

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 29, 2016

10:04 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Neal Foster
Representative Bob Herron
Representative Charisse Millett
Representative Jonathan Kreiss-Tomkins
Representative Dan Ortiz

MEMBERS ABSENT

Representative Craig Johnson

COMMITTEE CALENDAR

CONFIRMATION(S): ALASKA BOARD OF FISHERIES (BOF)

Alan Cain - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 241

"An Act relating to the nonresident surcharge for commercial fishing permits."

- MOVED HB 241 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 241

SHORT TITLE: NONRESIDENT SURCHARGE COMMERCIAL FISHING

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/19/16	(H)	PREFILE RELEASED 1/15/16
01/19/16	(H)	READ THE FIRST TIME - REFERRALS
01/19/16	(H)	FSH, FIN
03/17/16	(H)	FSH AT 10:00 AM GRUENBERG 120
03/17/16	(H)	Heard & Held
03/17/16	(H)	MINUTE (FSH)
03/29/16	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

ALAN CAIN, Appointee
Alaska Board of Fisheries (BOF)
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Board of Fisheries (BOF).

GRACE ABBOTT, Staff
Representative Charisse Millett
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 241, on behalf of Representative Millett, prime sponsor.

BENJAMIN BROWN, Commissioner
Commercial Fisheries Entry Commission (CFEC)
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing of HB 241.

KEVIN BROOKS, Deputy Commissioner
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 241.

ACTION NARRATIVE

[10:04:17 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:04 a.m. Representatives Stutes, Ortiz, Heron, and Kreiss Tompkins were present at the call to order. Representatives Millett and Foster arrived as the meeting was in progress.

CONFIRMATION(S): **ALASKA BOARD OF FISHERIES (BOF)**

[10:05:15 AM](#)

CHAIR STUTES announced that the first order of business would be appointment(s) to the Alaska Board of Fisheries (BOF).

CHAIR STUTES advised the committee that signing the reports regarding the appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[10:05:30 AM](#)

ALAN CAIN, Appointee, Alaska Board of Fisheries (BOF), stated a brief biography that included 40 years of experience directly performing or supporting enforcement and protection of fish and game resources in Alaska. Additionally, he said that for fifteen years he has attended all statewide BOF meetings, through entire cycles, occupying a seat at the table as the board enforcement advisor. Regarding his philosophy, he said his first and abiding concern is for the health and sustainability of Alaska's fisheries and shellfish populations; the needs of the people of the state are of equal concern. Throughout his career he has had the opportunity to visit subsistence fish camps, been aboard harvesting vessels, and participated in fishing across the state, using a variety of gear types, gaining a wide spectrum of experience.

[10:07:28 AM](#)

REPRESENTATIVE HERRON asked if he is a current contractor to the BOF.

MR. CAIN responded, "No;" however, he said he does have a contract with ADF&G to provide enforcement advice and training.

REPRESENTATIVE HERRON inquired whether he is a retired state employee.

MR. CAIN answered, "Yes."

[10:09:12 AM](#)

REPRESENTATIVE ORTIZ asked what challenges the appointee expects to be met with upon taking his seat on the board.

MR. CAIN replied that sustainable harvest allocations are a passionate area that must be addressed on an ongoing basis. He predicted this to be the toughest challenge.

REPRESENTATIVE ORTIZ asked for an opinion on how well the board has fulfilled that mission in the past.

MR. CAIN deemed that the process used is fair, and the manner in which the BOF has handled sustainable harvest allocations has been impressive.

[10:12:27 AM](#)

CHAIR STUTES asked whether he has commercially fished.

MR. CAIN responded that as a teenager he worked on a purse seiner for two seasons, as well as on a crabber in the Bering Sea. He said he has also participated, to some degree, in nearly every type of fishery.

[10:13:55 AM](#)

REPRESENTATIVE HERRON asked whether he has had occasion to attend any BOF meetings since his appointment.

MR. CAIN said, "No."

REPRESENTATIVE HERRON stressed that sitting on the board versus in the gallery is a very different experience.

[10:15:35 AM](#)

CHAIR STUTES opened public testimony. Seeing no respondents she then closed public testimony.

[10:15:59 AM](#)

REPRESENTATIVE HERRON moved to advance the confirmation of Alan Cain, appointee to the Alaska Board of Fisheries (BOF), to a joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

[10:16:27 AM](#)

The committee took an at-ease from 10:16 a.m. to 10:18 a.m.

HB 241-NONRESIDENT SURCHARGE COMMERCIAL FISHING

[10:18:18 AM](#)

CHAIR STUTES announced that the final order of business would be HOUSE BILL NO. 241, "An Act relating to the nonresident surcharge for commercial fishing permits."

[10:18:48 AM](#)

GRACE ABBOTT, Staff, Representative Charisse Millett, Alaska State Legislature, focused on the outstanding questions, from the previous hearings on HB 241, regarding establishment of residency and use of the permanent fund dividend (PFD) resident determination criteria, as an interface program. The bill limits the definition of residency to the PFD statutes related to residency; AS 43.23.005 subsection (2)-(7), which read:

Sec. 43.23.005. Eligibility.

(a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual

(1) applies to the department;

(2) is a state resident on the date of application;

(3) was a state resident during the entire qualifying year;

(4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;

(5) is

(A) a citizen of the United States;

(B) an alien lawfully admitted for permanent residence in the United States;

(C) an alien with refugee status under federal law; or

(D) an alien that has been granted asylum under federal law;

(6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and

(7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

[10:21:52 AM](#)

REPRESENTATIVE MILLETT noted that amendments to the bill, discussed at the previous hearing, are no longer considered

necessary through the use of the broad language contained in this section of statutes.

[10:22:59 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked what sort of enforcement actions the commission has taken against anyone in violation of the current residency requirements. Also, he queried how the duties for establishing the residency information interface, employing the PFD statutes, will be organized and handled within the department.

[10:23:58 AM](#)

BENJAMIN BROWN, Commissioner, Commercial Fisheries Entry Commission (CFEC), Alaska Department of Fish & Game (ADF&G), directed attention to the four page memo, to himself, from Frank Glass, Adjudications Project Leader, CFEC, dated March 25, 2016, which reviews the residency concerns, provides background information, addresses administrative costs for investigation and enforcement, and includes recommendations and conclusions. He pointed out that applicants must sign the completed form, under penalty of perjury, which includes ticking the box indicating Alaskan residency. The penalty of perjury in this situation is referred to as unsworn falsification. With the passage of HB 241, the application form would be revised to contain the stricter signed testament for being an Alaskan resident as defined under the PFD requirements. He reported that there have been charges brought, when people claim false residency.

[10:26:30 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked for a historic sense of scale regarding the number of false claims.

MR. BROWN said there are not many offenders, and estimated less than 100. The process operates on an honor system, and staff do not work as investigators seeking out violations, but will act on direct reports.

REPRESENTATIVE KREISS-TOMKINS asked about the organization aspect for implementing the administrative interface between the cooperating agencies.

[10:27:26 AM](#)

KEVIN BROOKS, Deputy Commissioner, Alaska Department of Fish & Game (ADF&G), said the administration would be conducted in a "business as usual" manner, as many functions are similar. Violators are not actively pursued, but ADF&G works closely with enforcement agencies.

[10:28:31 AM](#)

REPRESENTATIVE ORTIZ inquired whether passage of HB 241 will enhance the levels of residency verifications and be an improvement to the situation.

MR. BROWN conjectured that the bill will raise the bar and may result in a truer assessment of non-resident surcharges.

[10:29:47 AM](#)

REPRESENTATIVE HERRON asked what the collateral benefit is to a permit holder, in not paying the surcharge.

MR. BROWN responded that the surcharge is only \$215.00, and many fishermen may not want to be bothered with the paperwork, preferring instead to pay the fee.

[10:31:07 AM](#)

CHAIR STUTES opened public testimony. Seeing no respondents she then closed public testimony.

[10:31:45 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to report HB 241 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 241 was reported from the House Special Committee on Fisheries.

CHAIR STUTES thanked the participants and announced the next meeting.

[10:32:17 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:32 a.m.