

26-LS1199E
Kane
2/5/10

CS FOR HOUSE BILL NO. 266()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES STOLTZE, KELLER, AND NEUMAN, Fairclough, Gatto

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for a priority for a fishery that is restricted to residents when fishing**
2 **restrictions are implemented to achieve an escapement goal."**

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

4 *** Section 1.** AS 16.05.251 is amended by adding a new subsection to read:

5 (j) Except as provided by AS 16.05.258, when the harvest of a stock or species
6 is limited to achieve an escapement goal, the Board of Fisheries shall place restrictions
7 on all other fisheries before restricting personal use fisheries. In this subsection,
8 "escapement goal" means the escapement, or annual estimated size, of the target stock
9 that provides the greatest potential for maximum sustained yield as established by the
10 board.

ALASKA STATE LEGISLATURE

Vice-Chair:
House Finance Committee

Member:
House Finance Subcommittees for:
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
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BILL STOLTZE**State Representative**

Representative_Bill_Stoltze@legis.state.ak.us

MEMORANDUM

TO: Tamara Cook
LAA-Legal Services

FROM: Bill Stoltze *BS*

DATE: March 16, 2007

SUBJECT: Draft Legislation

I am requesting blank sponsor legislation be drafted based upon the following:

"After providing for biological escapement goals the fisheries that are restricted to the residents of the State of Alaska only shall have a management priority over other fisheries."

The intent of the legislation is that in times of biological need all other fisheries, other than subsistence, are closed prior to fisheries that are limited to the residents of Alaska only.

If there are any questions, please call Ben Mulligan in my office at 6541.

Thank you,

Bill Stoltze
State Representative

give residents priority in fisheries if restrictions are implemented

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUKNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

WORK ORDER REQUEST FORM

W.O. 25-LS0774

KEYWORDS: FISH/GAME, FISHERIES
RESIDENCY
SUBSISTENCE

ASSIGNED: Kane

REQUEST FOR: New Bill

TAKEN BY: Barnes

SUBJECT: Alaskan Fishing Preference

REQUESTED FOR: REP STOLTZE

BY: Rep. Stoltze

PHONE: 465-4958

DELIVER TO: Rep. Stoltze; Cap. 501

INSTRUCTIONS:

Draft bill providing that in "times of biological need," all other fisheries (other than subsistence) close prior to fisheries that are limited to Alaska residents. See attached.

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

| | |
|---|---|
| REVIEWED <u>lr</u> <u>MA 3/19</u> | SPECIAL INSTRUCTIONS to TYPING/PROOFING <u>Sponsor blank (see sponsor memo)</u> <u>MEMO</u> <u>3/19</u> Request for DRAFT |
| IN <u>03/16/07</u> DUE _____ | |
| TYPED: DRAFT <u>2 (2) RB</u> DATE <u>3/19 3/19</u> | |
| FINAL _____ DATE _____ | |
| PROOFED <u>[initials]</u> DELIVERED <u>[initials]</u> | |

LEGAL SERVICES

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

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

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

MEMORANDUM

February 5, 2010

SUBJECT: Request for bill draft regarding fishing priorities
(Work Order No. 25-LS0774\A)

TO: Representative Bill Stoltze

FROM: Brian J. Kane *BJK*
Legislative Counsel

I drafted a bill for your office in 2007 during the first session of the 25th Alaska State Legislature regarding fishing priorities when restrictions are implemented to achieve a biological escapement goal. Your initial request asked for a bill providing that "in times of biological need," all other fisheries, except for subsistence fisheries, close prior to fisheries that are limited to Alaska residents. (See attached copy of request for W.O. 25-LS0774\A.)

Through the process of writing various versions of the bill in reaching a final bill draft, I misinterpreted an instruction from your office that led to the introduced bill placing subsistence fisheries incorrectly in order of priority -- not as the top priority as you directed in your original request.

Having been an attorney in this office for a little over a year at the time of this 2007 bill request, I was still finding my way with legal drafting and believe my inexperience at the time may have led in part to this misinterpretation by me. But that is no excuse, as I hold myself to high standards. I offer my sincere apology for the misunderstanding on my part that led to a bill that did not accomplish your intentions.

BJK:med

Attachments