

HJR

38

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 38

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Magnuson Fishery Conservation & BRU: CFMD
 Management Act: _____ Component: Fisheries Management
 Sponsor: Rep. Austerman
 Requester: House FSH COMPONENT SERIAL NO. 1041

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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/MMTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Geron Bruce Phone: 485-8143
 Division: Commissioner's Office Date: 4/9/95
 Approved by Commissioner: *[Signature]* Date: 4/10/95
 Agency: Fish and Game

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SENATE COMMITTEE REPORT

DATE: 4/29/95

FURTHER:

DATE TURNED INTO OFFICE: S-5-95

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 38(FSH)

Relating to reauthorization of the Magnuson Fishery Conservation and Management Act.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical change
 new: SCR* _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Reck Halford</i>	✓				
<i>ina leance</i>	✓				
<i>Tom Hill</i>		<i>Adrian Taylor</i>	✓		
		<i>Benjamin</i>	✓		
CHAIR: <i>Loren Swan</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

<i>ADFG</i>	<i>4/18</i>	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

(1) authorize the regional fishery management councils to minimize the bycatch of unwanted species, sizes, or sexes of fishery resources and to promote fuller utilization of fishery resources;

(4) establish an annual review of individual fishery quota systems for federally managed fisheries and report to the Congress and the affected state governments on the benefits and impacts of the individual quota systems; not to be

(5) provide a mechanism by which entry level fishermen or small vessel owners who do not hold individual transferrable quotas may gain a fair and reasonable opportunity to obtain individual transferrable quotas;

(9) authorize the establishment and implementation of appropriate community development quota or community protection set-aside programs for the Bering Sea and Aleutian Islands areas to aid fishery development and recognize the economic dependence of coastal communities upon fishing; and be it

CS FOR HOUSE JOINT RESOLUTION NO. 38(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Navarre, Grussendorf

A RESOLUTION

1 Relating to reauthorization of the Magnuson Fishery Conservation and Management
2 Act.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS the Magnuson Fishery Conservation and Management Act (hereinafter
5 "the Act") established a fishery conservation zone, now known as the exclusive economic zone
6 (EEZ), out to 200 miles from the shoreline of Alaska and the other states to protect, conserve,
7 and manage the extensive fisheries resources of the continental shelf; and

8 WHEREAS coastal communities of Alaska lie adjacent to, and depend upon, the
9 fishery resources of the federally managed EEZ in the Bering Sea, Gulf of Alaska, and North
10 Pacific Ocean off Alaska; and

11 WHEREAS the Act provides for the management of the fishery resources of the EEZ
12 through regional fishery management councils and by the National Marine Fisheries Service;
13 and

14 WHEREAS the United States Congress is currently considering the reauthorization of
15 the Act; and

16 WHEREAS several issues of national and regional importance are being considered

1 as part of the reauthorization process for the Act;

2 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
3 Congress to reauthorize the Magnuson Fishery Conservation and Management Act with the
4 following provisions:

5 (1) authorize the regional fishery management councils to minimize the bycatch
6 of unwanted species, sizes, or sexes of fishery resources and to promote full utilization of
7 fishery resources;

8 (2) require the regional fishery management councils to establish and
9 implement protections against overfishing of all species of fishery resources;

10 (3) establish reasonable restrictions on direct, personal, and financial conflicts
11 of interest by members of the regional fishery management councils, provided that those
12 restrictions recognize that minor insignificant conflicts are inevitable and acceptable given the
13 nature of the membership of the regional fishery management councils;

14 (4) establish a moratorium, for a minimum of three years, upon the
15 establishment and implementation of individual fishery quota systems for federally managed
16 fisheries;

17 (5) provide a portion of the annual harvest in a fishery subject to individual
18 transferrable quotas for entry level fishermen or small vessel owners who do not hold
19 individual transferrable quotas;

20 (6) require a portion of fees or rents collected from federally managed fisheries
21 be distributed to the adjacent coastal states for fishery conservation and management purposes;

22 (7) require that the federal fee system for federally managed fisheries allow
23 a deduction for other local, state, and federal fishing fees and taxes that are paid by fishermen;

24 (8) amend 16 U.S.C. 1856 to authorize the extension of state jurisdiction into
25 the exclusive economic zone when a North Pacific Fishery Management Council fishery
26 management plan does not exist; and

27 (9) authorize the establishment and implementation of community development
28 quota or community protection set-aside programs for the Bering Sea and Aleutian Islands
29 areas to aid fishery development and recognize the economic dependence of coastal
30 communities upon fishing; and be it

31 **FURTHER RESOLVED** by the Alaska State Legislature that fees, taxes, or royalties

1 levied on the harvesting or processing of fishery resources in the exclusive economic zone
2 must recognize and give credit for other federal, state, and local fees, taxes, and royalties also
3 levied on those same activities and that revenue derived from fees, taxes, or royalties levied
4 on the harvesting or processing of fishery resources in the exclusive economic zone be utilized
5 for the management, enforcement, research, and administration of fishery programs in the
6 areas where the revenue was derived; and be it

7 **FURTHER RESOLVED** by the Alaska State Legislature that the National Marine
8 Fisheries Service should receive the funding necessary to provide the regional fishery
9 management councils with sufficient biological information to implement controls against
10 overfishing and with the research needed to understand and manage fishery resources; and be
11 it

12 **FURTHER RESOLVED** that the Alaska State Legislature respectfully opposes any
13 proposal to alter the established composition of the North Pacific Fishery Management
14 Council.

15 **COPIES** of this resolution shall be sent to the Honorable Frank Murkowski, Chair,
16 United States Senate, Committee on Energy and Natural Resources; the Honorable Don
17 Young, Chair, United States House of Representatives, Committee on Resources; and to the
18 Honorable Ted Stevens, Chair, United States Senate Subcommittee on Oceans and Fisheries
19 of the Committee on Commerce, Science, and Transportation.



Alaska State Legislature

House of Representatives Special Committee on Fisheries

SPONSOR STATEMENT

HJR 38 - "Reauthorization of the Magnuson Act"

April 10, 1995

House Joint Resolution 38 speaks to the upcoming Magnuson Fishery Conservation and Management Act reauthorization which was last re-authorized in Congress for a period of three years and is set to expire at the end of this year. The Act serves two purposes: 1) to make a national claim on the fisheries resources of the continental shelf in the band of marine waters from 3 to 200 miles offshore -- the exclusive economic zone (EEZ); and 2) to set up a system for managing and conserving the fisheries resources within the zone. To meet this management and conservation aim, Congress created the Regional Fishery Management Council system. Alaska is represented on the North Pacific Fishery Management Council.

In creating the Council system, Congress recognized the strong interest coastal states had in the fisheries resources of the EEZ off their shores. Congress charges the Councils with the primary responsibilities for determining management policy, within the EEZ, and mandates that the voting members of each of the eight regional Councils be drawn from the relevant coastal states. There is only one voting member representing the federal government on each



Alaska State Legislature

House of Representatives Special Committee on Fisheries

Council.

The North Pacific Fishery Management Council is unique among the eight regional Councils created by Congress. This Council is the only one assigned the EEZ lying directly and entirely off the coast of a single state -- Alaska. All of the other Councils' regions of authority span multiple state coastlines. Congress recognized this uniqueness, as well as the historic participation in the fisheries off Alaska by residents of Washington and Oregon, when prescribing the voting membership of the North Pacific Fishery Management Council. There are 6 votes from Alaska, 3 from Washington, 1 from the National Marine Fisheries Service.

Maintaining that Alaska majority on the NPFMC is one of the principal issues during this and former Magnuson Act reauthorizations and is addressed in this resolution. This resolution also suggests several provisions for the state's best interest be included within the reauthorization.

Thank you for your consideration of this resolution.