

HB

1

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

1/24/79

Date: 3/18/80

Mr. Speaker:

The Committee on RESOURCES has had HB 1

"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 1 same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without ^{individual} recommendations
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Rich Martin

W. L. ...

James R. ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Frank E. ... DO NOT PASS

Alvin ... DO NOT PASS

John ... DO NOT PASS

Devin ...
CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

April 7, 1980

SUBJECT: Salmon seine vessels
CSHB 1

TO: Representative Charles H. Parr

FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

You have asked for an opinion relating to any constitutional questions which may arise under CSHB 1 (relating to the maximum length of salmon seine vessels). This bill amends the existing statute which places a maximum length on salmon seine vessels in the state of 58 feet overall length and 50 feet official Coast Guard register length. The amendment in the bill would provide that this limitation does not apply to salmon seine vessels in southeastern Alaska.

Since this bill, on its face, treats one area of the state differently from other areas, it raises questions relating to Article II, sec. 19, Constitution of the State of Alaska. That constitutional section provides in part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

Essentially, an act challenged as local or special is analyzed in the same manner as an act challenged as violative of equal protection. Abrams v. State, 534 P.2d 91 (1975); State v. Lewis, 559 P.2d 630 (1977). However, there is one significant difference between the local legislation analysis and the equal protection analysis. Under the equal protection analysis, the act must fairly and substantially relate to a legitimate state interest or concern. Under the local legislation analysis, the interest or concern is, at least in part, determined to be "legitimate" only if it is

April 7, 1980

statewide in nature. That is, even though the act may treat certain areas of the state differently from other areas, it is not local or special if it fairly and substantially relates to a matter of statewide concern or interest. Thus, in Abrams, the court found the incorporation of the Eagle River-Chugiak Borough to be a matter which is not of statewide interest or concern and found the legislation authorizing the formation of that borough to be local legislation. On the other hand, in Lewis, the court found the capital move to be a matter of statewide concern, and legislation which fairly and substantially related to the capital move was not found to be local or special legislation.

The first question in this bill, then, is whether the length of salmon seine vessels in southeastern Alaska is a matter of statewide concern or interest. I think it probably is not. Perhaps it is conceivable that this bill is somehow related to boating safety, which would be a matter of statewide concern; however, nothing in the bill indicates this is the concern being addressed or, if it is, how it is fairly and substantially related to that concern.

Assuming that the length of salmon seine vessels in southeastern Alaska is not a matter of statewide concern, the next question is whether a general act can be made applicable to the problem being addressed. There is in existence in Alaska a board of fisheries with powers to regulate the means used for harvesting fish in the waters of the state. If there were no maximum length of salmon seine vessels in the statutes, the board of fisheries would probably have the authority to fix a maximum length under the powers it currently possesses; however, to resolve any doubt, a general act could be passed expressly giving the board that authority. If considerations of safety necessitate a maximum length or lack of a maximum length, the general act authorizing the board to establish maximum lengths could list those considerations as criteria for the board to follow. Alternatively, a new statute prescribing maximum lengths of vessels in various areas of the state might be fashioned using the same kinds of criteria, or other criteria which establish a fair and substantial relationship between the legislation and a legitimate state interest could be used.

In summary, I believe the bill in its present form poses significant problems under the local legislation prohibition in the state Constitution.

KEV:ljb

Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES
POUCH V • JUNEAU, ALASKA 99811

March 18, 1980

LETTER OF INTENT FOR CSHB 1
BY THE
HOUSE RESOURCES COMMITTEE

In passing CSHB 1, it is the intent of the House Resources Committee to return to the Board of Fisheries, the responsibility for determining legal maximum lengths for salmon seine vessels in Southeast Alaska by regulation. The Committee in no way implies through this action any intent to direct the Board of Fisheries to raise or lower the present 58 foot length limit.

A handwritten signature in cursive script that reads "Alvin Osterback".

Alvin Osterback, Chairman

CO-CHAIRMEN

REP. ALVIN OSTERBACK (465-3715) • REP. BILL MILES (465-3779)

VICE-CHAIRMAN

REP. FRED ZHAROFF

REP. PAT CARNEY • REP. C.V. "CHAT" CHATTERTON • REP. SAM COTTEN
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD



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Alvin Osterback, Chairman

CO-CHAIRMEN

REP. ALVIN OSTERBACK (465-9719) • REP. BILL MILES (465-3779)

VICE-CHAIRMAN

REP. FRED ZHAROFF

REP. PAT CARNEY • REP. C.V. "CHAT" CHATTERTON • REP. SAM COTTEN
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD

Mary

*Comm
Hemm
Judy
File: 16e*

January 14, 1980

Jin Edens, Bottomfish Coordinator
Office of the Governor

Lynn
Lynn Pistoll, Labor Economist
Research & Analysis

Status of Preliminary Results
Status of Preliminary Results
of Fishermen's Survey

The fishermen's survey is now closed, all of the data has been entered into the computer, and first run cross-tabulations are complete. Of the 4,000 questionnaires mailed, over 1,500 were returned, constituting a 38 percent return and representing 10 percent of all vessel license holders.

Who Responded?

Indicators of who responded to the questionnaire can be derived by looking at fishing experience, the area that fishermen spent the most time fishing, the species caught and the size of fishermen's vessels. Fishermen indicated the following areas as the area they spent the most time fishing:

Southeast Alaska	28.4%	
Prince William Sound	8.2%	
Cook Inlet	13.8%	
Kodiak	8.0%	
Chignik	1.1%	
South Alaska Peninsula	1.2%	
North Alaska Peninsula	.2%	
Bristol Bay	11.0%	
Arctic-Yukon-Kuskokwin	12.4%	(High return by Alaska Natives in this region)
Aleutian Islands West	.4%	
Aleutian Islands East	.7%	
Bering Sea	2.1%	
No Response	11.9%	

Vessel size distribution looked like this:

29 ft. or less	31.7%	<i>2.9</i>
30-39 ft.	27.5%	<i>2.7</i>
40-49 ft.	9.2%	<i>9.2%</i>
50-89 ft.	7.4%	<i>7.4%</i>
90 ft. or larger	2.3%	<i>2.3%</i>
No Response	21.6%	<i>21.6</i>

Fishing experience looked like this:

3 yrs. or less	14.0%
4-10 yrs.	27.3%
11-20 yrs.	24.2%
21-40 yrs.	18.8%
41 yrs or more	3.8%
No Response	11.6%

Species caught:

Halibut	14.4%
Herring	7.2%
Crab	5.4%
Shrimp	2.1%
Salmon	38.6%
Bait	1.2%
Blackcod	1.7%
Gray Cod	1.3%
Bottomfish, other	1.5%
Other	.9%
No Response	25.2%

The above data appears to represent many fishermen with a variety of vessels and fishing experience.

Highlights:

- 50% said they intend to bottomfish
41.7% said they don't intend to bottomfish
6.2% said maybe
1.8% did not respond to this question
- of those who intend to bottomfish 70.9% hope to start before or by 1982.
- With respect to information on bottomfish that fishermen who are intending to bottomfish would like to see covered in workshops or demonstration projects, the distribution looked like this:

Gear	71.5%
Vessels	39.4%
Financing	62.8%
Marketing	64.7%
Fish Handling Techniques	59.2%
Resource Location	57.3%
None	1.3%
Other	5.1%

Note that gear, marketing, and financing are respectively the three most important, however, information needs on fish handling techniques

and resource location are also rated very high.

- The distribution for circumstances that have kept fishermen from bottomfishing looked like this:

Financing for refit or purchase of new vessel	39.4%
Location & quantity of fish stocks	15.9%
Price of fish	23.1%
Fishing Techniques	13.4%
Climate Conditions	4.0%
Level of risk	10.4%
Market for fish	31.7%
Other	10.6%
None	14.6%

Note that financing, market for fish, and price were the three most important.

- 39.7% plan to refit their vessels
- 55.5% plan to buy new ones

- In Favor of Joint Ventures?

	<u>For All Fishermen</u>	<u>For those who intend to bottomfish</u>
Yes	43.7%	51.6%
No	36.1%	37.2%
Not Sure	1.6%	2.6%
No Response	18.4%	8.3%

This shows that fishermen are generally in favor of joint venture arrangements with foreign processors.

- Fishermen were most interested in catching:

Black Cod	21.8%
Gray Cod	16.8%
Flounder	9.3%
Pollock	7.7%

- Fishermen are most interested in using:

Longlining	32.0%
Trawling	14.3%
Potting	11.3%
Jigging	8.5%

- Fishermen who intend to bottomfish said they are interested in fishing the following areas:

Southeast Alaska	23.7%
Prince William Sound	16.6%
Cook Inlet	7.7%
Kodiak	14.9%

Chignik	2.2%
South Alaska Peninsula	3.0%
North Alaska Peninsula	1.7%
Bristol Bay	3.0%
Arctic-Yukon-Kuskokwim	1.9%
West Aleutian Islands	.8%
East Aleutian Islands	1.8%
Bering Sea	4.7%
Not Sure	.6%
No Response	16.7%

Southeast Alaska (23.7%), West of Kodiak (17.2%), Prince William Sound (16.6%), and Kodiak (14.9%) attract the most interest as areas for bottomfish.

I've tried to include enough information in this memo to help you with current bottomfish issues. More information with analysis and recommendations will be available in our final report.

If you need further clarification of these numbers give me a call at 465-4513. I've also included a few draft pages of fishermen's comments which I feel are as important as the numbers for developing a good perspective of fishermen's attitudes, opinions, and experiences with regard to bottomfisheries development.

Attachment

cc: Dave Alison
 John E. Post
 LPinw

Editor's note. — The repealed section derived from § 27, art. I, ch. 94, SLA 1959.

Sec. 16.05.831. Waste of salmon. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of salmon which are to be

- (1) sold to a commercial buyer or processor;
- (2) utilized for consumption by humans or domesticated animals; or
- (3) utilized for scientific, educational, or display purposes.

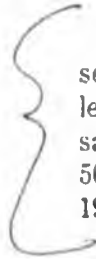
(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted. (§ 3 ch 89 SLA 1975; § 3 ch 99 SLA 1975)

Editor's note. — This section is set out as it appears in ch. 99, SLA 1975. Chapters 89 and 99, SLA 1975, are virtually identical except that ch. 99 contains a § 5, providing for an effective date of the act.

Section 1, chs. 89 and 99, SLA 1975, provides, in subsection (b): "It is the intent of sec. 3 of this Act to control the waste of salmon resources."

HBI



Sec. 16.05.835. Maximum length of salmon seine vessels. No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. (§ 1 ch 252 SLA 1970)

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art I ch 94 SLA 1959)

Sec. 16.05.850. Hatchery required. If a fishway over a dam or obstruction is considered impracticable by the commissioner because of cost, the owner of the dam or obstruction, in order to compensate for the loss resulting from the dam or obstruction shall, at his option: (1)



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

April 18, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

The Judiciary Committee finds that it is appropriate and necessary to amend AS 16.05.835 to allow vessels longer than 50 foot keel length to participate in the salmon seine fishery in certain areas of Alaska. The testimony to the Committee revealed that the many separate salmon seine fisheries in the state have developed differently, based on unique geographic conditions of land and water in each area.

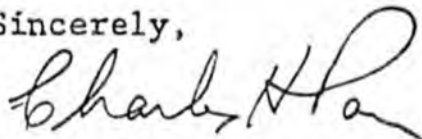
Although the limit to a length of 50 foot keel and 58 foot overall applies to the entire state, it is mainly in the Southeastern area that the salmon seine fishery is arbitrarily limited by length. The result of such an arbitrary limit has been to force the construction of vessels which are of questionable seaworthy design and may in fact be unsafe. In the design of a vessel there is a preferred length-to-width ratio for maximum safety and seaworthiness, fuel efficiency, and functional use. The arbitrary length limit has forced an increase in width of the vessel in order to meet the functional needs.

Removal of the length limit would allow construction of vessels in a safer and more efficient manner. The safety would be enhanced by vessels having a better length-to-width ratio. They would not have to be short and stubby; the efficiency in fuel consumption would be greatly increased. Most of the present vessels require an enormous amount of power due to their design -- with a short, but wide, hull. By increasing the length of many present vessels, they could use the same engine but would increase their speed by 10 to 20 percent. In these days of high energy costs and the need to conserve energy, it is important to not arbitrarily impose a condition forcing the needless waste of fuel.

April 18, 1980

It is also in the interest of the state to encourage expansion of Alaska fisheries into groundfishing in the 200 mile limit Fishery Conservation and Management Zone. Groundfishing is based in the offshore regions in the Gulf of Alaska and the Bering Sea. The fish are of low value, thus requiring the handling of large volumes. The fishery requires a vessel longer than a 50 foot keel length for safety as well as for efficiency. By removing the limit, the fishermen will be able to participate in both the salmon seine fishery and the groundfishery with the same vessel, in a safe and efficient manner. Due to the means by which the various salmon seine fisheries have developed throughout the state, the design of vessels in areas other than Southeast Alaska is not presently affected by the limit. Thus, the Committee finds that it is in the best interests of the state to remove the limit on the length of salmon seine vessels for the Southeast area.

Sincerely,



Charles H. Parr
Chairman

CHP:vc

PROPOSED COMMITTEE REPORT: HB 1 HOUSE JUDICIARY

The committee finds that it is appropriate and necessary to amend AS 16.05.835 to allow vessels longer than 50 feet keel length to participate in the salmon seine fishery in certain areas of Alaska. The testimony to the committee revealed that the many separate salmon seine fisheries in the state have developed differently, based on unique geographic conditions of land and water in each area.

Although the limit to a length of 50 foot keel and 58 foot overall applies to the entire state it is mainly the Southeastern area that the salmon seine fishery is arbitrarily limited by length. The result of such an arbitrary limit has been to force the construction of vessels which are of questionable seaworthy design and may in fact be unsafe. In the design of a vessel there is a preferred length to width ratio for maximum safety and seaworthiness, fuel efficiency, and functional use. The arbitrary length limit has forced an increase in width of the vessel in order to meet the functional needs.

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Alaska Native Brotherhood

Camp Number 2

510 West Willoughby Avenue

Juneau, Alaska 99801

March 20, 1980

The Honorable Charles H. Parr
House of Representatives
Pouch V - M.S. 3301
Juneau, Alaska 99811

Dear Mr. Parr:

The Judiciary Committee has before it, CS for House Bill No. 784, "an Act Relating to the Maximum Length of Salmon Net Vessels", and House Bill No. 1 by Eliason.

As we stated to Resources Committee, the Alaska Native Brotherhood has consistently opposed any bill that would lift the maximum limit. That is our position now. We do so far have a number of reasons:

1. If the maximum limit were lifted, it is our feeling that the seine vessels larger than 50' would enter the Southeast waters from Puget Sound (Washington State);
2. If the limit is raised, the value of those vessels in the Southeast that are less than 50' would drop and create problems for insurability;
3. If the limit is raised, we feel the threat of HB 791 (Gardiner) which would legalize drum seiners might be passed into law, and, which we strongly oppose as well. We have had experience with drum seine vessels prior to Statehood and we are opposed;
4. If we deluged with larger vessels, or if larger vessels are legalized, then the value of the Salmon Seine Limited Entry Permits would increase substantially -- to the point of tempting our permit holders with selling the permits. In years of poor returns of salmon, it is very difficult to turn down \$100,000 or more, when family needs dictate your actions;

Hon. Charles H. Parr
Re: HB 1

March 20, 1980

-2-

5. If the size limit goes up, there are few, if any, on shore facilities such as dry docks, moorage facilities, engine parts that could accommodate a larger vessel fleet;

6. With a larger vessel, it requires a stronger main engine -- thereby using more fuel and the fuel tanks would be more than the present 50' vessels. This would diminish available fuel reserves that are already not capable to handle a full fleet of over 450 vessels. The smaller vessels would have a difficult time obtaining necessary fuel;

7. If HB 1 and HB 791 are enacted, boat loans to renovate existent vessels to drum seiners are virtually an impossibility either on the federal, state or local levels. Presently, loans to acquire new vessels are nearly an impossibility in the eyes of financiers.

It is our opinion that there are more reasons to reject passage of HB 1 than there are to act favorably on it. If indeed the intent is to pass HB 1, then HB 791, gives all the more reason to turn down HB 1.

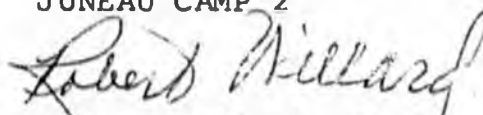
It has been suggested that with the developing bottom fishery, that HB 1 should now be enacted. We disagree. There are no on shore facilities to handle a large influx of bottom fishing vessels. At a time that there is adequate processing facilities, then, we may approach the Alaska Board of Fisheries to lift the limit. It is our understanding the present State law rests the decision to the Board of Fisheries.

Until all of our concerns above enumerated are resolved, we will continue to oppose HB 1 - or any bill that would lift the maximum size limit for Salmon seine vessels.

We thought you should be made aware of our position. We are authorized to speak for and on behalf of all ANB Camps which include, Yakutat, Hoonah, Pelican, Haines, Klukwan, Juneau, Angoon, Tenakee, Sitka, Kake, Petersburg, Wrangell, Craig, Klawock, Hydaburg, Kasaan, Ketchikan, Saxman, Anchorage, Tyonek, Seattle, Wash. and Copper Center.

Respectfully Submitted,

ALASKA NATIVE BROTHERHOOD
JUNEAU CAMP 2



Robert Willard, Chairman
Legislative Affairs Committee

RW:in

STATE OF ALASKA
THE LEGISLATURE

17814
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 7, 1980

SUBJECT: Salmon seine vessels
CSHB 1

TO: Representative Charles H. Parr

FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

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In summary, I believe the bill in its present form poses significant problems under the local legislation prohibition in the state Constitution.

KEV:ljb

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**Local or
Special Acts**

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

**Suits Against
the State**

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

THE EXECUTIVE

**Executive
Power**

SECTION 1. The executive power of the State is vested in the governor.

**Governor:
Qualifications**

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill Resolution No. CSHR 1
 Title An Act relating to maximum length of salmon seine vessels; E.D.
 Requested by House Judiciary Committee Date 4-15-80

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Natural Resource Management
 BRU, Program, or Subprogram(s) Affected Commercial Fisheries Division
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill has no fiscal impact on the Department of Fish and Game.

IV. DATE April 15, 1980 PREPARED BY Russell H. Clark
 AGENCY Department of Fish and Game
 PHONE 465-4120

Original: Legislative Finance
 cc: Budget and Management
~~Prime Sponsor (First Legislator Named)~~ *House Judiciary Cte.*
 Office of the Governor-Keith Specking
 33-001 (Rev. 12/79)

Editor's note. — The repealed section derived from § 27, art. I, ch. 94, SLA 1959.

Sec. 16.05.831. Waste of salmon. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of salmon which are to be

- (1) sold to a commercial buyer or processor;
- (2) utilized for consumption by humans or domesticated animals; or
- (3) utilized for scientific, educational, or display purposes.

(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted. (§ 3 ch 89 SLA 1975; § 3 ch 99 SLA 1975)

Editor's note. — This section is set out as it appears in ch. 99, SLA 1975. Chapters 89 and 99, SLA 1975, are virtually identical except that ch. 99 contains a § 5, providing for an effective date of the act.

Section 1, chs. 89 and 99, SLA 1975, provides, in subsection (b): "It is the intent of sec. 3 of this Act to control the waste of salmon resources."

Sec. 16.05.835. Maximum length of salmon seine vessels. No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. (§ 1 ch 252 SLA 1970)

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art I ch 94 SLA 1959)

Sec. 16.05.850. Hatchery required. If a fishway over a dam or obstruction is considered impracticable by the commissioner because of cost, the owner of the dam or obstruction, in order to compensate for the loss resulting from the dam or obstruction shall, at his option: (1)