

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1961 SRES HB 507 - HB 637

1961

Roger Painter, Executive Director of United Fishermen of Alaska, testified next on the bill. He stated that there was a loophole in Sec. 2 of the bill, where the tax liability on custom packed fish was not applied on anyone. He also mentioned that the bill was unworkable without the effective date clauses that were defeated in the House. (tape reading 724-870)

Lewis Schnaper, of the Alaska Trollers Association, testified in support of this bill. (tape reading 871-069)

Hank Ostroskey, a commercial fishermen from Naknek, testified next on the bill. (tape reading 209-302)

Chairman Mulcahy announced that work on a draft would be done, and that the bill would be brought up on Friday, June 5 at 3:00 PM.

Chairman Mulcahy adjourned the meeting at 4:15. (tape reading 364)

H B

528

COMMITTEE REPORT

SENATE

4/5/82

FURTHER: None

Date: 5/24/82

Mr. President:

The Committee on RESOURCES has had CSHB 528(Reg) making miscellaneous amendments to the fish and game code (AS 16)

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for Senate CSHB 528 same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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[Signature]
CHAIRMAN

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

CSHB 528 (Res)
BILL NUMBER

IDENTIFICATION:

BILL NAME: "An Act making miscellaneous amendments to the fish and game code (AS16)."

SPONSOR(S): Resources
Orig. Sponsor--Rules (Gov's request)

RELATED BILLS PENDING: SB 275
SB 51

DATE INTRODUCED: (H) 4/24/81
(S) 4/5/82

REFERRALS

INITIAL RESEARCH:

Resources

INITIAL BILL SUMMARY COMPLETED

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP MATERIALS: *Concurrence, 4/27; read 4/28/28*
H. Res 4/27 - misc 4/28

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

Al Anderson:
Norm Stator: 6-1512

Briefly

Alaska

Seymour Canal herring fishery closed

By Empire Staff

While there were openings in Sitka and Juneau earlier this season, there will be no sac roe herring fishery in the Seymour Canal this year, according of the Alaska Department of Fish and Game.

Acoustical surveys conducted last week by Fish and Game biologists found no increase in the herring stock in the Seymour Canal and no new fish were observed entering the area.

Almost all of the herring schools have moved towards the shallows to find warmer water. Trawl samples indicate that the majority of the fish are ready to spawn. About 40-50 percent of the stock are three years old or younger.

Based on this information, Fish and Game officials decided that the Seymour Canal herring fishery will not open this season.



How many salmon will starve

The principal food of salmon is herring.

During the last week of March, the Alaska Department of Fish & Game opened the Sitka area to herring fishermen. In a few hours, during the two days the season was open, some 50 seiners caught more than 4,260 tons of herring. The average herring weighs 1/4 pound so approximately 34,080,000 herring were caught. One half the herring caught were full of roe and ready to spawn. Each female herring has 10 to 40 thousand eggs, let's call it 25,000. After the eggs are fertilized, an estimated 65 percent will develop into little herring and from that point on they are food for salmon. This catch really destroyed 276,900,000 herring.

If a salmon eats five herring a day, this one catch would eliminate the food for approximately 303,000,000 salmon for a six month period.

But don't cut trees near a stream because it might affect the temperature of the water or cause some siltation or perhaps change the oxygen content of the water. Do anything you wish to the food supply, but loggers stay away from the streams.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

TO: Billy Berrier
Director, Legal Services

DATE: 5/21/82

Attn: Ed Hein

FROM: Bettye Fahrenkamp
Chairman

RF: FINAL Committee
Substitute for
CSHB 528(Res)

I would appreciate you preparing a FINAL Committee Substitute for CSHB 528(Res) incorporating the attached language.

The attached language came from CSSB 794(Fin) - page 8, line 28 - 29, and page 9, line 1 - 12.

If you have any questions please contact Resa King at 465-3834. When the final of the bill is completed please return it to Room 211 Capitol Building.

Attachment:

1 Shamrock Bay, (22) Red Bluff Bay, (23) Security Bay, (24) Read Island
2 (Farragut Bay), (25) Deep Cove, (26) High Island (Rocky Pass), (27) Port
3 Armstrong, (28) Explorer Basin (Tebenkof Bay), (29) Beecher Pass, (30) LeConte
4 Bay, (31) Salmon Bay, (32) Thoms Place, (33) McHenry Anchorage, (34) Burroughs
5 Bay, (35) Port Stewart, (36) Shrimp Bay, (37) Traitors Cove, (38) Neets Bay,
6 (39) Grindall Island, (40) Settler Cove, (41) Manzanita Bay, (42) South Arm
7 Cholmondeley Sound, (43) Blank Inlet, (44) Niblack Anchorage, (45) Dall Bay,
8 (46) Alava Bay, (47) Foggy Bay, (48) Anderson Bay, (49) Boswell Bay, (50)
9 Canoe Passage, (51) Cascade Creek, (52) Constantine Harbor, (53) Disk Island,
10 (54) Drier Bay, (55) Driftwood Bay, (56) Eagle Bay, (57) Falls Bay, (58)
11 Garden Cove, (59) Goat Harbor, (60) Golden Creek, (61) Granite Cove, (62)
12 Gravina Point, (63) Jack Bay, (64) Long Bay, (65) Main Bay, (66) Marsha Bay,
13 (67) Outside Bay, (68) Perry Island, (69) Port Chalmers, (70) Port Fidalgo,
14 (71) Port Nellie Juan, (72) Princeton Creek, (73) Safety Cove, (74) Salmon
15 Creek, (75) Shoestring Cove, (76) Siwash Bay, (77) South Elrington Island,
16 (78) Sunny Cove, (79) Thumb Cove, and (80) Kayak Island.

17 * Sec. 3. The commissioner of natural resources shall report to the
18 governor on the actions taken under AS 41.20.506 - 41.20.520 by December 1 of
19 each even-numbered year. The governor shall submit the report to the legis-
20 lature during the first 10 days of the first session of each legislature.
21 The report to the legislature shall include the progress of the commissioner
22 in conducting the assessment required by sec. 2 of this Act, together with
23 the recommendations of the governor for the inclusion of additional land and
24 water as units of the Alaska marine park system and other recommendations for
25 legislation.

26 * Sec. 4. AS 16.20 is amended by adding a new section to article 3 to
27 read:

28 ARTICLE 3. [MCNEIL RIVER] STATE GAME SANCTUARIES [SANCTUARY].

29 Sec. 16.20.165. CAPE SENIAVIN STATE GAME SANCTUARY. (a) The

comment to
BB 528

Miki Scott
Forjic

1 following described area and adjacent state waters are established as
2 the Cape Seniavin State Game Sanctuary:

- 3 (1) Township 44 South, Range 69 West, Seward Meridian
4 Sections 2 - 5
5 Sections 8 - 10
6 (2) Township 43 South, Range 69 West, Seward Meridian
7 Sections 32 - 35.

8 (b) The purpose of the Cape Seniavin State Game Sanctuary is to
9 provide a permanent protection for walrus and other fish and wildlife
10 populations and their habitat in the area of the Cape Seniavin walrus
11 hauling grounds so that the resources may be preserved for scientific,
12 aesthetic and educational purposes.

13 * Sec. 5. AS 16.20.170 is repealed and reenacted to read:

14 Sec. 16.20.170. MANAGEMENT OF MCNEIL RIVER AND CAPE SENIAVIN STATE
15 GAME SANCTUARIES. (a) The provisions of AS 16.20.120 - 16.20.140
16 relating to the administration, multiple use and sale and lease of the
17 Walrus Islands State Game Sanctuary apply also to the McNeil River State
18 Game Sanctuary.

19 (b) The provisions of AS 16.20.120 relating to the administration
20 of the Walrus Islands State Game Sanctuary apply also to the Cape
21 Seniavin State Game Sanctuary. Surface entry for oil and gas explora-
22 tion and development and mineral leasing and the acquisition and
23 development of mining rights within the Cape Seniavin State Game
24 Sanctuary is prohibited.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

19 each even-numbered year. The governor shall submit the report to the legis-
20 lature during the first 10 days of the first session of each legislature.
21 The report to the legislature shall include the progress of the commissioner
22 in conducting the assessment required by sec. 2 of this Act, together with
23 the recommendations of the governor for the inclusion of additional land and
24 water as units of the Alaska marine park system and other recommendations for
25 legislation.

26 * Sec. 4. AS 16.20 is amended by adding a new section to article 3 to
27 read:

28 ARTICLE 3. [MCNEIL RIVER] STATE GAME SANCTUARIES [SANCTUARY].

29 Sec. 16.20.165. CAPE SENIAVIN STATE GAME SANCTUARY. (a) The

-8-

CSSB 794(Fin)

1 following described area and adjacent state waters are established as
2 the Cape Seniavin State Game Sanctuary:

3 (1) Township 44 South, Range 69 West, Seward Meridian

4 Sections 2 - 5

5 Sections 8 - 10

6 (2) Township 43 South, Range 69 West, Seward Meridian

7 Sections 32 - 35.

8 (b) The purpose of the Cape Seniavin State Game Sanctuary is to
9 provide a permanent protection for walrus and other fish and wildlife
10 populations and their habitat in the area of the Cape Seniavin walrus
11 hauling grounds so that the resources may be preserved for scientific,
12 aesthetic and educational purposes.

13 * Sec. 5. AS 16.20.1 is repealed and reenacted to read:

14 Sec. 16.20.170. MANAGEMENT OF MCNEIL RIVER AND CAPE SENIAVIN STATE
15 GAME SANCTUARIES. (a) The provisions of AS 16.20.120 - 16.20.140
16 relating to the administration, multiple use and sale and lease of the
17 Walrus Islands State Game Sanctuary apply also to the McNeil River State
18 Game Sanctuary.

19 (b) The provisions of AS 16.20.120 relating to the administration
20 of the Walrus Islands State Game Sanctuary apply also to the Cape
21 Seniavin State Game Sanctuary. Surface entry for oil and gas explora-
22 tion and development and mineral leasing and the acquisition and
23 development of mining rights within the Cape Seniavin State Game
24 Sanctuary is prohibited.

25 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
26 70(c).

-9-

CSSB 794(Fin)

April 23, 1981

The Honorable Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would provide for the statutory clarification and reform of AS 16. The bill is designed to correct some anomalies in AS 16 by deleting outdated sections, and clarifying ambiguities. The attached is a section-by-section description of the effect of these changes and the reasons why the proposed amendments would substantially benefit effective management of the fish and game resources of the state.

Sincerely,

Jay S. Hammond
Governor

SECTION-BY-SECTION ANALYSIS

CONTACT: LARRY EDFELDT

Sections 1, 3, 5, 6, and 24 would change the word "chapter" to read "title", where appropriate, so that the powers and duties of the boards, commissioner and department, and definitions, apply to the entire title. The legislature first enacted AS 16.05 in 1959 and at that time it was the entire fish and game code. When AS 16.10 -- AS 16.40 were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover the new chapters. This oversight has left gaps in the statutes which need to be corrected.

Section 2 would expressly authorize the commissioner of fish and game to conduct research and enter into cooperative agreements and contracts.

In addition to cooperative agreements, it is also appropriate for the department to enter into contracts or to make grants for specific projects. Section 2 also would require the commissioner to establish criteria governing department grants and contracts to insure that those expenditures are a wise investment of public money.

Sections 4 and 5 would authorize peace officers to arrest persons violating the fish and game title and permit the officers to execute warrants. The word "chapter" is changed to "title" so that uniform enforcement procedures will apply to all of Title 16. In addition, the requirement that offenders be brought before a magistrate "immediately" is, in this amendment, dropped. This would delete an unnecessary burden imposed on protection officers. Also, the mandatory requirement that deputies arrest all offenders is stricken because an arrest for certain minor violations may not be appropriate and could result in unnecessary expenditures for enforcement and prosecution.

Section 7 would delete the requirement that fish and game enforcement officers provide an "intent to search" statement before conducting a warrantless search. This requirement is not necessary to make a warrantless search valid under art. I, sec. 14, of the Alaska Constitution, and can cause an otherwise valid search to be considered invalid.

Section 8 changes the purposes of board regulations from "conservation and development of the resource" to "conservation or development" of the resource which would recognize that not all board regulations need to serve both a conservation and a development function (e.g., gear restrictions, closed areas and other clearly conservation provisions). This section also expresses

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SEC. 7
DELETED

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SEC. 8
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the purpose, implicit in "development," of benefiting the interest of the economy or general welfare of the state (e.g., allocations among user groups and subsistence provisions). This change is consistent with art. VIII of the Alaska Constitution and with AS 16.05.020(2).

Sections 9 and 11 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quotas and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers. This authority should be made express as a legal safeguard.

Sections 10 and 13 would clarify the appropriate authority of the boards to engage in biological research, which is a departmental function.

The Board of Game does not adopt regulations regarding investigation of predators, which is an administrative function of the department. It does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations. Section 12 would amend existing law to reflect this fact.

Section 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 10-day and one-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Vendors have been unable to distinguish between classes of nonresidents. The proposed change is fair and will be more efficient to administer.

Sections 15 and 16 would make technical amendments to AS 16.05.340(a)(9), and AS 16.05.340(b) to clarify the meaning of existing law.

AS 16.05.390 currently requires license vendors to monthly transmit revenues to the Department of Revenue. Section 17 would provide flexibility in the law, so that vendors who sell many licenses could be required by the department to submit transmittals more frequently than once per month; conversely, vendors who sell few licenses can be allowed to submit transmittals less frequently, perhaps two or three times per year. This will provide for the collection of revenue as needed for management and enforcement purposes and permit the timely investment of revenues.

SEC. 17
AMENDED

In section 18, existing law which describes areas no longer used in the management of king crab would be deleted.

In 1975, AS 16.05.831(a) was enacted to prohibit the waste of salmon. However, that section contains an ambiguity that could nullify the law's effectiveness. Section 19 would clarify the scope of the law and make it enforceable by expressly providing that any salmon for sale, whether to a private individual or a commercial buyer, may not be wasted.

Section 20 would make grammatical changes in the anadromous fish protection statute to correct an apparent deficiency. Currently, only a person or agency desiring to use, divert, obstruct, pollute or change the flow or bed of an anadromous fish stream must first notify the commissioner. In order to make AS 16.05.870 enforceable, notification would be required before any activity which may change the stream or pollute the stream.

Section 21 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870 -- 16.05.895, relating to anadromous fish protection. The basic penalty section for Title 16 would be moved to a new section (AS 16.05.925 contained in section 23 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 22 and 23. The basic prohibition contained in Title 16 is that it is unlawful to possess fish and game unless permitted by statute or a regulation of the boards. This prohibition and accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 23 would set out the general penalty section separately in AS 16.05.925. Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. Proposed AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. Also, section 22 changes "made" to "adopted," with regard to regulations, for the sake of consistent terminology. Section 23 makes the penalty a class A misdemeanor to conform with sentencing under AS 12.55.035 and 12.55.135.

Section 24. This section is the basic definition section for AS 16. Three of the definitions contained in this section would be amended as follows:

- (1) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(2) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state;

(3) in AS 16.05.940(11), "rules and regulations promulgated" would be changed to "regulations adopted" for the sake of consistent terminology and to remove a redundant use of terms; and

(4) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors.

Section 25 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 26. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually "certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible; consequently, this section would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved.

Section 27 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976. *Actually Pt. Mc Kenzie*

Section 28 would add a criminal sanction for possession of raw horns or antlers of wild food animals without the edible meat. Existing law fails to specify the appropriate criminal penalty.

AS 16.35.200 requires consent in writing, from the board for deployment of poisons. Section 29 would transfer this function to the department through regulations to be adopted by the board.

Section 30 would repeal the following laws:

(1) AS 16.05.251(a)(9) and 16.05.255(a)(8). These provisions empower the boards to adopt regulations for cooperative agreements to promote research, education and to train persons for management. These are administrative functions and do not require board regulations. The repeal of these sections will permit the separation of the rule-making functions of the boards from the administrative functions of the commissioner.

(2) AS 16.05.632. This section requires the issuance of identification tags for king crab pots or buoys in areas where king crab pot limits are in effect. I propose the repeal of these requirements because these requirements impose a substantial and unnecessary burden upon fishermen who must obtain and display the tags, as well as upon the state which must issue the tags and enforce the requirements. In addition, there appears to be little biological justification for king crab pot limits and law enforcement officers have often presented evidence to the board demonstrating that the use limits are not enforceable. Because this statute does not enhance enforcement, and has no identifiable conservation and development purpose, it should be repealed.

(3) AS 16.05.835 and AS 16.10.120. These sections establish a maximum length for salmon seine vessels and prohibit the use of drum seines, respectively. The two prohibitions are essentially duplicated by regulation of the Board of Fisheries (5 AAC 39.160 and 5 AAC 39.155, respectively). After the introduction of limited entry in the salmon net fisheries, there has been increasing interest in removing the prohibitions in some seine fishing areas. The statutes are inflexible; they should be repealed which would enable the Board of Fisheries to determine vessel limits by reasonable regulations based on conservation and development considerations for each area of the state under AS 16.05.251(a)(4).

(4) AS 16.05.903. Legislation creating the Alaska Big Game Photo Contest was enacted in 1975. The original intent was that revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short -- less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of the taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

(5) AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the Board of Fisheries. The International Pacific Salmon Fisheries Commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the exemptions

ORIGINAL
SUB SECTION
DELETED

set out in the statute obsolete; therefore, this subsection should be repealed.

(6) AS 16.15.101 - 16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory which no longer exists.

(7) AS 16.35.010 - 16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder of these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

I. REQUEST

Bill/Resolution Number: CSHB528

Title: An act making miscellaneous admendments to the fish and game code

Requested by: The Resources Committee

Date: March 23, 1982

II. FISCAL DETAIL

Agency Effected: Department of Revenue

Program Category Effected: General Government

BRU, Program, or Subprogram(s) Effected: Administrative Services

(Note: If more than one budget component is effected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-	-	-	-	-	-
PART TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The Department of Revenue would request that the wording starting on page four line sixteen starting with the word Each be changed to read as follows: Each person selling licenses or tags shall, as directed by the commissioner of revenue [SOON AS PRACTICABLE AFTER THE LAST DAY OF EACH CALENDAR MONTH], transmit the proceeds from the sales; except the amount authorized to be retained, together with a report of the sales to the commissioner for deposit to the fish and game fund or the general fund. The reasons for the charge are:

- 1) It would be beneficial to both the vendor and the state if the department could selectively authorize vendors to report according to their volume of sales.
- 2) Vendors who do a great deal of business for the state should be required to send the money to the state more frequently so that it can be invested and earning interest.
- 3) Vendors who handle a great volume of business would find it easier to fill out the reports on a weekly or bi-weekly basis as they would be handling fewer documents per report.

IV. DATE: March 23, 1982

PREPARED BY *Philip A Wall*
AGENCY Department of Revenue
PHONE: 765 2309

4) Working with smaller reports of license sales, the department would be able to get them processed faster and on the computer for informational review and lookup.

5) Vendors operating on a seasonal basis (May through September) should not be required to report every month or quarter. It would only be necessary to report while the business was operating.

IN any event, the actual reporting period would result from the approval by the vendor involved on a case by case basis.

TO: Bob Mulcahy, Chairman
Fisheries Subcommittee

DATE: 4/6/82

FROM: Bettye Fahrenkamp
Chairman

RE: CSHB 528(Res)

The following bill has been referred to the Senate
Resources Committee:

CSHB 528(Res) "An Act making miscellaneous amendments
to the fish and game code (AS 16)."

I am not assigning it to the Fisheries Subcommittee
but, would appreciate you and the members taking a look at
the bill and reporting back to me on what action would be
appropriate for the full Committee.

H B

535

COMMITTEE REPORT
SENATE

FURTHER: Finance

5/22/81

Date: _____

Mr. President:

The Committee on RESOURCES has had CSHB 535(Res) (efd failed)
Alaska Agricultural Action Council

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

June 5, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Sturgulewski
Senator Mulcahy
Senator Eliason
Senator Gilman

HEARING:

- CSHB 535 An Act relating to the Alaska Agricultural Action Council.
- HCR 29 Relating to the development of a plan for Alaska agricultural development.
- SB 588 An Act relating to mineral leasing.
- HB 456 An Act relating to agriculture.
- HB 88 An Act relating to the qualifications for the farm or agricultural lands tax exemption.
- HB 83 An Act making special appropriations to the Department of Fish and Game for bison management.
- HB 538 An Act relating to a small-scale agriculture grant program.

Representative Gardiner, stated that HCR 29 and HB 535 outline the state's policies and goals for agricultural development. HB 535 increases the membership on the Agricultural Action Council from 5 to 7 members.

Senator Sturgulewski put forth the motion to move SCS CSHB 535 with individual recommendations.

Senator Sturgulewski put forth the motion to move HCR 29 and the letter of intent with individual recommendations.

Representative Gardiner stated that the purpose of HB 456 is to promote small scale agriculture.

Representative Rogers suggested an amendment to HB 456 on page 1, line 16, place a period after "state" and delete line 17.

Senator Fischer put forth the motion to accept the amendment. He put forth several technical and grammatical amendments which were accepted.

Senator Fischer put forth the motion to move HB 456 as a Senate Committee Substitute with individual recommendations.

Dick Bishop, Regional Supervisor, Fairbanks, Department of Fish and Game, stated that HB 83 provides funding to develop the Delta Bison range and improve the bison summer range to delay their movement.

Representative Gardiner stated that he had looked at other alternatives and HB 83 was the least expensive to help ease the conflict between bison and agriculture.

Senator Mulcahy put forth the motion to move HB 83 with individual recommendations.

Representative Gardiner stated that HB 538 is designed to help small scale and village agricultural programs. He suggested that the Committee consider a letter of intent stating that the funds should be dispersed throughout the state and that no single geographical region receive an abnormal amount of the funds.

Senator Mulcahy put forth the motion to move CS HB 538 am with individual recommendations and the letter of intent.

Senator Fahrenkamp put forth the motion to defer consideration of HB 88.

SB 588 was held until the Committee meeting June 8, 1981.

The Committee adjourned at 3:05 p.m.

May 5, 1979

HOUSE JOURNAL

1373

And so, the House adopted the FCC report, thus adopting: FCCS
SB
FCCSB 130 (establishing programs of financial 130
and academic assistance to students in
universities and colleges; effective date)

Mr. Anderson moved and asked unanimous consent that the letter of intent be adopted by the House. There being no objection, it was so ordered.

The Chief Clerk was instructed to so notify the Senate.

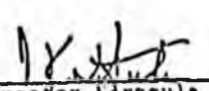
A letter of intent was received on FCCSB 14. FCCS
SB14

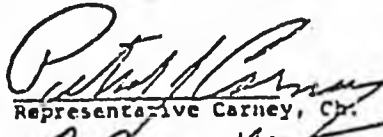
Mr. Anderson moved and asked unanimous consent that the letter of intent on FCCSB 14 be adopted. There being no objection, it was so ordered, and the letter of intent follows:

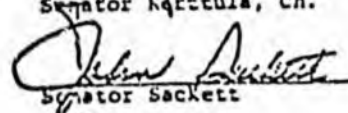
LETTER OF INTENT

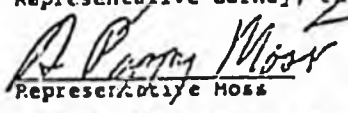
Of The Pres Conference Committee On
Senate Bill No. 14

The Alaska Agricultural Action Council and all funding for their administration and projects are located in the Department of Commerce and Economic Development in a ministerial capacity in the same manner as the Alaska Transportation Commission and the Alaska Public Utilities Commission. The Department shall not involve itself in any way in the activities of the Agricultural Action Council.

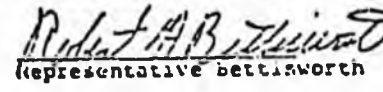

Senator Karttula, Ch.


Representative Carney, Ch.


Senator Sackett


Representative Moss


Senator Colletta


Representative Bettarworth

support for construction or development and maintenance of a facility, availability of land, management capacity, alternatives to completion of the facility proposed, redevelopment or rehabilitation of a structure qualifying as an historic property or a building of historic value which is part of an historic district, and cost;

(2) by application of the criteria adopted under (1) of this section, advise the commissioner of commerce and economic development regarding the approval of requests for financial assistance in the construction of cultural facilities submitted in accordance with AS 49.18.500;

(3) at the request of a municipality, provide assistance in the preparation of an assessment of needs and review proposals and plan for construction or development of a cultural facility, for which financial assistance is requested under AS 49.18.500; and

(4) submit an annual report to the commissioner of commerce and economic development and the legislature summarizing its activities and expenses. (§ 3 ch 62 SLA 1979)

Article 10. Alaska Agricultural Action Council.

Section	Section
450. Creation of council	470. Powers and duties of the council
455. Compensation of members	475. Agricultural development projects
460. Meetings	500. Definitions
465. Quorum	

Termination date. — Section 4, ch. 75, SLA 1979, provides that this article terminates July 1, 1984.

Sec. 44.33.450. Creation of council. (a) There is established in the Department of Commerce and Economic Development the Alaska Agricultural Action Council. The council is composed of five members appointed by the governor. The chairman of the council is to be designated by the governor from among the members.

(b) The council may invite representatives from the United States Soil Conservation Service, the United States Forest Service, or from other federal agencies to participate in the deliberations of the council in an advisory capacity.

(c) The term of a member of the council is four years. Vacancies are filled in the same manner as original appointments, but a member appointed to fill a vacancy serves for the unexpired term of the member he succeeds. (§ 1 ch 75 SLA 1979)

Notwithstanding the terms of office specified for members of the Alaska Agricultural Action Council in AS 44.33.450(c), enacted in sec. 1 of this Act, the terms of the first appointees shall be one member serving a term ending June 30, 1980, one member serving a term ending June 30, 1981, one member serving a term ending June 30, 1982, one member

30, 1984. Section 4 of ch. 75 provides that this article terminates July 1, 1984. Legislative history report. — For adoption of the Free Conference Committee letter of intent on Senate Bill No. 14 (ch. 75, SLA 1978), see 1979 Senate Journal, p. 1138; 1979 House Journal, p. 1373.

Sec. 44.33.455. Compensation of members. (a) Members of the council who are not state officers or employees are entitled to per diem and travel expenses provided for boards and commissions under AS 39.20.

(b) State officers or employees appointed as members of the council serve without compensation but are entitled to receive per diem and travel expenses from council funds. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Sec. 44.33.460. Meetings. The council shall schedule regular meetings during the year, and may hold special meetings upon the call of the chairman or four members of the council. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Sec. 44.33.465. Quorum. Three members of the council constitute a quorum. An affirmative vote of at least three members is necessary to approve any action of the council. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Sec. 44.33.470. Powers and duties of the council. (a) The council has the power to

(1) adopt and amend bylaws for the management and regulation of its affairs; and

(2) maintain an office at any place or places in the state.

(b) The council has the duty to

(1) hold public hearings in areas of the state considered for agricultural development;

(2) evaluate the need for farm conservation plans for land under agricultural production in the state;

- (3) serve as coordinator for gathering information and disseminating to agriculture;
- (4) recommend appropriate activities for the promotion of agriculture in the state;
- (5) provide technical information and make recommendations to the commissioner of natural resources regarding the classification of state land having a potential for agricultural use;
- (6) act as administrator of the Delta agricultural development project and any other agricultural development project authorized under AS 44.33.475;
- (7) contract for the clearing, draining and breaking of agricultural land located in the Delta agricultural development project;
- (8) contract with the owners of land prepared for agricultural use under (7) of this subsection for reimbursement to the state of the cost of the clearing, draining and breaking of the land;
- (9) contract for the construction of access roads in the Delta agricultural development project;
- (10) conduct studies and carry out experimental and pilot projects to develop markets for agricultural products produced in the state; and
- (11) recommend legislation to the governor to improve agricultural development in the state. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Sec. 44.33.475. Agricultural development projects. (a) Before January 15 of each year the council shall report to the governor and the legislature concerning the activities of the council during the current fiscal year. The report shall contain recommendations for the development of agriculture in the state during the next fiscal year.

(b) An agricultural development project recommended under (a) of this section may not be implemented unless authorized by law. The report required by (a) of this section shall include recommended legislation which

- (1) sets out the type of agricultural development to be accomplished and, if state land is to be developed for agricultural production, describes the boundaries of the land to be developed;
- (2) defines specific tasks to be performed by appropriate state agencies to the extent the tasks are identifiable at that time; and
- (3) grants to the council sufficient authority to insure cooperation of all state agencies involved in the implementation of the agricultural development project. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

- (1) "council" means the Alaska Agricultural Action Council;
- (2) "Delta agricultural development project" means the state funded program to develop agricultural land located in the Big Delta, Tanana Loop region for the production of small grains and other related agricultural products. (§ 1 ch 75 SLA 1979)

Editor's note. — Section 4 of ch. 75 provides that this article terminates July 1, 1984.

Article 11. Native Art Competitions.

Section	Section
501. Program of competitions	505. Sale of entries
502. Regional competitions	506. Other displays
503. Place of competition	507. Grants and assistance
504. Judges	512. Temporary custody

Revisor's note. — The responsibility for the competitions was initially vested in the director of tourism. In 1962 those responsibilities were codified under the Department of Economic Development and Planning. Chapter 103, SLA 1966, transferred planning function from the

department to the Office of the Governor and renamed the department the Department of Economic Development. Chapter 207, SLA 1975, provided that all references to the "Department of Economic Development" be read as "Department of Commerce and Economic Development".

Sec. 44.33.501. Program of competitions. (a) The Department of Commerce and Economic Development shall direct a continuing program of competitions. The competitions shall be held each summer to select outstanding examples of Alaskan Native arts and crafts.

(b) The Department of Commerce and Economic Development, after consulting with a committee from the Alaska Native Brotherhood and Sisterhood appointed by their councils from among the memberships of those organizations, shall adopt regulations for the competitions, providing for, but not limited to the following:

- (1) eligibility requirements for entrants;
- (2) categories for entry, such as basketwork, wood carving, pottery, stone work, ivory work, painting, etc.;
- (3) criterion for selecting category winners and grand prize winners;
- (4) transportation and display of entries;
- (5) prizes and awards for winning entrants which are restricted to ribbons, cups, plaques, etc.;
- (6) preparation of entry forms which
- (A) give the name and mailing address of the entrant,

AMENDED TITLE: CS HB 535 (RES) (EFD FAILED)

AN ACT RELATING TO THE ALASKA AGRICULTURAL ACTION COUNCIL

PRIME SPONSOR: HOUSE RESOURCES COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 5/22/81 IN (S) RESOURCES REFERRAL: FINANCE

FROM TERMINAL LJ28 OR PRINTER LJH8; DATE=81146; TIME=194555

HB 535 HOUSE ACTION

19:45 5/26/81 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/28/81	01	1108	FIRST READING -- COMMITTEE REPORTS
05/07/81	02	1214	RES -- CS05, NR01
05/20/81	03	1543	SECOND READING
05/20/81	04	1543	RES CS ADOPTED BY UNAN CONSENT
05/20/81	05	1543	ADVANCED TO 3RD READING BY UNAN CONSENT
05/20/81	06	1543	THIRD READING
05/20/81	07	1544	FAILED TO RETN 2ND READING BY DIV 17-22-01
05/20/81	08	1545	PASSED BY DIV 24-15-01
05/20/81	09	1545	EFFECTIVE DATE PASSED BY DIV 28-12-00
05/20/81	10	1543	NOTICE OF RECONSIDERATION GIVEN
05/21/81	11	1605	PASSED ON RECONSIDERATION BY DIV 25-13-02
05/21/81	12	1606	EFFECTIVE DATE FAILED BY DIV 25-13-02

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FROM TERMINAL LJ28 ON PRINTER LJH8; DATE=81146, TIME=194603

HB 535 SENATE ACTION

19:46 5/26/81 PAGE 3 OF 3

DATE	SEN	PAGE	LEGISLATIVE ACTION
05/22/81	13	1186	FIRST READING -- COMMITTEE REPORTS RESOURCES FINANCE RULES

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FROM TERMINAL LJ28 ON PRINTER LJH8; DATE=81146, TIME=194616

H B

5 3 8

LETTER OF INTENT

SENATE RESOURCES COMMITTEE

TO ACCOMPANY CSHB 538(Fin) am

It is the intent of the Alaska State Legislature that the funds appropriated to the Small-scale Agriculture Grant Program be dispersed throughout the state and that no single geographical region receive an abnormal amount of the funds.

Alaska State Legislature

DETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLIGG STURGULEWSKI



Senate

Committee on Resources

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

June 5, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Sturgulewski
Senator Mulcahy
Senator Eliason
Senator Gilman

HEARING:

- CSHP 535 An Act relating to the Alaska Agricultural Action Council.
- HCR 29 Relating to the development of a plan for Alaska agricultural development.
- SB 588 An Act relating to mineral leasing.
- HB 456 An Act relating to agriculture.
- HB 88 An Act relating to the qualifications for the farm or agricultural lands tax exemption.
- HB 83 An Act making special appropriations to the Department of Fish and Game for bison management.
- HB 538 An Act relating to a small-scale agriculture grant program.

Representative Gardiner, stated that HCR 29 and HB 535 outline the state's policies and goals for agricultural development. HB 535 increases the membership on the Agricultural Action Council from 5 to 7 members.

Senator Sturgulewski put forth the motion to move SCS CSHP 535 with individual recommendations.

Senator Sturgulewski put forth the motion to move HCR 29 and the letter of intent with individual recommendations.

Representative Gardiner stated that the purpose of HB 456 is to promote small scale agriculture.

Representative Rogers suggested an amendment to HB 456 on page 1, line 16, place a period after "state" and delete line 17.

Senator Fischer put forth the motion to accept the amendment. He put forth several technical and grammatical amendments which were accepted.

Senator Fischer put forth the motion to move HB 456 as a Senate Committee Substitute with individual recommendations.

Dick Bishop, Regional Supervisor, Fairbanks, Department of Fish and Game, stated that HB 83 provides funding to develop the Delta Bison range and improve the bison summer range to delay their movement.

Representative Gardiner stated that he had looked at other alternatives and HB 83 was the least expensive to help ease the conflict between bison and agriculture.

Senator Mulcahy put forth the motion to move HB 83 with individual recommendations.

Representative Gardiner stated that HB 538 is designed to help small scale and village agricultural programs. He suggested that the Committee consider a letter of intent stating that the funds should be dispersed throughout the state and that no single geographical region receive an abnormal amount of the funds.

Senator Mulcahy put forth the motion to move CS HB 538 am with individual recommendations and the letter of intent.

Senator Fahrenkamp put forth the motion to defer consideration of HB 88 .

SB 588 was held until the Committee meeting June 8, 1981.

The Committee adjourned at 3:05 p.m.



Alaska State Legislature

House of Representatives

Committee on Resources

Terry Gardiner, Co-Chairman
Fred F. Zharoff, Co-Chairman
465-3715

Pouch V
State Capitol
Juneau, Alaska 99811

To: Senator Bettye Fahrenkamp, Chairman
Senate Resources

From: Rep. Terry Gardiner, Co-chairman *T.B.*
House Resources

Date: May 21, 1981

Re: CS HB 538 am - Small Scale Agriculture Grant Program

The House Resources Committee has devoted a great deal of time and energy examining the agriculture industry in Alaska. During a week of hearings on agriculture held in March one need was pointed out which the committee has addressed in HB 538.

HB 538 provides financial assistance to communities throughout the State for small-scale agriculture projects and programs. It was designed to provide assistance to villages and communities in efforts to provide nutritional, locally produced foods for residents, particularly in rural Alaska where fresh produce is often scarce, and food costs extremely high. The bill allows all municipalities or villages in the State to apply for funding of smallscale agriculture projects or programs, with a maximum set at \$25,000 per recipient. Block grants may be awarded at the discretion of the Commission of DNR to programs serving a number of communities.

Last year the legislature appropriated \$2,147,000 for village agriculture programs through HB 60 and other pieces of legislation. House Resources is aware of \$2,433,440 in requests from numerous rural communities for agriculture programs for FY 82. These are being handled through the budget process. In order to provide funds to support these agriculture efforts in a more coherent manner, while providing a source of information and technical assistance to groups starting new programs, HB 538 was drafted. Earlier in the year Department of Natural Resources proposed a similar program, and it has been with DNR, numerous individuals involved in village gardening programs and a sub-committee of the Resource committee that we have worked to arrive at the bill before you.

The funding level for the grant program is projected to be \$1,000,000. Since this grant program will not be operational until 1982, and it is assumed that the Governor will allocate continuation level funding in FY 83, the request for grant monies for FY 82 is \$500,000. The million dollars in the grant fund will clearly not meet the total requests for village agriculture projects, but will provide substantial funds to cover costs of the basic gardening efforts.

in page 577

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU 99801

AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

MEMORANDUM

DATE: February 27, 1981

TO: Mary Hakala
Administrative Assistant
House Resources Committee

FROM: Elmer Lindstrom (EL)
Fiscal Analyst
Legislative Finance Division

The following is a summary of state funding for agriculture from 1978 to 1980. Since the first major appropriation for Delta I was approved in 1978, I have not attempted to locate funding prior to that time. All amounts are in thousands of dollars.

Delta I

Sec. 1, Ch. 171, SLA 1978 (Special Appropriation) -
Appropriated to the Department of Natural Resources 4,793.0.

Land Clearing	2,700.0
Surveying	300.0
Test Marketing	350.0
Environmental Studies	150.0
Grain Storage Facilities	1,000.0
Transportation of Grain	43.0
Administration	100.0
Miscellaneous	150.0

Sec. 25, Ch. 80, SLA 1979 (General Appropriations Act) -
Appropriated to the Department of Commerce & Economic
Development 7,070.8.

Final Clearing	4,736.0
Road Construction	1,080.0
Test Marketing	900.0
Administration	127.9
Extension Services	63.2
Pesticide/Herbicide Research	78.5
Miscellaneous	85.2

Sec. 53, Ch. 120, SLA 1980 (General Appropriations Act) -
Appropriated to the Office of the Governor, Agricultural
Action Council 2,000.0.

Delta I 2,000.0

Sec. 1, Ch. 40, SLA 79 (Special Appropriation) -
Appropriated to the Department of Fish & Game.

Delta Bison Management Plan 20.0

Total 13,883.8

Point McKenzie

Ch. 90, SLA 1980 (Special Appropriation) - Appropriated to the
Agricultural Action Council 5,025.0.

Survey Costs 200.0
Land Clearing 3,500.0
Administration 150.0
Construction of Access Roads 1,000.0
Dairy Specialist & Support 75.0

Total 5,025.0

Nenana/Totchaket

Sec. 281, Ch. 50, SLA 80 (HB 60) -- Appropriated to the Office
of the Governor, Special Projects Office.

Totchaket Agricultural Project 500.0

Department of Natural Resources

Sec. 14, Ch. 113, SLA 1978 (General Appropriations Act)

Red Meat Project 113.1

Sec. 286, Ch. 150, SLA 1980 (HB 50)

Plant Materials Center Lab Bldg 150.0

Sec. 53, Ch. 120, SLA 1980 (General Appropriations Act)

Equipment & Seed Storage Building
Palmer 108.0
Plant Materials Center Animal
Enclosure 14.6
Upgrade Seed Cleaning Building 110.0

Total 495.7

University of Alaska

Sec. 14, Ch. 113, SLA 1978 (General Appropriations Act)

Remodeling/Construction
Sewage Facility, Palmer Agricultural
Experiment Station 50.0
Storage of Hazardous Chemicals -
Fbx Agric Experiment Station 30.0
Renovate Agricultural Experiment
Station Bldgs, Fairbanks 70.0

Sec. 25, Ch. 80, SLA 1979 (General Appropriations Act)

Organized Research
Feed Mill Bldg & Pellet Mill, Fbx 80.0
Animal Waste Disposal System, Fbx 120.0

Sec. 206, Ch. 50, SLA 1980 (HB 60)

Equipment Replacement & Additions
Equip Agricultural Experiment
Station, Fairbanks 300.0
Building Repair & Renovation
Experimental Farm Renovation, Fbx 191.3
Other
Facilities & Equip, Agric
Experiment Station 113.0
Fairbanks School of Agriculture,
Timber Thinning/Fire 140.0
140.0
Total 1,094.3

Rural Agriculture FY 81

Sec. 25, Ch. 80, SLA 1979 (General Appropriations Act)

Dept/Commerce & Economic Development
Koyukon Development Corp - Farm
Projects 400.0
Dept/Natural Resources
Galena Agricultural Fair 5.0
Tanana Chiefs Conference -
Agricultural Equipment 120.0

Sec. 197, Ch. 50, SLA 1980 (HB 60)

Dept/Natural Resources
Koyukon Development Corp - Arctic
Agriculture Training Program 117.0

Sec. 286, Ch. 50, SLA 1980 (HB 60)

Dept/Natural Resources	
Selawik Agricultural Project	412.0
Kuskokwim Native Assn -	
Agriculture	200.0
Koyukon Development Corp -	
Agriculture	200.0
Minto - Small Scale Agriculture	104.0
Dept/Community & Regional Affairs	
Mauneluk Garden Projects	61.0
Municipal Grant Account	
Bethel - Recreation/Agriculture	
Facility	<u>528.0</u>

(Total ~~2,147.0~~ 2,147.0 * FY 81

Agricultural Revolving Loan Fund (ARLF)

General Fund Capitalization	
through FY 81	20,000.0
Fund Balance	20,719.2

Governor's Proposed FY 82 Agriculture Capital Projects

Dept/Commerce & Economic Development	
Agricultural Action Council	
Point McKenzie	328.0
Delta I	949.0
Delta I - Bison Fencing	120.0
Delta II - Survey/Disposal	699.1
Delta III - Clearing Loans	4,000.0
Delta III - Roads	2,622.8
Delta III - Clearing Equipment	30.0
Delta III - Grain Storage Loan	1,650.0
Grain Export Facility Loan	4,425.0
Livestock Facility Loan	2,650.0
Dept/Natural Resources	
Economic Development	
Kenai Grazing	280.0
Interior - Plant Materials	
Center Bldg	177.0
Plant Materials Center Head	
House	25.0
Plant Materials Center Equip	85.0
Plant Materials Center Alarm	
System	11.5
Agriculture Revolving Loan Fund	
Capitalization	<u>23,085.0</u>
Total	41,137.4

Operating Budget Programs Related to Agriculture

Dept/Natural Resources, Division of Agriculture
FY 79 Authorized: Agriculture Development
State Fairs 165.5
Plant Materials Center 406.8
Administration & Support 138.8
Agricultural Loan Fund 160.2
FY 80 Authorized: Agricultural Development
State Fairs 162.3
Plant Materials Center 343.0
Administration & Support 129.9
Agricultural Loan Fund 157.8
FY 81 Authorized: Agricultural Management
Agricultural Development 353.5
Agric Financing & Promotion 203.8
Agric Research/Extension
Services 361.9
State Fairs 294.5
Directors Office 113.1
University of Alaska
Organized Research - Operating funds
for the Agricultural Experiment
Stations ---
University Center/Fairbanks -
Operating funds for the School
of Agriculture ---

NOTE: The University of Alaska's operating budget does not identify agriculture related programs separately. The University has been requested to provide this information to Legislative Finance for FY 79-FY 81 along with an estimate for FY 82.

Governor's Proposed FY 82 Agriculture Operating Budget

Dept/Natural Resources
Agriculture Management
Agricultural Development 299.4
Agric Financing & Promotion 359.9
Agric Research/Extension
Services 638.1
State Fairs 318.1
Dept/Commerce & Economic Development
Agricultural Action Council 360.7
University of Alaska - Information on Request

If I may be of further assistance, please let me know.

EL:vsw

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

DATE: March 3, 1981

TO: Mary Hakala, Administrative Assistant
House Resources Committee

FROM: Elmer A. Lindstrom, ^{EL}Fiscal Analyst
Legislative Finance Division

SUBJ: University Budget/Agriculture

The following is a summary of agriculture funds contained in the University of Alaska's operating budget for fiscal years 1979 - 1982.

<u>Program</u>	<u>FY 79</u>	<u>FY 80</u>	<u>FY 81</u>	<u>FY 82</u>
	(thousands of dollars)			
Agricultural Experiment Station	3,997.8	4,450.2	4,780.1	5,060.7
School of Agriculture	194.1	224.0	400.7	636.9
Sea Grant Program	29.6	49.9	87.6	27.4
Mat-Su Community College	--	1.8	46.0	116.5
Rural Education	--	128.2	78.4	60.0
Cooperative Extension Service	718.7	1,076.5	1,200.0	1,300.0

+ 25% above 1980 levels.

cc: Alison Elger
Legislative Finance

EL:bf

DEVELOPMENT
CORPORATION, INC.

TO: *MARY*

FROM: John Quirk, Executive Director

SUBJECT: Agriculture & Transportation

DATE: 04/09/81



Christine and I enjoyed our visit with you. I have put in writing some of our conversation of that day. I firmly believe that reclamation education will be the cornerstone upon which self-sufficient economic entities will be made viable during the coming decades. Local control of budgets and curriculum are vital if these endeavors are to succeed.

Subsistence agriculture can allow Rural Alaskans to sever the end of a long supply chain, reduce prices, instill pride and self-determination in a changing life style, and prepare a workforce that will be capable and ready when agriculture becomes a reality. Economic spinoffs from a large scale economic agriculture development is going to impact transportation, building, mechanics, timber products, rural growth, energy, and a host of other related industries.

Transportation costs will be the key in marketing. Present plans call for a grain terminal at Seward. As agriculture develops in Alaska it will be west along the Yukon and Kuskokwim rivers. This will require a backhaul up the river to the railroad down to Seward with an increase in transportation costs. Kuskokwim grain will require a railroad and/or canal to reach the Yukon. Storage facilities costs will be high.

Grain handling is energy inefficient and some areas labor intensified. Handling of grain has not changed much in fifty years. The farmer augers the grain from the combine to the truck, to the grain dryer, to the storage elevator, to the railroad car, to the seaport grain terminal, to the ship and then a similar process at destination. This takes time, money, and a unique one commodity storage facility.

The vastness of the Alaskan interior, the potential of grain production, and soaring costs require a new and innovative approach utilizing modern technology in transportation. Grain could be augered from the combine to the truck, to the grain dryer and into sealed containers, barged down to the mouth of the Yukon and Kuskokwim rivers, and loaded by sea going barges on large container ships being built by McClennan shipping that could be the future transportation link between Pacific rim markets, and eventually feed lots on the Aluetian chain. The containers could be used for backhaul of commodities. They can have the capability of cooling, refrigeration, and floatation with some commodities in case of accident at sea.

REPORT ON VILLAGE/SMALL SCALE AGRICULTURE

MR. CHAIRMAN:

MY NAME IS JIMMIE L. FARMER

UNTIL RECENTLY I WAS THE EXECUTIVE DIRECTOR OF THE KOYUKON DEVELOPMENT CORPORATION LOCATED IN GALENA, IN THE INTERIOR. DURING MY TIME AT KOYUKON AN AGRICULTURE PROGRAM WAS STARTED TO TEACH PEOPLE IN OUR AREA HOW TO GROW, PRESERVE AND PREPARE MORE OF THEIR OWN FOOD. THIS EDUCATIONAL EFFORT WAS, AND IS, NEEDED BECAUSE PART OF THE EDUCATION IS TEACHING PEOPLE HOW TO GROW VARIETIES THAT UP TO THIS POINT WERE ONLY SEEN IN CANS OR DRIED FORM.

THE LEGISLATURE WAS VERY HELPFUL IN THESE EFFORTS BY PROVIDING SOME MONEY FOR EQUIPMENT FOR THIS PROJECT.

KOYUKON WORKED IN 2 VILLAGES IN 1977, 8 VILLAGES IN 1978, AND 20 VILLAGES IN 1979. AS YOU CAN SEE THE DEMAND WAS OUTSTANDING. AS SOON AS PEOPLE HEARD ABOUT THE PROJECT AND TALKED WITH PEOPLE THAT WERE INVOLVED IN IT, THEN THEY REQUESTED IT. THE MAJOR FOCUS WAS, AND IS, ON PRODUCING ENOUGH FOOD FOR USE WITHIN THE VILLAGE. DIRECT FOOD (GARDEN TO TABLE), FOOD PRESERVED FOR LATER USE, AND FOOD STOCKS TO FEED CHICKENS, TURKEYS, AND DUCKS. THESE ARE LATER TURNED INTO PROTEIN FOR THE TABLE. SOME ARE KEPT FOR EGG PRODUCTION. WE ALSO HAVE SOME MILK GOATS (PRIVATE PARTY) FOR MILK PRODUCTION WITHIN THE VILLAGE. THE ACCEPTANCE BY THE LOCAL PEOPLE IS GOOD. WE HAD A RED MEAT EXPERIMENT IN GALENA AND RUBY WHICH TURNED OUT REAL WELL AND PROVED THAT BEEF ANIMALS CAN BE KEPT OVER WINTER WITHOUT HEATED BUILDINGS.

OUR INITIAL GOAL WAS TO SHOW PEOPLE HOW TO IMPROVE THEIR HEALTH AND DIET BY GROWING THEIR OWN FOOD.

THIS HAS BEEN DONE.

WE ARE INTO A PROGRAM OF FOOD PRESERVATION, SO THAT THE SUMMERS EFFORTS WILL EXTEND INTO NEXT SUMMER.

THIS HAS BEEN STARTED, IN ALL 20 VILLAGES. WE NEED TO HAVE FOLLOW UP WORKSHOPS TO INSURE PROPER PROCESSING OF THE FOODS.

FROM THE INCEPTION OF THIS PROJECT IN THE INTERIOR, WE HAVE HAD REQUEST ON HOW TO GET STARTED AND JUST WHAT WAS NEEDED FOR A VILLAGE TO ENABLE THEM TO PRODUCE THEIR OWN FOOD. AS I TALKED TO PEOPLE FROM AROUND THE STATE AND ADDED UP THE VILLAGES THEY HAD THAT WANTED TO GET INTO AGRICULTURE, I COUNTED ABOUT 125 VILLAGES EITHER INVOLVED IN AGRICULTURE OR WANTING TO BECOME INVOLVED. THIS IS MORE THAN HALF OF THE VILLAGES IN ALASKA. THIS DOES NOT INVOLVE THE EFFORTS IN FAIRBANKS, ANCHORAGE, OR JUNEAU. WITH THIS KIND OF DESIRE FROM SO MANY DIVERSE PEOPLES, I FEEL THAT THE MESSAGE IS CLEAR:

HELP US REDUCE OUR DEPENDENCY ON LONG, HIGH ENERGY USE SUPPLY LINES - OUR DEPENDENCE ON IMPORTED FOODS.

DURING THESE TIMES OF AFFLUENCE BY OUR STATE, ONE OF THE BEST USES OF SOME OF THIS MONEY WOULD BE TO HELP CREATE A SYSTEM OR CONDITION WHEREBY THE RESIDENTS OF THE STATE CAN BECOME SELF SUFFICIENT IN FOOD PRODUCTION.

.THE DELTA AND POINT MCKENZIE PROJECTS ARE GREAT AND NEEDED FOR THE HEALTH OF THE STATE AS A WHOLE, BUT IN LOOKING AT THE LARGER PROJECTS LET US NOT FORGET THE NEEDS OF PEOPLE, THE VILLAGE AGRICULTURE PROJECTS, STATEWIDE.

DURING HISTORIC AGRICULTURE DEVELOPMENT GOVERNMENT CAN ASSIST BUT CANNOT DO THE JOB BY ITSELF. BY ENCOURAGING VILLAGE GARDENING YOU ARE EDUCATING THE STOCKHOLDERS OF THE VILLAGE AND REGIONAL CORPORATIONS AND THESE PEOPLE ARE THE ONES THAT CAN GET THESE CORPORATIONS INVOLVED IN AGRICULTURE. THIS IS PRIVATE CAPITAL. THESE CORPORATIONS WILL OWN OR CONTROL A VERY LARGE BLOCK OF THE AGRICULTURE LAND WITHIN THE STATE IN THE NEAR FUTURE. THIS PROGRAM WILL ALSO PROVIDE A TRAINED CADRE OF AGRICULTURE WORKERS WITHIN THE STATE AND WILL ENSURE NOT HAVING TO IMPORT WORKERS FOR OUR DEVELOPING AGRICULTURE INDUSTRY.

THE PROPER INCLUSION IN THE LONG TERM AGRICULTURE DEVELOPMENT PROGRAM, OF THE VILLAGE NEEDS, THE UPGRADING OF THE TRANSPORTATION SYSTEMS TO ALL AREAS OF THE STATE, THE PROPER BLENDING OF THE VILLAGE AND URBAN NEEDS AS PART OF A WHOLE STATEWIDE PROGRAM OF DEVELOPMENT IS JUST A FEW OF THE THINGS WE NEED.

WITH THE CONTINUING FUEL PRICE INCREASES AND THE ATTENDENT FREIGHT RATE INCREASES, PRICES ARE GETTING SO FAR OUT OF REACH OF EVERYONE. BUT IN THE VILLAGES WITH 80% UNEMPLOYMENT FOR 75% OF THE YEAR AND PRICES THAT RANGE FROM 20 - 400% HIGHER THAN ANCHORAGE (AVERAGE 150 - 200 %) IT IS BECOMING LIFE THREATING. EVEN WITH WELFARE AND FOOD STAMPS (WHICH ARE USED BUT NOT REALLY ACCEPTED IN MOST CASES) YOU CANNOT FEED A FAMILY AN ADEQUATE LIFE SUSTAINING DIET.

THE RESULTS OF A RECENT SURVEY DONE IN THE KOYUKON REGION SHOWS THAT 96% OF THE HOUSEHOLDS SURVEYED ARE CURRENTLY INVOLVED IN GROWING SOME OF THEIR OWN FOOD. OUR SURVEY COVERED 49% OF THE HOUSEHOLDS WITHIN THE KOYUKON REGION. 1978 FIGURES FOR OUR AREA SHOWS 974 HOUSEHOLDS AND 5,368 RESIDENTS. WITH NORMAL PROJECTIONS THAT 96% OF ALL OF THE HOUSEHOLDS ARE INVOLVED IN VILLAGE/SMALL SCALE AGRICULTURE THIS SHOULD BE A CLEAR INDICATION OF THE DESIRE OF THE PEOPLE TO HELP THEMSELVES.

THE KOYUKON PROJECT ONLY COVERS ABOUT 8-9% OF THE VILLAGES IN ALASKA, THERE ARE OTHER ORGANIZATIONS THAT ARE TRYING TO ASSIST IN THEIR AREAS, WITH GOOD RESULTS WHERE FUNDING HAS BEEN MADE AVAILABLE. THIS ONLY REINFORCES WHAT HAS BEEN SAID BEFORE, "HELP US HELP OURSELVES".

REMEMBER THE OLD SAYING, "IF YOU EAT, YOU ARE INVOLVED IN AGRICULTURE".

WHEN I STARTED AT KOYUKON, SPRING OF 1977, IT WAS ONE OF MANY REGIONAL NON-PROFITS THAT JUST SEEM TO EXSIST WITHOUT MUCH IMPACT ON THE LIFES OF THE PEOPLE IN THE VILLAGES. SINCE THAT TIME, DUE TO THE POSITIVE DEMANDS MADE ON ME BY THE VILLAGE RESIDENTS AND THE ASSISTANCE OF THE LEGISLATURE AND THE USDA PERSONELL IN ALASKA THE KOYUKON DEVELOPMENT CORPORATION HAS BECOME WELL KNOWN IN JUNEAU AND WASHINGTON, D.C. AS THE MOST AGRESSIVE VILLAGE AGRICULTURE DEVELOPMENT PROGRAM IN THE COUNTRY. I FEEL GRATIFIED TO HAVE BEEN A PART OF THIS. IT WAS THROUGH 16-20 HOUR DAYS, 6-7 DAY WEEKS THAT IT WAS MADE POSSIBLE. ONLY WITH THIS KIND OF PERSONAL COMMITTMENT IS THIS TYPE PROGRAM ABLE TO GET STARTED AND TO BECOME A MODEL FOR OTHERS TO FOLLOW.

WE ANTICIPATE THE PROGRAM WILL CONTINUE UNDER THE NEW MANAGEMENT AT KOYUKON AND REQUEST THE LEGISLATURE TO PROVIDE SUPPORT TO INSURE THAT THEY ARE ABLE TO (CONTINUE).

AT THE CURRENT TIME I FEEL THAT IT IS NECESSARY FOR THE RESOURCES COMMITTEE TO BECOME MORE INVOLVED IN THIS DEVELOPING INDUSTRY. THE DIVISION OF AGRICULTURE IS DOING WHAT IT CAN BUT THEY JUST DO NOT HAVE THE PERSONNEL TO DO THE FOLLOWING JOB. I SUGGEST THAT THE RESOURCES COMMITTEE HIRE SOMEONE TO VISIT ALL OF THE REGIONAL PROFIT AND NON-PROFIT ENTITIES AROUND THE STATE TO FIND OUT WHAT, IF ANYTHING, THEY HAVE IN THE WAY OF PLANS FOR AGRICULTURE DEVELOPMENT IN THEIR AREA. THIS WOULD COVER DEVELOPMENT WITH THEIR OWN CAPITAL OR WHERE THEY PLANNED TO SEEK STATE ASSISTANCE. ONCE THIS INFORMATION IS GATHERED AND DEVELOPED THEN THE PROPER STATE AGENCIES COULD INCLUDE THIS INTO THEIR PLANNING PROCESSES. ONE OF THE THINGS THAT IS LACKING NOW IS TOTAL COORDINATION OF THE PLANNING, AND IT IS REALLY NO ONE PERSON OR AGENCIES FAULT. THIS KIND OF INFORMATION IS VITAL TO ALLOW YOU AS A COMMITTEE TO DO YOUR JOB PROPERLY.

THANK YOU FOR ALLOWING ME TO EXPRESS MY VIEWS HERE AND BE ASSURED THAT I AM AVAILABLE FOR ANY ASSISTANCE YOU MAY REQUIRE. I STILL FEEL THAT THIS IS VITAL TO ALASKA AND THE NATION AS A WHOLE.

Jimmie L. Farmer
630 W. 8th Apt. 105

Anchorage, Ak. 99501

272-8720

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 538

Title Small-scale Agriculture Grant Program

Requested by Rep. Terry Gardiner

Date May 15, 1981

II. FISCAL DETAIL

Agency Affected Department of Natural Resources

Program Category Affected Economic Development

BRU, Program, or Subprogram(s) Affected Ag Management

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		37.8	37.8			
200 TRAVEL		10.0	10.0			
300 CONTRACTUAL		4.2	4.2			
400 COMMODITIES		.3	.3			
500 EQUIPMENT		1.7	1.7			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		500.0	1000.0			
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		564.0	1064.0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Includes Agronomist (program coordinator) to be added to Division Staff. Position will reduce conflicting and duplicative grants, assist applicants with application and report, and screen applications.

Grant funds would fund already received applications and expected requests for FY 82.

IV. DATE May 16, 1981

PREPARED BY *Dorinda Calvey*

AGENCY DNR Division of Agriculture

PHONE _____

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

H

B

6

3

7

COMMITTEE REPORT

SENATE

4/19/82

FURTHER: Judiciary

Date: 5/6/82

Mr. President:

The Committee on RESOURCES has had CSHB 637(Fin) am regulation of the taking, purchase, or sale of certain fishery resources

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CSHB 637 (Fin) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Don Salmon

Bob Larson

Bob Schenk

W. Fred ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Betty Schenk Dothel
CHAIRMAN

CSHB 637 RELATING TO THE REGULATION OF THE TAKING, PURCHASE,
OR SALE OF CERTAIN FISHERY RESOURCES.

AMENDMENT
SUGGESTIONS

- (1) SENATOR GILMAN - FISHERMEN'S LIEN
- (2) UNITED FISHERMEN OF ALASKA - STATIONARY FISHING GEAR
- (3) PACIFIC SEAFOOD PROCESSORS - POLICY MAKING POSITION

5/3/82
12:30pm.
①

A M E N D M E N T

In the SENATE

By Gilman

TO: CSHB 637 (Finance) am

Page 5, after line 25, insert the following new material:

* Sec. 5. AS 34.35 is amended by adding a new section to read:

ARTICLE 7A. FISHERMEN'S LIEN.

Sec. 34.35.391. FISHERMEN'S LIEN. (a) A person who sells fish to a buyer of fish and receives a fish ticket or a record of purchase as described in AS 16.05.690 has a lien upon the property of the buyer for the value of the fish.

(b) A person who claims the benefit of this section shall, within 90 days of the date the fish are sold, file a claim of lien in the recorder's office of the recording district where the fish were sold.

(c) The lien provided in this section is preferred, prior, and superior to a mortgage, attachment, claim, or demand made or filed in the recording district in which the property is located after the date on which the fish are delivered to the buyer.

Page 5, line 26:

Change "Sec. 5." to "Sec. 6."

Alaska State Legislature

SENATOR
DON GILMAN

Juneau Pn.
(907) 465-4934



HOME ADDRESS
P.O. BOX 630
KENAI, ALASKA 99611
(907) 283-4182

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

State Senate

May 3, 1982

MEMORANDUM

To: Senator Gilman
Members of Senate Resources

From: Bob Berry

Subject: Fishermen's Lien Amendment to CSHB 637

1. By phone conversation with Larry Bach of Ranier State Bank and Al Hughs, Legal Counsel to Ranier State Bank, I am given to understand that Ranier State, as a representative of lending institutions servicing canneries and fish buyers, do not have major objections to this bill. They would, however, prefer to see language requiring a filing of lien which is now incorporated in subsection b of the amendment.

2. Definition of buyer. In Section (a), Tom Sofo, the drafter of this amendment, reported that in researching the area that the records division of Fish and Game, which is responsible for issuance and regulations of fish tickets, says AS 16.05.690 identifies and defines buyer. The issuance of the tickets at this particular citation identifies a buyer in an operative manner for their department. Sofo feels that unless there is intent to limit or expand the category of buyers, the present language is adequate.

A M E N D M E N T

#2

TO: CSHB 637(Fin) am

Page 1, after line 10 insert:

Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present during the operation of net gear or other stationary fishing gear operated from a beach or riparian site, except when the permit holder is traveling to and from the site of a sale of fish caught in the gear.

AMENDMENT

3

CSHB 637(Fin) am

Page 2, line 7

Delete "an agent,"

Page 2, line 8:

Delete "member,"

After the word "employee" insert "in a policy making position"



REPRESENTING
THE SOUTHERN ALASKA PENINSULA
THE ALEUTIAN CHAIN
KODIAK ISLAND
AND THE PRIBILOF ISLANDS

Alaska State Legislature

REPRESENTATIVE
ERIC SUTCLIFFE

HOME
P.O. BOX 3
UNALASKA, ALASKA 99685
(907) 581-1455

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4940

MEMORANDUM

TO: Senator Bettye Fahrenkamp
FROM: Representative Eric Sutcliffe *Eric*
SUBJECT: Priority Legislation
DATE: May 4, 1982

I would appreciate Senate Resource's consideration and passage of the following legislation:

HB 637 Relating to Limited Entry

Thanks, Bettye

LEGISLATION SUMMARY

CSHB 637 (Fin) am: "An Act relating to the regulation of the taking, purchase, or sale of certain fishery resources; and providing for an effective date."

Sec. 1: Amends existing law regarding fisheries and fishing regulations, .265 adding new language making the knowing or intentional original purchase of fish by a representative of a fish processor, primary fish buyer, or cooperative corporation from a seller who does not hold an entry or interim-use permit illegal.

Establishes penalties for violations of the above provision: first conviction--class B misdemeanor, minimum \$1000 and maximum \$5000 fine, maximum 90 days imprisonment; second conviction--class A misdemeanor, minimum \$5000 and maximum \$10,000 fine, maximum 1 year imprisonment; subsequent convictions--class A misdemeanor, minimum \$10,000 and maximum \$25,000 fine, maximum 1 year imprisonment.

Requires the commissioner of revenue to impose a civil fine equal to the value of the fish illegally purchased by a representative of a fish processor, primary fish buyer, or cooperative corporation upon the fish processor, primary fish buyer, or cooperative corporation. Establishes the value of the fish as the average price paid to fishermen at the time of the violation.

Authorizes the commissioner of revenue to suspend or revoke the business license of a licensee or if a representative of the licensee in a policy-making position has been convicted of three or more violations of this section. Requires that revocation and suspension proceedings be governed by the Administrative Procedure Act.

Prohibits the criminal prosecution of organizations for violations of this section.*

Defines "individual" (representative) to mean a natural person under this section.

.267 Requires fishermen to have an entry or interim-use permit, or another document authorized by regulation to serve as a permit, and a state or federal photo identification card in their possession when selling fish.

Requires fishermen to display these documents to a fish purchaser or peace officer upon request.

Provides examples of suitable identification cards: an Alaskan driver's license or a Department of Public Safety identification card.

Sec. 1: Establishes that an individual who violates or assists in the violation of this section is subject to the following penalties:
 .267 first conviction--misdemeanor, maximum \$5000 fine; second or
 (cont.) third conviction--misdemeanor, maximum \$10,000 fine, and a third conviction also results in a three year ineligibility to hold a entry or interim-use permit. Authorizes the courts to, in their discretion, order a three year ineligibility to hold a permit.

.268 Requires the commissioner of labor to print and distribute to fish processors, primary fish buyer, and cooperative corporations organized for the purpose of buying fish, posters containing notice of the requirements of sec. 265.

Requires the processors, buyers and cooperative corporations to prominently display the posters in their place of business.

Sec. 2: Amends existing law regarding definitions in this chapter to include the new sections in this bill, and to include fish eggs under the definition of "fish".

Sec. 3: Amends existing law regarding penalties for violations of fisheries entry regulations, changing the language that violators, upon their third conviction, "shall forfeit" to "forfeits" all permits, neutering the gender of personal pronouns, and adding language that the third conviction permit forfeiture does not apply to violations of the statutory requirement for a permit.

Sec. 4: Amends exist. law regarding penalties for violation of fisheries entry violations, adding new language regarding penalties for violating the statutory requirement for a permit: first conviction--class B misdemeanor, maximum 90 day sentence, and/or forfeiture of the fishing vessel, minimum \$5,000 and maximum \$10,000 fine, 1 year permit revocation; second conviction--class A misdemeanor, maximum 1 year imprisonment, minimum \$10,000 and maximum \$20,000 fine, forfeiture of the fishing vessel, two year permit revocation; subsequent conviction--class A misdemeanor, maximum 1 year imprisonment, minimum \$20,000 and maximum \$50,000 fine, forfeiture of the vessel, and a five year permit revocation. Requires the forfeiture by the violator of the value of the fishery resources found on board.

Sec. 5: Immediate effective date.

*The term "organization" is not specifically defined in Title 16. The Black's Law Dictionary definition reads: "Organization includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity."

Original sponsor: Chuckwuk

Offered: 4/7/82
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 637 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the taking,
7 purchase, or sale of certain fishery resources; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 16.10 is amended by adding new sections to read:

11 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is
12 unlawful for an individual while acting as a fish processor or primary
13 fish buyer, or as an agent, director, officer, member, or employee of a
14 fish processor, of a primary fish buyer, or of a cooperative corporation
15 organized under AS 10.15 to intentionally or knowingly make an original
16 purchase of fish from a seller who does not hold an entry permit or an
17 interim-use permit issued or transferred to the seller in accordance
18 with AS 16.43.

19 (b) An individual who violates (a) of this section is

20 (1) upon a first conviction, guilty of a class B misdemeanor
21 and shall be sentenced to a fine of not less than \$1,000 nor more than
22 \$5,000, and may be sentenced to a definite term of imprisonment of not
23 more than 90 days;

24 (2) upon a second conviction, guilty of a class A misdemeanor
25 and shall be sentenced to a fine of not less than \$5,000 nor more than
26 \$10,000, and may be sentenced to a definite term of imprisonment of not
27 more than one year;

28 (3) upon a third or subsequent conviction, guilty of a
29 class A misdemeanor and shall be sentenced to a fine of not less than

1 \$10,000 nor more than \$25,000, and may be sentenced to a definite term
2 of imprisonment of not more than one year.

3 (c) The commissioner of revenue shall impose upon a fish processor,
4 primary fish buyer, or cooperative corporation organized under AS 10.15,
5 a civil fine equal to the value of fish purchased in violation of this
6 section by (1) the fish processor or primary fish buyer if the fish
7 processor or primary fish buyer is not a corporation; or (2) an agent,
8 director, officer, member, or employee of the fish processor, of the
9 primary fish buyer, or of the cooperative corporation. Value is based
10 on the average price paid to fishermen at the time of the violation.

11 (d) The commissioner of revenue may suspend or revoke a business
12 license issued under AS 43.70.020 or a license to engage in the business
13 of processing or buying raw fish if the licensee or an officer, director,
14 or employee in a policy-making position of the licensee has been con-
15 victed of three or more offenses under this section. Proceedings to
16 suspend or revoke a license are governed by the Administrative Procedure
17 Act (AS 44.62).

18 (e) An organization may not be criminally prosecuted under (a) of
19 this section.

20 (f) As used in this section, "individual" means a natural person.

21 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

22 (a) When a fisherman sells fish the fisherman shall possess

23 (1) an entry permit or interim-use permit issued or trans-
24 ferred to the fisherman under AS 16.43, or other document authorized by
25 regulation to be used in place of an entry permit or interim-use permit;
26 and

27 (2) an identification card that has been issued to the fisher-
28 man by a state or federal agency and that bears a photograph of the
29 fisherman.

1 (b) If requested by the purchaser of the fish or by a peace
2 officer, the fisherman shall present for inspection the identification
3 card, entry permit, interim-use permit, or other document required to be
4 in the fisherman's possession under (a) of this section.

5 (c) Examples of a suitable identification card required under
6 (a)(2) of this section are a motor vehicle operator's license issued
7 under AS 28.15.111 and an identification card issued under AS 18.65.310.

8 (d) An individual who violates or assists in the violation of this
9 section is, upon conviction, guilty of a misdemeanor and is punishable
10 by a fine of not more than \$5,000 for a first conviction, and a fine of
11 not more than \$10,000 for a second or third conviction. Upon a third
12 conviction, the person forfeits all interim-use and entry permits held
13 by him and loses eligibility for future issuance or transfer of interim-use
14 or entry permits for a period of three years. Upon a first or second
15 conviction under this section, the court may in its discretion order a
16 forfeiture of interim-use or entry permits held by the person, as well
17 as a loss eligibility for future issuance or transfer of interim-use
18 or entry permits, or order a suspension of fishing rights under interim-
19 use or entry permits held or to be held by the person for a period of
20 not more than three years.

21 Sec. 16.10.268. NOTICE OF LIABILITY. (a) The commissioner of
22 labor shall print posters that contain notice of the requirements of
23 AS 16.10.265. The commissioner shall distribute the posters to fish
24 processors, primary fish buyers, and cooperative corporations organized
25 under AS 10.15 for the purpose of buying fish.

26 (b) A fish processor, primary fish buyer, or cooperative corpora-
27 tion organized under AS 10.15 for the purpose of buying fish shall
28 display in a prominent place on its business premises posters provided
29 by the commissioner of labor under (a) of this section.

1 * Sec. 2. AS 16.10.296 is amended to read:

2 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
3 10.270 - 16.10.296], unless the context otherwise requires,

4 (1) "commissioner" means the commissioner of labor;

5 (2) "fish" means any species of aquatic finfish, inverte-
6 brates and amphibians, shellfish, or any other raw fishery resource, in
7 any stage of its life cycle, found in or introduced into the state, and
8 includes fish eggs;

9 (3) "fish processor" means a person engaging or attempting to
10 engage in a business for which a license is required under AS 43.75.-
11 010 - 43.75.190;

12 (4) "primary fish buyer" means a person, other than a co-
13 operative corporation organized under AS 10.15, engaging or attempting
14 to engage in the business of originally purchasing or buying any [RAW]
15 fishery resource in intrastate, interstate, or foreign commerce.

16 * Sec. 3. AS 16.43.360(a) is amended to read:

17 (a) A person who violates or assists in the violation of a provi-
18 sion of this chapter or a regulation promulgated under this chapter is,
19 upon conviction, guilty of a misdemeanor and is punishable by a fine of
20 not more than \$5,000 for a first conviction, and a fine of not more than
21 \$10,000 for a second or third conviction. Upon a third conviction, the
22 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
23 by him and loses eligibility for future issuance or transfer of interim-
24 use or entry permits for a period of three years. Upon a first or
25 second conviction under this section, the court may in its discretion
26 order a forfeiture of interim-use or entry permits held by the person,
27 [HIM] as well as a loss of eligibility for future issuance or transfer
28 of interim-use or entry permits, or order a suspension of fishing rights
29 under interim-use or entry permits held or to be held by the person

1 [HIM] for a period of not more than three years. This subsection does
2 not apply to violations of AS 16.43.140(a).

3 * Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

4 (g) A person who violates the provisions of AS 16.43.140(a) is

5 (1) upon a first conviction, guilty of a class B misdemeanor
6 and may be sentenced to a definite term of imprisonment of not more than
7 90 days, or forfeiture of the person's fishing vessel, or both, and
8 shall be sentenced to a fine of not less than \$5,000 nor more than
9 \$10,000 and loss of commercial fishing privileges for a period of one
10 year after the date of conviction;

11 (2) upon a second conviction, guilty of a class A misdemeanor
12 and may be sentenced to a definite term of imprisonment of not more than
13 one year, and shall be sentenced to a fine of not less than \$10,000 nor
14 more than \$20,000, forfeiture of the person's fishing vessel, and loss
15 of commercial fishing privileges for a period of two years after the
16 date of conviction;

17 (3) upon a third or subsequent conviction, guilty of a class
18 A misdemeanor and may be sentenced to a definite term of imprisonment of
19 not more than one year, and shall be sentenced to a fine of not less
20 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
21 vessel and loss of commercial fishing privileges for a period of five
22 years after the date of conviction.

23 (h) A person convicted of violating the provisions of AS 16.43.-
24 140(a) forfeits the value of the fishery resources found on board the
25 person's vessel at the time of the violation.

26 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).

Received
5/3/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
EXPENDITURE

I. REQUEST
Bill/Resolution No. CS HB 637 (Finance)
Title An Act relating to the regulation of the taking, purchase, or sale of
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	3.9	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	3.9	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	3.9	.2	.2	.2	.3	.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Basic assumption of fiscal note is applicants for photographic IDs are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain same. Film for issuance of 5,000 ID cards, at \$.78 each, equals \$3,900.00.

If bill is not effective until FY83, then the \$3,900 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 4-14-82 PREPARED BY Bill Brown
AGENCY Division of Motor Vehicles
Original: Legislative Finance PHONE Dept of Public Safety 465-4335
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

(initials)

Received
5/3/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
REVENUES

I. REQUEST
Bill/Resolution No. CS HB 637 (Finance)
Title An Act relating to the regulation of the taking, purchase, or sale of
requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	25.0	1.3	1.3	1.3	1.3	
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Unrestricted Revenue collected from the sale of ID cards deposited into the General Fund.

FY 82 - 5,000 cards @ 5.00 = \$25,000
FY 83 - 250 cards @ 5.00 = 1,250

IV. DATE April 14, 1982 PREPARED BY Bill Brown
AGENCY Public Safety - Motor Vehicles
Original: Legislative Finance PHONE 455-4335
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

FISCAL NOTE
EXPENDITURE

I. REQUEST
 Bill/Resolution No. CS HB 637 (RES)
 Title An Act Relating to limited entry...
 Requested by House Resources Date 3-25-82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	4.0	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	4.0	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	4.0	.2	.2	.2	.3	.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Basic assumption of fiscal note is applicants for photographic ID cards are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain ID cards. Film for issuance of 5,000 ID cards, at \$.79 each, equals \$3,950.00.

If bill is not effective until FY83, then the \$3,950 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 3-26-82 PREPARED BY Bill Brown
 AGENCY Division of Motor Vehicles
 PHONE 465-1335 Department of Public Safety
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

HIF 6.1.7

I. REQUEST

Bill/Resolution No. Committee Substitute for House bill 637 (Resources)
 Title "An Act relating to limited entry and providing penalties for the taking"
 Requested by House Resources Date 3/24/82

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards and Safety
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	1.0	0	0	0	0	0
400 COMMODITIES	.2	0	0	0	0	0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.2	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	1.2	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes effective date of June 1, 1982.
 Assumes requirement for mass mailing is one-time only.
 Contractual includes printing of 1,600 notices and letters and postage for mailing - \$995.
 Commodities include envelopes and mailing labels - \$195.

IV. DATE 3/24/82 PREPARED BY Nico Bus
 AGENCY Department of Labor
 PHONE 465-2720
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1982

SUBJECT: Meaning of "organization" in
CSHB 637 (Finance) am

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Edward H. Hein
Legislative Counsel

In your memorandum of April 28, 1982, you asked for a clarification of the meaning AS 16.10.265(e), which appears at page 2, lines 18 and 19 of CSHB 637 (Finance) amended. That subsection reads:

(e) An organization may not be criminally prosecuted under (a) of this section.

Subsection (a) makes it a crime to purchase fish from a seller who does not have a limited entry or interim use permit. The intent of subsection (e) is to limit criminal liability under subsection (a) to individual people. (See subsection (f).)

AS 16.11.130 provides:

"LEGAL ACCOUNTABILITY OF ORGANIZATIONS. (a) Except as otherwise expressly provided, an organization is legally accountable for conduct constituting an offense if the conduct

(1) is the conduct of its agent and

(A) within the scope of his employment and in behalf of the organization; or

(B) is solicited, subsequently ratified, or subsequently adopted by the organization; or

Senator Bettye Fahrenkamp

Page 2

April 29, 1982

(2) consists of an omission to discharge a specific duty of affirmative performance imposed on organizations by law.

"(b) In this section 'agent' means a director, officer, or employee of an organization or any other person who is authorized to act in behalf of the organization."

The term "organization" is defined in AS 11.81.900(b)(37) as

A legal entity, including a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, club, church, or any other group of persons organized for any purpose.

AS 11.16.265(e) is an attempt to expressly negate the provisions of AS 11.16.130 for the purposes of AS 16.-10.265(a). Without subsection (e) or language similar to subsection (e) a processing company might be held criminally liable for acts of its agents.

Under a similarly worded statute, an Indiana court refused to dismiss an indictment for reckless homicide brought against Ford Motor Company in 1978. The case involved three teenage girls who died when the gas tank of their Pinto exploded in a rear end collision.

The law regarding criminal liability of corporations and other forms of business organization is in a state of flux. The language of 16.10.265(e) adequately protects fish processing companies from criminal prosecution under subsection (a). Note however, that where the fish processor or primary fish buyer is an individual person, he or she is not exempt from the provisions of subsection (a). The intent of section 1 of bill is to limit penalties for fish processing companies to civil fines and possible revocation or suspension of the business license under subsections (c) and (d).

If you have any further questions, please feel free to contact me at your convenience.

EHH:ljb

HOUSE RESOURCES
STANDING COMMITTEE

March 2, 1982

5:30 p.m.

Members Present: Rep. Sutcliffe, Chairman
Rep. Halford
Rep. Grussendorf
Rep. Fanning

Members Absent: Rep. Barnes
Rep. Carney
Rep. Vaska

COMMITTEE CALENDAR

HB 400 "Relating to maximum length salmon seine
vessels"

HB 637 "Relating to limited entry"

WITNESS REGISTER

Rep. Joe Chuckwuk
Sixteenth District
Pouch 7
Juneau, Alaska 99811
(907)465-3892
Position Statement: To speak on HB 637

Lt. Conrad Seibel
Department of Public Safety
Juneau, Alaska
(907)789-2151
Position Statement: To speak on HB 637

Bill Brown
Division of Motor Vehicles
Juneau, Alaska
(907)465-4335
Position Statement: To speak on HB 637

Ken Parker
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska
(907)465-4210
Position Statement: To speak on HB 637

Rodger Painter
United Fishermen of Alaska

(907)586-2820
Position Statement: To speak on HB 637/HB 400

Rick Lauber
PSPA
Box 1625
Juneau, Alaska 99801
(907)586-6366
Position Statement: To testify on HB 637

Rep. Terry Gardiner
Pouch V
Juneau, Alaska 99811
(907)465-4944
Position Statement: To testify on HB 400

Rep. Haugen
Pouch V
Juneau, Alaska 99811
(907)465-3712
Position Statement: To testify on HB 400

PREVIOUS ACTION

HB 637	Previous action unavailable
HB 400	Previous action unavailable

ACTION NARRATIVE

Tape #104
Recording
Number 003

The meeting of the House Resource Committee was called to order by Chairman Sutcliffe at 3:00 p.m. Committee members present were: Reps. Halford, Grussendorf, Fanning and Sutcliffe; Reps. Vaska, Barnes and Carney were absent.

Number 010

Rep. Joe Chuckwuk: This bill is an attempt to lessen use of permits. 1) Processors will not be able to buy fish from a non-permitted fishermen. 2) Requires picture identification.

Number 032

Rep. Fanning: Asked for definition of "buyer" - page 3, lines 14 and 18.

Number 89

Rep. Sutcliffe: What would happen in the event the permit is lost? Loss could cause severe hardship.

Rep. Sutcliffe stated that the permit is held as a means of livelihood.

Side Two
Number 001

Ken Parker: No specific testimony on bill. Support any effort to make "limited entry" more effective. Permit cards have been used illegally in the past and makes management difficult.

Number 046

Lt. Seibel: Available for questions.

Number 050

Rep. Sutcliffe: Asked Lt. Seibel to read Col. Stickles' suggestions into the record. Summary of that letter: 1) Picture on limited entry card itself. 2) Specified word changes. 3) Tied in with fish ticket bill.

Number 111

Rep. Sutcliffe: Asked why Limited Entry objected to picture requirement. Their reply: They felt any picture I.D. should suffice.

Number 133

Rep. Grussendorf: Could be more effective on permit but would be quite a cost expenditure.

Number 141

Bill Brown: Motor vehicles sees no reason for new I.D. card. Feels additional card would be extra work. Wants deleted beginning of line 18, page 2, through line 6, page 3.

Number 215

Rodger Painter: Considered bill a couple of weeks ago at a meeting. In favor of bill. Had some concerns of the I.D. If I. D. section will cause problems, we prefer it be left out. Other I. D. is available. Wants help in making "limited entry" stronger. Allegations of widespread entry abuse in Bristol Bay. Problems with enforcement. Is critical to get penalties for processors. Would even support further penalties to fishermen for fishing without permit.

Another problem, it will be difficult to get everyone equipped in the rural areas with new I.D. We are against the pre-stamping of fish tickets. It is a matter of convenience. Causes problems in enforcing a bill like this.

Number 348

Rick Lauber: When "limited entry" was

passed, it was sold to the legislature as being cost free, to be paid for by fees collected. That has now been dropped. Enforcement has been dumped into an

inappropriate area. Could work as a hardship to legal fishermen.

Finds unbelievable: That fine to processor is substantially higher than to the fishermen. Should have penalties for person violating. Beefed up enforcement. Confiscation of boat and catch. There will be confusion in meeting the requirements. This will penalize legitimate fishermen.

Number 567

Rep. Grussendorf: There will be illegal fishermen as long as they can find a place to sell their catch. The best way to control the problem is through the processor.

Tape #105
Number 221

Rodger Painter: Would in favor of heavier penalties.

Number 119

Rep. Haugen: Legislation was introduced as a result of requests from fishermen. Would allow boat to purchase a permit and enter into salmon fishery. It would also bring permits that are outside, back into Alaska. Most fishermen are in favor. Those against, for the most part, are concerned about monetary devaluation in value of boat.

Number 184

Rep. Grussendorf: What was original reason for length designation?

Number 192

Rep. Haugen: It was an early form of "limited entry". A concession to the Alaskan fleet.

Number 227

Rep. Terry Gardiner: In favor of the bill. Important to develop other fisheries.

It gives fishermen choice to select boat size best suited to his needs. Original sponsor of bill has decided law is no longer needed. At least change in this area, so people don't need to own two boats.

Number 307

Rep. Stuccliffe to Rep. Gardiner: Since crabbing has been so bad, many crab boats are looking at other ways to make money. Do

you think this will encourage them to buy a limited entry permit and get into salmon fishing?

- Number 340 Rep. Gardiner: Modifications to the boats would be very costly. 70-80 foot boats maybe. Others just burn too much fuel to be effective.
- Number 376 Rep. Sutcliffe: I don't feel you are right about the economics of crab boats to salmon fishing. Not a time to be buying larger boats. Especially, if they want to borrow money from the State to purchase that new boat.
- Number 422 Rep. Sutcliffe: Could the bill be rewritten to exclude S.E. Alaska?
- Number 435: Rep. Gardiner: There was such an amendment written. The A.G.'s office felt there could be a problem. I don't see that a problem exists, but they did.
- Number 457 Rep. Grussendorf: Spoke of Title 16 repeal. Why did Fish and Game want that change? Reasons that existed are no longer valid.
- Number 503 Ken Parker: No justification for retention of limit. Limited entry will keep gear at a fixed amount. If law was repealed, Board would receive testimony by users to determine best way to handle it. In favor of repeal.
- Number 548 Rep. Sutcliffe: Don't see as a conservation tool. To crabbers, the prospect of bottomfishing doesn't look appealing. I think salmon fishing would be much more desirable to them. If left to logic and the Board, I feel it would be eliminated. Concerned the repeal could do something we don't want done.
- Number 624 Rep. Grussendorf: There is such a thing as regional bias. I think removing it in S.E. would be acceptable. Fishermen need more options made available to them. We certainly have procedure for it.
- Number 696 Rep. Sutcliffe: Repeal should not be a Board decision. I feel this should be a legislative action. He asked Mr. Parker :

look for draft of bill that repealed law in
S.E. (He said he would.)

Number 732

Ken Parker: Due to many factors, big boats
would not function well in the salmon
fishery.

by Sutcliffe

Although current regulations require a fisherman to have his limited entry or interim-use permit with him when he sells fish, there is no penalty to the buyer for knowingly purchasing fish from someone who does not have a permit. In fact, a buyer working on a commission basis may have little incentive to check permits and wouldn't need to see one if the fisherman had a prestamped fish ticket. (In order to speed up sales transactions, a buyer may prestamp a quantity of fish tickets with a fisherman's limited entry card. The tickets are then kept by the fisherman who presents one when he sells a load of fish. The practice allows fishermen without permits to sell fish if they gain possession of prestamped tickets.) Buyers not working on a commission basis can increase their profits by buying fish from fishermen without limited entry cards who are willing to accept lower prices. Buyers working for a processor on a salary basis may be offered bribes from illegal fishermen. There is little risk of getting caught, and only the fisherman is liable.

With passage of this bill, the fish buyer would be penalized by a fine and possible jail sentence if it can be proven that he knowingly bought fish from someone who was not a holder of a limited entry or interim-use permit. For the buyer's protection, this bill requires fishermen to carry picture identification cards. HB 637 also increases the penalties to persons who have not been issued permits who are convicted of fishing illegally.

Sec. 1, page 1. A buyer may be penalized if found guilty of knowingly purchasing fish from someone without a permit. A "buyer" in this section refers to an individual who purchases fish for business purposes. No part of this bill places responsibility on members of the general public who buy fish for personal consumption. The term "natural person" means "an individual" and is used instead of "person" which in legal terms means a corporation or company. It was the Resources Committee's intent not to penalize businesses for the actions of their employees. Companies have little control over their employees in the field who might accept bribes from illegal fishermen. The liability of this section falls solely on the individual buying the fish unless others are implicated as accomplices.

Sec. 1(b), page 1. Establishes penalties for the buyer.

First conviction: class B misdemeanor, \$1000 - \$5000 fine.

Second conviction: class A misdemeanor, \$5000 - \$10,000 fine.

Third conviction: class A misdemeanor, \$10,000 - \$25,000 fine.

Sec. 1(c), page 2. Imposes a fine on the company if the company is an individual or if an officer, director or person in a policy making position is found guilty of knowingly buying fish from a person who does not hold a permit or is implicated in the transaction. The fine would be levied by the Commissioner of Revenue and would equal the value of the fish at the time of the sale. Sec. 3(h), page 5, levies the same fine against the fisherman.

Sec. 1(d), page 2. Allows the Commissioner of Revenue to suspend or revoke the business license of a fish processor or buyer if the licensee or an officer, director, or an employee in a policy making position has been convicted four or more times of knowingly buying fish from a person who does not hold a permit.

Sec. 1(e), page 2. Further clarifies the level of liability in Sec. 1(a). This subsection eliminates company responsibility for the actions of its employees.

Sec. 16.10.267(a-c), pages 2 and 3. At the time of a sale, the fisherman must have in his possession his limited entry card and a picture I.D., and he must present them at the request of the fish buyer. The I.D. is to enable the buyer to make a positive identification of the seller. Suitable picture I.D.'s are drivers' licenses, state personal identification cards or federal I.D.'s which have a picture.

Sec. 16.10.267(d), page 3. Establishes penalties for the fisherman who does not have a limited entry card or I.D. in his possession:

First conviction: Class B misdemeanor, fine up to \$5000, possible loss of limited entry or interim-use permit for up to three years.

Second conviction: Class A misdemeanor, fine up to \$10,000, possible loss of limited entry or interim-use permit for up to three years.

Third conviction: Same as second conviction and loss of limited entry or interim-use permits for three years.

Sec. 16.10.268, page 3. In order to inform employees of their liability, the Department of Labor will send posters to all processors and primary fish buyers who have filed intent to operate forms, and the companies shall display the notices in a prominent place.

Sec. 16.10.296, pages 3 and 4. DEFINITIONS.

Sec. 3. AS 16.43.360(a). Page 4. De-sexes subsection and removes penalties for violations of AS 16.43.140(a) from this subsection.

Sec. 3. AS 16.43.360(g). Increases the penalties for fishing without having been issued a permit.

First conviction: Class B misdemeanor
possible 90 days in jail
possible loss of boat
mandatory \$5000 - \$10,000 fine
mandatory loss of commercial fishing privileges
for 1 year.

Second conviction: Class A misdemeanor
possible 1 year in jail
mandatory \$10,000 - \$20,000 fine
mandatory loss of boat
mandatory loss of fishing privileges for 2 years.

Third conviction: Class A misdemeanor
possible 1 year in jail
mandatory \$20,000 - \$50,000 fine
mandatory loss of boat
mandatory loss of fishing privileges for 5
years.

(h) For all convictions, the fisherman must forfeit the value of the fish found on board at the time of the violation.

(pass out audits)

HB 637 - LIMITED ENTRY

THIS BILL IS INTENDED TO REDUCE MISUSE OF LIMITED ENTRY PERMITS.

FIRST, THIS BILL WILL MAKE IT AGAINST THE LAW FOR A PROCESSOR TO WILLFULLY BUY FISH FROM A NON-PERMITTED FISHERMAN. THIS WILL CLOSE THE GAP IN THE REGULATIONS THAT NOW EXISTS -IT IS AGAINST THE LAW FOR A NON-PERMITTED PERSON TO SELL FISH, BUT IT ISN'T AGAINST THE LAW FOR A PROCESSOR TO BUY THE FISH -

SECONDLY, THIS BILL WILL REQUIRE A PICTURE IDENTIFICATION CARD FOR LIMITED ENTRY PERMIT HOLDERS. ON PAGE 6 UNDER RECOMENDATION NO. 1 SECTION A, YOU WILL NOTICE THIS WAS A RECOMENDATION OF THE AUDITORS, YOU WILL ALSO NOTICE THAT IS NOT JUST A RECOMENDATION OF MINE, BUT ALSO ENDORSED BY PROTECTION OFFICERS, BIOLOGISTS AND MEMBERS OF THE BOARD OF FISH.

Bill No.

House Bill 637

Date

January 15, 1982

Title

"An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit, interim-use permit, or emergency transfer slip, and an identification card."

Contact:

Judy Knight
465-2700
Dale Cheek
465-4870

JAN 25 1982

The department's position is neutral.

This bill would have no programatic effects upon the department's responsibility under AS 16.10.290-296, Security for collection of wages and payment for raw fish.

This bill should contain a requirement that the Department of Labor be notified when the Department of Revenue has suspended or revoked the license of a fish processor or primary fish buyer under AS 16.10.265(d)(4). This action would be necessary because the Department of Labor is the holder of bonding or surety for the fish buyer or processor under AS 16.10.290.

POSITION PAPER/Department of Labor



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Public Safety	Sponsor (Principal) Chuckwuk	Bill Number HB 637
Department Position Support with amendments.		
Division Director Colonel Robert J. Stickles	Date 1/18/82	Commissioner's Signature William R. NTX
		Date 1-19-82

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Reinted Bills (Similar or Conflicting) SB 51	1. b) Other Agencies Affected by Bill DMV, CFEC, Dept. of Revenue
2. a) Organizational Support for Bill Unk	2. b) Organizational Opposition to Bill Unk

3. Program Effects of Bill
Bill is intended to provide penalties aimed at reducing misuse of limited entry permits. Higher penalties would apply to both processors and fishermen. Bill also requires a separate I.D. card in addition to the Limited Entry permit. Separate I.D. card will be of limited value in reducing misuse of permits.

4. Fiscal Impact: None Fiscal Note Attached (to be provided by DMV)

5. Amendments Proposed:
1. Amend 16.10.265(d) - page 2, line 1. Delete the word wilful. If wilful remains we will have to prove intent. This type of provision should be a strict liability statute.
2. Amend 16.10.265(d) - page 1, lines 3 - 11. The fines in subsections (See attached)

6. Comments:
The intent of this bill is good and with the amendments proposed will aid in reducing illegal fish sales. In order to enforce this bill adequately the Division of F&WP must have access to fish tickets. The fish ticket is the proof that a sale did take place and who sold and purchased the fish. SB 47 is before the legislature this year and if passed would give the much needed authority to inspect fish tickets without a court order.
Although a separate I.D. card bearing a photo of the individual may reduce use of limited entry permits it is a second choice. The first choice is to affix a photo of the individual on the limited entry card. This is also one of the recommendations made by the Legislative Audit Division during their recent audit of the Commercial Fisheries Entry Commission. The legislature may wish to incorporate some of the recommendations made by Legislative Audit into this bill as the subject matter is similar and the goals almost identical.

Amendements Proposed: (Continued)

1 through 3 should be in addition to the value of the fish produced at the time of the violation. If a processor bought fish having a value of \$20,000 to the processor the penalties alone would not be a deterrent.

We would recommend a two year suspension of a processor's right to operate upon a second conviction within five years and permanent loss of a processor's right to operate upon a third conviction.

3. Amend 16.10.267(a) page 2, line 22. We recommend the word may be changed to shall.
4. Amend 16.10.267(c) page 3, line 2. This should be a class C felony as other fraudulent applications are currently classified.
5. Amend 16.10.267(d & e) page 3, lines 3 6. These should be a class C felony. Current penalty in AS 16 is higher than a class B misdemeanor. A class C felony is recommended because we are dealing with fraud involving high sums of money.
6. Amend 16.10.296 (2) page 3 line 11. Amend the definition of "fish" to include after life cycle parts such as fertilized or unfertilized eggs. Some courts have ruled that fish eggs are not "parts of fish" once separated from the carcass.
7. Amend 16.10.296 (4) page 3, line 17. Amend this definition by eliminating the words "other than a cooperative corporation organized under AS 10.15." There is no valid reason for authorizing these organizations to purchase fish from illegal fishermen. As written the definition offsets the goal of the legislation which is to eliminate places where illegal fish can be sold.
8. Amend 16.43.360(g) page 4, lines 10 and 11. Amend this section by deleting [caught by the person in the course of the violation] and add found on board at the time. We will usually not be able to prove which fish were caught in the course of the violation and which were caught prior to or after the violation.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Chuckwuk	Bill Number H.B. No. 637
Department Position Neutral		
Division Director S. Pennoyer	Date 1/20/82	Commissioner Ronald O. Skopp

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) HB 630, SB 391 & 392, SSHB 630	1. b) Other Agencies Affected by Bill: Dept. of Public Safety, Fish & Wildlife Prot.
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill
3. Program Effects of Bill Would not affect the Department of Fish and Game fishery management program.	
4. Fiscal Impact: <input checked="" type="checkbox"/> None <input type="checkbox"/> Fiscal Note Attached	
5. Amendments Proposed: None	
6. Comments: The context of this bill is taken out of HB 630 (1981). This bill would aid the Commercial Fisheries Entry Commission and Fish and Wildlife Protection Division in some enforcement controls. It would not directly affect the Department of Fish and Game. The Department should be supportive of this bill but go on the record as neutral. This bill should act to decrease the incidence of fishermen fishing without a permit or allowing the misuse of another person's permit. It will place some minor additional burden on fishermen, processors, although the advantages would probably outweigh the encumbrances.	

RP

James Polley
626 NW 182nd.
Seattle, WA 98177

RECEIVED
MAR 26 1982
COMMERCIAL FISHERIES
ENTRY COMMISSION

State of Alaska
Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska, 99811

Dear Sirs:

As you are no doubt already aware, there are a number of individuals who plan on fishing this year in Bristol Bay without a valid license. It is my understanding that some have made agreements with floating processors who will use one license to buy fish from several vessels, and in return for this service will pay the fisherman a substantially lower price for his fish. Others, who have worked partnerships with permit holders in the past, this year are planning on "just taking their chances", particularly in the outlying districts. Apparently they feel that the Ostrosky Case affords them the opportunity to violate the law with minimal risk.

In view of the tremendous fisheries problems which developed in Washington State once the door to "Rape and Run" fishing was cracked open, I consider this potential problem in Bristol Bay as a serious threat to my livelihood.

As you are making your enforcement plans with the Department Of Public Safety for the 1982 season, please consider the following suggestions:

- 1) A \$5,000. fine is grossly inadequate as a deterrent. It should be increased and also include crew members.
- 2) A more positive means of license identification should be developed immediately.
- 3) Boats should be checked as they deliver their catches, and stiff penalties levied against processors who cooperate in illegal sales.

Thank you for giving this letter your consideration. I appreciate your on-going efforts to bring orderly management to our fisheries.

Sincerely
James Polley
James Polley

MEMORANDUM

State of Alaska

TO: The Honorable Joseph Chuckwuk
House of Representatives
MAIL STOP: 3100

DATE: January 21, 1982

FILE NO:

TELEPHONE NO:

FROM: Robert J. Simon *R. Simon*
Chairman
Commercial Fisheries Entry
Commission

SUBJECT: HB 637: An Act Relating to
Limited Entry

As requested by your administrative assistant, the following comments are offered by the Entry Commission regarding the above-referenced bill. The Commission believes that legislation of the nature of HB 637 is necessary to achieve the enforcement goals which are implied in the bill. We would be most happy to provide whatever additional assistance you deem appropriate.

Proposed AS 16.10.265(b)(1) references "or any emergency transfer slip completed in accordance..." There are several such forms like the emergency transfer form which are described in Commission regulations and which, like an emergency transfer slip, can be legal substitutes for permit cards. Rather than reference the entire list of such forms, we suggest that you consider the use of a generalized term for these various substitutes. The bill could contain an addition to the definitions section (* Sec 2) which would describe the various substitutes for permit cards. (If this suggestion is followed, appropriate changes to the bill title could also be made.)

Proposed AS 16.10.265(c) requires the presentation of an identification card or emergency transfer slip. It would appear that your intent was that the permit holder present both a permit card (or a legal substitute) and identification card.

Proposed AS 16.10.267(a) suggests that a fisherman's ID contain the permit serial number on the card. We believe this suggestion to be unnecessary and possibly unworkable. The value of ID cards is partly related to the length of time that such ID's could remain valid. Unlike an entry permit card which is reissued each year (and gets considerable use during the course of a fishing season), a separate ID would be useable and valid for several years. During that several year period, the permit holder might enter and exit from several different fisheries, making the reference to a permit serial number obsolete long before the ID itself would need replacement.

We have one comment of a general nature which relates to difficulties that might be experienced by operators of stationary gear. Present law requires that the permit holder be present at the time and place his gear is being operated. Passage of this legislation would require him to be present also at the time and place his fish are

delivered to a buyer. In the event that the sale does not occur at the point where stationary gear (such as set net gear) is being operated, permit holders might be required to remove their gear from the water in order to make a delivery. We unfortunately do not have a specific suggestion to overcome this situation that appears likely to penalize a permit holder by requiring him to forego fishing while making a delivery during an open period.

RJS:nlg

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

CSHB 637 (Fin) am
BILL NUMBER

IDENTIFICATION:

BILL NAME: "An Act relating to the regulation of the taking, purchase, or sale of certain fishery resources; and providing for an effective date."

SPONSOR(S): Finance
Original Sponsor: Chuckwuk

RELATED BILLS PENDING:

DATE INTRODUCED: (H) 1/11/82
(S) 4/19/82

REFERRALS

Resources

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED ✓

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP
MATERIALS: *Chuckwuk, H (FIN) 4/27*
1 rec'd, 4/29 | rec'd, 4/28

FISCAL NOTE: ✓

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPRATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET: *4/28/82*

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

Sen Anderson 4550 ✓ 4-29 notified
Rep. Chuckwuk 3892 ✓ 4-29 notified
Rodger Pambin, UFA 5500-2820 ✓ Will testify 4-29
Pete Lambert, Pacific Seafood Processors ✓ notified 4-29
Mary Jellowski - Dept. of Fish & Game 4100 ✓ notified 4-29