

HB

511

Alaska State Legislature

Resources, Vice Chair
State Affairs, Vice Chair
House Special Committee on Oil & Gas, Vice Chair
House Special Committee on Fisheries



State Capitol
Room 409
Juneau, Alaska 99801-1182
(907) 465-3878

Representative Scott Ogan
House District 27

Sponsor Statement HB 511 Amendments to Titles 16 and 22

In cooperation with the Departments of Fish & Game and Public Safety HB 511 was prepared because Alaskans are concerned over the fisheries resource and its ability to be renewed and regenerated for future generations. Fisheries is important to our state for a few of the following reasons:

- * It's estimated that 1.5 million tourist will visit our state annually by the year 2006. Many of these tourist come here with hopes of participating in a successful fishing trip.
- * In 1995 there were 234,095 nonresident sport fishing licenses sold compared to the 1984 figure of 120,702.
- * Alaska's fishing industry accounts for 1/6 of the state's entire economic base and payroll.

With Statehood, the Alaska Department of Fish and Game was formed. Alaska law states:

"The Commissioner shall manage, protect, maintain improve, and

extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state...to accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish and game resources."

Prosecuting the people responsible for illegally removing fish from Alaskan waters in effort to discourage this type of action is important to preserve the vital fisheries industry for law abiding citizens. Alaska has made a strong commitment to preserving and protecting important fish habitat in other ways. Currently, there are regulations governing development activities that protect our vital salmon spawning and rearing streams with requirements such as buffer zones.

One area that needs to be pursued in an effort to save our fishing industry is the prosecution of criminal cases involving violations that damage or present a damage to a fishery resource of the state. At this time, the Department of Law is unable to assign a prosecutor to pursue these criminal cases due to a lack of funds.

The purpose of HB 511 is to allow fines and forfeitures in criminal cases involving violations that damage or present a threat of damage to a fishery resource of the state, to the extent permitted by applicable state and federal law, to be deposited in the fish and game fund with the intent that these fines and forfeitures support fisheries law enforcement activities.

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Sectional Analysis HB 511 Amendments to Titles 16 & 22

Section 1 of this bill sets out the purpose of the bill. To the extent permitted by applicable state and federal law, fines and forfeitures received by the state in criminal cases involving violations that damage or present a danger of damage to fishery resources of the state may be deposited into the fish and game fund.

Section 2 of this bill amends AS 16.05.190 to provide that proceeds received by the state from the sale of fish forfeited to the state for violation of AS 16.05 or a regulation adopted by the Department of Fish and Game that damages or presents a threat of damage to a fishery resource of the state shall be deposited into the fish and game fund.

Section 3 of the bill makes a technical amendment to AS 22.15.250 to make the section conform to the new provision added by sec. 4 of the bill.

Section 4 of the bill adds a new subsection to AS 22.15.250 providing that fees, fines, forfeitures, or penalties collected by a district or magistrate court for violations of AS 16 or regulations adopted by the Board of Fisheries or the Department of Fish and Game that damages or presents a threat of damage to fisheries resources shall be transmitted to the fish and game fund.

A Proposal to Prevent Illegal Fishing in Bristol Bay

Recently, after many years of frustration, a number of Bristol Bay driftnetters have formed a group with the goal of ending the common practice of closed-water fishing. Closed-water fishing results in the theft of salmon before they are available for legal fishers to compete for them in open waters. Last year \$185 million worth of salmon were harvested in Bristol Bay. Many millions of dollars worth of these fish were stolen.

After considering 46 different ideas for the prevention of these thefts a proposal to augment the current ADF&G Enforcement budget for Bristol Bay garnered the most votes. We know that, with sufficient personnel, training and equipment ADF&G can prevent illegal fishing. A \$250.00 enforcement surcharge on the 1900 drift licenses would yield \$475,000.00 annually. A smaller fee for setnetters would yield additional funds. This proposal would be counted as a bad deal for a large number of illegal fishers as they would be paying a tax to have their "special fishing areas" closed. For the honest majority, however, this tax represents a great bargain they would pay a pittance to have legal access to many more fish.

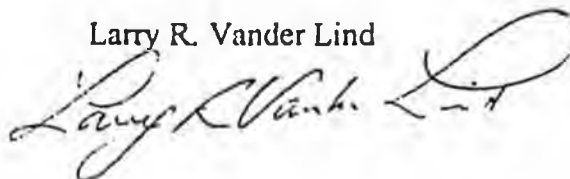
In return for this self imposed tax we would ask that;

1. All enforcement surcharges be solely used to prevent illegal fishing from occurring in the Bristol Bay salmon fishery.
2. Bristol Bay permit holders are represented when major expenditures from a segregated enforcement fund are contemplated.
3. That enforcement fees are annually adjusted to fit anticipated requirements for the prevention of illegal fishing and that significant surpluses are avoided.
4. That we have an opportunity to co-review, with ADF&G, the performance of seasonal enforcement personnel and equipment after each season.

As permit holders we believe it is our right to have fair access to all commercially available salmon without being preempted by fish thieves. We would like to take responsibility for fairness in our fishery by funding the hiring and training of seasonal personnel. When significant numbers of fish are being caught we want ADF&G to be constant in their presence and consistent in their enforcement of the law. Please help us ;in realizing our goal of making the Bay a legal, law-respecting fishery.

The above is a working paper. Any number of methods may be acceptable in the attainment of our mission which is to enable ADF & G Enforcement to be as consistent in the prevention of illegal fishing throughout Bristol Bay during the entire salmon season as they have been in their most successful efforts to date.

Larry R. Vander Lind



Background; Bristol Bay Salmon Fishery

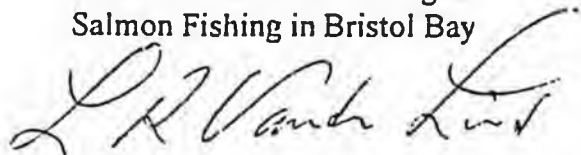
Bristol Bay has a 1900 vessel fishing fleet and just four small river mouth area to illegally harvest fish in. It undoubtedly has more boats per square mile of open fishing area than any other fishery in the state of Alaska. With a huge, and highly efficient fleet the in-district fish are quickly mopped up in the first hour or two of a typical 10 to 12 hour opening. For the remainder of the opening the great majority of the fish are caught as they move, usually with the tide, into the districts. During this time vessels intensely vie for the best exposure of their nets to incoming fish. A net fully exposed to incoming fish will catch many times the fish that the second net back from the line will catch. The fierce competition for the "pole position" and the temptation to leapfrog out into closed waters in quest of exposure time is great.

Today's highly evolved fishing vessels can illegally deploy and retrieve their nets very quickly...before they can be overflowed by an enforcement plane or even be caught by a nearby skiff. Presently, a crafty fish thief makes a good business decision when he or she steals fish in closed waters as the possibility of being ticketed is small. If they do garner the odd ticket from time to time they will still be money ahead and thus richly rewarded for their illegal activities.

If violators are caught legal fishers still lose as those fish caught illegally are still not available to them. Additionally, while the ticket is being written Enforcement must leave the line. It is axiomatic that when Enforcement is gone line fishing moves into closed waters...the longer they are gone the more blatant it gets.

Legal fishing in Bristol Bay must be proactively maintained by having a constant enforcement presence wherever fish are being caught along district boundaries. In this way it is exactly like important competitions the world over; it requires umpires, referees or line judges to insure fair play for all involved.

Larry R. Vander Lind
Committee to Prevent Illegal
Salmon Fishing in Bristol Bay



Dear,

Thought you might be interested in what has transpired so far in terms of our efforts to prevent illegal fishing in the Bay - These 6 pages have been sent to Bob King as per his request - waiting for his suggestions in terms of where to next
LRL

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 511

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to deposits into the fish and game fund." BRU: Criminal Division
 Component: Criminal Division
 Sponsor: Representative Ogan
 Requester: Governor's Office COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	82.0	82.0	82.0	82.0	82.0	82.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	3.3	3.3	3.3	3.3	3.3	3.3
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	107.8	101.3	101.3	101.3	101.3	101.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1007 I/A Receipts	107.8	101.3	101.3	101.3	101.3	101.3
TOTAL	107.8	101.3	101.3	101.3	101.3	101.3

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 16.05.190 and AS 22.15.250 to provide that the proceeds of the sale of fish, or parts of fish forfeited to the state for the violation of a fish and game law or regulation, that damages or presents the threat of damage to a fishery resource of the state shall be deposited in the fish and game fund. The bill further provides that for fines, forfeitures, or penalties levied for a violation of a fish and game law or regulation, that damages or presents a threat of damage to a fishery resource shall be deposited in the fish and game fund. The bill anticipates greatly increased criminal prosecution of fishing violations, and this fiscal note requests the addition of an Attorney IV to make such prosecution possible. Funding for the prosecutor will be made available from the fish and game fund from some of the additional proceeds generated by the stepped-up prosecution of fish and game violations.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/7/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/7/96
 Agency: Department of Law

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COMPONENT #: 6501020300 NAME: SOUTHCENTRAL/SOUTHWEST ALASKA

SCENARIO: 1
BRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S	R&S	MOS	SALARY BUDG	PREM PAY	BENEF	PER.SERV. COSTS	G. F. AMOUNT
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02/002		DETECT		ANCHORAGE	A	XE	AA	24A	12	61923	0	20100	82023.52	
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**** JUSTIFICATION:

~~Additional Budget~~

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	0.00
SUPPLIES COSTS	0.00
EQUIPMENT COSTS	0.00
OTHER COSTS	0.00

TOTAL COSTS 92917.09 92917.09

*** FUNDING DETAIL:

~~LOCAL GENERAL FUND RECEIPTS TO~~ 92917.09

03/041	ATTORNEY IV	F ANCHORAGE		A XE AA 24A	12	61923	0	20100	82023.52				
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**** JUSTIFICATION:

This attorney IV prosecutor will be needed to implement the provisions of HB511, which provides that the proceeds of the sale of fish or parts of fish, forfeited to the state for a violation of the state's fish and game laws and regulations, that damages or presents a threat of damage to a fishery resource of the state shall be deposited in the fish and game fund. The bill also provides that all fines, fees, forfeitures and penalties levied for the same violations shall also be deposited in the fish and game fund. The bill anticipates greatly increased criminal prosecution of fish and game violations, and the addition of this position will make such prosecution possible. Funding for the position will be made available from the fish and game fund from some of the additional proceeds generated by the stepped-up prosecution of fish and game violations.

TRAVEL COSTS	10000.00
CONTRACTUAL COSTS	6000.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 107823.52 0.00

*** FUNDING DETAIL:

1007 INTER-AGENCY RECEIPTS 82023.52

TOTAL FUNDING 82023.52

1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: Deposits into the Fish and Game Fund
 Sponsor: Representative Ogan
 Requestor: H. Resources

Dept. Affected: Public Safety
Fish and Wildlife Protection
 Component: Enforcement & ISU
 COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated to Fish and Wildlife Protection .

Prepared By: Captain Richard L. Graham Phone: 269-5589
 Division: Fish & Wildlife Protection Date: March 6, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 3/7/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 511

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Deposits into the Fish and Game Fund BRU: CFMD
 Component: Fisheries Management
 Sponsor: Rep. Ogan
 Requester: House Resources COMPONENT SERIAL NO. 1941

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	107.8	101.3	101.3	101.3	101.3	101.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	107.8	101.3	101.3	101.3	101.3	101.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	(200.0)					
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	400 +	*	*	*	*	*
TOTAL	200 +	*	*	*	*	*

Estimate of any current year (FY96) cost: \$ 0

POSITIONS

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 16.05.190 and AS 22.15.250 so that criminal fines from commercial fishing violations that damage the resource can be deposited into the Fish and Game Fund. They currently are deposited in the General Fund. The Department of Fish and Game would then make available funds through a RSA for an Attorney IV within the Department of Law who would be devoted to prosecuting criminal cases resulting from commercial fishing violations. It is expected that the dedication of an attorney to criminal prosecutions will in turn result in significantly more fines being collected than the cost of the prosecutor, but the precise figure is impossible to estimate. We expect that in the first year it will double fines collected. Beyond that we cannot estimate. This is represented by an * in the cell for change in revenues FY98-02.

Prepared by: Bob Clasby Phone: 485-6100
 Division: Commercial Fisheries Management and Development Date: 3/7/96
 Approved by Commissioner: Frank Rue Date: 3/7/96
 Agency: Fish and Game

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