

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

May 7, 2004

4:17 p.m.

TAPE(S) 04-51

MEMBERS PRESENT

Senator Scott Ogan, Chair
Senator Thomas Wagoner, Vice Chair
Senator Ralph Seekins
Senator Ben Stevens

MEMBERS ABSENT

Senator Fred Dyson
Senator Kim Elton
Senator Georgianna Lincoln

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 319(FIN) am
"An Act relating to the disposal of state land by lottery;
relating to the reservation of rights by the state in land
contracts and deeds; relating to the disposal, including sale or
lease, of remote recreational cabin sites; and providing for an
effective date."

MOVED SCS CSHB 319(RES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 309(JUD) am
"An Act relating to nonindigenous fish."

MOVED SCS CSHB 309(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 319

SHORT TITLE: REC.CABIN SITES/ LOTTERY SALE/RTS. RESERV

SPONSOR(S): REPRESENTATIVE(S) FATE

05/14/03	(H)	READ THE FIRST TIME - REFERRALS
05/14/03	(H)	STA, RES, FIN
01/13/04	(H)	STA AT 8:00 AM CAPITOL 102
01/13/04	(H)	Heard & Held
01/13/04	(H)	MINUTE(STA)

02/03/04 (H) STA AT 8:00 AM CAPITOL 102
02/03/04 (H) Heard & Held
02/03/04 (H) MINUTE(STA)
02/10/04 (H) STA AT 8:00 AM CAPITOL 102
02/10/04 (H) Heard & Held
02/10/04 (H) MINUTE(STA)
02/19/04 (H) STA AT 8:00 AM CAPITOL 102
02/19/04 (H) Moved CSHB 319(STA) Out of Committee
02/19/04 (H) MINUTE(STA)
02/23/04 (H) STA RPT CS(STA) 2DP 4NR 1AM
02/23/04 (H) DP: GRUENBERG, LYNN; NR: SEATON, HOLM,
02/23/04 (H) COGHILL, WEYHRAUCH; AM: BERKOWITZ
03/01/04 (H) RES AT 1:00 PM CAPITOL 124
03/01/04 (H) Heard & Held
03/01/04 (H) MINUTE(RES)
03/08/04 (H) RES AT 1:00 PM CAPITOL 124
03/08/04 (H) Moved CSHB 319(RES) Out of Committee
03/08/04 (H) MINUTE(RES)
03/09/04 (H) RES RPT CS(RES) NT 3DP 3NR
03/09/04 (H) DP: LYNN, STEPOVICH, WOLF; NR: GATTO,
03/09/04 (H) DAHLSTROM, MASEK
03/29/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/29/04 (H) Heard & Held
03/29/04 (H) MINUTE(FIN)
03/31/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/31/04 (H) Heard & Held
03/31/04 (H) MINUTE(FIN)
04/13/04 (H) FIN AT 3:00 PM HOUSE FINANCE 519
04/13/04 (H) Heard & Held
04/13/04 (H) MINUTE(FIN)
04/19/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/19/04 (H) Moved CSHB 319(FIN) Out of Committee
04/19/04 (H) MINUTE(FIN)
04/21/04 (H) FIN RPT CS(FIN) NT 4DP 3NR 1AM
04/21/04 (H) DP: CHENAULT, FATE, FOSTER, WILLIAMS;
04/21/04 (H) NR: MEYER, STOLTZE, HARRIS; AM: HAWKER
04/23/04 (H) TRANSMITTED TO (S)
04/23/04 (H) VERSION: CSHB 319(FIN) AM
04/26/04 (S) READ THE FIRST TIME - REFERRALS
04/26/04 (S) RES, FIN
05/03/04 (S) RES AT 3:30 PM BUTROVICH 205
05/03/04 (S) Heard & Held
05/03/04 (S) MINUTE(RES)
05/04/04 (S) RES AT 3:30 PM BUTROVICH 205
05/04/04 (S) Heard & Held
05/04/04 (S) MINUTE(RES)
05/07/04 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HB 309

SHORT TITLE: CRIMES: NONINDIGENOUS FISH; SENTENCING

SPONSOR(S): REPRESENTATIVE(S) WOLF

05/08/03 (H) READ THE FIRST TIME - REFERRALS
05/08/03 (H) FSH, RES
05/16/03 (H) FSH AT 7:30 AM CAPITOL 124
05/16/03 (H) Heard & Held
05/16/03 (H) MINUTE(FSH)
03/22/04 (H) FSH AT 9:00 AM CAPITOL 124
03/22/04 (H) Moved CSHB 309(FSH) Out of Committee
03/22/04 (H) MINUTE(FSH)
03/24/04 (H) FSH RPT CS(FSH) NT 3DP 2NR
03/24/04 (H) DP: GARA, WILSON, SEATON; NR: OGG,
03/24/04 (H) GUTTENBERG
03/31/04 (H) RES AT 1:00 PM CAPITOL 124
03/31/04 (H) Heard & Held
03/31/04 (H) MINUTE(RES)
04/01/04 (H) JUD REFERRAL ADDED AFTER RES
04/05/04 (H) RES AT 1:00 PM CAPITOL 124
04/05/04 (H) Heard & Held
04/05/04 (H) MINUTE(RES)
04/07/04 (H) RES AT 1:00 PM CAPITOL 124
04/07/04 (H) Moved CSHB 309(RES) Out of Committee
04/07/04 (H) MINUTE(RES)
04/08/04 (H) RES RPT CS(RES) NT 1DP 3NR 5AM
04/08/04 (H) DP: WOLF; NR: LYNN, GUTTENBERG,
04/08/04 (H) DAHLSTROM; AM: HEINZE, STEPOVICH,
04/08/04 (H) GATTO, KERTTULA, MASEK
04/16/04 (H) JUD AT 1:00 PM CAPITOL 120
04/16/04 (H) Heard & Held Assigned to Subcmte
04/16/04 (H) MINUTE(JUD)
04/21/04 (H) JUD AT 1:00 PM CAPITOL 120
04/21/04 (H) Moved CSHB 309(JUD) Out of Committee
04/21/04 (H) MINUTE(JUD)
04/22/04 (H) JUD RPT CS(JUD) NT 4DP 1NR 1AM
04/22/04 (H) DP: SAMUELS, GARA, OGG, MCGUIRE;
04/22/04 (H) NR: GRUENBERG; AM: HOLM
04/27/04 (H) TRANSMITTED TO (S)
04/27/04 (H) VERSION: CSHB 309(JUD) AM
04/28/04 (S) READ THE FIRST TIME - REFERRALS
04/28/04 (S) STA, RES
05/01/04 (S) STA AT 0:00 AM BELTZ 211
05/01/04 (S) Moved CSHB 309(JUD) am Out of Committee
05/01/04 (S) MINUTE(STA)
05/02/04 (S) STA RPT 4NR

05/02/04 (S) NR: STEVENS G, COWDERY, STEDMAN, GUESS
05/06/04 (S) RES AT 3:30 PM BUTROVICH 205
05/06/04 (S) Scheduled But Not Heard
05/07/04 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

Mr. Jim Pound
Staff to Representative Hugh Fate
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 319 for the sponsor.

Mr. Dick Mylius, Deputy Director
Division of Mining, Land and Water
Department of Natural Resources
400 Willoughby Ave.
Juneau, AK 99801-1724

POSITION STATEMENT: Commented on HB 319.

Mr. Neal DuPerron
Staff to Representative Kelly Wolf
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 309 for the sponsor.

Ms. Sarah Gilbertson, Legislative Liaison
Department of Fish & Game
PO Box 25526
Juneau, AK 99802-5226

POSITION STATEMENT: Commented on HB 309.

ACTION NARRATIVE

TAPE 04-51, SIDE A

^#HB319

CSHB 319(FIN) am -REC.CABIN SITES/ LOTTERY SALE/RTS. RESERV

CHAIR SCOTT OGAN called the Senate Resources Standing Committee meeting to order at 4:17 p.m. Present were Senators Wagoner, Ben Stevens, Seekins and Chair Scott Ogan. The first order of business to come before the committee was CSHB 319 (FIN) am.

CHAIR OGAN moved Amendment 1.

23-LS0477\XA.3

A M E N D M E N T 1

OFFERED IN THE SENATE

BY SENATOR OGAN

TO: CSHB 319(FIN) am

Page 3, line 4:

Delete "entry"

Insert "lease issuance, unless an extension is found necessary by the commissioner"

Page 3, line 14:

Delete "in regulations"

Page 3, lines 24 - 27:

Delete all material and insert:

"(f) A resident may nominate a parcel for disposal under this section. The commissioner shall review the nomination and may

(1) offer the nominated parcel for sale;

(2) offer additional parcels within the surrounding area for sale; or

(3) find that the parcel or area is not appropriate for disposal."

Page 3, line 28, following "acres":

Insert "unless the commissioner determines that a larger site is necessary to comply with municipal ordinances, because of the unique physical and natural characteristics of the area, or to increase the return to the state from the sale of the parcel"

Page 4, line 3:

Delete ", in the public interest,"

Page 4, line 4:

Delete "adopts a regulation indicating"

Insert "finds that"

Page 4, line 5, following "frontage":

Insert "is in the public interest"

Page 4, line 20:

Delete "AS 38.05.600(f)"

Insert "AS 38.05.600(g)"

SENATOR SEEKINS objected.

CHAIR OGAN explained that this amendment addresses his concern that nominated parcels might affect areas that are heavily used by the public like fishing holes and favorite camp sites - outside of the best interest finding.

SENATOR SEEKINS withdrew his objection.

MR. JIM POUND, staff to Representative Hugh Fate, sponsor, said the fiscal note should be lowered with Amendment 1.

CHAIR OGAN indicated that the new fiscal note indeed would be significantly lower.

MR. DICK MYLIUS, Deputy Director, Division of Mining, Land and Water, Department of Natural Resources (DNR), said that he anticipated the first year would cost around \$69,000 and then go up to pay for additional survey staff.

SENATOR WAGONER moved to pass SCS CSHB 319(RES) from committee with individual recommendations and attached fiscal notes as amended. There were no objections and it was so ordered.

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^#HB309

CSHB 309(JUD) am-CRIMES: NONINDIGENOUS FISH; SENTENCING

CHAIR OGAN announced CSHB 309(JUD) am to be up for consideration.

MR. NEAL DUPERRON, staff to Representative Kelly Wolf, sponsor, explained that CSHB 309(JUD) am says that a person may not knowingly release, transport, possess, export or import for purposes of release into the state waters live indigenous fish or live fertilized eggs from non-indigenous fish unless permitted by AS 16.05 or AS 16.04 or under regulations adopted under AS 16.05 - AS 16.40.

SENATOR WAGONER moved Amendment 1.

23-LS1097\BA.1
Utermohle
1/13/05

A M E N D M E N T 1

OFFERED IN THE SENATE
TO: CSHB 309(JUD) am

BY SENATOR WAGONER

Page 1, line 6:

Delete "(1)"

Delete "generally accepted practices associated with"

Page 1, lines 8 - 9:

Delete "; and

(2) the state enforce this Act with due regard for private property"

Insert "and do not cause significant harm to the continued perpetuation of native, wild, or hatchery stocks of fish"

Page 2, following line 7:

Insert a new subsection to read:

"(d) In addition to the penalty imposed under (c) of this section, a person who is convicted of violating this section may be ordered by the court to pay restitution, up to a maximum of \$10,000, to the state to cover the costs of damages to fishery resources of the state and of removing the introduced fish species from the water of the state."

Reletter the following subsection accordingly.

SENATOR WAGONER moved to amend Amendment 1 [Amendment 1(a)] on line 14 to delete "up to a maximum of \$10,000" and to correct the punctuation.

CHAIR OGAN objected for discussion purposes.

SENATOR WAGONER replied that the restitution could cost a whole lot more than \$10,000.

MS. SARAH GILBERTSON, Legislative Liaison, Alaska Department of Fish and Game (ADF&G), explained that with the deletion of that language the discretion of the courts is maintained where currently, restitution is sought under the general criminal code.

CHAIR OGAN said that the legislature sets limits like that all the time and this could certainly impoverish someone.

SENATOR WAGONER quipped that if someone were impoverished, the word would get around quicker. "It's a travesty to allow private parties to get away with something like this.... I agree this is a good bill."

CHAIR OGAN removed his objection to Amendment 1 and Amendment 1(a).

SENATOR WAGONER moved to pass SCS CSHB 309(RES) from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered. There being no further business to come before the committee, Chair Ogan adjourned the meeting at 4:30 p.m.

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