

ALABAMA LEGISLATURE COMMITTEES 1903-1904 86/2

2898 SRES HB 376 - HB 404 7898

1 fit for another. [OF FACT IN SUPPORT OF THE OTHER PERSON'S APPLICATION
2 FOR ISSUANCE OR RENEWAL OF AN INTERIM-USE PERMIT OR AN ENTRY PERMIT OR
3 VESSEL LICENSE] is guilty of the crime of unsworn falsification as set
4 out in AS 11.56.210. Upon conviction, the person [A MISDEMEANOR AND]
5 (1) shall forfeit to the commission all interim-use permits and entry
6 permits [HELD BY THE PERSON MAKING THE FALSE STATEMENT] and (2) loses
7 [SHALL LOSE] eligibility for interim-use permits and for entry permits
8 for a period of three years [AND IS PUNISHABLE BY A FINE OF NOT MORE
9 THAN \$5,000].

10 ✓ Sec. 8. AS 16.43 is amended by adding a new section to read:

11 5617 Sec. 16.43.975. PUBLIC DISCLOSURE. The commission may provide
12 by regulation that documents submitted to the commission containing
13 information that, if disclosed, could cause appreciable economic or
14 competitive harm to the person supplying the information are not
15 subject to public disclosure.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 376 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Limited Entry Act; providing for
7 landing permits; and providing for an effective
8 date."

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

10 376 * Section 1. AS 16.05 is amended by adding a new section to read:

11 *Sec 1* Sec. 16.05.675. LANDING PERMITS. (a) A person who does not
12 hold a limited entry permit or interim-use permit issued under
13 AS 16.43 may not deliver or land fish in the state unless the person
14 ^{C.F.C. Am #1} (1) has harvested the fish under federal authority in the
15 fishery conservation zone; and

16 (2) has been issued a landing permit by the Commercial
17 Fisheries Entry Commission.

18 (b) The commissioner may by regulation establish eligibility
19 requirements for the issuance of a landing permit.

20 (c) The commissioner may authorize the Commercial Fisheries
21 Entry Commission to issue landing permits for a fishery if the commis-
22 sioner has made a written finding that the issuance of landing permits
23 for that fishery is consistent with state resource conservation and
24 management goals.

25 ^{C.F.C. Am #2} (d) A landing permit is not transferable.

26 376 * Sec. 2. AS 16.10.265(a) is amended to read:

27 *Sec 3* (a) While acting as a fish processor or primary fish buyer, or
28 as an agent, director, officer, member, or employee of a fish proces-
29 sor, of a primary fish buyer, or of a cooperative corporation

1 organized under AS 10.15, an individual may not intentionally or know-
2 ingly make an original purchase of fish from a seller who does not
3 hold a [AN ENTRY PERMIT OR AN INTERIM-USE] permit issued under [OR
4 TRANSFERRED TO THE SELLER IN ACCORDANCE WITH] AS 16.43.

5 ^{CPEC Am # 4}
376 * Sec. 3. AS 16.10.267(a) is amended to read:

6 ^{Sec 4} (a) When a fisherman sells fish, the fisherman shall possess

7 (1) a [AN ENTRY PERMIT OR INTERIM-USE] permit issued [OR
8 TRANSFERRED TO THE FISHERMAN] under AS 16.43, or other document au-
9 thorized by regulation to be used in place of a [AN ENTRY PERMIT OR
10 INTERIM-USE] permit; and

11 (2) an identification card that has been issued to the
12 fisherman by a state or federal agency and that bears a photograph of
13 the fisherman.

14 ^{CPEC Am # 5}
376 * Sec. 4. AS 16.43.100(a) is amended by adding new paragraphs to read:

15 ^{Sec 5} (16) establish reasonable user fees for services;

16 (17) issue landing permits in accordance with AS 16.05.675
17 and regulations adopted under that section; and

18 (18) establish and collect annual fees for the issuance of
19 landing permits.

20 ³⁷⁶
^{Sec 6} * Sec. 5. AS 16.43.110 is amended by adding a new subsection to read:

21 (e) The commission shall adopt regulations to provide for the
22 correction of administrative error.

23 ³⁷⁶
^{Sec 7} * Sec. 6. AS 16.43.150(a) is amended to read:

24 (a) Each entry permit authorizes the permittee to operate a unit
25 of gear within a specified fishery [ADMINISTRATIVE AREA].

26 ³⁷⁶
^{Sec 8} * Sec. 7. AS 16.43.150(f) is amended to read:

27 (f) Except for permits which are not transferable under AS 16.-
28 43.170(c) or (e), an [AN] entry permit survives the death of the
29 holder.

1 422 ^{Am. L. am.} * Sec. 8. AS 16.43.150(g) is amended to read:

2 xcl (g) Except as provided in AS 16.10.333 - 16.10.337, AS 44.81,-
3 210, and [IN] AS 44.81.230 - 44.81.250, an entry permit may not be [:]

4 (1) pledged, mortgaged, leased, or encumbered in any way;

5 (2) transferred with any retained right of repossession or
6 foreclosure, or on any condition requiring a subsequent transfer; or

7 (3) attached, distrained; or sold on execution of judgment
8 or under any other process or order of any court.

9 ^{Am. by ANS 105, 11/1/02} * Sec. 9. AS 16.43.150(h) is amended to read:

10 376 ^{sec 1} (h) Upon the death of an entry permit holder, the permanent
11 permit shall be transferred by the commission directly to the surviv-
12 ing spouse by right of survivorship unless the deceased holder has
13 expressed a contrary intent in a will that is probated [A CONTRARY
14 INTENT IS MANIFESTED]. When no spouse survives, the rights of the
15 decedent pass as part of the decedent's estate. The permit is exempt
16 from the claims of creditors of the estate.

17 422 * Sec. 10. AS 16.43.160(c) is amended to read:

18 ^{sec 2} (c) The resident holder of an entry permit or interim-use permit
19 who has a net family income falling within the federal [FEDERAL COM-
20 MUNITY SERVICES ADMINISTRATION] poverty guidelines, adjusted by the
21 commission to reflect appropriate cost-of-living differentials, is
22 subject to a maximum annual fee of \$15.

23 422 * Sec. 11. AS 16.43.160 is amended by adding a new subsection to read:

24 ^{sec 3} (d) The commission may charge interest at a rate not to exceed
25 the legal rate of interest established in AS 45.45.010 on fees more
26 than 60 days overdue.

27 376 * Sec. 12. AS 16.43.170(b) is amended to read:

28 ^{sec 10} (b) Except as provided in (c) and (e) of this section, the
29 holder of an entry permit may transfer the permit to another person or

1 to the commission upon 60 days' notice of intent to transfer under
2 regulations adopted by the commission. No sooner than 60 days nor
3 later than 12 months from the date of notice to the commission, the
4 holder of an entry permit may transfer the permit. If the proposed
5 transferee, other than the commission, can demonstrate the [ESTABLISH]
6 present ability to participate actively in the fishery and the trans-
7 fer agreement does not violate any provision of AS 16.43 or regula-
8 tions adopted thereunder, the commission shall approve the transfer
9 and reissue the entry per it to the transferee provided that neither
10 party is prohibited by law from participating in the transfer.

11 122 * Sec. 13. AS 16.43.250(a) is amended to read:
12 sec 4

13 (a) Following the establishment of the maximum number of units
14 of gear for a particular fishery under AS 16.43.240, the commission
15 shall adopt regulations establishing qualifications for ranking ap-
16 plicants for entry permits according to the degree of hardship which
17 they would suffer by exclusion from the fishery. The regulations
18 shall define priority classifications of similarly situated applicants
19 based upon a reasonable balance of the following hardship standards:

20 (1) degree of economic dependence upon the fishery, which
21 may include [INCLUDING] but is not limited to percentage of income
22 derived from the fishery, reliance on alternative occupations, avail-
23 ability of alternative occupations, investment in vessels and gear;

24 (2) extent of past participation in the fishery, which may
25 include [INCLUDING] but is not limited to the number of years of
26 participation in the fishery, and the consistency of participation
27 during each year.

28 122 * Sec. 14. AS 16.43.351(b) is amended to read:
29 sec 5

(b) A recipient may be issued an educational entry permit valid
for designated fisheries [EACH FISHERY] in the administrative area the

1 commission determines to be appropriate, considering the nature of the
2 educational program and the location of the educational or vocational
3 institution. The recipient of an educational entry permit may not be
4 issued an educational entry permit [PERMITS] in more than one adminis-
5 trative area except as issued by the commission in its discretion upon
6 good cause shown.

7 422 * Sec. 15. AS 16.43.960 is amended to read:

8 422 6 Sec. 16.43.960. COMMISSION REVOCATION OR SUSPENSION OF [ENTRY]
9 PERMITS. (a) The commission may revoke, suspend, or transfer all
10 [AN] entry [PERMIT] or interim-use permits held by [PERMIT IF] a
11 person who knowingly provides or [SUPPLIES,] assists in providing
12 false information [SUPPLYING], or fails to correct false information
13 provided, to the commission for the purpose of obtaining a benefit for
14 self or another, including the issuance, renewal, duplication, or
15 transfer of an entry or interim-use permit or vessel license. The
16 commission may suspend that person's eligibility to hold an entry or
17 interim-use permit for a period not to exceed three years, and may
18 impose an administrative fine of not more than \$5,000 on the person.
19 The commission may also impose an administrative fine of not more than
20 \$5,000 on an entity whose officers, employees, representatives, or
21 agents knowingly provide or assist in providing false information, or
22 fail to correct false information provided, to the commission for the
23 purpose of obtaining a benefit

24 [(1) PERMIT APPLICATION;

25 (2) PERMIT TRANSFER; OR

26 (3) PERMIT RENEWAL].

27 (b) The [BEFORE REVOCATION, THE] commission shall serve the
28 respondent [PERMIT HOLDER] personally or by certified or registered
29 mail with a notice to show cause why the proposed action should not

1 take place. The notice to show cause must

2 (1) be supported by an affidavit ^{draft} that [WHICH] may be made
3 on information or belief setting out the facts that [WHICH] are the
4 basis of the proposed action;

5 (2) provide for at least 30 days' notice of the place,
6 date, and time of the hearing where the respondent [PERMIT HOLDER] may
7 present evidence in opposition to the proposed action; unless waived
8 in writing by the respondent [PERMIT HOLDER], the hearing [PLACE]
9 shall be held within the judicial district in which the respondent
10 [PERMIT HOLDER] resides if the respondent [PERMIT HOLDER] resides in
11 the state; the hearing place shall be at the discretion of the commis-
12 sion for those respondents [PERMIT HOLDERS] residing outside the
13 state;

14 (3) specify the statutes or regulations violated;

15 (4) state with particularity the action proposed to be
16 taken;

17 (5) indicate to [THAT] the respondent [PERMIT HOLDER'S]
18 that the respondent's ability to permanently transfer the permits that
19 are [PERMIT WHICH IS] the subject of the show cause [REVOCA-^{draft}
20 TION] proceedings has been suspended as of the date of the notice and will
21 continue to be suspended until the exhaustion of all administrative
22 and judicial remedies; and

23 (6) provide other information the commission considers
24 proper.

25 (c) A permit subject to show cause [REVOCA-
26 TION] proceedings under this section may not be transferred after the date of the notice
27 in (b) of this section pending exhaustion of all administrative and
28 judicial remedies arising from action taken under this section.

29 (d) The show cause [REVOCA-
TION] hearing shall be conducted

1 before a quorum of commissioners and shall be presided over by a
2 hearing officer appointed by the commission who shall rule on the
3 presentation of evidence and other procedural matters. Hearings shall
4 be conducted in accordance with regulations adopted under AS 16.43.-
5 110(b). [WITHIN A REASONABLE TIME AFTER THE CONCLUSION OF THE HEAR-
6 ING, THE HEARING OFFICER SHALL SUBMIT TO THE ATTENDING COMMISSIONERS A
7 PROPOSED DECISION BASED ON THE RECORD OF THE HEARING AND CONTAINING
8 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ACTION. THE
9 ATTENDING COMMISSIONERS SHALL THEN REVIEW THE HEARING OFFICER'S PRO-
10 POSED DECISION AND ADOPT OR AMEND OR REJECT THE CONTENTS OF THE PRO-
11 POSED DECISION IN THE WRITTEN DECISION OF THE COMMISSION. A COPY OF
12 THE COMMISSION DECISION SHALL BE MAILED TO EACH PARTY OR THE PARTY'S
13 ATTORNEY BY CERTIFIED OR REGISTERED MAIL.]

14 (e) The failure of a respondent [PERMIT HOLDER] properly served
15 under (b) of this section to appear at the hearing is not grounds for
16 setting aside any commission action taken. However, the commission
17 may in its discretion order a continuance or second hearing.

18 (f) [THE EFFECTIVE DATE OF THE COMMISSION DECISION UNDER THIS
19 SECTION IS THE DATE OF THE NOTICE TO SHOW CAUSE FIRST SERVED UPON THE
20 PERMIT HOLDER UNDER (b) OF THIS SECTION.]

21 (g) The provisions of this section [DO NOT] apply to conduct
22 occurring after January 1, 1973, but do not affect a [THE] permit held
23 by [OF] a person who is a bona fide purchaser. Failure to correct
24 false information is a continuing offense.

25 (h) Judicial review of commission determinations under this
26 section is in accordance with AS 44.62.560 - 44.62.570; however, if a
27 hearing de novo is granted under AS 44.62.570(d), the hearing may, in
28 the discretion of the court, be had with a jury sitting if application
29 for the jury hearing is filed with the court no later than 10 days

1 after service of the notice of appeal.

2 (i) An entry permit revoked by the commission under this section
3 that is pledged [TAKEN] as security for a loan under AS 16.10.333 or
4 AS 44.81.230 shall be reassigned as provided in AS 16.10.337 or
5 AS 44.81.250.

6 422 * Sec. 16. AS 16.43.970(b) is amended to read:
5a 7

7 (b) A person who knowingly makes a false statement to the com-
8 mission for the purpose of obtaining a benefit, including the issu-
9 ance, renewal, duplication, or transfer of an entry or interim-use
10 permit or vessel license [OF FACT IN THE APPLICATION FOR OR RENEWAL OF
11 AN INTERIM-USE PERMIT OR AN ENTRY PERMIT OR VESSEL LICENSE APPLICATION
12 OR RENEWAL OR IN THE PPLICATION FOR A TRANSFER UNDER AS 16.43.170 OR
13 16.43.180], or a person who assists another by knowingly making a
14 false statement to the commission for the purpose of obtaining a
15 benefit for another, [OF FACT IN SUPPORT OF THE OTHER PERSON'S APPLI-
16 CATION FOR ISSUANCE OR RENEWAL OF AN INTERIM-USE PERMIT OR AN ENTRY
17 PERMIT OR VESSEL LICENSE] is guilty of the crime of unsworn falsifica-
18 tion as set out in AS 11.56.210. Upon conviction, the person [A
19 MISDEMEANOR AND] (1) shall forfeit to the commission all interim-use
20 permits and entry permits [HELD BY THE PERSON MAKING THE FALSE STATE-
21 MENT] and (2) loses [SHALL LOSE] eligibility for interim-use permits
22 and for entry permits for a period of three years [AND IS PUNISHABLE
23 BY A FINE OF NOT MORE THAN \$5,000].

24 422 * Sec. 17. ^{Case Am.} AS 16.43 is amended by adding a new section to read:
5a 8

25 Sec. 16.43.975. PUBLIC DISCLOSURE. The commission may provide
26 by regulation that documents submitted to the commission containing
27 information relating to an individual's personal finances and informa-
28 tion supplied by individuals for research purposes, produced in re-
29 sponse to requests by the commission, are not subject to public dis-

1 closure.

2 ³⁷⁶ * Sec. 13. This Act takes effect immediately in accordance with AS 01.-
3 ^{xc12} 10.070(c).



Official Business

Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

Pouch V
State Capitol
Juneau, Alaska 99811

April 4, 1984

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SCS for CSHB 376 (RES) am

The subcommittee has taken testimony and reports a Senate committee substitute for CSHB 376 (RES) am back to the committee as a whole with the following recommendations.

Members	Recommendation
Senator Mulcahy <u><i>Bob Mulcahy</i></u>	<u><i>No Pass</i></u>
Senator Eliason <u><i>Dick Eliason</i></u>	<u><i>Y</i></u>
Senator Gilman <u><i>A. Gilman</i></u>	<u><i>No Pass</i></u>

H B

379

HB 319

John Davie
4bx - came to town & spoke with Jim Palmer
474-6166

Introduced:
Referred:

BY

IN THE HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act establishing a seismic hazard program within the Department of Natural Resources, and providing for an effective date."

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

* Section 1. AS 41.08.017 is amended to read:

Sec. 41.08.017. HYDROLOGICAL AND SEISMIC HAZARD DATA DECLARED TO BE OF PUBLIC INTEREST. (a) Systematic collection, recording, evaluation, and distribution of data on the quantity, location and quality of water of the state in the ground, on the surface of the ground, or along the coasts, are in the public interest and necessary to the orderly domestic and industrial development of the state.

(b) Systematic collecting, recording, evaluation, archiving and distribution of data on seismic events and engineering geology, and identification of potential seismic hazards throughout the state are in the public interest and necessary to orderly, safe and cost-effective development in the state.

* Sec. 2. AS 41.08.020 (b) is amended by adding new subsections to read:

(5) collect, record, evaluate, archive and distribute data on seismic events and engineering geology of Alaska;

(6) identify potential seismic hazards which might affect development of Alaska;

(7) inform public officials and industry about potential seismic hazards which might affect development of Alaska;

* Sec. 3. This Act takes effect July 1, 1983.

Purpose:

To establish a State of Alaska program in seismic hazards mitigation which will provide, in a timely manner, basic information that is critical to the safe and cost effective development of Alaska's economic, natural and recreational resources.

Background:

- Declining federal support has resulted in the closing of over 25% of the seismic stations in Alaska over the past two years.
- Present distribution of stations is uneven and not adequate for state's needs.
- Present lack of coordination results in information from Alaska seismic stations being scattered among archives in New York, Colorado, California and 4 places in Alaska.
- Future development of Alaska will require information about geologic hazards that must be collected continuously and over the long term - industry cannot and will not collect such information - it is the appropriate function of state government [Hayes].
- Wassilla Workshop on Alaskan Seismology called for DGGs program of the scope proposed.
- Hayes speech at EERI symposium promised support for seismic hazard mitigation research.

Objectives:

Listed in Table 1 are the costs to establish or maintain various seismic monitoring and/or hazard assessment projects. Together this

package would be a reasonable seismic hazard mitigation program for the State of Alaska and would go a long way toward meeting the State's responsibility to assess one of the major geological hazards in Alaska. Below are brief descriptions of each of the projects:

1. Cook Inlet - Kodiak Seismic Network

Of about 25 seismic stations established by UAGI in this area under various federal (DOE, NOAA, NSF) research grants and contracts (circles and triangles, lower left of Figure 1) 6 are now closed and 19 are now maintained under a grant from the Governor's Office (derived from the Federal Budget Impact Fund). These stations are important for monitoring the seismic and volcanic activity of the lower Cook Inlet and Kodiak Island areas. In addition to that in the subduction zone (area of contact between the Pacific and Alaskan plates) these stations monitor possible activity on three major fault systems which are important to seismic hazards assessment in the greater Anchorage area: (1) the Bruin Bay-Castle Mtn. system; (2) the Border Ranges-Eagle River system; (3) the offshore Kodiak-Montegue Island system. This network also provides a means to monitor the activity of the following volcanoes: Katmai group, Mt. Douglas, Augustine, Iliamna and Redoubt.

Useful support can be given at any level of funding between \$80,000 and \$250,000. Costs for various portions of this network are as follows: \$80 K, Cook Inlet; \$75 K, Kodiak Island; \$60 K, Alaska Peninsula. The remaining \$35 K would be used for preparation of a comprehensive seismic hazards assessment of the greater Cook Inlet region.

2. Interior Alaska Seismic Network

This network consists of about 15 stations (5 now closed) generally located along the Glen, Parks and Alaska (between Glennallen and Fairbanks)

Highways (see upper right portion of Figure 1). It monitors seismic activity in the Mat-Su Valleys, the Talkeetna Mountains, the Railbelt and major highway routes into the interior and the Fairbanks-Nenana region. Major fault systems monitored include the northeastern most corner of the Pacific-Alaska plate interface (subduction zone), the Denali and Castle Mountain Fault systems, numerous other smaller faults north of the Alaska Range and the Fairbanks seismic zone.

The Interior Alaska Seismic Network includes some of the original stations established immediately following the 1964 Good Friday Earthquake. It has been supported under grants and contracts from the federal government as well as unrestricted funds allocated to the Geophysical Institute of the University of Alaska. These latter funds now are the sole source of support for the Interior Network. The \$50 K sought would not cover all of the costs of this network but would ease the burden on the Institute overhead.

A more permanent solution to supporting this network would be to fund it through the University of Alaska, Fairbanks as a seismic laboratory for the purpose of graduate and undergraduate student education. The total annual costs of this network are about \$125 K.

3. Stations in SE and SW Alaska

One of the consequences of relying upon federal research grants and contracts for seismic networks to monitor earthquakes in Alaska is that the coverage is uneven and changes depending upon the priorities of the federal programs and not necessarily the needs of Alaska. Two examples of this situation are in SE and SW Alaska.

Until recently DOE and NOAA supported networks operated by Columbia University in the Pribilof Islands and around Dutch Harbor. All of these stations have been closed, save one in Dutch Harbor which is barely

supported by the Alaska Division of Geological and Geophysical Surveys (DGGs). The second example is the Hyder-Ketchikan area of southeastern-most Alaska. Notwithstanding the fact that this area is adjacent to a major plate boundary fault - the Queen Charlotte-Fairweather system - it has never been adequately instrumented to monitor the local seismic events.

The \$50 K sought here would allow the maintenance of two stations, one each in Dutch Harbor and the Kantishna Mining District and the installation and maintenance of two stations in the Hyder-Ketchikan area. The cost per station is somewhat high because DGGs does not now operate enough seismic stations to be most efficient.

4. Seismic Instrumentation in Anchorage Buildings

One of the most effective ways to save lives and property in the event of a major earthquake is to have designed large buildings to an appropriate level of seismic resistance and to have carefully chosen the sites for both public buildings and private dwellings so as to avoid those areas that pose special seismic risks. Two essential kinds of data for the seismic engineering of large structures are provided by strong-motion accelerographs. These instruments can measure exactly how hard the ground vibrated at a given location and exactly how severely a given building may have been shaken in response. Ordinary seismic stations are designed to locate as many small earthquakes as possible and so are far too sensitive to measure the strong ground motion and building response during a large earthquake at distances close enough to the epicenter to cause serious damage.

A very serious problem in Alaska is the lack of strong motion accelerograph data. The seismic designs of the Trans Alaska Pipeline

System and of offshore platforms as well as the State Office Building in Anchorage have had to rely upon extrapolations from data collected in California and Japan. The geologic environment of Alaska is different enough from these regions that it is important to have data collected in Alaska to use in the design of Alaskan structures.

The Municipality of Anchorage recently took a big step forward in reinstating the Uniform Building Code requirement that certain large buildings must have strong motion accelerographs installed when they are built. To assure that the data from these instruments are maximally useful, the Division of Geological and Geophysical Surveys has proposed to the Municipality a joint program for the maintenance and processing of data from these instruments. This proposal also calls for the installation of some additional instruments to augment those that will be installed under the new Municipal Building Code.

The \$18 K sought here would support the states share of this joint program: \$16 K is for the purchase of instruments and \$1.6 K is for 1/2 the installation and maintenance costs of the first year of the program. The annual maintenance costs are expected to total about \$5 K to \$6 K with the state share being about half of this figure. The additional FY 85 funds shown would be to initiate similar programs in other municipalities such as Valdez, Kodiak, Seward, Whittier, Juneau, Palmer and Fairbanks, for examples.

Note that a major assumption in this program is that data from the various short period networks are available. These data will be important to pinpoint the specific fault which caused the strong ground motion and building response recorded by the strong motion accelerographs. Without this information much of the utility of these strong motion data will be lost.

5. Cook Inlet Volcano Observatory

Seismic stations are located on or nearby each of the four major volcanoes which line the western shore of Cook Inlet; viz., Augustine, Iliamna, Redoubt and Spurr. Potentially these stations could be used to warn the communities along the Inlet of an impending volcanic eruption - an event that is expected at least every 20 years from one of these four volcanoes. Such eruptions have posed serious hazards in the past, particularly to aviation and to tidewater communities.

These stations, however, are operated by three different agencies, are recorded at three different locations, for three different purposes. Since all of the stations and associated transmission equipment already exist, it is a relatively trivial matter to relocate the recording facility for some of these stations such that they are all recorded at a common place. Once this is done, then it is quite easy to monitor the activity of all of the volcanoes along Cook Inlet.

It has been proposed that the "Cook Inlet Volcano Observatory" be established at the USGS offices in Gould Hall on the Alaska Pacific University campus. A tentative agreement has been reached between all of the agencies involved: USGS, DGGs, ATWC, ADES, NWS and UAGI. Since the USGS already has assigned a person to monitor some of these volcanoes and since most of the facilities and equipment already exist, the incremental operational costs for establishing this "observatory" are minimal. The \$5 K sought here should be reduced in future years to about \$1 K or \$2 K for the DGGs share of the annual maintenance.

6. Alaska Seismological Data Center

Seismic stations are operated in Alaska by 13 different agencies. The data from these stations are archived in 12 different locations

ranging from New York to California and from Colorado to Fairbanks.

There is no agency in Alaska (or otherwise) which can provide ready access to all of this data. Consequently, when a specific project is proposed, as the State Office Building in Anchorage, e.g., one of the first tasks of the consultant hired to assess the seismic risks is to travel to a number of these different archival sites to collect the basic data needed for the study. Indeed, some studies simply have not been done because of the difficulties involved in assembling the data.

The total annual cost of the seismic monitoring effort in Alaska exceeds two million dollars. What we propose is to spend less than five percent of this amount to assure that the data collected is readily available in Alaska for all Alaskans to use. This is the only project in this package which requires the hiring of new personnel. The personnel service funds sought here would support 1 (full-time) geological assistant and 1 (two-thirds time) graduate student intern. The geological assistant would be charged with continuously acquiring new data, maintaining the seismic data archive, and providing routine data products such as bulletins and maps. The student intern would provide special purpose analyses of the data on an as-requested basis. Supervision and facilities for the data center would be provided through existing DGGs and UAGI program support.

7. Engineering Geological Studies in Municipal Areas.

One of the questions most often asked of DGGs is a variation on "Is this site where I plan to build safe from earthquakes?" The answer to this question of course depends upon a detailed knowledge of the seismic history of the area, but it also depends, equally importantly upon an understanding of both the general geology and specific soil properties of the site in question.

This fact was dramatically demonstrated by the damage patterns of the 1964 Good Friday Earthquake in Anchorage. Most of the damage in Anchorage by that earthquake was not done as a direct result of the shaking, but as a result of the failure or liquefaction of sandy soils in the Bootlegger Clay Formation (a soil horizon found under most of the city of Anchorage). The importance of a detailed knowledge of the engineering geology of a given site was vividly illustrated by the contrast of homes which were unscathed by the 1964 earthquake standing next to piles of rubble which previously had been neighboring dwellings.

It is not, in general, the province of DGGs to do site-specific geologic studies. What we propose is a series of area-wide studies in a number of municipalities to map soil horizons, do engineering studies to characterize the general seismic properties of these soils, and to integrate this type of information with other knowledge such as water table height, slope, and expected level of seismic shaking to arrive at area-wide, general maps of the potential for foundation soil failure during future earthquakes.

Priorities

It is difficult to assign priorities to these projects because they are all important for different reasons. Some level of support for the Cook Inlet-Kodiak seismic network is most urgent because without this support it will close this summer. Next, I would place the Alaska Seismological Data Center since it will help to utilize those data which are being collected. Third, I would place the strong motion accelerograph program in Anchorage. Fourth I would place the support for the Interior Network and the installation and maintenance of stations in SE and SW.

- Last, would be the Cook Inlet Volcano Observatory and the Engineering Geological Studies, only because these are derivative operations which require the existence of data collected and made available through the projects listed above.

PROJECT	FY	100	200	300	400	500	TOTALS
1. Cook Inlet Kodiak Seismic Network RSA to Support Existing UAGI Stations	84			250			250
	85			262.5			262.5
2. Interior Alaska Seismic Network RSA to Support Existing UAGI Stations	84			50			50
	85			52.5			52.5
3. Stations in SE and SW Alaska Install 2 and Maintain 2 DGGs Stations	84		10	12.6	3.2	24.2	50
	85		10.5	13.2	3.4	25.4	52.5
4. Seismic Instrumentation in Anch. Bldg. And other Areas in '85	84		.6	1	0	16	17.6
	85		1.5	2	1.2	10	14.7
5. Cook Inlet Volcano Observatory Cooperate with USGS, UAGI, DES, NOAA	84		.6	2.4	1	1	5
	85		.6	2.5	1.1	1.1	5.3
6. Alaska Seismological Data Center Cooperate with UAGI (Fairbanks)	84	56.9	0	37	1.1	5	100
	85	59.7	0	38.8	1.2	5.3	105
7. Engineering Geological Studies in Various Municipal Areas	84		6	22	1	1	30
	85		6.3	23.0	1.1	1.1	31.5
TOTALS	84	56.9	17.2	375	6.3	47.2	502.6
	85	59.7	18.9	394.5	8.0	42.0	524.0

TABLE 1

CENTRAL ALASKA SEISMIC STATIONS

- GEOPHYSICAL INSTITUTE
- △ GEO. INST. CLOSED
- USGS / NOAA

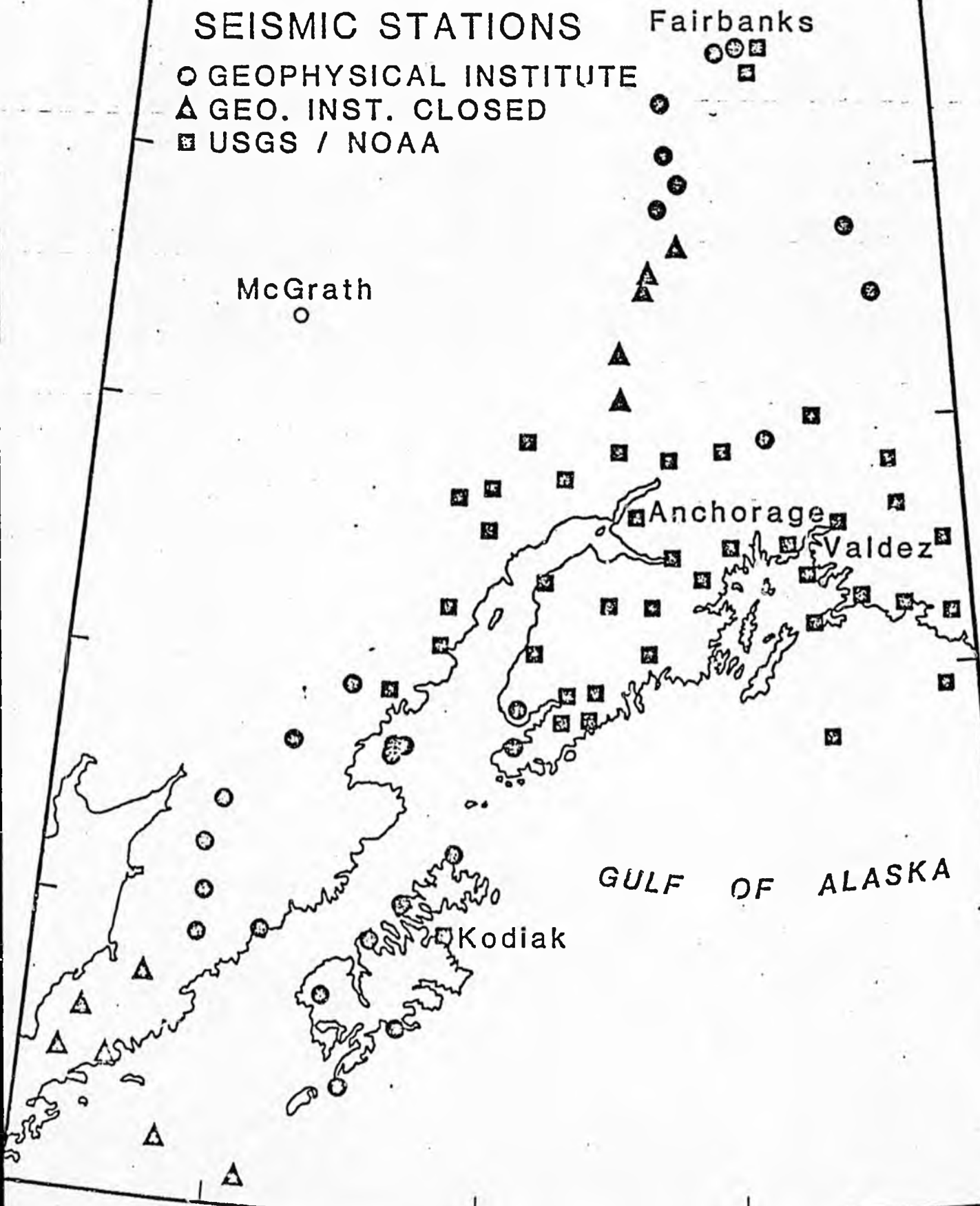


FIGURE 1

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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

Senate

Committee on Resources

JUNE 23, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: Committee Hearing, HB 379, Seismic Hazard Program, June 23, 3:00pm

HB 379 directs the DNR to establish a program of identification and evaluation of seismic events (e.g. earthquakes) and hazards similar to that now done for hydrological information. The work would be done by the Division of Geological and Geophysical Surveys (DGGs) utilizing the University of Alaska.

The current conference committee capital budget contains \$500,000 for a "Seismic Hazard Program". This legislation would be the authorization bill for this appropriation.

Attached are letters and information related to the need for this program.

APPENDIX IV

Major Problems in Alaska:

1. Uneven statewide coverage
 - especially western Alaskan and OCS
2. Data archival in many locations outside of Alaska
 - 12 locations in Florida, New York, Colorado, California, Texas and Alaska
3. Very little strong ground motion accelerometer data (SMA)
 - only 30 records, all at very small levels ($< .20$)
4. No significant SMA data from building
5. Not one building in Alaska is adequately instrumented
6. Tsunami warning program not focused on Alaska
 - communication system to Alaskan coastal communities is inadequate in most cases, no systematic preparation
7. No systematic statewide program in mapping and characterizing foundation soils in municipal areas
8. No systematic statewide program in identifying seismic hazards such as active faults, potential landslide areas
9. No systematic program to monitor volcanoes close to populated areas
10. Federal support is declining at alarming rate

SOURCE: JOHN DAVIES, GEOPHYSICAL INSTITUTE, UNIVERSITY OF ALASKA 5/25/83

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE: 465-2400

June 24, 1983

The Honorable Lettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The Department of Natural Resources supports the legislation (HB 379) to create a State seismic hazards program in the Division of Geological and Geophysical Surveys, although within a given funding limit we may have difficulty allowing for the program. I understand that the money for the seismic hazards has been added to the Department's budget for FY 84.

Thank you for considering the bill. Please contact me if you need more information.

Sincerely,



Robert D. Arnold
Deputy Commissioner

cc: The Honorable Joe L. Hayes
Peter McDowell, Office of the Governor

fairbanks north star borough

p.o. box 1267 520 fifth ave. fairbanks, alaska 99707 907-452-4761



May 13, 1983

Governor Bill Sheffield
Office Of The Governor
Third Floor, State Capitol
Pouch A
Juneau, Alaska 99811

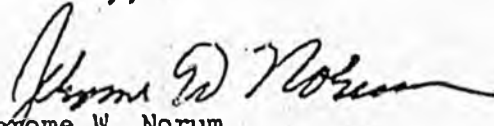
Dear Governor Sheffield:

The Fairbanks North Star Borough Assembly at its Regular Meeting of April 28, 1983, voiced full support of HB 379 and HB 380, establishing and funding a statewide program to mitigate seismic hazards.

We are concerned that declining federal support for earthquake monitoring in Alaska will result in the closing of seismic stations important to the cost-effective and safe development of the Interior as well as other regions of Alaska. Further, we are concerned that the absence of a statewide program for mitigation of seismic hazards results in the inefficient use of seismic data which are being collected. HB 379 and HB 380 represent a good beginning to remedy this serious situation.

We hope that upon examination of the merits of these bills you will give them your full and enthusiastic support.

Sincerely,


Jerome W. Norum
Presiding Officer
F.N.S.B. Assembly

JWN:mgc

Municipality
of
Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES,
MAYOR

DEPARTMENT OF PLANNING

May 9, 1983

House of Resources Committee
Pouch V
Juneau, Alaska 99811

Attention: Rep. John Ringstad, Chairman

Gentlemen:

It has come to our attention that legislation regarding the establishment of a seismic hazards program within the Department of Natural Resources is currently on your committee agenda. As a technical advisory commission for the Municipality of Anchorage, which routinely deals with geotechnical matters such as seismic hazards, we respectfully request that you support HB No. 379 and HB No. 380. The continuous monitoring and evaluation of earthquake activity throughout the State and the archiving and distribution of that data is fundamental to the process of seismic hazard evaluation and earthquake resistant design. It is extremely important that the record of earthquake activity be uninterrupted, if a meaningful data base is to be secured for our unique seismic environment. Furthermore, that information must be processed and made available to the Alaskan engineering community, if safe and economically prudent design criteria are to be incorporated into present and future developments in one of the most seismically active regions of the world.

Our endorsement of this legislation is wholly that of the members of this Commission. Due to the rescheduling of the hearing for these bills, and to their own full schedules, the Mayor and the Assembly have not yet reviewed and commented on this legislation.

If you or your staff have any questions concerning the technical aspects of this matter, please call.

Very truly yours,

ANCHORAGE GEOTECHNICAL
ADVISORY COMMITTEE

John Aho
CH2M Hill

John Lambe
John Lambe & Associates

Donald Bruggers
Harding Lawson Associates

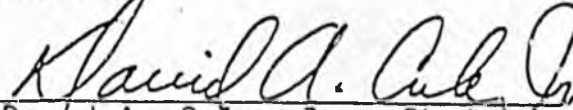
Thomas Smith
Maynard and Partch Architects

Robert Hickel
Hickel Investment

Michael Swalling
Swalling Construction

Alan Krause
Golder Associates

Rupert Tart
Woodward-Clyde Consultants


David A. Cole, Jr., Chairman
DOWL Engineers - 562-2000

cc: Rep. Dick Shultz, Co-Chairman
Rep. Rick Uehling
Rep. John Cowdery
Rep. Peter Goll
Rep. Ron Larson
Rep. John Liska
Rep. Tony Vaska

DAC:kf

May 1, 1983

Rep. Joe Flood:

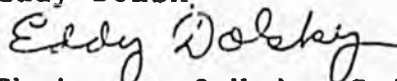
With seismicity increasing worldwide, we in Alaska have a great need for a good monitoring system. Since 1900 seismicity has been steadily increasing and now it is reaching alarming proportions and if the trend is charted for the next 10-15 years, it may reach staggering levels. Also it is obvious that those seisms over 6.0 are those that are increasing.

Why I am writing this letter is to alert our representatives of the potential disaster hanging on the horizon for Alaska. Many mountain and coastal communities are highly vulnerable to landslides from the steep cliff sides surrounding the communities and bays. The potential loss of life and property can easily reach awesome proportions in Alaska. Yet we have at present an inadequate monitoring system in Alaska.

Hyder is a coastal village surrounded by steep cliff-sides in a narrow valley at the head of Portland Canal. A moderate quake could easily bury the town under a landslide or throw a Tsunami from the bay by landslide in the bay (remnescent of the Lituya Bay disaster). We feel vulnerable here. Small tremors are being felt here in the town. These tremors have been occurring for the past two years. A 5.3 quake was registered on Prince of Wales Island last month west of here. A friend in Craig, AK, was shook from her sleep by this quake. Last year an app. 4.5 quake was registered on the Queen Charlotte Islands. Obviously activity is increasing in this area.

The ability to understand and predict E.Q.s is a distinct growing possibility. Accurate prediction of E.Q.s may be a reality in a few years. But we have to have the monitoring equipment in place. We have been asking for Hyder to be a monitoring site in the monitoring network planned by the Dept. of Seismology under Dr. John Davies. This is a most intelligent move in face of such increasing worldwide seismicity and the especially potential danger for the people of Alaska. Thank you. We look for your continous support of HB 380, and 379.

Eddy Dolsky



Chairman of Hyder Seismograph Committee
Hyder Community Assoc.

cc Gov. Sheffield
cc Sen. Ziegler
cc Rep. McBride
cc Rep. Joe Hays
cc Dr. John Davies

HOUSE BILL NO. 379 by Representatives Flood and Hayes, entitled:

"An Act establishing a seismic hazard program within the Department of Natural Resources and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

HB 379

SENATE JOURNAL - PAGE 1495- 2 6/24/83

The Resources Committee considered HOUSE BILL NO. 379 (seismic hazard program within the Department of Natural Resources) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Sturgulewski, Vic Fischer, Eliason and Paul Fischer.

The Committee attached:

"LETTER OF INTENT
HB 379

It is the intent of the Committee that seismic information gathered, evaluated and disseminated under this program would include information regarding seismic hazards in the Hyder, Alaska area.

It is also the intent of the Committee that this program be conducted in concert with other on-going related programs and not duplicate or conflict with similar efforts by the federal government, the University of Alaska or other agencies or organizations."

HB 379

SENATE JOURNAL - PAGE 1496- 1 6/24/83

Senator Bennett, Co-Chairman, moved and asked unanimous consent that the Finance Committee referral be waived. Without objection, it was so ordered.

HOUSE BILL NO. 379 was referred to the Rules Committee.

Supplemental Copy

H B

381

IDENTIFICATION:

BILL NUMBER: HB 381

BILL NAME: *Relating to wholesale prices for salmon.*

SPONSOR(S): *Special Fisheries Committee* RELATED BILLS PENDING:

DATE INTRODUCED: 5-23-83

REFERRALS: *Resources
Finance*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

Resources waived 5/25/83

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/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/COMMITTEE
SUBSTITUTES DRAFTED:

from Sen.
Mulcahy

Proposed Amendment to CSHB 381 (Resources):

Page 4; line 10: After the word "information"

Insert: , including the consideration of various types and amounts of discounts allowed in the calculation of wholesale prices.

Betty,

This amendment was added in Senate Resources to the Senate version of the bill. Adding it to the House bill would make the Senate and House versions identical.

Sandra

Offered: 5/17/83
Referred: Finance

Original sponsor: House Special Committee
on Fisheries

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 381 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to wholesale prices for salmon; and
7 providing for an effective date."

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

9 * Section 1. AS 43.80 is amended by adding new sections to read:

10 Sec. 43.80.050. REPORTING OF WHOLESALE CANNED SALMON PRICES.
11 (a) A fish processor engaged in the business of selling canned salmon
12 products at wholesale shall submit to the department, on a form pro-
13 vided by the department, a semi-annual report of the prices received
14 by the processor or an affiliate of the processor for the sale of
15 canned salmon. Not later than April 30 of each year a processor shall
16 submit a report for the period October 1 - March 31. Not later than
17 October 31 of each year a processor shall submit a report for the
18 period April 1 - September 30.

19 (b) A report submitted under this section shall, for sales to
20 buyers that are not affiliates of the processor, include a description
21 of the products and the quantity sold by species and unit-of-sale
22 category and the wholesale prices received. If a processor sells no
23 canned salmon products during a reporting period the report for that
24 period shall include only a statement of that fact.

25 (c) A sale to an affiliate of the processor may not be included
26 in a report submitted under this section by a processor. However, a
27 processor shall report sales by an affiliate at wholesale of canned
28 salmon that was obtained from the processor. The report shall include
29 a description of the products and the quantity sold by the affiliate

1 by species and unit-of-sale category and the wholesale prices received
2 by the affiliate.

3 (d) Information shall be reported for the following unit-of-sale
4 categories:

- 5 (1) 48-pound case of one-pound cans (48 cans);
- 6 (2) 24-pound case of one-half-pound cans (48 cans);
- 7 (3) 12-pound case of one-quarter-pound cans (48 cans); and
- 8 (4) 48-pound case of four-pound cans (12 cans).

9 (e) A person excluded from the fisheries business tax under
10 AS 43.75.017 is exempt from the requirements of this section.

11 Sec. 43.80.055. WHOLESAL PRICE AVERAGES. (a) Based on the
12 information provided in reports submitted under AS 43.80.050, the
13 department shall determine the statewide average wholesale prices paid
14 to fish processors and their affiliates for the sale of canned salmon.

15 (b) The department shall determine under this section the month-
16 ly and annual wholesale price averages for each species of canned
17 salmon in each unit-of-sale category.

18 Sec. 43.80.060. REPORT TO LEGISLATURE. Not later than the 15th
19 day of each regular legislative session the department shall submit to
20 the legislature a report of statewide average wholesale canned salmon
21 prices.

22 Sec. 43.80.065. CONFIDENTIALITY OF REPORTS. Information in
23 reports submitted under AS 43.80.050, and price averages calculated by
24 the department from the information in the reports, are public infor-
25 mation, except that information that identifies or could be used to
26 identify a particular fish processor is confidential.

27 Sec. 43.80.095. PENALTY. The department may levy and collect a
28 civil penalty of \$50 per day on a fish processor that fails to submit
29 a report as required under AS 43.80.050.

1 Sec. 43.80.100. DEFINITIONS. In this chapter,

2 (1) "affiliate of the processor" means a person that di-
3 rectly or indirectly, through one or more intermediaries, controls, is
4 controlled by, or is under common control with, the processor;

5 (2) "control" means

6 (A) owning directly or indirectly, or having the power
7 to vote, not less than 10 percent of any class of voting securi-
8 ties of a corporation; or

9 (B) influencing or affecting in any substantive manner
10 the election of a majority of the directors or trustees of a
11 corporation;

12 (3) "department" means the Department of Revenue;

13 (4) "fish processor" means a person engaging or attempting
14 to engage in a business for which a license is required under AS 43.-
15 75.010 - 43.75.055;

16 (5) "wholesale price" includes all receipts, whether in the
17 form of money, credits, or other consideration, from the sale of a
18 finished canned salmon product at less than retail, without deduction
19 for the costs of property sold, materials used, insurance, labor,
20 services, labeling, transportation, storage, interest, taxes, losses,
21 or any other expense except

22 (A) cash discounts allowed on sales, not to exceed one
23 and one-half percent; and

24 (B) commissions actually paid to independent brokers,
25 not to exceed five percent.

26 * Sec. 2. AS 43.80.035 is repealed.

27 * Sec. 3. Not later than the 30th day of the Second Session of the
28 Thirteenth Alaska State Legislature, the Department of Commerce and Eco-
29 nomic Development in conjunction with the Commercial Fisheries Entry

1 Commission and the Department of Revenue, shall submit to the legislature a
2 report on the possible development of a program to determine wholesale
3 price averages in the state for fresh, frozen, canned, and cured salmon
4 products. The report shall include the department's findings and recommen-
5 dations on

6 (1) the benefits and costs to the state and the commercial fish-
7 ing and processing industry of reporting and collecting wholesale price
8 information and determining price averages;

9 (2) the appropriate methodology and procedures that could be
10 used for reporting and collecting price information; *including the consideration of various*
types + amounts of discounts

11 (3) the appropriate agency to determine wholesale price averages *allowed in the calculation of wholesale*
prices.
12 for salmon; and

13 (4) the need for and methods of eliminating duplication of
14 reports required of fish processors and commercial fishermen by state
15 agencies, including a plan for the sharing of information among state
16 agencies.

17 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).

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

May 17, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: ^{SB 279} SSB-381, Reporting of wholesale canned salmon prices

On Wednesday, May 18 the Committee will continue consideration of the bill which was first heard May 13.

At the May 13 hearing considerable discussion occurred regarding an amendment proposed by the seafood processors which would add a discount for promotional work to be subtracted from the wholesale price as reported by the Department of Revenue and seafood processors. The bill as currently drafted provides only for discounts for cash purchases (not to exceed 1½%) and for commissions paid to independent brokers (not to exceed 5%).

Existing law provides for a similar price reporting system for canned salmon if jointly requested by fishermen and processors. Currently prices are only compiled for canned pink salmon. These prices reflect only the discounts mentioned above.

Fishing organizations in Bristol Bay ("AIFMA") strongly oppose the amendment because it would potentially reduce prices paid to fishermen by processors because of specific contract agreements tying in prices paid to those reported by the state. If these state prices were reduced by some percentage to allow for promotional discounts (which were reportedly not assumed or considered by AIFMA in contract negotiations), it would reportedly result in lower prices paid to fishermen under the terms of the contract.

Processors endorse the amendment as a reflection of how they have always done business and have historically reported prices (especially when there was a tax based on net prices). They argue that without the discount they would be forced to lower their base prices which they report to take into account continued use of promotional discounts. However, by not actually specifying a discount for specific promotional work in a contract with retailers, enforcement of promotional actions for the advancement of fish sales could be difficult.

Furthermore, processors argue that state legislation should not be written for specific contracts already negotiated and that the required information may or may not be useful to many other processors and fishermen in price negotiations

due to the form and timing of the information to be provided by the Department of Revenue. Additionally, they cite the alternative pricing mechanism contained in all AIFMA contracts providing for prices to ^{be} based on the individual processor's actual average wholesale prices received subject to an independent audit. This pricing method available to fishermen would be subject to unspecified "discounts".

AMENDMENTS

The attached CS contains several amendments which have all been agreed to by fishermen, processors and the Department of Revenue. Additionally, these amendments are all contained in the House version of the bill which passed House Resources Committee May 17. These amendments correspond to amendments number 1, 2 and 4 on the attached sheet which were discussed in Committee May 13, plus the following:

- #5: On page 2, line 17 and 18 delete the sentence "An annual average is for a calendar year."

Rationale

This amendment removes the ambiguity that the prices to be reported under certain time frames specified in the bill (not corresponding to calendar year) would have to conform to a calendar year.

- #6: On page 2, lines 27-29 insert a period after "confidential" and delete "and may be released only to the Commercial Fisheries Entry Commission for the purpose of carrying out the official business of the commission."

Rationale

This amendment removes a clause left over from a previous draft that is no longer considered necessary.

The amendment proposed by processors regarding promotional discounts is reflected in Amendment No. 3 on the attached list. In considering this amendment is the issue of whether or not a cap on an allowed percentage should be included (2% has been a commonly discussed figure) and whether such a discount would ultimately be desirable in state law after the expiration of the AIFMA contract (1986).



Alaska State Legislature

Senate

MAY 4 - 1983

Office of the President

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

DATE: May 3, 1983

TO: Senator Bettye Fahrenkamp
Chair
Senate Resources Committee

FROM: Senator Jay Kerttula
Senate President

SUBJECT: Senate Bills 279 and 280

Senate Bills 279 and 280, though introduced late in this session are very important pieces of legislation which should be dealt with before we adjourn.

SB 279 is a major priority of the United Fishermen of Alaska (UFA). It provides for the computing of the statewide average wholesale price paid for canned salmon. This bill was prepared in cooperation with representatives of the Pacific Seafood Processors Association and the UFA. All interests have made considerable compromise to reach this version that has been referred to the Senate Resources Committee.

SB 280 would restructure the discounts on the purchase price for land obtained in state land disposals. The discount program in the Statutes has been suspended by the Commissioner of the Department of Natural Resources because of a recent court challenge and striking of a similar program in the Kenai Peninsula Borough. It is hoped that this legislation will move quickly enough to enable recipients in the land disposals this year to take advantage of the new program.

I would greatly appreciate the Resources committee holding hearings on these important pieces of legislation so that the Senate might consider them before we adjourn.

Thank you very much.

JMK:rjr

Attachments

SS SB 279: BACKGROUND

This bill amends AS 43.80 relating to the reporting of wholesale prices paid for salmon products. Notably, the changes in the statutes include:

1) requires average wholesale price reporting from processors for all species of canned salmon (now required only for pink salmon);

2) requires average wholesale price reporting annually for each of the previous six months (now required annually for August through December only);

3) omits the necessity for a joint request for the department to require reporting from both a processor and a fishermen's organization;

4) changes the civil penalty clause for non-compliance from \$5,000 per report to \$50.00 per day;

5) adds that sales to affiliate companies will not be included in processor's wholesale price report but wholesale prices obtained by an affiliate shall be reported;

6) adds that the Department of Commerce and Economic Development in conjunction with the Commercial Fisheries Entry Commission will investigate developing a program to determine wholesale price averages for all product forms of seafood. The investigation will include possible benefits, methodology and cost estimates for implementation of such a program. The investigation will further include the possible elimination of duplicative reporting requirements to state agencies by providing for information sharing.

The intent of this legislation is to aid in the early adoption of contracts by processors and fishermen's organizations by providing an objective basis for contract negotiation, the wholesale price paid for seafood products. In recent years processors and fishermen have suffered tremendous losses due to their failure to resolve contract price disputes.

It is in the interest of the state to facilitate early contract approval. The seafood/fishing industry is the largest employer in Alaska and it is in the best interest of the state to aid in contract dispute resolution.

Since January 1983, representatives of the United Fishermen of Alaska and the Pacific Seafood Processors Association have been working with legislators on this bill. After considerable compromise by all interests, this is the version which all parties can live with. Note that a sponsor substitute is offered because some changes were needed in the original introduced version. It is hoped that the Resources Committee will consider this version as a base for a committee substitute.

HB 381 is an identical bill to SB 279 and has been introduced in the House by the Special Fisheries Committee.



UNITED FISHERMEN OF ALASKA

319 Seward Street Suite #20
Juneau, Alaska 99801-1155
(907) 585-2820

Cass M. Parsons
Executive Director

April 28, 1983

ALASKA WHOLESALE AVERAGE

House Bill 381 and Senate Bill 279 are identical bills. They will repeal AS 43.80.035 and add a new section 43.80.050. The new section will add to or change the intent of the statute. Specifically, the new section:

- 1) requires average wholesale price reporting from processors for all species of canned salmon (now required only for pink salmon);
- 2) requires average wholesale price reporting annually for each of the previous six months (now required annually for August through December only);
- 3) omits the necessity for a joint request for the department to require reporting from both a processor and a fishermen's organization;
- 4) changes the civil penalty clause for non-compliance from \$5,000.00 per report to \$50.00 per day;
- 5) adds that sales to affiliate companies will not be included in processor's wholesale price report but wholesale prices obtained by an affiliate shall be reported;
- 6) adds that the Department of Commerce and Economic Development in conjunction with the Commercial Fisheries Entry Commission will investigate developing a program to determine wholesale price averages for all product forms of seafood; investigation will include possible benefits, methodology, and cost estimates. The investigation will further include possible elimination of duplicative reporting requirements to state agencies by providing for information sharing.

Background & Original Intent:

The original intent of revising AS 43.80.035 was to expand the statutory authority of the Department of Revenue to require processors to report monthly wholesale prices for all species of canned, fresh, frozen and cured salmon. The department would, in turn, compile and publish a statewide average wholesale price for each month for all species and all product forms.

Fishing groups, cooperatives and marketing associations have come forward to request this information for several reasons:

1. Fishermen would like to negotiate fish prices based on a figure which represents the true market value of the product and the current market situation and allows individuals and associations to "share the risk" with processors.
2. Fishermen feel that wholesale prices compiled by the department have proven to be the most credible information available short of an audit.
3. Canned salmon sales now comprise less than 50% of the total; other product form prices need to be considered to reflect the true scope of sales.
4. Fishermen want to develop a more sophisticated and less harmful (i.e., prolonged strikes) method of arriving at price settlements. Along with run forecasts, market projections and estimates of demand, the average wholesale value of fish sold during the previous 12, 6 or 3 months will assist fishermen and processors arriving at a price which truly reflects the market.

Present Legislative Intent:

The present legislation is a compromise bill from the above intent in that it doesn't compile an average wholesale price for frozen, fresh or cured salmon products, but this legislation will assist the industry this year for two reasons:

1. Contracts have been signed between fishermen and processors which require wholesale average prices for sockeye salmon from August through March annually. This bill will fulfill that requirement and any other contract settlements based on wholesale canned salmon prices for any species.
2. Language included in the bill will allow the Department of Commerce and Economic Development and the Commercial Fisheries Entry Commission to investigate developing a program to include compilation of wholesale prices for all product forms of salmon, including fresh, frozen and cured. The two agencies will investigate the benefits and costs to the state of a program such as this and the most appropriate methodology for collecting the information.

A compromise was necessary due to opposition from the processors to the intent of the legislation; that is, to require processors to make available prices paid them for sales of salmon, and specifically, fresh and frozen prices. Major opposition to the bill would have killed its chance of passage this legislative session. The processors have agreed that this bill is the least troublesome for them at the present and have agreed not to mount opposition.

State Involvement:

The state is and should continue to be involved in this effort for several reasons:

1. The citizens of the state have a right to know the value of the fishing industry to the state's economy. Any industry subsidized in full or in part should be accountable to the public. Are state monies benefitting the citizens of the state?
2. The state has spent hundreds of thousands of dollars on market studies which were designed to assist fishermen and processors engaged in pre-season price negotiations and to assist all participants develop a better understanding of the marketplace. However, all of these studies have cited inadequate data as being the major hindrance to a conclusive market analysis.
3. The state acts as mediator in strike situations. Prolonged strikes cost the state money in terms of decreased revenues from ex-vessel based taxes and in direct state participation during strikes.

Sec. 43.76.040. Definition. In AS 43.76.010 — 43.76.040, unless the context otherwise requires, "buyer" means a person who acquires possession of salmon from the person who caught the salmon regardless of whether there is an actual sale of the salmon but excluding a transfer to a person engaged solely in interstate transportation of goods for hire. (§ 19 ch 117 SLA 1981)

Chapter 80. General Provisions.

Section

20-30 (Repealed)

35. Reporting of salmon prices

Sec. 43.80.020. Prosecution for failure to secure license.

Repealed by § 46 ch 113 SLA 1980.

Cross references. — For present provisions concerning carrying on a business without a required license, see AS 43.05.290(h).

Editor's notes. — The repealed section derived from § 35-1-41, ACLA 1949.

Sec. 43.80.030. Production of license.

Repealed by § 45 ch 113 SLA 1980.

Editor's notes. — The section derived from § 35-1-42, ACLA 1949.

Sec. 43.80.035. Reporting of salmon prices. (a) Except when the requirement is suspended under (d) of this section, the commissioner shall compute and report to the legislature not later than the 60th day of each regular session the average wholesale prices obtained for canned salmon by Alaska salmon canneries during the months of August, September, October, November, and December for the previous five years. In computing and reporting prices, the commissioner may require canneries to provide information on wholesale price by species of salmon.

(b) The commissioner may

(1) issue summons under AS 43.05.040 to compel the testimony of witnesses and the production of records and documents necessary to obtain and audit reports and information on wholesale prices of salmon when required under (a) of this section;

(2) levy and collect a civil penalty for failure to report information on wholesale prices of salmon under (a) of this section.

(c) A person who fails to file a report containing information on the wholesale prices of salmon required by the commissioner under this section is liable for a civil penalty of \$5,000. The penalty shall be assessed and collected in the same manner as taxes are assessed and collected under AS 43.05.010 — 43.80.010.

(d) Computation and reporting of the average wholesale price of a species of salmon by the commissioner under (a) of this section is not required during a calendar year in which the commissioner does not receive at least one request jointly presented by a fish processor doing business in Alaska and an organization representing fishermen that they desire the report for a species of salmon under (a) of this section for purposes of price negotiation. If a joint request is not presented to the commissioner for a salmon species for a calendar year, information about the average wholesale price of that salmon species may not be collected by the commissioner for that calendar year, and the last report submitted by the commissioner under (a) of this section for that species is the final report of prices for that species required under this section.

(e) In this section,

(1) "commissioner" means the commissioner of revenue;

(2) "wholesale price" includes all receipts, whether in the form of money, credits or other consideration, received from the sale of the finished product without deduction for the cost of property sold, the cost of the material used, insurance costs, labor or service costs, label and labeling costs, transportation and storage cost, interest paid, taxes, losses, or any other expense except (A) cash discounts allowed on sales not to exceed one and one-half percent;

(B) commissions actually paid to independent brokers not to exceed five percent; and

(C) swell allowance not to exceed one-tenth of one percent. (§ 2 ch 66 SLA 1980; am § 94 ch 59 SLA 1982)

Cross references. — As to confidential nature of certain reports and records concerning the landings of fish, see AS 16.05.815.

Effect of amendments. — The 1982 amendment, effective May 28, 1982, substituted "summons" for "subpoena" in sub-section (b)(1).

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SSSB 279
 Title: Wholesale Prices for Salmon
 Sponsor: Kerttula
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Commerce & Econ. Develop.
 Program Category Affected: Development
 BRU, Program of Subprogram(s) Affected: Commercial Fisheries Development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		5.0				
300 CONTRACTUAL		55.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		60.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		60.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

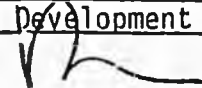
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard E. Reynolds
 Division: Office of Commercial Fisheries Development
 Approved by Commissioner: Richard A. Lyon 
 Department: Commerce & Economic Development

Phone: 465-2018
 Date: _____
 Date: 5/10/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No: CS SB 279
 Title: Wholesale Price - Canned Salmon
 Sponsor: Kestulla/Eliason/Mulcahy/Rodey
 Requestor: Resources and Finance

II. FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: Rev Coll & Mgmt
 BRU, Program of Subprogram(s) Affected:
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	25.5	28.0	30.8	33.9	37.3
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	9.9	2.5	2.5	2.6	2.6
400 COMMODITIES	-	.8	1.0	1.0	1.0	1.0
500 EQUIPMENT	-	1.0	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	37.2	31.5	34.3	37.5	40.9
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	37.2	31.5	34.3	37.5	40.9
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	1	1	1	1	1
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Paul W. Taylor
 Division: Audit Division

Phone: 465-2371
 Date: April 28, 1983

Approved by Commissioner: J. J. Donohue
 Department: Revenue

Date: 5/4/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
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Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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

Senate Committee on Resources

MINUTES

May 13, 1983
3:09 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Eliason	Senator Mulcahy
Senator P. Fischer	Senator Sturgulewski

CALENDAR

- HB 163 An Act relating to harassment of persons lawfully engaged in hunting, fishing, camping, or trapping.
- SB 272 An Act making a special appropriation for payment as a grant to the Municipality of Anchorage for expansion of the Ship Creek Treatment Plant and phase II design and construction of the Eklutna Water Project; and providing for an effective date.
- SB 279 An Act relating to wholesale prices for canned salmon; and providing for an effective date.

HB 163

Representative Shultz said the purpose of the bill was to afford people the opportunity of legal recourse if they are harassed. Senator Sturgulewski questioned the need for the bill. Senator Vic Fischer questioned exactly what types of circumstances would apply. Senator Eliason questioned whether the state had authority to regulate privately owned land. Representative Shultz said language regarding private land had been included because of Native land claims. There was discussion.

Dennis Kelso, acting Deputy Commissioner of the Department of Fish and Game, suggested looking closely at whether the bill

would cause difficulties with constitutional guarantees. There was discussion.

Ron Somerville, Legislative Committee Chairman of the Alaska Sportsmen's Council, strongly supported the legislation.

Senator Sturgulewski moved to report the bill out of committee with individual recommendations. The motion passed without objection.

SB 272

Senator Jan Faiks, addressing the proposed committee substitute, explained the importance of the three appropriations in the bill. There was discussion of how water rates would be affected, and comparison of Anchorage's water rates to those in other communities.

Senator Vic Fischer moved to adopt the committee substitute. The motion passed without objection.

Bob Smith, general manager of the Water and Wastewater Utility of the Municipality of Anchorage, explained how the money appropriated in the bill would be used, and that additional funding to complete the projects would be provided by the municipality. This was discussed.

SB 279

Senator Fahrenkamp moved to adopt the proposed sponsor substitute as a committee substitute. The motion passed without objection.

Norman Staton, assistant to the Commissioner of Revenue, said the Department has a neutral position on the bill. He agreed with the proposed amendments adopted by the House, and recommended further amendments regarding can and case size. Mr. Staton explained the fiscal note.

Richard B. Lauber, Pacific Seafood Processors Association, said he did not wholeheartedly support the bill, but could live with it. He supported the amendments proposed. He explained historical pricing patterns, and proposed a further amendment allowing for an exemption to the wholesale price for a promotional allowance.

Mitch Kink, general manager of Alaska Independent Fishermen's Marketing Association, explained the formula by which the price paid fishermen for canned salmon is calculated. He opposed the promotional allowance exemption, as it would reduce the price

paid fishermen. There was discussion of whether the proposed legislation would affect the negotiated contract.

Cass Parsons of United Fishermen of Alaska said the contract states the wholesale price is less discounts, so adding a promotional discount would lower the wholesale price, thus lowering the profit to the fishermen. Senator Sturgulewski proposed changing the effective date so that the law would not affect existing contracts. There was discussion.

William H. Beardsley, Department of Commerce, left written testimony with the committee, that clarified the Department's role in implementing SB 279.

Paul Taylor, Audit Division, Department of Revenue, agreed with Mr. Staton's testimony, and clarified that wholesale price reporting under this bill would be mandatory, not voluntary, and specified how reporting was done.

Mr. Lauber argued that since promotional allowances have historically been deducted from the wholesale price, keeping the promotional allowance out of SB 279 would increase the fishermen's profit. There was discussion of past and current statutes, and why the promotional allowance was not negotiated into the contracts.

Senator Sturgulewski requested further information on the impact of the bill before taking action.

The meeting was adjourned at 4:58 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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

Senate

Committee on Resources

MINUTES

May 18, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair
Senator Ziegler, Vice Chair
Senator P. Fischer

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

Slide Presentation by Alaska Miners Association, Inc., regarding the Canadian Arctic mining tour.

- SB 279 An Act relating to wholesale prices for salmon; and providing for an effective date.
- SB 289 An Act relating to discharge of firearms, and hunting and fishing in state park and recreation areas.
- SB 268 An Act relating to the sale of Prudhoe Bay royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date.
- SB 285 An Act relating to the sale of Cook Inlet royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date.

Canadian Mining Tour:

Russ Babcock and Ron Sheardown of the Alaska Miners Association, presented a slideshow describing the Canadian Arctic mine tour.

SB 279

Pat Pourchot, committee aide, said the bill sets out the process of reporting prices for canned salmon to the Department of

Revenue in order to provide average wholesale price information. He said that representatives of processors and the fishing industry had met and discussed the proposed committee substitute. He explained the committee substitute and amendment #7, regarding types and amounts of discounts to be allowed in the calculation of wholesale prices.

Senator Sturgulewski moved to adopt the committee substitute. The motion passed without objection.

Senator Sturgulewski moved to adopt Amendment #7. The motion passed without objection.

Senator Mulcahy moved to report the committee substitute, as amended, out of committee with individual recommendations. The motion passed without objection.

SB 289

Mr. Johannson, Director of the Division of State Parks, read a letter from Bob Arnold explaining the hunters' dilemmas due to conflicting laws regarding hunting and discharging firearms in state parks. The Department requested postponement of action on the bill so that it could initiate regulations addressing the situation.

Senator Fahrenkamp expressed concern that the regulations would not be in place in time for the hunting season this fall. Mr. Johannson said that the Division of Parks had always taken a reasonable approach toward hunting in state parks, and that he would proceed in a timely manner. No action was taken on the bill.

SB 285 and SB 268

Senator Mulcahy moved to report SB 285 and SB 268 out of committee with individual recommendations. The motion passed without objection.

The meeting was adjourned at 3:45 p.m.

THE SENATE VERSION OF THIS BILL, SB 279, PASSED OUT OF RESOURCES COMMITTEE 5/18/83. (KERTTULA SPONSORED THE SENATE VERSION.)

HB 381 EXPANDS THE STATUTORY AUTHORITY OF THE DEPT. OF REVENUE TO REQUIRE PROCESSORS TO REPORT MONTHLY WHOLESALE PRICES FOR ALL SPECIES OF CANNED SALMON (NOW REQUIRED ONLY FOR PINK SALMON) TO PROVIDE FOR COMPUTING THE STATEWIDE AVERAGE WHOLESALE PRICE PAID FOR CANNED SALMON.

INTENT IS TO ENABLE FISHERMEN AND PROCESSORS TO NEGOTIATE FISH PRICES BASED ON A FIGURE WHICH REPRESENTS THE TRUE MARKET VALUE OF THE PRODUCT AND THE CURRENT MARKET SITUATION. THIS IS INTENDED TO AID IN THE EARLY ADOPTION OF PRICE SETTLEMENTS.

IN ADDITION, THE BILL PROVIDES THAT THE DEPT. OF COMMERCE WILL INVESTIGATE DEVELOPING A PROGRAM TO DETERMINE WHOLESALE PRICE AVERAGES FOR FRESH, FROZEN AND CURED SALMON.

SENATOR MULCAHY WILL OFFER AN AMENDMENT (SEE ATTACHED). INCLUSION OF THIS AMENDMENT IN HB 381 WILL MAKE IT IDENTICAL TO THE SENATE RESOURCES VERSION. THE AMENDMENT WOULD INCLUDE, AS PART OF THE DEPT. OF COMMERCE REPORT ON A PRICING PROGRAM, THE CONSIDERATION OF VARIOUS TYPES AND AMOUNTS OF DISCOUNTS ALLOWED IN THE CALCULATION OF WHOLESALE PRICES. THIS STEMS FROM THE PROCESSORS VS. FISHERMEN DEBATE IN COMMITTEE ON WHAT EFFECT A PROMOTIONAL DISCOUNT WOULD HAVE ON THE PRICES PAID TO FISHERMEN.

HB

404

SPONSOR(S): *Winnemac.*
Goodenon

RELATED BILLS PENDING:

DATE INTRODUCED: *4-13-84 (H. Duane)*

REFERRALS: *Resources*
Judiciary

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/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/COMMITTEE
SUBSTITUTES DRAFTED:

Rep Duncan (Pat Young, staff) 2814

ADFA G - Paddy McGuire

Ron Sommerille

Ed Hein, legal

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 404

Neutral

January 16, 1984

HB 404, An Act Amending Portions of the Fish and Game Code.

The Department is neutral on this piece of legislation. The bill primarily proposes to make administrative changes that are expected to have little or no program effects on the Department's operation.


Robert J. Sundberg
Commissioner



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chairperson Senate Resources

FROM: Representative Jim Duncan

DATE: April 17, 1984

RE: House Bill 404, Relating to Fish, Game and Other Animals

*No -
letter of
intent*

I would like to bring to your attention sections 32 and 33 of House Bill 404, which annul the portions of the Administrative Code which prohibit sport fishing from commercially licensed vessels. I added these sections on the House Floor as Amendments to HB 404. Because of these regulations owners of trollers cannot use their vessels for family sport fishing, etc. This is an unnecessarily restrictive policy which should be modified, especially in light of the short troll season in Southeastern Alaska.

Your support of these sections of the bill will be appreciated. I will be pleased to testify on these sections when the bill is scheduled for a hearing. Pat Young at 465-2814 is our contact person if you would like additional testimony on this matter.

Attachments

APR 17 1984

DUNCAN

CHAPTER 51.
AREA 2-UPPER COPPER-
SUSITNA RIVERS

(b) The Lost River drainage is closed to salmon fishing upstream from the Lost River Bridge from September 1 through October 15.

(c) Tawah Creek, tributary to Lost River, drainage is closed to fishing within 50 yards of the R.E.L. Bridge from July 1 through August 31, and is closed to salmon fishing upstream from broken bridge from September 1 through October 15.

Authority: AS 16.05.251(a)(2)

5 AAC 49.060. SPORT FISHING FROM COMMERCIALLY LICENSED VESSELS. (a) No person may sport fish from a salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270 (c) and (d), in any area, except that this prohibition does not apply

(1) to charter vessels as defined in 5 AAC 75.995(8);

(2) in derby areas during derbies authorized by the department.

(b) The owner or operator of a charter vessel, as defined in 5 AAC 75.995(8), must register that vessel annually with the department before the vessel is used for sport fishing.

(c) Each person who sport fishes from a vessel licensed for commercial fishing, including a charter vessel, in waters closed to commercial salmon fishing shall, immediately upon boating, mark each salmon by removing its dorsal (large back) fin.

(d) Sport fishing is illegal in areas closed to commercial fishing while commercially caught salmon are in possession.

Authority: AS 16.05.251(a)(2),(4),(7) and (10)

Article

- 1. Freshwater (5 AAC 51.010-5 AAC 51.030)
- 2. Definition of Area (5 AAC 51.040)

ARTICLE 1.
FRESHWATER

Section

- 10. (Repealed)
- 20. (Repealed)
- 30. (Repealed)

5 AAC 51.010. OPEN SEASON. Repealed 5/6/81.

5 AAC 51.020. BAG LIMIT. Repealed 5/6/81.

5 AAC 51.030. EXCEPTIONS. Repealed 5/6/81.

ARTICLE 2.
DEFINITION OF AREA

Section

- 40. (Repealed)

5 AAC 51.040. DEFINITION OF AREA. Repealed 5/6/81.

(4) Blind Slough and tributaries (near Peterburg) is closed to salmon fishing upstream from department regulatory markers located at the rapids:

(5) in the Sitka area

(A) Indian River is closed to salmon fishing;

(B) Starrigavan Creek is closed to salmon fishing.

(d) In salt water

(1) all waters of Behm Canal and contiguous bays enclosed by a line from Point Eva to Cactus Point, a line from Point Lees to Eisie Point, and a line between markers placed at the longitude of the outlet of Long Lake, are closed to salmon fishing;

(2) all waters of Behm Canal between a line from Point Sykes to Point Alava and a line from Point Eva to Cactus Point, are closed to salmon fishing from May 1 through August 14;

(3) in the Grey's Pass area, all waters enclosed by a line from Babbler Point to Point Highfield to a department marker located at the western entrance of Blind Slough to the mouth of Jap Creek on the mainland shore, are closed to salmon fishing from April 16 through June 14;

(4) Stephens Passage and all contiguous waters north of the latitude of the southern entrance of Limestone Inlet, and south of a line from Piling Point to Point Louisa are closed to king salmon fishing from April 16 through June 14;

(5) repealed 4/3/83:

(6) Auke Bay, east of a line from the mouth of Waydelich (Wadleigh) Creek to a department marker located one-fourth mile south of the mouth of Auke Creek, is closed to Dolly Varden fishing from April 1 to May 31, and is closed all year to red salmon fishing;

(7) Eagle River beach, from the Boy Scout Camp north to a department marker located on the mainland shore at the latitude of Sentinel

Island light, is closed to Dolly Varden fishing from April 1 through May 31; and

(8) Thomas Basin is closed to salmon fishing seaward of a line between department markers from January 1 through July 31. (In effect before 1983: am 4/3/83, Reg. 85)

Authority: AS 16.05.251(a)(2) and (4)

5 AAC 46.060. SPORT FISHING FROM COMMERCIALY LICENSED VESSELS. (a) No person may sport fish from a salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270 (c) and (d), in any area, except that this prohibition does not apply

(1) to charter vessels as defined in 5 AAC 75.995(8); and

(2) in derby areas during derbies authorized by the department.

(b) The owner or operator of a charter vessel, as defined in 5 AAC 75.995(8), must register that vessel annually with the department before the vessel is used for sport fishing.

(c) Each person who sport fishes from a vessel licensed for commercial fishing, including a charter vessel, in waters closed to commercial salmon fishing shall, immediately upon boating, mark each salmon by removing its dorsal (large back) fin.

(d) Sport fishing is illegal in areas closed to commercial fishing while commercially caught troll salmon are in possession.

Authority: AS 16.05.251(a)(2),(4),(7) and (10)

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 088 (SINAM/RES)
 Title: Misc. Amendment to existing
1983 Fish & Game Act
 Sponsor: House & Assembly
 Requested by: House of Representatives
 Date of Request: 2-14-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Fish & Wildlife Protection
 BRU, Program or Subprogram(s) Affected: _____
Fish & Wildlife Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger
 Division: Administrative Services
 Approved by Commissioner: [Signature]
 Agency: _____

Phone: 465-4333
 Date: 02/14/84
 Date: 2/16/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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

Senate Committee on Resources

MINUTES

May 28, 1984
4:50 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Eliason
Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

HB 404, An Act relating to fish, game, and other animals.

HJR 73, Relating to the licensing of commercial halibut vessels in Alaska.

HB 404

Senator Mulcahy reviewed the changes made in the committee substitute prepared by the Subcommittee on Fisheries and discussed changing the language in the proposed letter of intent. He then moved SCS CS SS HB 404 (Resources) and the letter of intent for SCS CS SS HB 404 (Resources) from committee with individual recommendations. There was no objection.

HJR 73

Senator Mulcahy reported that the Subcommittee on Fisheries had reviewed this resolution and recommended do pass. He then moved HJR 73 from committee with individual recommendations. There was no objection.

The meeting adjourned at 5:02 pm.

Resources C.S. & Letter of Intent

SCS for CS for SS for HB 404 (Resources)

This bill is the first major revision of AS 16 since statehood. It has been introduced every year since 1976.

Corrects a number of anomalies in AS 16 that developed as the title was amended over the past 25 years

- Changes powers and duties of board, commissioner, and department to relate to the appropriate sections of AS 16.
- Changes visitor sport fish license to nonresident sport fish license.
- Corrects an oversight in Chapter 73, SLA 1983 relating to boats in both salt and fresh water at Y-K Delta.
- Repeals a number of obsolete sections.

Incorporates SB 101 (Citations for fish and game violations)

- Provides for citations for minor violations of fish and game laws.
- Forfeitable bail amounts to be set by Supreme Court.
- Advisory committee of FWP, ADF&G, District Court Judges and Judiciary Committee Chairs.

*Revised
4/29-0*



Official Business

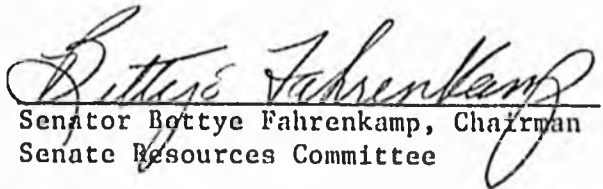
Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

COMMITTEE ON RESOURCES
LETTER OF INTENT
FOR
SCS CS SS HB 404 (RES)

It is the intent of the legislature to strongly urge the Alaska Board of Fisheries to address, and take action to resolve, the issues surrounding 5 AAC 46.060(a) and 5 AAC 49.060(a).


Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

→ sportfishing from commercial vessels, which is currently disallowed by regulation

SECTIONAL ANALYSIS FOR SCS CS HB 404 (RES)

- SECTION 1) Adds language to AS 12 (Criminal Procedure) to allow for Fish and Game citations to be violations which do not require a court appearance. (This section is from CS SB 101)
- SECTION 2) Subsection 5 makes a technical change replacing the phrase "this chapter" with "AS 16, except AS 16.51 and AS 16.52". Those chapters are Alaska Seafood Marketing Institute (16.51) and Fishery Industrial Technology Center (16.52).

Subsections 12 and 13 are new and allow the commissioner of Fish and Game to conduct research and enter into cooperative agreements.
- SECTION 3) Makes technical change deleting "this chapter" and inserting "AS 16, except AS 16.51 and 16.52".
- SECTION 4) Also replaces "this chapter" with "AS 16, except AS 16.51 and 16.52".
- SECTION 5) Also replaces "this chapter" with "AS 16, except AS 16.51 and AS 16.52".
- SECTION 6) is a new section to chapter 16.05 that (a) establishes a citation for Fish and Game violations that are misdemeanors. (b) requires the Supreme Court to specify those misdemeanors that do not require a court appearance and to establish a schedule of bail amounts. The schedule of bail amounts shall be established in consultation with an advisory committee. (c) describes the procedure under which the amount of bail indicated in the citation is forfeited as a fine. (d) says that forfeiture of bail and all seized items is satisfaction for the misdemeanor. (e) says that if bail is not paid, the citation is considered a summons for a court appearance. (f) says that if a person decides to go the court and is found guilty, his fine may not be more than the bail amount on the citation. (This section is from CS SB 101)
- SECTION 7) Also makes the technical change replacing "this chapter" with "AS 16, except AS 16.51 and 16.52".
- SECTION 8) Subsection 3 allows the Board of Fisheries to set harvest levels, and sex and size limitations. Also subsections 7 and [9] delete language that authorizes the Board to engage in biological research.
- SECTION 9) is a new subsection that requires the Board of Fisheries to provide a written explanation for the denial of a petition or proposal submitted by a person to amend, adopt, or repeal

a regulation. The explanation shall be sent within 30 days of receipt of the petition or proposal, or within 30 days of the denial, whichever is later.

- SECTION 10) Subsection 4 allows the Board of Game to set harvest levels, and sex and size limitations on the taking of game. Subsection 6 allows the Board to adopt regulations for the control of predators. Subsections 7 and [8] delete language that allows the Board to engage in biological research.
- SECTION 11) Make the same requirement for the explanation of denials for the Board of Game as section 9 makes for the Board of Fisheries.
- SECTION 12) Replaces the word "visitor" with "non-resident" because of the problem defining "visitor". *RE sportfishing licenses*
- SECTION 13) Makes technical clarifying changes.
- SECTION 14) Also replaces the word "visitor" with "non-resident".
- SECTION 15) Adds two new subsections to 16.05.410 (Forfeiture of License). (f) says that a license is not forfeited for a misdemeanor in which a citation with a forfeitable bail was issued. (g) sets out a civil procedure under which a license may be taken for a period of 1 to 3 years if the license holder is convicted of a misdemeanor with a forfeitable bail two or more times during a 2 year period. (This section is from CS SB 101).
- SECTION 16) Clarifies the area in which certain vessels are exempt from licensing requirements.
- SECTION 17) Deletes language that describes areas no longer used in the management of King Crab.
- SECTION 18) Clarifies language that is presently considered ambiguous.
- SECTION 19) Restricts the penalty provisions only to activities violating anadromous fish protection (AS 16.05.810-16.05.895). Violating these statutes would be a class A misdemeanor. The deletion of commercial fish violations in this section is re-inserted in section 22.
- SECTION 20) (a) Replaces "this chapter" with "AS 16.05 - AS 16.40".
(b) Replaces "this chapter" with "AS 16, except AS 16.51 and AS 16.52".
- SECTION 21) Adds new subsection to AS 16.05.920 (Unlawful Acts). (c) makes it illegal for a person to import, possess, transport, or release live venomous reptiles, insects, or their eggs. (d) allows for their importation, transport, possession, or release if a permit has been issued for some educational purpose.

- SECTION 22) Adds a new section to AS 16.05 that says that a person who violates AS 16.05 (except commercial fishing violations under 16.05) or 16.20 is guilty of a class A misdemeanor. A person who violates the commercial fishing sections under AS 16.05 is subject to the penalties set out in AS 16.05.720 for commercial fishing violations.
- SECTION 23) Expands the definition of "animals" in the Certain Acts Made Unlawful section to include all animal life, including insects and bugs.
- SECTION 24) Replaces "this chapter" with "AS 16.05 - AS 16.40" and amends the following definitions:
- 9) "fish" would include parts of the fish.
 - 13) "fur dealing" would be re-written for clarity.
 - 14) "game" would include reptiles
 - 15) "hunting"; the phrase "this chapter" is replaced with "AS 16.05- AS 16.40".
 - 19) "resident"; the word "chapter" is replaced with "paragraph".
 - 20) "seizure"; the phrase "this chapter" is replaced with "AS 16.05-AS 16.40".
 - 28) Repeals the definition of "visitor" which has been replaced with "non-resident" in sections 12 and 14.
- SECTION 25) Clarifies that it is the commissioner of Fish and Game that may authorize the uses of commercially caught herring.
- SECTION 26) Adds a new subsection to AS 16.10.173 (Utilization of Commercially Caught Herring) that makes a criminal sanction for wasting herring. *class A misdemeanor*
- SECTION 27) Replaces the word "certified" with "estimated" because it is sometimes impossible to certify that 1/3 of the fishermen are in a price dispute.
- SECTION 28) Corrects a technical error in the legal description of the Susitna Flats Game Refuge.
- SECTION 29) Repeals the following:
- AS 16.05.903 The Alaska Big Game Photo Contest
 - AS 16.10.230(1) which has to do with the International Pacific Salmon Fisheries Commission, which no longer exists. Other parts of the statute have been rendered obsolete by the creation of the federal FCMA.

AS 16.15.010-16.15.090 The Alaska Fisheries Experimental Laboratory, which no longer exists.

AS 16.35.010-16.35.180 which have to do with bounties on predators, which no longer exist and employment of hunters and trappers for predator control, which has become obsolete.

SECTION 30) Provides for an immediate effective date.

SCS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL 404 (RESOURCES)

AN ACT RELATING TO FISH, GAME AND OTHER ANIMALS;
AND PROVIDING FOR AN EFFECTIVE DATE

SECTION-BY-SECTION ANALYSIS

Section 1 amends AS 12 to include fish and game citations with motor vehicle and traffic citations as violations which do not require a mandatory court appearance.

Sections 2, 3, 4, 5, 7, 20, and 24 would change the word "chapter" to refer to the appropriate chapters of AS 16 so that the powers and duties of the boards, commissioner and department, and the definitions section, apply to the appropriate chapters of that title. The Legislature enacted AS 16.05 in 1959. Some other old provisions were apparently overlooked, and, when new provisions were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover other chapters. This oversight has left gaps in the statutes which need to be corrected. Subsections (12) and (13) of section 2 would expressly authorize the Commissioner of Fish and Game to conduct research and enter into cooperative agreements.

Sections 4 and 5 would authorize peace officers to enforce the provisions of AS 16 except AS 16.51 and AS 16.52, and to arrest persons violating the fish and game title. Section 7 would permit the officers to execute warrants. The word "chapter" is changed to refer to AS 16 except AS 16.51 and AS 16.52, which relate to the Alaska Seafood Marketing Institute and the Fishery Industrial Technology Center, respectively, so that uniform enforcement procedures will apply to almost all of Title 16. Also, the requirement that offenders be brought before a magistrate "immediately" is dropped. This would delete an unnecessary burden imposed on protection officers. Finally, discretionary language is added so that deputies may issue a citation or warning for certain minor violations when it is in the state's best interest.

Section 6 incorporates the language of SB 101 establishing a citation and provides for a forfeitable bail schedule for minor violations of AS 16. This will reduce expenditures for enforcement and prosecution and keep enforcement officers in the field.

Sections 8 and 10 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quota 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.

That authority is made express in sections 8 and 10, as a legal safeguard. In addition, sections 8 and 10 would remove the authority of the boards to adopt regulations for engaging in biological research, since this is a departmental function.

Subsection (6) of section 10 would amend existing law to reflect the true function of the Board of Game. Despite the current language of AS 16.05.255(a)(6), the board does not adopt regulations regarding investigation of predators, which is an administrative function of the department. The board does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations.

Sections 9 and 11 would add the requirement that the boards provide a written explanation for a denial of a petition or proposal within 30 days of the denial or 30 days from the receipt of a written request for an explanation, whichever is later.

Sections 12 and 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 14-day and three-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. Thus a person who had not yet lived here for one year was required to pay the higher nonresident license fee, even if only a few days remained in a fishing season. The proposed change is fair and will be more efficient to administer.

Section 13 would make minor technical amendments to AS 16.05.340(a)(9), to clarify the meaning of existing law.

Section 15 is additional language from SB 101 clarifying the actions necessary to revoke one's license following convictions for offenses for which a citation has been issued and bail forfeited. This section would require a court appearance prior to the revocation of someone's license.

Section 16 corrects an oversight in Chapter 73, SLA 1983, which was found not to apply to those boats on the Yukon River Delta primarily that worked both in the salt and fresh water.

In section 17, language in AS 16.05.685(c)(2) which describes areas no longer used in the management of king crab would be deleted.

Section 18 would clarify AS 16.05.831(a) which was enacted in 1975 to prohibit the waste of salmon. That section now contains language that could be considered ambiguous, and thus reduce the law's effectiveness. The clarification

expressly provides that no salmon intended for sale, whether to a private individual or a commercial buyer, may be wasted.

Section 19 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 22 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 20 and 22 deal with the basic prohibition of Title 16 that it is unlawful to possess fish and game unless permitted by a statute or a board regulation. This prohibition and the accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 20 would set out the general penalty section separately in AS 16.05.920(a). 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. The new AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. The penalty is made a class A misdemeanor, to conform with sentencing under AS 12.55.035 and 12.55.135.

Section 21 provides for a permitting process for the importation, possession, transportation, or release of venomous reptiles or eggs or venomous insects or eggs. This section would restrict the permits to those who demonstrate a valid educational purpose, including public display.

Section 23 expands the definition of animals in this section to include insects and bugs.

Section 24 amends AS 16.05.940 which is the basic definition section for AS 16.05--AS 16.40. Four of the definitions contained in this section would be amended as follows:

(9) 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;

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

(14) 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; and

(28) the definition of "visitor" would be repealed, which only appears in Title 16 in conjunction with the "visitor's special sport fishing license" in AS 16.05.340(a)(6); that designation would be changed by section 12 of this bill to "nonresident special sport fishing license."

Section 25 provides clarification that it is the Commissioner of Fish and Game that authorizes other uses of commercially caught herring.

Section 26 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 27 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. 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.

Section 28 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 29 would repeal the following laws:

AS 16.05.903. This section, which created the Alaska Big Game Photo Contest, was enacted in 1975. The original intent was that the 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 taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

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 International Pacific Salmon Fisheries Commission. That commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the other exemptions set out in the statute obsolete. Therefore, this subsection should be repealed.

AS 16.15.010-16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory, which no longer exists.

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 these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

SECTION 30 Provides for an immediate effective date.



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

CHANGES MADE TO CS SS HB 404 (JUD) am BY THE SCS

- 1) Deleted "protection" and left "improvement" on page 6, line 27 and on page 8, line 21 of the SCS.
- 2) Deleted "Cape Romanzof" and inserted "Point Romanoï" on page 11, line 3 of the SCS.
- 3) Deleted sections 29 and 30 on page 19 of CSSSHB 404 (JUD) am, which have to do with herring stripping and dumping.
- 4) Deleted section 32 on page 20 of CSSSHB 404 (JUD)am, which annuls two Board of Fisheries regulations that prohibit sport fishing from a power or hand troll vessel.
- 5) Deleted section 33 of CSSSHB 404 (JUD) am, effective dates for sections 29, 30, and 32.
- 6) Adds new section 30 on page 19 of the SCS which provides for an immediate effective date for the entire bill.

Mulcahy:
"decision properly
made by Board -
didn't want leg. to
override Board's
decision"



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

May 1, 1984

The Honorable Robert J. Sundberg
Commissioner, Department of Public Safety
Pouch N
Juneau, Alaska 99811

Dear Commissioner Sundberg:

Thank you for your letter of April 24th, regarding HB 404, "An Act relating to fish, game, and other animals; and providing for an effective date."

HB 404 passed the House of Representatives on April 11th, 1984, and was forwarded to the Senate. This bill is currently in the Senate Resources Committee, which is chaired by Senator Bettye Fahrenkamp. I have taken the liberty of forwarding your letter and enclosures to that committee at this time.

Thank you again for your letter, please do not hesitate to contact me on legislative issues in the future. Any further correspondence you may have regarding HB 404 should be sent to the Senate Resources Committee.

Sincerely,

A handwritten signature in cursive script that reads "Jack".

Rep. John G. (Jack) Fuller

Enclosures

cc: Bettye Fahrenkamp, Chairman
Senate Resources Committee

MAY 2 1984

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

April 24, 1984

APR 25 1984

The Honorable Jack G. Fuller
Chairman, House Rules Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

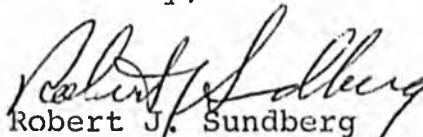
Dear Representative Fuller:

This Department respectfully requests that House Bill 404 be amended so that Alaska State Statute 16.05.815 is added and reflects that the Department of Public Safety continues to have access to records related to the landing of fish, shellfish, or fishery products. As the law now stands, effective July 1, 1984, this Department will lose the availability to have access to the "fish tickets." That loss will have a marked effect on the capabilities of conducting investigations related to suspected violations, as in many cases the "fish tickets" are the central source of material evidence to prove a violation.

I have taken the liberty of enclosing the proposed addition to AS 16.05.081, which would reflect that the Department of Public Safety will continue to have access to "records and reports." Also enclosed is a brief history of this Department's use of "fish tickets" as well as some statistical data related to "fish ticket" access.

Your affirmative and expeditious action on this request will be greatly appreciated.

Sincerely,


Robert J. Sundberg
Commissioner

Enclosures: a/s

cc: Ray Gillespie, Office of the Governor
Commissioner Collinsworth, Department of Fish & Game
Colonel Robert M. Henderson, Director, FWP
Colonel Michael C. Kolivosky, Director, AST

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of buyers and processors required by regulations of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) (EFFECTIVE JULY 1, 1984) any of its records and reports to the Department of Revenue, the Department of Public Safety, and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

HISTORY

Two years ago the Legislature enacted a bill that gave Fish and Wildlife Protection the right of access to fish tickets (records of delivery of fish caught for commercial purposes). Because the Protection Division used to be part of the Department of Fish & Game, restricting access to members of that Department still allowed exchange of these tickets, where it appeared a violation has occurred, between Fish and Game biologists and law enforcement personnel.

Increasingly, in the years since the transfer of the Protection Division to Public Safety, access was restricted, based on opinions of State attorneys that Public Safety could not be allowed to have this information under the old statute. The Division was required to have sufficient probable cause to convince a court that a crime had been committed before looking at fish tickets.

In many cases, it was the fish ticket information that was the initial indication that a violation had occurred, and therefore these tickets could not be reviewed by enforcement personnel, and also could not be obtained through the Court. If a Fish and Game biologist or data clerk thought they had evidence of a violation, they would have to follow through on it themselves, at least to a point where enough probable cause was developed to allow enforcement personnel to gain access to the tickets. This interfered with their work, and was a source of concern to Fish and Game.

In some cases, because of the lack of access to fish tickets, cases could not be properly investigated, and

persons violating fishery statutes or regulations could not be prosecuted.

The Legislature enacted legislation that allowed access to fish tickets by Division personnel beginning in the summer of 1982 (AS 16.05.815) and extending for two years until July 1, 1984.

At the end of the two-year period (which has almost arrived) Fish and Wildlife Protection and the Department of Fish and Game were to present information to the Legislature to show that access to fish tickets was useful, and had not been abused.

JUSTIFICATION

The Department of Fish and Game maintained logs of fish tickets released to Fish and Wildlife Protection. The attached summary of the data in these log sheets shows that 128 requests were made during the one and one-half year period through 1983, and 785 fish tickets were released to FWP. In addition to the logs on hand, information from the Department of Fish and Game and from Fish and Wildlife Protection shows that approximately 1070 additional fish tickets were released to FWP.

FISH TICKETS RCVD,FWP-1982,83

REL. DATE	RELEASE INIT. BY	TPR. DETACH	NO.OF TICKETS
	ADFG	D	7
820615	ADFG	I	1
820621	ADFG		8
820625	ADFG	C	8
		C	3
		C	7
		C	25
		C	3
		C	19
		C	2
		C	1
820626	ADFG	I	1
	FWP	I	1
		I	1
820706	ADFG	I	2
820709	FWP	C	3
		C	1
		C	1
		C	1
		C	1
		C	1
		C	1
		C	2
		C	2
		C	4
		C	1
		C	11
		C	4
		C	1
		C	1
		C	1
		C	4
		C	1
		C	1
		C	2
		C	4
		C	2
		C	9
		C	6
		C	13
		C	1
		C	2
		C	2
		C	2
		C	1
		I	2
		I	1
		I	5
		I	2
		C	4
		C	6
		C	3

FISH TICKETS RCVD,FWP-1982,83

REL. DATE	RELEASE INIT. BY	TPR. DETACH	NO. OF TICKETS
		C	1
820712	UNKNOWN	M	4
820713	ADFG	I	1
	FWP		5
820714	ADFG	D	4
		D	6
		D	20
		D	13
820731	FWP		3
820722	ADFG	D	14
820723	FWP	I	18
820726	ADFG	I	1
820728	ADFG	D	15
820730	FWP	M	9
820809	ADFG	D	1
820812	ADFG	D	16
		D	1
820825	ADFG	D	5
		D	7
		D	11
		D	2
		D	27
		D	5
820827	ADFG	D	23
		D	2
820907	FWP	C	2
820910	ADFG	D	5
		D	1
820915	FWP	D	1
820921	FWP	D	1
821004	FWP	C	8
821105	ADFG	D	9
821118	ADFG	D	20
830114	FWP	D	29
830201	FWP	D	1
830208	FWP	D	14
830405	FWP	D	29
830411	ADFG	D	27
		D	7
830510	ADFG	D	1
830520	ADFG	D	1
830523	FWP	C	1
		C	1
		C	1
830601	ADFG	I	3
830603	FWP	D	14