

HB

309

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 309(FSH)
(H) Publish Date: 3/24/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Prohibit Release of Predatory Fish RDU: Sport Fisheries
Component: Sport Fisheries
Sponsor: Representative Wolf
Requester: House Fisheries Component No. 464

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison Phone 465-6137
Division: Alaska Department of Fish & Game Date/Time 3/19/04 5:42 PM
Approved by: Commissioner Kevin Duffy Date 3/19/2004
Agency: Alaska Department of Fish & Game

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 309(FSH)
 (H) Publish Date: 3/24/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Relating to Non-indigenous Fish Release RDU Alaska State Troopers
 Component Alaska Bureau of Wildlife Enforcement
 Sponsor Rep. Wolf
 Requester (H) Fisheries Component No. 2746

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 1 amends AS 16.35 by adding a new section that makes it illegal to transport, possess, import, export, or release into the water of the state live non-indigenous fish or live fertilized eggs of non-indigenous fish, unless the person holds a permit issued by the commissioner or the commissioner's designee to transport, possess, import, export, or release the fish or live eggs. This section does not apply to catch and release situations or ornamental fish. It does, however, make it illegal to rear live ornamental fish in or release them into the water of the state or to dump ornamental fish wastewater directly into the water of the state.

The bill provides a definition of non-indigenous fish, ornamental fish, and water of the state. Violations of this statute would be a class C felony.

It is not anticipated that the provisions of this bill will have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey
 Division: Alaska State Troopers
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone: 269-4532
 Date/Time: 3/19/04 10:29 AM
 Date: 3/19/2004

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



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House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 21, 2004
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1097X, HB 309, incorporating the attached three amendments (A.# 2, 3, and Conceptual A. #7). The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

CS HRB 309^(RES), version X
Amendment #~~1~~2 - PASSED
* by Rep. Garam

P. 1, L. 13

After "permitted"

Insert "salt"

After "Commercial"

Insert "or sport"

PURPOSED ADMENDMENT to CSHB 309(RES) ~~***~~ #3 - PASSED

Section 1

Page 1

Line 6 Delete [the person holds a permit issued by the commissioner or the commissioner's designee to transport, possess, import, export, or release the fish or live fish eggs.] after unless

Line 6 add permitted by AS 16.05-AS 16.40 or by regulation adopted under AS 16.05 - 16.40

Line 12 Delete ALL of line [12] and renumber

Page 2

Line 1 delete [, the water of the state or release fish wastes or waster water from ornamental fish tanks or other containment systems directly into the]

Line 3 delete [C felony] after class

Line 3 add A misdemeanor after class

Line 4 delete [\$1,500] after than

Line 4 add \$5,000 after than

A # 4
WITHDRAWN

Line 15 Delete [means any water of the state forming a river, stream, lake, pond, creek, bay, sound, estuary, inlet, strait, passage, canal, sea, or ocean or any other body of water or waterway within the territorial limits of the state] after state"

Line 15 add as define^d in AS 5.25.100 after state"

HB 309 version "X"

Conceptual Amendment #7
by Reps. McGuire & Gara

Page 1, Line 4-5:
After "knowingly"
Insert "release, or"

After "import"
Insert "or"

After "export"
Delete ", or release"
and Insert "for the purpose of releasing"

So it should read as follows:

"A person may not knowingly release, or transport, possess, import, or export for the purpose of releasing into the water of the state ..."

(Add or delete commas wherever you feel would be appropriate & most clear.)

REP. HOLM

PROPOSED AMENDMENT to CSHB 309(RES)

#5 - WITHDRAWN

Page 1, Line 13, Sec.1 insert: (3) an ornamental fish pond.

Page 2, after Line 18 insert: (5) "Ornamental fish pond" means a pond located on private property, not connected to a water of the state, with a surface area of less than 10,000 square feet and that was cultivated or constructed to be stocked with fish.

Renumber accordingly

Explanation:

We do not intend to make a back yard pond which is filled with goldfish into a criminal matter. Existing ponds of every size and content are not covered to this point in time and will not be affected by the passage of this law. But, all newly constructed or stocked ponds will now have a threshold for permitting. Any pond that meets the requirements and is under 10,000 sq. ft. can be stocked at will. A person is free to construct a bigger pond from 10,000 ft to 1000 acres or more, but will only need a permit to stock it.

THE COURTYARD BORDERING THE
JUDICIARY COMMITTEE RM. IS APPROXIMATELY
4650 SQ. FT.

THE POND SIZE SUGGESTED IN THIS
AMENDMENT WOULD BE ABOUT TWO TIMES
BIGGER.

STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Representative Jim Holm



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TEL 465-3466, FAX 465-2937

MEMO

DATE: 19 April 2004

TO: House Judiciary Committee
Rep. Kelly Wolf
Sarah Gilbertson, Dept. of Fish & Game

FROM: Rep. Holm

RE: HB 309

The sub-committee meeting on HB 309 will be held Tuesday, the 20th of April at 10:30am in my office (Rm. 416). We will be discussing the provisions set by the Chair. I encourage everyone to submit any questions and their ideas regarding this legislation. If you have any questions please contact my office @ 3466.

Amendment # _____

Page 1, Lines 6-8:

Delete "the person holds a permit issued by the commissioner or the commissioner's designee to transport, possess, import, export, or release the fish or live fish eggs."

Page 1, Line 6:

After "unless" insert "permitted by AS 16.05-AS 16.40 or by regulation adopted under AS 16.05 – AS 16.40."

Page 1, Line 11:

Insert "or" after "taken;"

Page 1, Line 12:

Delete "(2) ornamental fish; or"

Page 1, Line 13:

Delete "(3)" and insert "(2)"

~~After "permitted" insert "saltwater"~~

Page 1, Line 15:

After "(b)" insert "A person may import, export, transport, and possess ornamental fish."

Page 2, Line 12:

After "sold" delete "in the state"

Page 2, Line 14:

After "fishing" delete "in the state"

Alaska State Legislature

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Representative Kelly Wolf
House District 33

MEMORANDUM

April 1, 2004

To: Representative Lesil McGuire, Chair
House Judiciary Committee

From: Representative Kelly Wolf 

Re: Hearing Request for CS HB 309

Please schedule a hearing for CS HB 309 at your earliest convenience. Included is a copy of the bill, sponsor statement, fiscal notes Please contact my staff Neal DuPerron if you have any questions or need additional information at ext. 2693.

Thank You,

Alaska State Legislature

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Representative Kelly Wolf *House District 33*

Sponsor Statement HB 309

Transportation of nonindigenous predatory game fish has become a problem in some parts of Alaska. Currently it is a misdemeanor to transport live game fish in Alaska. By passing this bill Alaska will be able to send a message that bucket biology will not be tolerated in Alaska by unauthorized individuals who for their own desires wish to alter the ecosystems in Alaska.

When a person or group makes their mind up to take management of Alaska's fishery resources in to there own hand's. They put at risk the local economy's and place the burden of the expense of controlling the spread of these nonindigenous predatory fish which costs Alaska hundreds of thousands or even millions dollars for there self interests.