

HB

109

SENATE COMMITTEE REPORT

DATE: 4/19/99

FURTHER:

DATE TURNED IN TO OFFICE: 5/6/99

Resources Committee considered

CS FOR HOUSE BILL NO. 109(RES) am

"An Act relating to management of fish and game in Glacier Bay National Park and Preserve and navigable waters."

and recommends:

- be replaced with S CS HB 109 (RES)
- 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 title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DPS	2/26	X	
Fed. G (Com)	3/1	X	
" (S. Fish)	3/1	X	

APPLY TO CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 3

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO: E Version: CSHB 109 (WTR)
(H) Publish Date: 3/17/99

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act relating to management of fish and game BRU: Fish and Wildlife Protection
in Glacier Bay National Park and Preserve Component: Detachments
Sponsor: Representative Ogan.
Requestor: H. WORLD TRADE COMPONENT SERIAL NO. _____

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

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY. 99) impact: \$ -0-

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.)

This bill is inconsistent with divisional objectives, but will not adversely impact the budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
Division: Fish and Wildlife Protection Date: February 26, 1999
Approved by Commissioner: *Ronald L. Otte* Date: 3-4-99
Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE Bill Version: CSHB 109 (WTR)

(H) Publish Date: 3/17/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
 Title GLACIER BAY NATIONAL PARK BRU Commercial Fisheries
 Component Southeast Region Fish Management
 Sponsor Rep. Ogan
 Requester House WTR Component Serial No. 2167

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Duffy, Acting Deputy Director Kevin C. Duffy Phone 465-6151
 Division Division of Commercial Fisheries Date/Time 3/1/99 4:14 PM
 Approved by Commissioner Frank Rue Date 3/1/99
 Agency Alaska Department of Fish and Game

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FISCAL NOTE

Bill Version: CSHB 109 (WTR)

(H) Publish Date: 3/17/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Glacier Bay National Park BRU Sport Fish
 Component Sport Fish
 Sponsor Representative Ogan
 Requester House WTR Component Serial No. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0
----------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Enactment of this bill will not affect the Division of Sport Fish therefore a zero fiscal note is being submitted.

Prepared by Kevin Delaney, Director
 Division Sport Fish
 Approved by Commissioner Beron Bruce
 Agency Alaska Department of Fish and Game

Phone 465-4180
 Date 2/25/99
 Date 3/1/99

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No: 3

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Sponsor: Representative Ogan.
Requestor: H. WORLD TRADE COMPONENT SERIAL NO. _____

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

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY. 99) impact: \$ -0-

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.)

This bill is inconsistent with divisional objectives, but will not adversely impact the budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
Division: Fish and Wildlife Protection Date: February 26, 1999
Approved by Commissioner: *Ronald L. Otte* Date: 3-4-99
Agency: Ronald L. Otte, Department of Public Safety

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 Component Southeast Region Fish Management
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 Requester House WTR Component Serial No. 2167

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

Prepared by Duffy, Acting Deputy Director Kevin C. Duffy Phone 465-6151
 Division Division of Commercial Fisheries Date/Time 3/1/99 4:14 PM
 Approved by Commissioner Frank Rue Caron Buse Date 3/1/99
 Agency Alaska Department of Fish and Game

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1999 LEGISLATIVE SESSION

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Glacier Bay National Park BRU Sport Fish
 Component Sport Fish
 Sponsor Representative Ogan
 Requester House WTR Component Serial No. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0
----------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Enactment of this bill will not affect the Division of Sport Fish therefore a zero fiscal note is being submitted.

Prepared by Kevin Delaney, Director
 Division Sport Fish
 Approved by Commissioner Deeron Bruce
 Agency Alaska Department of Fish and Game

Phone 465-4180
 Date 2/25/99
 Date 3/1/99

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REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

SPONSOR STATEMENT

House Bill 109

"An Act relating to management of fish and game in Glacier Bay National Park and Preserve and navigable waters."

HB 109 adds Glacier Bay National Park to existing statute (AS 16.20.010) affirming the State of Alaska has not assented to federal control in that area.

The existing statute recognizes the state has jurisdiction over all fish and game within state boundaries except in those areas where it has assented to federal control.

HB 109 also adds a section to AS 16.20.010 which includes language from a U.S Supreme Court case, *New York v. United States (1992)*, "...the federal government cannot commandeer the lawmaking process of the states to compel the state to enact and enforce a federal regulatory program."

The new section further strengthens the state's position with language asserting the state may not expend funds to adopt, enforce, or otherwise assist in the implementation of the federal regulatory program for control of fish and game in the park.

Recent activity by the U.S. Department of Interior sparked the introduction of this bill. HB 109 affirms that the State of Alaska supports continuing traditional activities, such as commercial and subsistence fishing, in Glacier Bay National Park and Preserve.

Article 01. STATE GAME REFUGES

Sec. 16.20.C10. Legislative recognition.

The legislature recognizes that

(1) the state has jurisdiction over all fish and game in the state except in those areas where it has assented to federal control;

(2) the state has not assented to federal control of fish and game in those areas which were set apart as National Bird and Wildlife Refuges while the state was a United States territory;

(3) special recognition of the value to the state and the nation of areas of unspoiled habitat and the game characteristic to it will be demonstrated by designating as state game refuges those federal lands which were National Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood.

History -

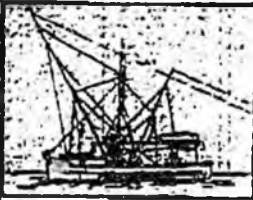
(Sec. 1 ch 114 SLA 1960)

Collateral Refs -

38 C.J.S., Game, Sec. 7, 8, 15.

Article Notes -

Opinions of the Attorney General. For a discussion of the authority of the Department of Natural Resources and



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400 |
(907) 586-4473 Fax

March 23, 1999

Representative Scott Ogan, Chairman
House Resources Committee
Alaska State Legislature
Juneau, AK 99811

Dear Representative Ogan:

The Alaska Trollers Association (ATA) is generally supportive of HB109. ATA believes that the state has jurisdiction over fish and game in all waters of the state, including those adjacent to Glacier Bay National Park.

While ATA strongly supports the notion that Alaska should manage its fisheries, there are portions of your bill, which we do not fully understand. Hopefully you will clarify on the record your intent on the following points:

1. If the state is not allowed to expend funds to "adopt, enforce, or otherwise assist in the implementation of the federal regulatory program...in the park", will that preclude ADFG and CFEC from assisting fishermen who are slated for compensation programs? Will ADFG still be able to generate numbers and work with fishermen to minimize the impact of federal actions (e.g. park management plan)? There are significant issues that fishermen will confront as the regulatory and statutory process moves ahead. The assistance of the state will be needed to ensure a good outcome for our families and communities.

2. Is the mandate not to "adopt, enforce, or otherwise assist in the implementation of the federal regulatory program" limited only to the Park? Will this measure in any way impact fisheries that the state has been delegated management authority for by another body, such as the North Pacific Fishery Management Council or the International Pacific Halibut Commission? Since salmon and halibut fisheries occur in many waters where the state has not "asserted to federal control", our members are deeply concerned about the ramifications of this provision on their fisheries.

ATA appreciates your efforts on our behalf and hope that some clarifying language can be generated to address the above issues.

Sincerely,

Dale A. Kelley
Executive Director

House Resources
HB 109 Glacier Bay National Park
March 24, 1999

Communities near Glacier Bay National Park need adequate opportunities to maintain their economic and social survival. We request the continued fair and reasonable opportunity to fish in Glacier Bay National Park, to help alleviate the growing social economic crisis within our community. We have traditionally depended on the marine resources for our economic and social well being. We wish to maintain the ability to diversify our local economies and maintain stable long term employment. No actions should be taken to restrict the exercise of valid commercial fishing rights or privileges. There is a long-term pattern of commercial and subsistence taking of fish resources within the marine waters of Glacier Bay National Park. Local residents from communities in close proximity are a natural part of the ecosystem and are dependent upon the harvesting of marine resources as a part of their economic survival. These communities are economically and socially integrated to the commercial fishing lifestyle. The State of Alaska and the Secretary of Interior have an obligation to protect the pattern of use of commercial fishing, consisting of methods and means of harvest which are characterized by a reliance that provides to the economic well-being of our community. The City of Pelican has a direct dependence on the continuation of commercial fishing within Glacier Bay National Park.

It is essential the State of Alaska continue to assert state jurisdiction of all fish & game within marine navigable state boundaries. Thank you for your continued support of fishing in Glacier Bay National Park.

Patricia Phillips
P.O. Box 33
Pelican, Alaska 99832
907-735-2240

Pelican City Council Member
FV Pacific Dawn: commercial fishing

9450 Herbert Place
Juneau, Alaska 99801
PH #789-7516

March 4, 1999

The Honorable Representative Scott Ogan
Alaska Legislature

Dear Representative Ogan,

Glacier Bay Fisheries

Recently employees of the National Park Service, wearing Firearms, contacted Alaska Fishermen in Glacier Bay National Park, boarding their vessels, and causing the Fishing People to be frightened and intimidated.

These fishermen were conducting legal operations as set forth by the Alaska Department of Fish & Game, in State waters.

The action by the National Park Service exceeded their authority, and violates the Sovereignty of the State of Alaska to manage Fisheries within State boundaries.

The Right of the State of Alaska to manage Fisheries is guaranteed by Historical Precedent in that No State has ever been denied such Management, and is a Primary Reason why Alaskans voted for Statehood, so as to obtain management of our own affairs and resources, especially Fisheries.

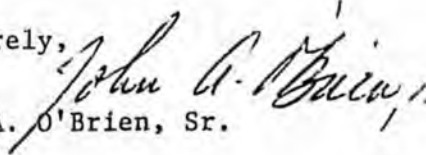
I respectfully urge Passage of your Bill about Fisheries in Glacier Bay, and action by our U.S. Congressional Delegation, and Governor Knowles to protect Alaskans from Federal Agents. It is recommended that Federal employees cease & desist from wearing Firearms when Alaskans are conducting legal operations in peaceful assembly.

Anything less is to let Federal Departments of the National Park Service, and also notably the U.S. Forest Service, to subject Alaska to an expanding Police State atmosphere.

These agencies over time have assumed the position that Government Agencies and employees are more powerful than the People, whereas the genius Founding Fathers of our Country intended that the People are supposed to be more Powerful than the Government.

Thank you for the opportunity to express my views on behalf of Alaska.

Sincerely,


John A. O'Brien, Sr.

cc: Senator Stevens
Senator Murkowski
Representative Don Young
Governor Knowles
Senator Elton
Representative Hudson
Representative Kertula

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO: HB109

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to management of fish and game BRU: Fish and Wildlife Protection
in Glacier Bay National Park and Preserve Component: Detachments
 Sponsor: Representative Ogan,
 Requestor: _____ COMPONENT SERIAL NO. _____

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

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

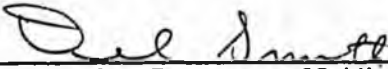
Estimate of current year (FY 99) impact: \$ -0-

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.)

This bill is inconsistent with divisional objectives, but will not adversely impact the budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
 Division: Fish and Wildlife Protection Date: February 26, 1999
 Approved by Commissioner:  Date: 3-4-99
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

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 Component Sport Fish
 Sponsor Representative Ogan
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Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Enactment of this bill will not affect the Division of Sport Fish therefore a zero fiscal note is being submitted.

Prepared by Kevin Delaney, Director Phone 465-4180
 Division Sport Fish Date 2/25/99
 Approved by Commissioner Beron Bruce Date 3/1/99
 Agency Alaska Department of Fish and Game

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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	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Duffy, Acting Deputy Director Kevin C. Duffy Phone 465-6151
 Division Division of Commercial Fisheries Date/Time 3/1/99 4:14 PM
 Approved by Commissioner Frank Rue Orion Buehler Date 3/1/99
 Agency Alaska Department of Fish and Game

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