

HB

404

DEPARTMENT OF PUBLIC SAFETY

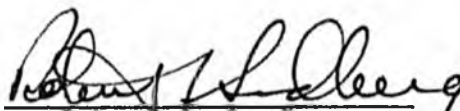
POSITION PAPER - HB 404

Neutral

January 16, 1984

HB 404, An Act Amending Portions of the Fish and Game Code.

The Department is neutral on this piece of legislation. The bill primarily proposes to make administrative changes that are expected to have little or no program effects on the Department's operation.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: January 11, 1984

REQUEST

Bill/Resolution No.: SSHB 404  
Title: Miscellaneous amendments to AS 16: Fish and Game

Sponsor: Governor Sheffield  
Requestor: House Resources Comm.  
Date of Request: January 11, 1984

FISCAL DETAIL

Agency Affected: Fish and Game  
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume Phone: 465-4120  
Division: Administration Date: January 11, 1984

Approved by Commissioner: Oliver Peterson Date: 1-11-84  
Agency: Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 404  
Title: Misc. amendments to Fish & Game Code.  
Sponsor: Rules  
Requestor: Resources  
Date of Request: 1-18-84

FISCAL DETAIL

Agency Affected: Public Safety  
Program Category Affected: FWP  
BRU, Program or Subprogram(s) Affected: FWP Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Captain Wayne A. Fleek  
Division: Fish & Wildlife Protection

Phone: 269-5541  
Date: 1/16/84

Approved by Commissioner: RB.  
Agency: Public Safety

Date: 1-17-84

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

SPONSOR SUBSTITUTE FOR HOUSE BILL 404

AN ACT MAKING MISCELLANEOUS AMENDMENTS  
REGARDING FISH AND GAME

SECTION-BY-SECTION ANALYSIS

Sections 1, 3, 4, 5, 6, 19, and 21 would change the word "chapter" to refer to the appropriate chapters of AS 16 so that the powers and duties of the boards, commissioner and department, and definitions, apply to the appropriate chapters of that title. The Legislature enacted AS 16.05 in 1959. Some other old provisions were apparently overlooked, and, when new provisions were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover other chapters. This oversight has left gaps in the statutes which need to be corrected.

Section 2 would expressly authorize the Commissioner of Fish and Game to conduct research and enter into cooperative agreements and contracts.

In addition to cooperative agreements, it is also appropriate for the department to enter into contracts or to make grants for specific projects. Section 2 also would require the commissioner to establish criteria governing department grants and contracts to ensure that those expenditures are a wise use of public money.

Sections 4 and 5 would authorize peace officers to enforce the provisions of AS 16 except AS 16.51 and AS 16.52, and to arrest persons violating the fish and game title. Section 6 would permit the officers to execute warrants. The word "chapter" is changed to refer to AS 16 except AS 16.51 and AS 16.52, which relate to the Alaska Seafood Marketing Institute and the Fishery Industrial Technology Center, respectively, so that uniform enforcement procedures will apply to almost all of Title 16. Also, the requirement that offenders be brought before a magistrate "immediately" is dropped. This would delete an unnecessary burden imposed on protection officers. Finally, the mandatory requirement that deputies arrest all offenders is stricken because an arrest for certain minor violations may not be appropriate and could result in unnecessary expenditures for enforcement and prosecution.

Sections 7 and 9 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quota and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers. That authority is made express in sections 7 and 9, as a legal safeguard.

Sections 8 and 11 would remove the authority of the boards to adopt regulations for engaging in biological research, since biological research is a departmental function.

Section 10 would amend existing law to reflect the true function of the Board of Game. Despite the current language of AS 16.05.255(a)(6), the board does not adopt regulations regarding investigation of predators, which is an administrative function of the department. The board does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations.

Sections 12 and 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 14-day and three-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Thus a person who had not yet lived here for one year was required to pay the higher nonresident license fee, even if only a few days remained in a fishing season. The proposed change is fair and will be more efficient to administer.

Section 13 would make minor technical amendments to AS 16.05.340(a)(9), to clarify the meaning of existing law.

In section 15, language in AS 16.05.685(c)(2) which describes areas no longer used in the management of king crab would be deleted.

Section 16 would clarify AS 16.05.831(a) which was enacted in 1975 to prohibit the waste of salmon. That section now contains language that could be considered ambiguous, and thus reduce the law's effectiveness. The clarification expressly provides that no salmon intended for sale, whether to a private individual or a commercial buyer, may be wasted.

Section 17 would make grammatical changes in the anadromous fish protection statute to correct an apparent deficiency. Currently, only a person or agency desiring to use, divert, obstruct, pollute or change the flow or bed of an anadromous fish stream must first notify the commissioner. In order to make AS 16.05.870 more enforceable, notification would be required before beginning any activity which may change the stream or pollute the stream.

Section 18 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870--16.05.895, relating to anadromous fish protection. The basic penalty section

for Title 16 would be moved to a new section (AS 16.05.925, contained in section 20 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 19 and 20 deal with the basic prohibition of Title 16 that it is unlawful to possess fish and game unless permitted by a statute or a board regulation. This prohibition and the accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 20 would set out the general penalty section separately in AS 16.05.920(a). Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. The new AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. The penalty is made a class A misdemeanor, to conform with sentencing under AS 12.55.035 and 12.55.135. Also, sec. 19 of the bill changes "made" to "adopted," with regard to regulations, for the sake of consistent terminology.

Section 21 amends AS 16.05.940 which is the basic definition section for AS 16.05--AS 16.40. Four of the definitions contained in this section would be amended as follows:

(9) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(13) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors;

(14) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state; and

(28) the definition of "visitor" would be repealed, which only appears in Title 16 in conjunction with the "visitor's special sport fishing license" in AS 16.05.340(a)(6); that designation would be changed by section 12 of this bill to "nonresident special sport fishing license."

Section 22 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 23 would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually

"certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible.

Section 24 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 25 would amend AS 16.35.200 to require that the use of poison to kill an animal be governed by regulations adopted by the Board of Fisheries or Board of Game as appropriate. Currently only written consent of the appropriate board is required. The requirement of regulation will provide for full public comment. The use of poison within a building, or to kill rodents at dumps or landfills, is exempt from board regulation.

Section 26 would repeal the following laws:

(a) AS 16.05.251(a)(9) and 16.05.255 (a)(8). These provisions empower the boards to adopt regulations for cooperative agreements to promote research and education and to train persons for management. These are administrative functions and do not require board regulations. The repeal of these sections will permit the separation of the rulemaking functions of the boards from the administrative functions of the commissioner of fish and game.

(b) AS 16.05.903. This section, which created the Alaska Big Game Photo Contest, was enacted in 1975. The original intent was that the revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short--less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

(c) AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the International Pacific Salmon Fisheries Commission. That commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the other exemptions set out in the statute obsolete. Therefore, this subsection should be repealed.

(d) AS 16.15.010-16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory, which no longer exists.

(e) AS 16.35.010--16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

\* Pg 9, line 6  
change to  
game

STANCLIFF

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 404 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous amendments regarding  
7 fish and game."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 12.25.190(c) is amended to read:

10 (c) The person cited for the crime shall give a [HIS] written  
11 promise to appear in court by signing at least one copy of the written  
12 citation prepared by the peace officer and the officer shall deliver a  
13 copy of the citation to the person. The written promise requirement  
14 of this subsection does not apply to motor vehicle and traffic cita-  
15 tions under AS 28.05.151 and fish and game citations for which a bail  
16 schedule has been established under AS 16.05.165.

17 \* Sec. 2. AS 16.05.050 is amended to read:

18 Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The  
19 commissioner has, but not by way of limitation, the following powers  
20 and duties:

21 (1) assist the United States Fish and Wildlife Service in  
22 the enforcement of federal laws and regulations pertaining to fish and  
23 game;

24 (2) through the appropriate state agency, acquire by gift,  
25 purchase, or lease, or other lawful means, land, buildings, water,  
26 rights-of-way, or other necessary or proper real or personal property  
27 when the acquisition is in the interest of furthering an objective or  
28 purpose of the department and the state;

29 (3) design and construct hatcheries, pipelines, rearing

1 ponds, fishways, and other projects beneficial for the fish and game  
2 resources of the state;

3 (4) accept money from any person under conditions requiring  
4 the use of the money for specific purposes in the furtherance of the  
5 protection, rehabilitation, propagation, preservation, or  
6 investigation of the fish and game resources of the state or in  
7 settlement of claims for damages to fish or game resources;

8 (5) collect, classify, and disseminate statistics, data and  
9 information that, in the commissioner's discretion, will tend to  
0 promote the purposes [OBJECTS] of AS 16 except AS 16.51 and AS 16.52  
1 [THIS CHAPTER];

2 (6) capture, propagate, transport, buy, sell, or exchange  
3 fish or game or eggs for propagating, scientific or stocking purposes;

4 [(7) Repealed]

5 (7) [(8)] provide public facilities where necessary or  
6 proper to facilitate the taking of fish or game, and enter into  
7 cooperative agreements with any person to effect them;

8 (8) [(9)] exercise administrative, budgeting, and fiscal  
9 powers;

10 (9) [(10)] construct, operate, supervise, and maintain  
11 vessels used by the Department of Fish and Game;

12 (10) [(11)] authorize the holder of an interim-use permit  
13 under AS 16.43 to engage on an experimental basis in commercial taking  
14 of a fishery resource with vessel, gear, and techniques not presently  
15 qualifying for licensing under this chapter in conformity with  
16 standards established by the Alaska Commercial Fisheries Entry  
17 Commission.

18 (11) [(12)] not later than January 31 of each year, provide  
19 to the commissioner of revenue the names of those fish and shellfish

1 species which the commissioner of fish and game designates as  
2 developing commercial fish species for that calendar year; a fish or  
3 shellfish species is a developing commercial fish species if, within a  
4 specified geographical region,

5 (A) the optimum yield from the harvest of the species  
6 has not been reached;

7 (B) a substantial portion of the allowable harvest of  
8 the species has been allocated to fishing vessels of a foreign  
9 nation; or

10 (C) a commercial harvest of the fish species has  
11 recently developed;

12 (12) initiate or conduct research necessary or advisable to  
13 carry out the purposes of AS 16 except AS 16.51 and AS 16.52;

14 (13) enter into cooperative agreements with agencies of the  
15 federal government, educational institutions, or other agencies or or-  
16 ganizations, when in the public interest, to carry out the purposes of  
17 AS 16 except AS 16.51 and AS 16.52;

18 (14) contract with and make grants to agencies, organiza-  
19 tions, and individuals under terms, established by the commissioner,  
20 which make certain that the grants and contracts made are in the best  
21 interests of the public and further the purposes of AS 16 except  
22 AS 16.51 and AS 16.52.

23 \* Sec. 3. AS 16.05.100 is amended to read:

24 Sec. 16.05.100. FISH AND GAME FUND ESTABLISHED. There is cre-  
25 ated a revolving "Fish and Game Fund," which shall be used exclusively  
26 for the following: (1) to carry out the purposes and provisions of  
27 AS 16, except AS 16.51 and AS 16.52, [THIS CHAPTER] or other duties  
28 that may be delegated by the legislature to the commissioner or the  
29 department; and (2) to carry out such purposes and objectives within

1 the scope of AS 16 except AS 16.51 and AS 16.52 [THE CHAPTER] as may  
2 be directed by the donor of any such funds.

3 \* Sec. 4. AS 16.05.150 is amended to read:

4 Sec. 16.05.150. ENFORCEMENT AUTHORITY. The following persons  
5 are peace officers of the state and they shall enforce AS 16 except  
6 AS 16.51 and AS 16.52 [THIS CHAPTER]:

7 (1) an employee of the department authorized by the commis-  
8 sioner;

9 (2) a police officer in the state;

10 (3) any other person authorized by the commissioner.

11 \* Sec. 5. AS 16.05.160 is amended to read:

12 Sec. 16.05.160. DUTY TO ARREST. Each peace officer designated  
13 in AS 16.05.150 shall arrest a person violating a provision of AS 16  
14 except AS 16.51 and AS 16.52 [THIS CHAPTER], or any regulation adopted  
15 [MADE] under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], in the  
16 peace officer's presence or view, and shall take the person  
17 [IMMEDIATELY] for examination or trial before an officer or court of  
18 competent jurisdiction unless in the judgment of the peace officer it  
19 would be in the state's best interest to issue a warning or a citation  
20 under AS 16.05.165.

21 \* Sec. 6. AS 16.05 is amended by adding a new section to read:

22 Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) Notwith-  
23 standing AS 16.05.160, when a peace officer stops or contacts a person  
24 concerning a violation of this chapter or of a regulation adopted un-  
25 der this chapter that is a misdemeanor, the peace officer may, in the  
26 officer's discretion, issue a citation to the person as provided in  
27 AS 12.25.180.

28 (b) After consultation with the division of fish and wildlife  
29 protection of the Department of Public Safety, the supreme court shall

1 specify by rule or order those misdemeanors that are appropriate for  
2 disposition without court appearance, and shall establish a schedule  
3 \* of bail amounts. The maximum bail amount for an offense may not ex-  
4 ceed the maximum fine specified by law for that offense. If the mis-  
5 demeanor for which the citation is issued may be disposed of without  
6 court appearance, the issuing peace officer shall write on the cita-  
7 tion the amount of bail applicable to the violation.

8 (c) A person cited for a misdemeanor for which a bail amount has  
9 been established under (b) of this section may, within 15 days after  
10 the date of the citation, mail or personally deliver to the clerk of  
11 the court in which the citation is filed by the peace officer

12 (1) the amount of bail indicated on the citation for that  
13 offense; and

14 (2) a copy of the citation indicating that the right to an  
15 appearance is waived, a plea of no contest is entered and the bail is  
16 forfeited.

17 (d) When bail has been forfeited under (c) of this section, a  
18 judgment of conviction shall be entered. Forfeiture of bail and all  
19 seized items is a complete satisfaction for the misdemeanor. The  
20 clerk of the court accepting the bail shall provide the offender with  
21 a receipt stating that fact.

22 (e) If the person cited fails to pay the bail amount established  
23 under (b) of this section or to appear in court as required, the cita-  
24 tion is considered a summons for a misdemeanor.

25 (f) Notwithstanding other provisions of law, if a person cited  
26 for a misdemeanor for which a bail amount has been established under  
27 (b) of this section appears in court and is found guilty, the penalty  
28 that is imposed for the offense may not exceed the bail amount for  
29 that offense established under (b) of this section.

1 \* Sec. 7. AS 16.05.170 is amended to read:

2 Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each peace officer  
3 designated in AS 16.05.150 may execute a warrant or other process  
4 issued by an officer or court of competent jurisdiction for the en-  
5 forcement of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], and  
6 may, with a search warrant, search any place at any time. The judge  
7 of a court having jurisdiction may, upon proper oath or affirmation  
8 showing probable cause, issue a warrant in all cases.

9 \* Sec. 8. AS 16.05.251(a) is amended to read:

0 Sec. 16.05.251. REGULATIONS OF THE BOARD OF FISHERIES. (a) The  
1 Board of Fisheries may adopt regulations it considers advisable in  
2 accordance with the Administrative Procedure Act (AS 44.62) for

3 (1) setting apart fish reserve areas, refuges and  
4 sanctuaries in the waters of the state over which it has jurisdiction,  
5 subject to the approval of the legislature;

6 (2) establishing open and closed seasons and areas for the  
7 taking of fish;

8 (3) setting quotas, [AND] bag limits, harvest levels, and  
9 sex and size limitations on the taking of fish;

0 (4) establishing the means and methods employed in the  
1 pursuit, capture and transport of fish;

2 (5) establishing marking and identification requirements  
3 for means used in pursuit, capture and transport of fish;

4 (6) classifying as commercial fish, sport fish or predators  
5 other categories essential for regulatory purposes;

6 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habi-  
7 tat protection [IMPROVEMENT], and [FISH] management, conservation,  
8 protection, use, disposal, propagation and stocking of fish;

9 (8) investigating and determining the extent and effect of

1 disease, predation, and competition among fish in the state,  
2 exercising control measures considered necessary to the resources of  
3 the state;

4 [(9) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL  
5 INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE FISH  
6 RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO TRAIN PERSONS  
7 FOR FISH MANAGEMENT;]

8 (9) [(10)] prohibiting and regulating the live capture,  
9 possession, transport, or release of native or exotic fish or their  
10 eggs;

11 (10) [(11)] establishing seasons, areas, quotas and methods  
12 of harvest for aquatic plants;

13 (11) [(12)] establishing the times and dates during which  
14 the issuance of fishing licenses, permits and registrations and the  
15 transfer of permits and registrations between registration areas is  
16 allowed; however, this paragraph does not apply to permits issued or  
17 transferred under AS 16.43.

18 \* Sec. 9. AS 16.05.251 is amended by adding a new subsection to read:

19 (c) If the Board of Fisheries denies a petition or proposal to  
20 amend, adopt, or repeal a regulation, the board, upon receiving a  
21 written request from the sponsor of the petition or proposal, shall in  
22 addition to the requirements of AS 44.62.230 provide a written  
23 explanation for the denial to the sponsor not later than 30 days after  
24 the board has officially met and denied the sponsor's petition or  
25 proposal, or 30 days after receiving the request for an explanation,  
26 whichever is later.

27 \* Sec. 10. AS 16.05.255(a) is amended to read:

28 (a) The Board of Game may adopt regulations it considers  
29 advisable in accordance with the Administrative Procedure Act (AS

1 (AS 44.62) for

2 (1) setting apart game reserve areas, refuges and  
3 sanctuaries in the water [WATERS] or on the land [LANDS] of the state  
4 over which it has jurisdiction, subject to the approval of the  
5 legislature;

6 (2) establishing open and closed seasons and areas for the  
7 taking of game;

8 (3) establishing the means and methods employed in the  
9 pursuit, capture and transport of game;

10 (4) setting quotas, [AND] bag limits, harvest levels, and  
11 sex, age, and size limitations on the taking of game;

12 (5) classifying game as game birds, song birds, big game  
13 animals, fur bearing animals, predators or other categories;

14 (6) methods, means, and harvest levels necessary to control  
15 predation and competition among game in the state INVESTIGATING AND  
16 DETERMINING THE EXTENT AND EFFECT OF PREDATION AND COMPETITION AMONG  
17 GAME IN THE STATE, EXERCISING CONTROL MEASURES CONSIDERED NECESSARY TO  
18 THE RESOURCES OF THE STATE AND DESIGNATING GAME MANAGEMENT UNITS OR  
19 PARTS OF GAME MANAGEMENT UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS  
20 SHALL BE PAID];

21 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habi-  
22 tat protection [IMPROVEMENT], and [GAME] management, conservation,  
23 protection, use, disposal, propagation and stocking of game;

24 [(8) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL  
25 INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE GAME  
26 RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO TRAIN PERSONS  
27 FOR GAME MANAGEMENT;]

28 (8) [(9)] prohibiting the live capture, possession,  
29 transport, or release of native or exotic game or their eggs;

1           (9) [(10)] establishing the times and dates during which  
2 the issuance of game licenses, permits and registrations and the  
3 transfer of permits and registrations between registration areas and  
4 game management units or subunits is allowed.

5 \* Sec. 11. AS 16.05.255 is amended by adding a new subsection to read:

6           (c) If the Board of <sup>GAME</sup>[Fisheries] denies a petition or proposal to  
7 amend, adopt, or repeal a regulation, the board, upon receiving a  
8 written request from the sponsor of the petition or proposal, shall in  
9 addition to the requirements of AS 44.62.230 provide a written  
0 explanation for the denial to the sponsor not later than 30 days after  
1 the board has officially met and denied the sponsor's petition or  
2 proposal, or 30 days after receiving the request for an explanation,  
3 whichever is later.

4 \* Sec. 12. AS 16.05.340(a)(7) is amended to read:

5           (7) Nonresident [VISITOR'S] special sport fishing li-  
6 cense -- valid for the period inscribed on the license

7           (A) For 14-day license.....\$20

8           (B) For three-day license..... 10

9 \* Sec. 13. AS 16.05.340(a)(10) is amended to read:

10           (10) Nonresident hunting and sport fishing license..... 96

11 A nonresident may not take a big game animal without previously pur-  
12 chasing a numbered, nontransferable, appropriate tag, issued under [TO  
13 THE NONRESIDENT AS PROVIDED IN] (15) of this subsection. The tag must  
14 [SHALL] be affixed to the animal immediately upon capture and must  
15 [SHALL] remain affixed until the animal is prepared for storage, con-  
16 sumed, or exported. A tag issued but not used for an animal may be  
17 used to satisfy the tagging requirement for an [ANY OTHER] animal of  
18 any other [THE] species [NAMED] for which the tag fee is of equal or  
19 less value.  
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1 \* Sec. 14. AS 16.05.350 is amended to read:

2       Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and  
3 tags required under AS 16.05.330 - 16.05.430, except the nonresident  
4 [VISITOR'S] special sport fishing license and the resident trapping  
5 license, expire at the close of December 31 following issuance. The  
6 resident trapping license expires at the close of September 30 of the  
7 year following the year in which the license is issued.

8 \* Sec. 15. AS 16.05.410 is amended by adding new subsections to read:

9       (f) Except as provided in (g) of this section, the provisions of  
10 (a) - (c) of this section do not apply when the offense for which the  
11 person is convicted is a misdemeanor for which a forfeitable bail  
12 amount has been set under AS 16.05.165.

13       (g) When a person has been convicted during a two year period of  
14 two or more misdemeanor offenses for which a forfeitable bail amount  
15 has been set under AS 16.05.165, a peace officer may file a civil  
16 action in the district court to revoke the person's license. Once an  
17 action has been filed, the court shall set a time and date for a  
18 hearing on the proposed license revocation, and shall send notice of  
19 the hearing to the person. The hearing shall be before the court  
20 without a jury. At the hearing the court shall hear evidence  
21 regarding the nature and seriousness of the offenses for which the  
22 person was convicted, the time period involved, the potential effect  
23 of the person's actions upon the preservation of the resource, and  
24 other relevant circumstances. If the court finds by a preponderance  
25 of the evidence that the person's actions demonstrate a disregard for  
26 the preservation of the state's fish or wildlife resources, the court  
27 may revoke the person's license for a period of not less than one year  
28 nor more than three years from the date of revocation.

29 \* Sec. 16. AS 16.05.495 is amended to read:

1           Sec. 16.05.495.       VESSEL LICENSE EXEMPTION.    A vessel used  
2 exclusively for the commercial capture of salmon in commercial salmon  
3 administrative management areas that include state water between the  
4 latitude of Cape Romanzof and the latitude of Cape Newenham, and state  
5 water surrounding Nunivak Island [THE DRAINAGE SYSTEM OF THE YUKON AND  
6 KUSKOKWIM RIVERS], or at a set net site, is exempt from the licensing  
7 requirements of AS 16.05.490.

8 \* Sec. 17. AS 16.05.685(c)(2) is amended to read:

9           (2) "registration area" means a specific king crab regis-  
10 tration area as designated by regulation of the Board of Fisheries  
11 [AND INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN  
12 ISLANDS KING CRAB AREA].

13 \* Sec. 18. AS 16.05.831(a) is amended to read:

14           (a) A person may not waste salmon intentionally, knowingly, or  
15 with reckless disregard for the consequences. In this section,  
16 "waste" means the failure to utilize the majority of the carcass,  
17 excluding viscera and sex parts, of a salmon intended for [WHICH ARE  
18 TO BE]

19                   (1) sale [SOLD] to a commercial buyer or processor;

20                   (2) [UTILIZED FOR] consumption by humans or domesticated  
21 animals; or

22                   (3) [UTILIZED FOR] scientific, educational, or display pur-  
23 poses.

24 \* Sec. 19. AS 16.05.900(a) is amended to read:

25           (a) A person who violates AS 16.05.870 - 16.05.895 [OR 16.05.920  
26 OR ANY REGULATION ADOPTED UNDER THIS CHAPTER] is guilty of a class A  
27 misdemeanor [AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE  
28 THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY  
29 BOTH. A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS

1 CHAPTER FOR THE REGULATION OF COMMERCIAL FISHERIES SHALL BE PUNISHED  
2 AS PROVIDED IN AS 16.05.720].

3 \* Sec. 20. AS 16.05.920 is amended to read:

4 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permit-  
5 ted by AS 16.05 - AS 16.40 [THIS CHAPTER] or by regulation adopted  
6 under AS 16.05 - AS 16.40 [THIS CHAPTER], a person may not take,  
7 possess, transport, sell, offer to sell, purchase, or offer to pur-  
8 chase fish, game, or marine aquatic plants, or any part of fish, game  
9 or aquatic plants, or a nest or egg of fish or game.

10 (b) A person may not knowingly disturb, injure, or destroy a  
11 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,  
12 paraphernalia, equipment, building or other improvement or property of  
13 the department used in the administration or enforcement of AS 16  
14 except AS 16.51 and AS 16.52 [THIS CHAPTER], or a poster or notice to  
15 the public concerning the provisions of AS 16 except AS 16.51 and  
16 AS 16.52 [THIS CHAPTER], or a regulation adopted under AS 16 except  
17 AS 16.51 and AS 16.52 [THIS CHAPTER], or a marker indicating the  
18 boundary of an area closed to hunting, trapping, fishing or other  
19 special use under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER].  
20 A person may not knowingly destroy, remove, tamper with, or imitate a  
21 seal or tag issued or used by the department or attached under its  
22 authority to a skin, portion, or specimen of fish or game, or other  
23 article for the purpose of identification or authentication in accor-  
24 dance with AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER] or a  
25 regulation adopted under AS 16 except AS 16.51 and AS 16.52 [THIS  
26 CHAPTER].

27 \* Sec. 21. AS 16.05 is amended by adding a new section to read:

28 Sec. 16.05.925. PENALTY FOR VIOLATIONS. A person who violates  
29 AS 16.05.920, or a regulation adopted under this chapter or AS 16.20,

1 is guilty of a class A misdemeanor. However, a person who violates a  
2 regulation adopted under this chapter for the regulation of commercial  
3 fisheries is subject to the penalties set out in AS 16.0.720.

4 \* Sec. 22. AS 16.05.940 is amended to read:

5 Sec. 16.05.940. DEFINITIONS. In AS 16.05 - AS 16.40 [THIS  
6 CHAPTER]

7 (1) "aquatic plant" means any species of plant, excluding  
8 the rushes, sedges and true grasses, growing in a marine aquatic or  
9 intertidal habitat;

10 (2) "barter" means the exchange or trade of fish or game,  
11 or their parts, taken for subsistence uses

12 (A) for other fish or game or their parts; or

13 (B) for other food or for nonedible items other than  
14 money if the exchange is of a limited and noncommercial nature;

15 (3) "a board" means either the Board of Fisheries or the  
16 Board of Game;

17 (4) "commercial fisherman" means an individual who fishes  
18 commercially for, takes, or attempts to take fish, shellfish, or other  
19 fishery resources of the state by any means, and includes every indi-  
20 vidual aboard a boat operated for fishing purposes who participates  
21 directly or indirectly in the taking of these raw fishery products,  
22 whether participation is on shares or as an employee or otherwise;  
23 however, this definition does not apply to anyone aboard a licensed  
24 vessel as a visitor or guest who does not directly or indirectly par-  
25 ticipate in the taking; and the term "commercial fisherman" includes  
26 the crews of tenders or other floating craft used in transporting  
27 fish;

28 (5) "commercial fishing" means the taking, fishing for, or  
29 possession of fish, shellfish, or other fishery resources with the

1 intent of disposing of them for profit, or by sale, barter, trade, or  
2 in commercial channels; the failure to have a valid subsistence permit  
3 in possession, if required by statute or regulation, is considered  
4 prima facie evidence of commercial fishing if commercial fishing gear  
5 as specified by regulation is involved in the taking, fishing for, or  
6 possession of fish, shellfish, or other fish resources;

7 (6) "commissioner" means the commissioner of fish and game  
8 unless specifically provided otherwise;

9 (7) "department" means the Department of Fish and Game un-  
10 less specifically provided otherwise;

11 (8) "domestic mammals" include musk oxen, bison, and rein-  
12 deer, if they are lawfully owned;

13 (9) "fish" means any species of aquatic finfish, inverte-  
14 brate, or amphibian [INVERTEBRATES AND AMPHIBIANS], in any stage of  
15 its [THEIR] life cycle, found in or introduced into the state, and in-  
16 cludes any part of such aquatic finfish, invertebrate, or amphibian;

17 (10) "fish derby" means a contest in which prizes are award-  
18 ed for catching fish;

19 (11) "fishing derby association" means a civic, service, or  
20 charitable organization in the state, not for pecuniary profit, whose  
21 primary purpose is to promote interest in fishing for recreational  
22 purposes and which has been in existence for five years before apply-  
23 ing for a permit under this chapter, but does not include an  
24 organization formed or operated for gaming or gambling purposes;

25 (12) "fish or game farming" means the business of propagat-  
26 ing, breeding, raising, or producing fish or game in captivity for the  
27 purpose of marketing the fish or game or their products, and "captiv-  
28 ity" means having the fish or game under positive control, as in a  
29 pen, pond, or an area of land or water which is completely enclosed by

1 a generally escape-proof barrier;

2 (13) "fur dealing" means engaging in the business of buying,  
3 selling, or trading in animal skins, but [; THE TERM] does not include  
4 [APPLY TO A HUNTER OR TRAPPER SELLING] the sale of animal skins by a  
5 [THE] trapper or hunter who [HE] has legally taken the animal, or the  
6 purchase of [TO A PERSON, OTHER THAN A FUR DEALER, PURCHASING] animal  
7 skins by a person, other than a fur dealer, for the person's own use;

8 (14) "game" means any species of bird, reptile, and mammal,  
9 including a feral domestic animal, found or introduced in the state,  
0 except domestic birds and mammals; and game may be classified by regu-  
1 lation as big game, small game, fur bearers or other categories con-  
2 sidered essential for carrying out the intention and purposes of  
3 AS 16.05 - AS 16.40 [THIS CHAPTER];

4 (15) "hunting" means the taking of game under AS 16.05 -  
5 AS 16.40 [THIS CHAPTER] and the regulations adopted under those chap-  
6 ters [IT];

7 (16) "nonresident" means a person who is not a resident of  
8 the state;

9 (17) "nonresident alien" means a person who is not a citizen  
0 of the United States and whose permanent place of abode is not in the  
1 United States;

2 (18) "operator" means the individual by law made responsible  
3 for the operation of the vessel;

4 (19) "resident" means a person who for 12 consecutive months  
5 has maintained a permanent place of abode in the state and who has  
6 continually maintained a voting residence in the state; and in the  
7 case of a partnership, association, joint stock company, trust, or  
8 corporation, "resident" means one that has its main office or head-  
9 quarters in the state; however, a member of the military service who

1 has been stationed in the state for the preceding 12 consecutive  
2 months is a resident for the purposes of this paragraph [CHAPTER], and  
3 the dependent of a resident member of the military service, who has  
4 been living in the state for the preceding year is a resident for the  
5 purposes of this paragraph [CHAPTER], and a person who is an alien but  
6 who for one year has maintained a permanent place of abode in the  
7 state is a resident for the purposes of this paragraph [CHAPTER];

8 (20) "seizure" means the actual or constructive taking or  
9 possession of real or personal property subject to seizure under  
10 AS 16.05 - AS 16.40 [THIS CHAPTER] by an enforcement or investigative  
11 officer charged with enforcement of the fish and game laws of the  
12 state;

13 (21) "sport fishing" means the taking of or attempting to  
14 take for personal use, and not for sale or barter, any fresh water,  
15 marine, or anadromous fish by hook and line held in the hand, or by  
16 hook and line with the line attached to a pole or rod which is held in  
17 the hand or closely attended, or by other means defined by the Board  
18 of Fisheries;

19 (22) "subsistence fishing" means the taking of, fishing for,  
20 or possession of fish, shellfish or other fisheries resources for  
21 subsistence uses with gill net, seine, fish wheel, long line, or other  
22 means defined by the Board of Fisheries;

23 (23) "subsistence uses" means the customary and traditional  
24 uses in Alaska of wild, renewable resources for direct personal or  
25 family consumption as food, shelter, fuel, clothing, tools, or trans-  
26 portation, for the making and selling of handicraft articles out of  
27 nonedible by-products of fish and wildlife resources taken for per-  
28 sonal or family consumption, and for the customary trade, barter, or  
29 sharing for personal or family consumption; for the purposes of this

1 paragraph, "family" means all persons related by blood, marriage, or  
2 adoption, and any person living within the household on a permanent  
3 basis;

4 (24) "take" means taking, pursuing, hunting, fishing, trap-  
5 ping, or in any manner disturbing, capturing, or killing or attempting  
6 to take, pursue, hunt, fish, trap, or in any manner capture or kill  
7 fish or game;

8 (25) "taxidermy" means tanning, mounting, processing, or  
9 other treatment or preparation of fish or game, or any part of fish or  
0 game, as a trophy, for monetary gain, including the receiving of the  
1 fish or game or parts of fish or game for such purposes;

2 (26) "trapping" means the taking of mammals declared by  
3 regulation to be fur bearers;

4 (27) "vessel" means a floating craft powered, towed, rowed,  
5 or otherwise propelled, which is used for delivering, landing, or tak-  
6 ing fish within the jurisdiction of the state, but [FOR THE PURPOSES  
7 OF THIS CHAPTER] does not include aircraft[;

8 (28) "VISITOR" MEANS A NONRESIDENT OR ALIEN TEMPORARILY  
9 SOJOURNING IN THE STATE AS A VISITOR OR TOURIST].

20 \* Sec. 23. AS 16.10.173 is amended by adding a new subsection to read:

21 (f) A person who violates this section is guilty of a class A  
22 misdemeanor.

23 \* Sec. 24. AS 16.10.280 is amended to read:

24 Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PRO-  
25 CESSORS. In an area where a price dispute exists between at least  
26 one-third of the registered commercial fishermen for that area, as es-  
27 timated [CERTIFIED] by the Department of Fish and Game on the basis of  
28 information available to the department, and fish processors on the  
29 price to be paid for salmon, and no agreement has been reached up to

1 120 days before the opening of the salmon fishing season in that area,  
2 a representative from the Department of Labor shall intervene as medi-  
3 ator of the dispute upon request of either party.

4 \* Sec. 25. AS 16.70.036(a)(8) is amended to read:

5 (8) Township 14 North, Range 4 West, Seward Meridian

6 Sections: Lots 1 - 6, SE 1/4 NW 1/4, W 1/2 NE 1/4 NW 1/4,  
7 SE 1/4 NE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, W  
8 1/2 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, S 1/2 NE 1/4 SW 1/4 NE 1/4 of  
9 Section 31 [6]

10 \* Sec. 26. AS 16.35.200 is amended to read:

11 Sec. 16.35.200. USE OF POISON [BY DEPARTMENTS AND OTHER STATE  
12 AGENCIES]. A person or [DEPARTMENT, OTHER] state agency [OR PERSON]  
13 may not use poison to kill [PREDATORY] animals unless authorized by  
14 regulation [WITHOUT FIRST OBTAINING THE WRITTEN CONSENT] of the appro-  
15 priate board. This section does not apply to poisons used within  
16 buildings or to kill rats or mice at dumps or landfills operating in  
17 compliance with state law or local ordinances.

18 \* Sec. 27. AS 16.05.903; AS 16.10.230(1); AS 16.15; and AS 16.35.010 -  
19 16.35.180 are repealed.  
20  
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29

STATE OF ALASKA 1984 LEGISLATIVE FISCAL NOTE

Revision Date: February 3, 1984

REQUEST

Bill/Resolution No.: CSSS HB 404  
 Title: Miscellaneous amendments regarding Fish and Game  
 Sponsor: House Resources Comm  
 Requestor: Hou. Resources Comm  
 Date of Request: Feb 3, 1984

FISCAL DETAIL

Agency Affected: Fish and Game  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume  
 Division: Administration

Phone: 465-4120  
 Date: February 3, 1984

Approved by Commissioner: [Signature]  
 Agency: Department of Fish and Game

Date: Feb 3 1984

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1984

SUBJECT: House Resources Committee substitute  
for SSHB 404

TO: Representative John Ringstad and  
Representative Richard Schultz  
Co-Chairmen, House Resources Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

1. The provisions of CSSB 101 (Resources) are merged into the committee substitute at sections 1, 6, and 15. (See attached sectional analysis of CSSB 101 (Res) for details of that bill).
2. Section 5 of the CS reverts back to the mandatory language of existing law, but allows a peace officer discretion to issue a citation or a warning when, in the officer's judgment, "it is in the state's best interest".
3. In section 8 (page 6, lines 26 - 27) and section 10 (page 3, lines 22 - 23), the CS reinserts "stocking" within the scope of regulations that may be adopted by the boards of fisheries and game.
4. The CS deletes amendments to AS 16.05.870(b) that appeared in section 17 of SSHB 404.
5. Sections 9 and 11 add new language that requires the boards of fisheries and game to provide a written explanation of reasons for rejecting proposals for regulations submitted to the boards.
6. Section 16 amends AS 16.05.495 to redefine the area covered by the vessel license exemption.
7. All other changes reflected in the CS are technical changes required by the legislative drafting manual.

EHH:oj'  
J3/049

STANCLIFF

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 3, 1984

SUBJECT: Sectional analysis of CSSB 101 (Resources)

TO: Representative John Ringstad  
Representative Richard Shultz  
Co-Chairmen, House Resource Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

Section 1 adds a new section, AS 16.05.165, to the fish and game code that provides that a peace officer investigating a misdemeanor violation of the code or a regulation adopted under it may issue a citation as provided in AS 12.25.180, notwithstanding the provisions of AS 16.05.160, which requires a peace officer to arrest any person committing a code violation in the officer's presence. Note that SSHB 404 would amend AS 16.05.160 to make such arrests discretionary, but would expand the arrest authority to include violations of all of AS 16 except AS 16.51 and 16.52. Section 1 also directs the supreme court to establish a bail schedule for fish and game misdemeanor violations and provides for paying fines by mail, similar to what is done with traffic tickets.

Section 2 amends AS 16.05.410, which provides for revocation of licenses for conviction of sport fishing and hunting license violations. The amendment provides that the existing revocation provisions do not apply to violations for which a forfeitable bail amount is established under AS 16.05.165. Two convictions of such an offense, however, could result in a peace officer filing a civil action to have the person's license revoked. A non-jury court hearing is required. If the court finds that the person's actions demonstrate a disregard for the preservation of the state's fish or wildlife resources, the license may be revoked for a mandatory one-to-three year period.

Section 3 amends AS 12.25.190(c) to provide that a person receiving a citation under AS 16.05.165 is not required to

Representative John Ringstad and  
Representative Richard Shultz  
Page 2  
February 3, 1984

give a written promise that he or she will appear in court  
in response to the citation.

EHH:ojb  
J3/050

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 404  
Title: Misc. amendments to Fish & Game Code.

Sponsor: Rules  
Requestor: Resources  
Date of Request: 1-18-84

FISCAL DETAIL

Agency Affected: Public Safety  
Program Category Affected: FWP

BRU, Program or Subprogram(s) Affected: FWP Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Captain Wayne A. Fleek Phone: 269-5541  
Division: Fish & Wildlife Protection Date: 1/16/84

Approved by Commissioner: RS. Date: 1-17-84  
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

A M E N D M E N T

Offered in the HOUSE

By Hurlbert

TO: SSHB 404

Page 3, after line 7, insert:

"\* Sec. 9. AS 16.05.251 is amended by adding a new subsection to read:

(c) If the Board of Fisheries denies a petition for the amendment, adoption, or repeal of a regulation, the board upon request shall provide to the person who submitted the petition a written statement of the reasons for the denial not later than 30 days after denying the petition."

Renumber remaining sections accordingly.

Page 3, after line 17, insert:

"\* Sec. 13. AS 16.05.255 is amended by adding a new subsection to read:

(c) If the Board of Game denies a petition for the amendment, adoption, or repeal of a regulation, the board upon request shall provide to the person who submitted the petition a written statement of the reasons for the denial not later than 30 days after denying the petition."

Renumber remaining sections accordingly.





Official Business

# Alaska State Legislature House Resources Committee

## SIGN-IN

### JAN 25, 1984

SSHB 404  
FISH & GAME  
CODES

NAME	ADDRESS	PHONE	REPRESENTING
Ron Somerville	3780 Mc Minnis JNCA	9-3450	AK. Outdoors Council
Bob Clabey	P.O. Box 3-2000 Juneau	465-4210	Fish & Game
Dennis Kelso	P.O. Box 3-2000, Juneau AK 99802	465-4100	Fish & Game
LARRY EDWARDS	Box 2158 SITKA 99835	747-8996	SELF AK. ENVIRONMENTAL LOBBY
Ken CARTWRIGHT <small>NOT HEARD</small>	Box 558 Homer, AK 99603	235-8252	North Pacific Fisheries Assn.
Arthur S. Robinson	Box 3519 Soldotna 99669	262-9164	Ken. Pen. Fisherman's Co-op

Gott Lisa Larson Shultz Rungstad  
Whaling

0014 Kessa - Dpty Comm's

Overview of background of bill

0043 Gott - Q. P2, line 14 - discretionary for  
law enforcement - A. To conform more  
to present practice - flexibility

0058 Gott - Discussion on point of prosecutor's discretion

0110 Shultz - incident near Tok involving tourists  
1/2 citations - A - McGuire - incident at fish  
creek with dog - no arrest

0149 Rungstad - Is this present situation - Yes. Enforcement  
activities detracts from mgmt activities

0190 Lisa - how many people. More less 400 - Biologists  
headquarters staff, etc.

0200 Gott - should put burden on officer to justify  
post interest of state.

0220 Rungstad - asked for comments on amendments

0230 Shultz - Q. Line 27-28, P3 - Why must instead  
of shall - A. Semantics

0249 Gott P3, line 5-7 - Permit to protect habitat?  
A. Protection includes improvement

0290 Shultz line 7, P3 - Why eliminate "and stocking"  
A "Stocking" is included in "propagation"

0320 - Schultz - how do you prove intentions -  
A - Proof is in sale - or intent to sell.

0360 Larson Pg 5 in 12 use of wheeled vehicles or  
intention thereof - Swamp buggy in creek bed  
A - Depends on if it is a designated anadromous  
stream.

0465 Lisa - What about fish like grayling -  
A - Dept's authority in streams quite limited - Primarily  
in anadromous.

0495 Ringstad - just addressing tech. questions & should  
note policy questions for later.

0505 Goll - Doesn't seem like too great a problem - very  
limited group of streams.

0540 Kelso - Not our intent to sweep into net a group of rec  
users, but to protect very vulnerable streams.

0560 Ringstad - Vaska amendment -  
A - Correct oversight in bill last year - slight reduction  
in revenue - Salt water part of fishery

0590 Ringstad - Harbert amendment - written statement  
on why denied - A - Petition

Respond to approx 1500 individuals  
Can comply with amendment as now written  
Administrative Procedures act petitions - possibly 20 yr.

0705 Goll - Any receipt for Petition  
A - Normal response - notification, letter or  
phone call w/ results -

0740 turn tape over -

continue discussion of petition

Alaska Outdoor Council

0756 Simeriville - Supports AB404 - lotting at 55

0770 Reasonable req. on fish crossings 50 average  
guy would know where he stands -

0788 Listka - How address in mining community?  
Dip to industry & gen'l public to get before  
appropriate board.

0806 Goll - Working now, in his experience  
representing self

0825 Larry Edwards - Sitka - agrees with Goll on stream  
crossings. Sec. B. "Person" = indiv. or corp.

further definition of word "Person" and some  
answer to repeat violations

0867 Goll - Class a mids. = more or same as that language  
going out

0882 Patinson - Kenai Fishermen's Cooperative. Sec. 8  
Should not delete [ERBA GINS IN BIO RESEARCH]  
from BDFisheries. "Stocking" = Stock stay, as  
it is more clear in directing regional AAs  
Sec 5 - Right to arrest 4/12.25.180 has language

HSE RES. 3:10 Feb 3 -  
Rings, Uehl, Goll, Liska, Bussell

0012 Ed Hein - Run  
pg 9, line 6 should read "board of game"  
6 changes - substantive -

0040 Sec 5 - mandatory arrest

0046 re-insert "stocking"

0055 delete sec. 17 of SS - wheeled vehicle changes

0064 ~~#9~~ Hurbert amendment

0075 Vaska amendment

0105 Liska - Citations guidelines §  
bail amts determined by court ~~is~~ not discretionary

0164 Kelso - no objections to CS.

0174 Vebbing moved adoption of CS with change  
discussed on Pg. 9 line 6.  
No Objection.

0181 Uehling moved w/ indiv. recs.  
No Objection

0935 Goll - Stiers - Judge, Citation & Warning  
does dept want all. A - do not now have  
authority to issue citations.  
Sec. 18 & 20 - raises penalties by major  
amount

Kelso - effort to create uniformity - technical  
changes.

1096 Liska - what's diff - shall, may & must -  
A - Shall & must same in court - May not mandatory

1034 Kelso - Anadromous streams do not go to  
headwaters - just that portion of streams  
crossed as important.

0165 Goll - Symantics

Clasby - gets into budgetary area, not where  
board is intended to be.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: January 11, 1984

REQUEST

Bill/Resolution No.: SSHB 404  
 Title: Miscellaneous amendments to AS 16: Fish and Game  
 Sponsor: Governor Sheffield  
 Requestor: House Resources Comm.  
 Date of Request: January 11, 1984

FISCAL DETAIL

Agency Affected: Fish and Game  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume Phone: 465-4120  
 Division: Administration Date: January 11, 1984

Approved by Commissioner: Don Williams Date: 1-11-84  
 Agency: Fish and Game

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 404  
 Title: Misc. amendments to Fish & Game Code.  
 Sponsor: Rules  
 Requestor: Resources  
 Date of Request: 1-18-84

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: FWP  
 BRU, Program or Subprogram(s) Affected: FWP Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Captain Wayne A. Fleek Phone: 269-5541  
 Division: Fish & Wildlife Protection Date: 1/16/84

Approved by Commissioner: AB. Date: 1-17-84  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

A M E N D M E N T

Offered in the HOUSE

By Hurlbert

TO: SSHB 404

Page 3, after line 7, insert:

"\* Sec. 9. AS 16.05.251 is amended by adding a new subsection to read:

(c) If the Board of Fisheries denies a petition for the amendment, adoption, or repeal of a regulation, the board upon request shall provide to the person who submitted the petition a written statement of the reasons for the denial not later than 30 days after denying the petition."

Renumber remaining sections accordingly.

Page 3, after line 17, insert:

"\* Sec. 13. AS 16.05.255 is amended by adding a new subsection to read:

(c) If the Board of Game denies a petition for the amendment, adoption, or repeal of a regulation, the board upon request shall provide to the person who submitted the petition a written statement of the reasons for the denial not later than 30 days after denying the petition."

Renumber remaining sections accordingly.

Resource Committee

Section 1. AS 16.05.495 is amended to read:

Section 16.05.495. VESSEL LICENSE EXEMPTION. A vessel used exclusively for the commercial capture of salmon in [drainage system of the Yukon and Kuskokwim Rivers] those administrative areas for the management of commercial salmon fishing which include the waters of Alaska between the latitude of Point Romanof and the latitude of Cape Newenham, including those waters draining into the Bering Sea between those latitudes and including the waters of Alaska surrounding Nunivak Island, or at a set net site, is exempt from the licensing requirements of AS 16.05.490.

Section 2. This Act takes effect January 1, 1985.

Rep. Vaska