate for a mature basin like the Cook Inlet.

Section 3 makes some changes to make the section one rewrites more precise, and for the Cook Inlet introduces the notion that if the commissioner of DNR certifies that the target is separate exploration target, the well work qualifies for the credits as though it were three miles from another well – even though it may be closer.

Section 5 also makes some changes to make the section one rewrites more precise, and for the Cook Inlet reduces the qualifying distance from an existing unit from 25 miles to 10 miles.

Section 5 changes a single phrase to make the section one rewrites more precise.

Section 6 clarifies the process whereby a Cook Inlet explorer can get the required certification from the commissioner of DNR to qualify for the credit with a separate exploration target. It also further limits the total of special Cook Inlet credit to 20 million dollars.

Section 7 sets forth several definitions pertinent to Cook Inlet.

Section 8 exempts work in the Arctic National Wildlife Refuge from qualifying for the credit.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 71
 (H) Publish Date: 1/12/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Extending Exploration Credit against RDU: Resource Development
Production Tax Component: Oil & Gas Development
 Sponsor: Rules
 Requester: Governor Component No: 439

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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CHANGE IN REVENUES ()	***					
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the sunset date on the oil and gas exploration credit against production tax (SB185, CH59, SLA03) only for the proposed Alaska Peninsula sale area. The proposed Alaska Peninsula sale is tentatively scheduled for fall of 2005. It is anticipated that leases would not be issued until spring 2006. It is likely that exploration expenditures on these leases would occur after the current July 1, 2007 deadline, in which case they would not be credited against future production taxes unless the current statute is amended.

*** An extension of the sunset deadline to the proposed sale area may encourage additional or higher competitive bids, although these additional revenues are impossible to predict or quantify.

Prepared by: Janet Baxter Phone 465-4730
 Division: Commissioner's Office Date/Time 12/8/2004
 Approved by: Tom Irwin Date 12/8/2004
 Agency: Natural Resources

1 (5) if the department is satisfied that the explorer's claimed
 2 expenditures are qualified under this section, the department shall issue to the explorer
 3 a production tax credit certificate for the amount of credit to be allowed against
 4 production taxes due under this chapter; however, notwithstanding any other
 5 provision of this section, the department may not issue to an explorer a
 6 production tax credit certificate if the total of production tax credits submitted
 7 for Cook Inlet production, based on exploration expenditures for work
 8 performed during the period described in (b) of this section for that production,
 9 that have been approved by the department exceeds \$20,000,000.

10 * Sec. 9. AS 43.55.025(k) is amended to read:

11 (k) In this section,

12 (1) "Cook Inlet production" means oil or gas production from the
 13 Cook Inlet sedimentary basin, as that term is defined by regulation adopted to
 14 implement AS 38.05.180(f)(4);

15 (2) "Cook Inlet prospect" means a location within the Cook Inlet
 16 sedimentary basin, as that term is defined by regulation adopted to implement
 17 AS 38.05.180(f)(4);

18 (3) "explorer" means a person who, in exploring for new oil or gas
 19 reserves, incurs expenditures.

20 * Sec. 10. AS 43.55.025 is amended by adding a new subsection to read:

21 (l) The provisions of this section do not apply to the Arctic National Wildlife
 22 Refuge.

23 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 71
 (H) Publish Date: 1/12/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Credit for Certain Exploration Expenses RDU Revenue Operations
Against Oil & Gas Properties Production Taxes Component Tax Division
 Sponsor Rules Committee
 Requester Governor Component No. 2476

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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CHANGE IN REVENUES ()	See Analysis					
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Currently the State plans to hold a Bristol Bay lease sale in October of 2005 assuming a favorable preliminary best interests finding. If bids are received and accepted at this lease sale, leases would be issued in spring 2006, with exploration of this region beginning that summer, FY 2007-FY2008. It is possible that 1 to 2 wells per year will be drilled on average over the period 2007 to 2009. Wells will be drilled from onshore facilities, but given the remoteness of the area and lack of infrastructure, we estimate that the wells could cost roughly \$15 million per well. We assume that on average these wells would qualify for a production tax credit equal to 30% of qualified costs, half qualifying for the 40% credit and half for the 20% credit. (continued on Pg 2)

Prepared by: Tom Boutin Phone _____
 Division: Department of Revenue Date/Time 1/11/05 2:59 PM
 Approved by: Tom Boutin Date 1/11/2005
 Agency: Department of Revenue

ANALYSIS CONTINUATION

As a result the credit would be worth around \$7 million per year to the exploration firms from fiscal year 2008 through fiscal year 2010 (assuming a year lag between exploration expense and claiming of the credit). The adoption of this severance tax credit could yield revenue in two ways. First, the existence of an exploration credit over the period of likely exploration could prompt companies to participate in a lease sale when they otherwise would not. Currently, the State does not include any revenue from the lease sale in its revenue forecast. Such a lease sale could yield around \$10 million if bids were based on the possibility of finding a field containing a minimum economic field size of between 100 and 200 million barrels of oil. Such a field, if discovered and developed, would yield about \$50 million dollars a year in revenue (royalty, severance tax, and corporate income tax) over the first 10 years of production.



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

April 30, 2005

Senator Thomas Wagoner, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol, Room 427
Juneau, Alaska 99801-1182

Re: House Bill 71 — Oil and Gas Exploration Credit and Lease Terms

Dear Senator Wagoner:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to express our serious concern with House Bill 71 as amended on the House Floor Thursday, April 28.

RDC is a private, non-profit business association representing individuals and leading companies from each of Alaska's basic industries — oil and gas, mining, timber, tourism and fisheries. Also included in the organization's membership are Alaska Native regional and village corporations, local communities, organized labor and industry support firms. RDC's mission is to grow Alaska's economy through the responsible development of the state's natural resources.

RDC objects to House Bill 71 as it is currently drafted on a number of points. First, House Bill 71 underwent a radical transformation on the House Floor without the benefit of a single committee hearing. New language regarding standards for interpreting state oil and gas leases and unit agreements was added and the bill's title was changed without opportunity for the public to comment.

Furthermore, open debate on the House Floor regarding this substantial alteration was limited to less than 10 minutes. This aborted process did not allow for adequate public participation, nor did it give legislators a proper chance to study the new language's policy implications. An issue of this magnitude warrants a thorough, transparent analysis by both legislative bodies.

Second, RDC believes the bill's new language may change the terms of existing state oil and gas leases and unit agreements. It is not clear to RDC that the state is well served by the Legislature reinterpreting long-standing contractual arrangements. This situation is not conducive to the state successfully negotiating a contract to commercialize Alaska's North Slope natural gas. In fact, the bill may have a detrimental effect on the state's ongoing discussions with each of the parties that have filed applications under the Stranded Gas Development Act.

Founded 1975
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Thaddeus J. Owens
2004-2005 Executive Committee
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Mark Hanley, Sr. Vice President
Rick Rogers, Vice President
Thomas Maloney, Secretary
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Congressman Don Young
Governor Frank Murkowski

Third, the bill seems to make the state final arbiter on the question of whether a particular lease or unit can be developed profitably. Is this the appropriate role for the state to play in a market system? Is it realistic for the state to accurately determine rates of return, profit margins and estimated costs for a project with the size, scope and complexity of a natural gas pipeline? Rather than establishing regulatory predictability and stability, House Bill 71 creates a climate of uncertainty. In the likely event a lessee disagrees with the state's interpretation, one would expect a drawn-out, costly legal dispute to follow. Such a scenario does not bring Alaska closer to commercializing its natural gas resources.

Finally, beyond the bill's possible legal and commercial ramifications, RDC believes the new language sends a troubling message to current and future investors in Alaska -- particularly those companies looking to do business in Alaska's oil patch. RDC understands the Legislature's mandate with regard to Alaska's natural resources as spelled out in Article VIII of the State Constitution. However, we fear House Bill 71 may serve the opposite purpose. Rather than encouraging maximum use and maximum benefit, this bill sends a clear anti-free market message to Alaska's resource industries. It is likely to act as a disincentive to future investment.

RDC shares the Legislature's eagerness to see Alaska's gas delivered to market. Efforts to commercialize our North Slope natural gas resources must be given the utmost attention and deliberation. Unfortunately, House Bill 71 has not undergone the scrutiny it deserves. The policy, legal and commercial consequences of the bill do not appear to align with the state's goal of identifying and encouraging the best possible gas-commercialization project.

Thank you for considering our position on this important issue.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.



Tadd Owens
Executive Director

cc: Senator Ralph Seekins, Vice Chair
Senator Ben Stevens
Senator Bert Stedman
Senator Fred Dyson
Senator Kim Elton
Senator Gretchen Guess

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB026CS-DOLWD-FF-04-27-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
 Title: Short-Term Com Fishing Crewmember License RDU: Workers' Compensation
 Component: Fishermen's Fund
 Sponsor: Representative Moses
 Requester: House Rules Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

CHANGE IN REVENUES (1032)	1.2	1.2	1.2	1.2	1.2	1.2
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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--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

According to information provided by the Department of Fish and Game, it is anticipated 100 new licenses will be purchased. Under AS 23.35.060(a) the Fishermen's Fund will receive 39% of the gross revenue (\$1,170.00).

The revenues to the Fund generated by the new licenses (\$30 for a seven day license) compare favorably to those from annual licenses (\$21.06) that expose the Fund to much longer periods of potential liability. However, licensees who are tourists or otherwise inexperienced in fisheries may be more likely to sustain an injury. *Consequently, the ultimate impact on the Fund's claim payment outlays is indeterminate.

Prepared by: Paul F. Lisankie, Director Phone: 465-6059
 Division: Workers' Compensation Division Date/Time: 4/27/05 2:59 PM
 Approved by: Greg O'Claray, Commissioner Date: 4/27/2005
 Agency: Department of Labor and Workforce Development

Senate Resources

May 4, 2005

HB 26 Materials List

- Sponsor Statement/Sectional Analysis: 1 page
- CS HB 26(FIN): 5 pages
- #1 FN: ADF&G: 2/11/05: 2 pages
- #2 FN: DOL&WD: 2/15/05: 1 page
- FN: DOL&WD: 4/27/05: 1 page
- UFA Letter of Support: 3/7/05: 1 page
- Email re: USCG regulations on carriage of individuals on board: 1 page

**Representative Carl E. Moses, House District 37
(907) 465-4451 – Adam Berg, Staff**

SPONSOR STATEMENT / SECTIONAL ANALYSIS

CSHB26 (FIN) – Short-Term Commercial Fishing Crewmember Licenses

The economic health of certain communities in Western Alaska has been jeopardized by unprecedented low salmon returns and / or prices. It is in the best interest of the State of Alaska and these communities to maximize options available for commercial fishermen to earn a living. One option available is to allow the purchase of short-term commercial fishing crewmember licenses. This would allow visitors an affordable way to engage in a sort of extreme tourism adventure by actually participating in the fishery as a crewmember.

Currently, tourists can go out with a commercial boat but cannot have any form of active participation without buying a full year crewmember license.

The House Fisheries Committee changed the bill as follows: The committee added a clause that prohibits fishing with rod and reel from a commercial fishing vessel and changed the length of the short-term license to seven days.

The House Resources Committee changed the bill as follows: The committee added a clause that prohibits short-term license holders from being compensated.

The House Finance Committee changed the bill as follows: The committee deleted the "no compensation" clause added in House Resources.

BILL SECTIONS 1-2: Changes the term from a "crewmember fishing license" to an "annual crewmember fishing license". (Note: The reason for the term change applies to Bill Section 4.)

BILL SECTION 3: Allows residents and non-residents to purchase a seven-day commercial fishing crewmember license for \$30. Assures that short-term license holders are prohibited from using rod and reel while on a commercial vessel.

BILL SECTION 4: Assures that a short-term license holder is not considered a fisherman eligible for the Commercial Fishing Revolving Loan Fund.

BILL SECTION 5: Allows the Department of Fish & Game to add and collect an additional administrative fee of \$3 on licenses issued in 2005.

BILL SECTION 6: Makes the effective date July 1, 2005.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 26(FSH)
 (H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Short-term Commercial Fishing RDU Administration and Support
Crewmember License Component Administrative Services
 Sponsor Representative Moses
 Requester House Fisheries Committee Component No. 479

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	1.7	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.7	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	1.5	1.5	1.5	1.5	1.5	1.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.7	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund						
TOTAL	1.7	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Assumptions:

- 100 new short-term licenses will be purchased.
- Per AS 23.35.060(a) Fishermen's Fund will receive 39% of the gross revenue. Fish and Game Fund will receive 61%.
- Given the mid-year effective date, the department must print 5,000 new licenses for distribution statewide. We estimate the printing costs for these new licenses to be a one-time cost of roughly \$1,700. In the following years, this new license option will be incorporated into our standard license, so there will be no additional cost for offering this option.

(Continued on page 2)

Prepared by: Tom Lawson Phone 465-5999
 Division: Administrative Services Date/Time 2/11/05 3:19 PM
 Approved by: Acting Commissioner Wayne Regelin Date 2/11/2005
 Agency: Department of Fish and Game

FISCAL NOTE NO. 1

**STATE OF ALASKA
2005 LEGISLATIVE SESSION**

BILL NO. CSHB 26(FSH)

ANALYSIS CONTINUATION

This bill gives the department the ability to charge a \$3 administrative fee per license that would be imposed through regulation. If such a fee were imposed, printing costs would decrease by \$300 (\$3 fee x 100 new licenses sold).

Type of License Sold	Number of Licenses Sold	Amount	Total Gross Revenue	Vendor Commission	Total Commission	Total Net Revenue
Seven-day	100	\$30	\$3,000.00	10%	\$300.00	\$2,700.00
			\$3,000.00		\$300.00	\$2,700.00
<u>Break-out of Funds:</u>						
			39%	\$1,170.00		
			61%	\$1,530.00		
			Total			\$2,700.00

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 26(FSH)
 (H) Publish Date: 2/16/05

Revision Date/Time (Note if correction): _____ Department: Labor & Workforce Development
 Title: Short-Term Com Fishing Crewmember License RDU: Workers' Compensation
 Component: Fisherman's Fund
 Sponsor: Representative Moses
 Requester: House FSH Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	*	*	*	*	*	*
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1032)	1.1	1.1	1.1	1.1	1.1	1.1

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: None
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

POSITIONS	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 According to information provided by the Department of Fish and Game, it is anticipated 100 new licenses will be purchased. Under AS 23.35.060(a) the Fishermen's Fund will receive 39% of the revenue (\$1,053.00).
 The revenues to the Fund generated by the new licenses (\$30 for a seven day license) compare favorably to those from annual licenses (\$21.06) that expose the Fund to much longer periods of potential liability. However, licensees who are tourists or otherwise inexperienced in fisheries may be more likely to sustain an injury. *Consequently, the ultimate impact on the Fund's claim payment outlays is indeterminate.

Prepared by: Paul F. Lisankle, Director Phone: 465-6059
 Division: Workers' Compensation Division Date/Time: 2/15/05 4:36 PM
 Approved by: Greg O'Claray, Commissioner Date: 2/15/2005
 Agency: Department of Labor and Workforce Development



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 7, 2005

Representative Kevin Meyer, Co-Chair
House Finance Committee
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

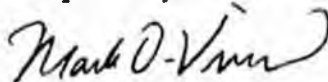
Dear Representative Meyer,

United Fishermen of Alaska (UFA) represents thirty-one Alaska commercial fishing groups and hundreds of individual fishermen, crew members and related businesses. Our board of directors recently met and discussed HB 26 regarding short term commercial fishing crew license. UFA believes that a short term crew license will provide greater flexibility in fishing operations, such as in cases of emergencies, fisheries of short duration or to fill in for departing crew at the end of season. The recent amendment that prohibits the short term members from being paid is an obstacle to the practical use of the idea behind the bill.

In its present form CSHB 26 will allow short term visitors an opportunity to experience commercial fishing in Alaska without pay, which is also of some potential benefit to marketing and public relations through greater awareness of our wild fisheries and unsurpassed fisheries management.

UFA continues to support HB 26 for a short term commercial fishing crew license.

Respectfully,


Mark D. Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Salmon Association United Southeast Alaska Gillnetters • Valdez Fisheries Development Association
Western Gulf of Alaska Fishermen

Adam Berg

From: Rep. Carl Moses
Sent: Monday, March 14, 2005 6:23 AM
To: Adam Berg
Subject: FW: CLARIFICATION

-----Original Message-----

From: Jorgensen, Sue [mailto:SJorgensen@CGAlaska.USCG.mil]
Sent: Friday, March 11, 2005 2:19 PM
To: 'castlerock@gci.net'
Cc: Rep. Carl Moses
Subject: CLARIFICATION

Allen Brevik of the Juneau Charter Boat Operators Association asked for clarification of the Coast Guard rules governing carriage of individuals on board.

On a commercial fishing industry vessel:

If/when an individual is hired and receives wages for his work, that individual is a crewmember.

If/when an individual goes on board and pays for the opportunity to do so (assisting with fishing or just along for the ride), that individual is a passenger for hire.

If the vessel carries a paying passenger, even though the vessel continues to commercial fish, the operator must comply with not only the commercial fishing industry safety requirements (i.e. immersion suits for every person on board, visual distress signals, survival craft, EPIRB, etc) but all the passenger vessel safety requirements (i.e. licensed operator, random drug testing program, vessel documented for "Coastwise" as well as "Fishery", Type I personal flotation devices for every person on board, etc.).

Sue Jorgensen
V Safety Coordinator
07-463-2810
07-463-2820 (fax)
00-478-7369 (in Alaska)

Senate Resources Committee

May 4, 2005

RE: HB 26

The attached fiscal note was received today from DOL&WD.

It reflects minor changes to adjust to the current version of the bill.

This bill has an additional referral to Finance.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB026CS-DOLWD-FF-05-04-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title: Short-Term Com Fishing Crewmember License

Department: Labor and Workforce Development
 RDU: Workers' Compensation
 Component: Fishermen's Fund

Sponsor: Representative Moses
 Requester: Senate Resources

Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1032)	1.2	1.2	1.2	1.2	1.2	1.2

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cc None
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

According to information provided by the Department of Fish and Game, it is anticipated 100 new licenses will be purchased. Under AS 23.35.060(a) the Fishermen's Fund will receive 39% of the gross revenue (\$1,170.00).

The revenues to the Fund generated by the new licenses (\$30 for a seven day license) compare favorably to those from annual licenses (\$21.06) that expose the Fund to much longer periods of potential liability. However, licensees who are tourists or otherwise inexperienced in fisheries may be more likely to sustain an injury. Consequently, the ultimate impact on the Fund's claim payment outlays is indeterminate.

Prepared by: Paul F. Lisankie, Director Phone: 465-6059
 Division: Workers' Compensation Division Date/Time: 5/4/05 7:40 AM
 Approved by: Greg O'Claray, Commissioner Date: 5/4/2005
 Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 37(FIN)
 (H) Publish Date: 5/8/2005

Revision Date/Time (Note if correction): _____ Dept. Affected: DNR
 Title: Public Access to fishing Streams RDU Resource Development
 Component Title Acquisition & Defense
 Sponsor Gara
 Requester House Finance Committee Component No. 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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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—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone 465-4945
 Division: _____ Date/Time _____
 Approved by: Rep. Meyer, Co-Chair Date 5/8/2005
 Agency: Rep. Chenault, Co-Chair

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 37(FSH)
 (H) Publish Date: 4/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Public Access to Fishing Streams RDU: Resource Development
 Component: Title Acquisition & Defense
 Sponsor: Rep. Gara
 Requester: (H) FSH Component No: 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	40.2	40.2	40.2	40.2	40.2	40.2
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	2.0	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	45.2	45.2	45.2	45.2	45.2	45.2

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	45.2	45.2	45.2	45.2	45.2	45.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	45.2	45.2	45.2	45.2	45.2	45.2

Estimate of any current year (FY2005) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires DNR, working with the Alaska Department of Fish and Game (ADF&G), to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase

Section 2 of the bill requires ADF&G to identify undeveloped land along popular fishing streams for possible acquisition. The bill identifies three areas where this process will look at first, but envisions an ongoing, statewide process. ADF&G then submits the list of parcels to DNR to acquire the land. This fiscal note does not include the actual cost to negotiate and appraise individual acquisitions, and does not include funding to pay the purchase price for acquisitions.

Prepared by: Bob Loeffler, Director Phone: 269-8625
 Division: Mining, Land & Water Date/Time: 3/18/2005
 Approved by: Tom Irwin, Commissioner Date: 3/18/2005
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 37(FIN)
 (H) Publish Date: 5/8/2005

Revision Date/Time (Note if correction): _____ Dept. Affected: DNR
 Title: Public Access to fishing Streams RDU: Resource Development
 Component: Title Acquisition & Defense
 Sponsor: Gara
 Requester: House Finance Committee Component No.: 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone 465-4945
 Division: _____ Date/Time: _____
 Approved by: Rep. Meyer, Co-Chair Date 5/8/2005
 Agency: Rep. Chenault, Co-Chair

FISCAL NOTE #2

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB 37(FSH)

ANALYSIS CONTINUATION

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of property owners, and other information about the parcels. ADF&G will submit a separate fiscal note for these costs.

Section 3 of the bill directs DNR to acquire the lands identified by ADF&G. This fiscal note only includes DNR's costs to conduct initial land title work, field inspections of parcels to be acquired, and preliminary discussions with the owners of parcels that the state desires to acquire.

After these preliminary discussions, DNR would then request appropriations from the legislature to fund work on each parcel or group of parcels, including costs for negotiation, appraisals, surveys, complete land title reviews, and purchase of the land. If the specific acquisitions are not funded, DNR would not be able to pursue the acquisitions further.

DNR's initial costs that are included in this Fiscal Note are:

PERSONAL SERVICES COST - \$40.2

Natural Resource Specialist (NRS) III and Land Appraiser II (range 18s) - total: 2 months @ \$6.0/month = \$12.0 - to discuss acquisitions with property owners and estimate costs associated with individual parcel acquisitions.

Natural Resource Specialist (NRS) I (range 14) - 6 months @ \$4.7/month = \$28.2 - to conduct initial land title, preliminary valuation, and other research for all parcels.

TRAVEL, CONTRACTUAL, SUPPLIES - total \$5.0 - includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, etc.

LONG TERM COSTS ASSOCIATED WITH ACTUAL ACQUISITIONS - Not included in Fiscal Note.

This fiscal note does not include the cost associated with negotiating the land purchase or exchanges, land appraisals, preparing and recording title documents, any necessary survey costs, and other related costs. DNR's experience with recent land acquisitions indicates that one NRS III position can negotiate and coordinate about four acquisitions per year. Some support staff time is also needed for document preparation, record keeping, additional title research, etc. Based on this, the estimated cost for each purchase is \$40.0 (\$25.0 for personal services and \$15.0 for contractual services including appraisal and environmental audit). Land exchanges are significantly more labor intensive, based on recent experience the cost for land exchanges is \$50.0 to \$100.0 per parcel.

Actual acquisition costs will vary by area and size of parcels. DNR estimates that parcels that provide access to Montana and Willow Creeks along the Parks Highway will cost about \$7,500 per acre for 5-10 acre parcels (\$37.5 - \$75.0 per parcel). Recent ADF&G purchases of parcels for access along the Anchor River and Deep Creek on the Kenai Peninsula were higher, averaging about \$100.0 per parcel.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 37(FSH)
 (H) Publish Date: 4/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Public Access to Fishing Streams RDU: Resource Development
 Component: Title Acquisition & Defense
 Sponsor: Rep. Gara
 Requester: (H) FSH Component No.: 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	40.2	40.2	40.2	40.2	40.2	40.2
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	2.0	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	45.2	45.2	45.2	45.2	45.2	45.2

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	45.2	45.2	45.2	45.2	45.2	45.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	45.2	45.2	45.2	45.2	45.2	45.2

Estimate of any current year (FY2005) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires DNR, working with the Alaska Department of Fish and Game (ADF&G), to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

Section 2 of the bill requires ADF&G to identify undeveloped land along popular fishing streams for possible acquisition. The bill identifies three areas where this process will look at first, but envisions an ongoing, statewide process. ADF&G then submits the list of parcels to DNR to acquire the land. This fiscal note does not include the actual cost to negotiate and appraise individual acquisitions, and does not include funding to pay the purchase price for acquisitions.

Prepared by: Bob Loeffler, Director Phone: 269-8625
 Division: Mining, Land & Water Date/Time: 3/18/2005
 Approved by: Tom Irwin, Commissioner Date: 3/18/2005
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 37(FSH)
 (H) Publish Date: 4/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: An act relating to public access RDU: Sport Fisheries
to fishing streams Component: Sport Fisheries
 Sponsor: Representative Gara
 Requester: House Special Committee on Fisheries Component No. 464

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires the Alaska Department of Fish and Game (ADF&G) to annually compile a list of land along fishing waterways where access to the waterways is impeded by private land ownership. In compiling this list, ADF&G is required to take public input and consider a number of conditions outlined in this bill. Once completed, ADF&G will submit this list to the Commissioner of the Department of Natural Resources for consideration. ADF&G is able to comply with the provisions in this legislation without additional funding and/or staff.

Prepared by: Sarah Gilbertson
 Division: Legislative Liaison
 Approved by: Acting Commissioner Wayne Regelin
 Agency: Alaska Department of Fish & Game

Phone 465-6137
 Date/Time 1/28/05 8:35 a.m.
 Date 1/28/2005