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290

STATE OF ALASKA
THE LEGISLATURE

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

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Judiciary:

*1988 - April 19
April 20*

STATE OF ALASKA
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Mary Van Nimwegen

House Judiciary

5-16-87

HOUSE COMMITTEE REPORT

(9)

Date referred: 5/14/87

FURTHER REFERRALS:

3/15
Judiciary

DATE: _____

The Resources Committee has considered SB 290

"An Act relating to supplying false information on fish tickets."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann

Heinrich Spriggs

Tom Hill

Cliff Davidson

Dick Smith

Adelheid Herrmann
 Chairman's signature

STATE OF ALASKA THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 11, 1987

SUBJECT: Sectional analysis of SB 290, false
information on fish tickets

TO: Senator Dick Eliason

FROM: Edward H. Hein *EHS*
Legislative Counsel

Section 1 makes it a class A misdemeanor to knowingly enter false information on a fish ticket or to knowingly supply false information to another person who is filling out a fish ticket. The penalty is provided under AS 16.05.720. Maximum penalty is \$5,000 fine and one year in jail. This is the same penalty imposed for failure to keep fish tickets or for failure to report them to the Department of Fish and Game.

Incidentally, class A misdemeanor is also the penalty prescribed for an unsworn falsification under AS 11.56.210. An unsworn falsification consists of submitting a false written or recorded statement that the person does not believe to be true, with the intent to mislead a public servant. Unsworn falsification applies only to applications for benefits and to forms that have printed on them a notice that false statements made on the form are punishable. A fish ticket fits neither of these last two requirements, so falsifying a fish ticket does not constitute an unsworn falsification. There is no penalty provided in law or regulation for knowingly falsifying a fish ticket.

EHH:mkr
m11/139

BILL NO: SB 290

DATE: 5/8/87

TITLE: "An Act relating to supplying false information on fish tickets."

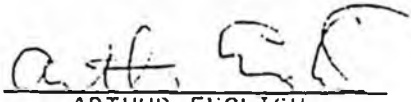
CONTACT: Capt. James Nutgrass
Director
Fish & Wildlife Protection

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety supports SB 290, "An Act relating to supplying false information on fish tickets."

The passage of this amendment to AS 16.05.690 will give the Department of Public Safety the ability to charge a person who falsifies information on fish tickets with a clear, enforceable statute. This amendment will place the commercial fishermen who harvest Alaska's resources on notice that accurate information is required to be supplied by them on fish tickets.

In sum, the passage of this amendment will aid our department in carrying out its enforcement responsibilities and protection of the Fish & Wildlife Resources of the State of Alaska.



ARTHUR ENGLISH
Commissioner

POSTAL PERMIT

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 290

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act relating to supplying false information on fish tickets."

Sponsor: Sen. Eliason

Requestor: Senate Resources

Agency Affected: Public Safety

BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWR
5/11/87 Prepared by: Kyle Weaver
Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 5/11/87

Approved by Commissioner: Arthur English
Agency: Public Safety

Date: 5/11/87

Distribution (by preparer):

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

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE VICE-CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE CHAIRMAN

P O BOX 143
SITKA ALASKA 99335
P O BOX V
JUNEAU ALASKA 99811
9071 465 4916

EXPLANATION OF PURPOSE OF SB 290 BY Senator Eliason

SB 290 "An Act relating to supplying false information on fish tickets"

By law, every time a fisherman sells fish to a commercial fish buyer, the transaction must be documented by a fish ticket which is filled out by the fish buyer and signed by the buyer and the fisherman. This ticket describes what species of fish are sold, the poundage, the price paid, an imprint of the fisherman's fishing permit, and a description of the area where the fish were caught. Copies of each fish ticket are provided to the fisherman, the Dept. of Fish and Game (or National Marine Fisheries Service for those fisheries under federal jurisdiction), the Dept. of Revenue, Commercial Fisheries Entry Commission, and Dept. of Public Safety.

It is vitally important for fisheries management, taxation, and so on that all of this information be accurate. But currently there is no specific prohibition in law against providing false information when fish is sold to the fish buyer.

One prime example of how incorrect information on fish tickets can affect a fishery is in the halibut fishery. The fishery is managed jointly between the U.S. and Canada by the International Pacific Halibut Commission. It is managed on a strict quota-by-area system whereby the Alaskan and Canadian coastline is divided into areas (labeled 1A, 2A, 3A, 1B, 2B, etc.). Each area has an allotted number of pounds it can catch. There have long been suspicions, and lately some substantiation, that some of the large vessels which fish in one area will report to their buyers that they caught the fish in another area. They do this in hopes of filling the quota in an area where they do not fish so that the quota in their own area will not be filled as soon and they will be allowed more days of fishing. Without disincentives for this practice it is likely to continue or get worse as halibut seasons get shorter and shorter each year.

While creating penalties for providing false information on fish tickets may not be highly enforceable or totally effective in stopping the practice, it is likely to curb it dramatically since fishermen have no guarantee that falsely reporting the area fished will extend their season and so will see it as not worth the risk. Management of the fishery will become more fair and will be based on more dependable catch data.