

ALABAMA LEGISLATURE COMMITTEE FILES

1993-1994

8672

7921

HOUSE JUDICIARY

186

ALASKA MARINE CONSERVATION COUNCIL

Box 101145 Anchorage, Alaska 99510
(907) 277-5357 (kelp) 277-5975 (Fax)

April 27, 1994

Dear Mr. Porter,

The Alaska Marine Conservation Council is community based organization of fishermen and women, subsistence users and others throughout Alaska concerned about the health of our marine resources. Our membership is comprised of men and women who have a stake in and care deeply about ocean health.

We are opposed to SB 308 and believe it to be a direct response by the Department of Natural Resources to the Court Decision which blocked Lease Sale 78 in Cook Inlet. Lease Sale 78 was overwhelmingly opposed by the people of Homer and Kenai.

Our specific concerns include:

The conversion to a piecemeal approach to the review and permitting of projects without looking at the long term, cumulative impacts. The language for phasing under Title 46 considerably narrows the realm of review for a longterm project, ignoring potentially significant, synergistic overall impacts.

The lack of a requirement for agencies to consider all reasonably foreseeable significant effects.

We fully endorse the accompanying paper prepared by Trustees of Alaska. The Alaska Marine Conservation Council opposes CSSB 308 and its counterpart, HB 474.

Sincerely,



Francine J. Bennis
Alaska Marine Conservation Council

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 5
To House Judiciary	From AK Marine Cons. Council	
Co. ATTN: Brian Porter	Co.	
Dept. Gail Phillips	Phone # 277-5357	
Fax # 965-3834	Fax # 277-5975	

ISSUES OF CONCERN

Without seeking meaningful input from Alaska coastal districts or other members of the public, the Hickel Administration is promoting legislation designed to significantly modify how the State of Alaska conducts "best interest" findings for the disposal of State land and consistency reviews under the Alaska Coastal Management Program (ACMP). HB 474 and SB 308, House and Senate counterparts of the same bill, have been advanced by their sponsors as bills designed to increase the State's ability to efficiently dispose of public lands and permit activities in Alaska's coastal zone. Unfortunately, these bills do so at the expense of both purposeful input from the public and balanced development.

On April 21, 1994, the Senate passed an amended version of SB 308. CSSB 308 (fin), despite the amendments, does little to alleviate the concerns of coastal districts and others disturbed about the Administration's haste attempt to modify long-established procedures and public safeguards against inadequate decisionmaking. The following issues, raised by CSSB 308 (fin) and HB 474, remain of great concern.

I. A WORKING GROUP CONSISTING OF COASTAL DISTRICTS AND OTHER AFFECTED PARTIES SHOULD BE ESTABLISHED PRIOR TO ALLOWING PHASING OF "BEST INTEREST" FINDINGS AND CONSISTENCY REVIEWS

A fundamental problem with HB 474 and CSSB 308 (fin) is that they allow for a piecemeal approach to review of both land disposals under Title 38 and ACMP consistency reviews. If these bills were to pass as written, the State would merely have to examine one "phase" of a contemplated action -- either a disposal of public land or a proposed development -- with no analysis of the impacts or costs of later phases of the proposed use or activity. This approach limits the public's ability to both understand the likely impacts of a proposal and have meaningful input into the ultimate decision to be made. The effect of the piecemeal review of the proposed legislation is to skew the decisionmaking process toward the result the government agency reviewing the proposal supports: whether it be for or against a particular project.

A. Title 38 Land Disposals Should Not Be Phased Absent Explicit statutory Standards For Analysis

The proposed legislation would permit piecemeal review of all land disposal decisions, not just oil and gas lease sale decisions, problems with which DNR claims as the reason behind the legislation's introduction. Oil and gas lease sales, however, are subject to the standards contained in AS 38.05.035(g), designed to assure consideration of important public and environmental concerns. No other type of disposal, whether it be for timber, mining or some other use or activity, has a delineated set of standards with which to measure a decision to dispose of public

land. Because the proposed legislation allows the government agency decisionmaker the sole authority to determine what is "material" to a land disposal decision, the legislation would allow the State to dispose of non-oil and gas resources at the sole discretion of bureaucrats within the State's resource agencies.

Moreover, even for oil and gas lease sales, the proposed legislation intends to allow piecemeal review of later phases of a lessee's activity which are subject to permitting requirements. The consequences of granting such broad authority to one State bureaucrat are broad; for example, at no point would the State be required to analyze what is truly in the "best interest" of the State when conflicts between competing uses are evident.

B. Any Phasing Of ACFM Consistency Reviews Must Be Consistent With Federal Coastal Zone Management Requirements

The proposed legislation permits piecemeal review of projects in Alaska's coastal zone by allowing the ACFM consistency review to be "limited" to facts pertaining to solely the use or activity proposed for that phase and which are, in the decisionmaker's mind, "material" to the consistency determination. All the decisionmaker need do to so limit the review is declare that a fact or issue is not "material," or assert that it relates to a later phase of a project. Once again, this allows the State decisionmaker to wear blinders by sanctioning ignorance of the true costs and impacts of a project.

While the proposed legislation's sponsors contend that this provision merely meets the intent of the federal phasing model, it clearly does not. Under the federal model, phasing is used to ensure ongoing coastal program review of long term projects. Thus, the federal government uses phasing of its consistency reviews not as a tool to limit public input into the decisionmaking process or to ignore impacts but rather as a method of considering all costs and impacts of a proposed project, even if they do not become known until a later phase of a project.

Moreover, concerns with piecemeal review of coastal projects go beyond the ACFM consistency review process itself. If the federal government were involved in a project, for example, NEPA would not sanction such a piecemeal review. See R.L.A., 40 C.F.R. § 1508.28(b)(7). Furthermore, under Section 404 of the Clean Water Act, triggered whenever a proposed project impacts waters of the United States including wetlands, an entire project must be submitted for review. See 33 C.F.R. § 323.1(d)(2) (requiring analysis of "all activities which the applicant plans to undertake which are reasonably related to the same project and for which a [Corps of Engineer] permit would be required"); see also 40 C.F.R. § 230.11(g). Thus, the proposed legislation creates an untenable situation where a project may meet ACFM standards for analysis but

fails, absent further analysis, under NEPA and the Clean Water Act because the project review was too limited.

In summary, piecemeal review of public land disposals in a "best interest" finding, and of coastal projects in an ACMP consistency review, raise myriad problems. The issues raised by phasing are complex and directly impact all Alaskans. Legislation changing the way so many Alaskans do business and conduct their daily affairs should not be rushed through the legislature.

Recently, the legislature passed SB 238 to change the Coastal Policy Council petition process. SB 238, sponsored by the same people who advance HB 474 and CSSB 308 (fin), was also intended to address perceived problems with the status quo brought to light by litigation over oil and gas lease sales. In that case, however, the State approached all the interested parties, including coastal districts, and formed a working group to try and reach consensus on the issue. This approach was a resounding success, as evidenced by the easy passage of the bill through the legislature.

As recommended by the Coastal Policy Council during its recent conference in Juneau, the legislature should counsel the Administration to use this same approach for the proposed legislation. A working group should be formed, composed of coastal districts and other interested members of the public, as well as those within the Administration who support the widespread changes reflected in HB 474 and CSSB 308 (fin). This group could work during the interim to find an approach that is acceptable to all parties and that could then pass through the legislature without the controversy surrounding HB 474 and CSSB 308 (fin).

IX. WELL-ESTABLISHED ALASKA LAW SHOULD GUIDE WHO HAS STANDING TO SUE

The sponsors of HB 474 and CSSB 308 (fin) have attempted to change the standards under which an appeal can be taken of an administrative decision covered by the proposed legislation. The proposed legislation limits the "standing" of a potential litigant to one who requested reconsideration of the decision and, apparently, raised themselves all issues of concern in the reconsideration request. This change would seemingly bar the traditional reliance on concerns about a proposal expressed by the state and federal expert agencies. Moreover, by including the requirement that only those "affected by the decision" may appeal, the proposed legislation does not comport with existing Alaska law which allows for liberal access to courts under the well-reasoned "taxpayer" standing doctrine. The proposed legislation should be amended to clarify that it is not intended to change the current Alaska law on standing or, better yet, to be silent on the issue altogether.

Rep. Brian Porter, Chairman
House Judiciary Committee
Alaska Legislature
Fax: 465-3834

April 28, 1994

Re: SB 308

Dear Representative Porter,

I write to ask your support for SB 308 concerning the disposal of state lands for phased development. I am familiar with this bill and the issues that surround it from my involvement on the State's Coastal Policy Council where I serve as the public Co-Chair. My comments are my own and do not represent the opinion of the council as a whole.

SB 308 has passed out of the Senate after much debate and numerous amendments. A testimonial to the public involvement thus far.

SB 308 provides a common sense approach to balancing the needs of the state to develop its resources and the public's right to participate in the process.

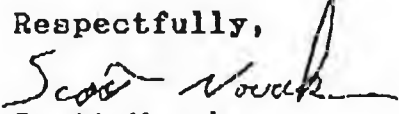
The opportunity for public participation is increased by expanding the time for public notice and giving local coastal districts a greater hand in reviewing the proposed project.

DNR's decisions must be justified in writing and reviewed by the public, with clear statutory guidance to the courts for solving disputes.

SB 308 coordinates well with SB 238, which streamlines the appeals process of the CPC.

STAGNATION IS NOT THE KEY TO SUCCESS, PROGRESS IS NOT THE END OF IT.

Respectfully,


Scott Novak
PO Box 1703
Cordova, Alaska 99574

Phone: 424-3800

Fax: 424-3802

cc: Ramona Barnes, Speaker. Fax: 465-4568
Gail Phillips, Majority Leader. Fax: 465-3472
Fran Ulmer, Minority Leader. Fax: 465-2108

316

BR

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (JUD)

Revision Date: May 5, 1994
Title: "An Act relating to commercial fishing penalties."
Sponsor: Senator Halford
Requestor: Senator Halford

Department Affected: Department of Law
BRU: Prosecution
Component: Third Judicial District
COMPONENT SERIAL NO. 0087

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	43.9	43.9	43.9	43.9	43.9	43.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	6.5					
LAND & GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.1	53.6	53.6	53.6	53.6	53.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF	60.1	53.6	53.6	53.6	53.6	53.6
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	60.1	53.6	53.6	53.6	53.6	53.6

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: May 5, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: May 5, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (JUD)

ANALYSIS CONTINUATION:

The House Judiciary Committee Substitute amends AS 16.05.722(a) to increase the penalty for a person who, without any culpable mental state, violates the state's commercial fishing laws by providing for a fine of not more than \$6,000 for a first conviction and providing for a fine of not more than \$12,000 for a second or subsequent conviction. The existing penalties for these commercial fishing violations are \$3,000 and \$6,000, respectively.

We believe that this bill will have the effect of substantially increasing the number of contested violations that go to trial, because commercial fishing vessel operators are increasingly using legal counsel to make a court appearance when cited, thus permitting them to continue fishing without interruption. Once the fishing season has ended, the fishing vessel operators then make an economic decision whether to continue to pay the expense to contest violations or to plead out. The increase in the penalty will weigh in favor of the former course and therefore cause more vessel operators to choose to go to trial. About 500 violations occur annually in the Bristol Bay drift net fishery, where most of the impact will be felt. We therefore request fiscal impact funds to pay for a permanent part-time Attorney III, who would work on the increased caseload from June through November each year.

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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03//044 ATTORNEY IV F ANCHORAGE A XE AA 24A 12 61008 0 20660 81668.60

**** JUSTIFICATION:

TRAVEL COSTS	7500.00
CONTRACTUAL COSTS	13600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

*** FUNDING DETAIL:		
1004 GENERAL FUND RECEIPTS	81668.60	
TOTAL FUNDING	81668.60	81668.60

03//048 ATTORNEY III P DILLINGHAM A XE III 22A 6 33900 0 10011 43911.96

**** JUSTIFICATION:
Substantial increases in the penalties for commercial fishing violations will result in a more vigorous defense by defendants and will increase the number of trials significantly.

TRAVEL COSTS	3500.00
CONTRACTUAL COSTS	5000.00
SUPPLIES COSTS	1200.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

ALL
GF

*** FUNDING DETAIL:		
1004 GENERAL FUND RECEIPTS	43911.96	
TOTAL FUNDING	43911.96	43911.96

COMPONENT TOTALS:			
FULL TIME NEW POSITIONS	1	TOTAL PERSONAL SERVICES	125580.56
PART TIME/SEASONAL NEW POSITIONS	1		
NON PERMANENT NEW POSITIONS	0	TOTAL COSTS INC. ASSOC COSTS	172680.56
OTHER.....	0		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH:	125580.56
OTHER FUNDS:	0.00
TOTAL FUNDING:	125580.56

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 316 (RES)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to commercial fishing BRU: Trial Courts
penalties Components: _____
 Sponsor: _____
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	18.9	18.9	18.9	18.9	18.9	18.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	21.9	21.9	21.9	21.9	21.9	21.9
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	44.3	44.3	44.3	44.3	44.3	44.3

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	44.3	44.3	44.3	44.3	44.3	44.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	44.3	44.3	44.3	44.3	44.3	44.3

POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 04/13/94

Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/13/94
 Agency: Alaska Court System

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Alaska Court SystemFiscal AnalysisCSSB 316 (RES)

The Departments of Public Safety and Law predict that this legislation will result in new or longer jury trials. This fiscal note reflects their assumptions.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem District Court Judge, Anchorage, permanent part-time, 3 months	\$5,118	\$3,954	\$9,072
Pro Tem Court Clerk, range 12A, Anchorage, permanent part-time, 3 months	2,777	3,058	<u>9,835</u>
Total Personal Services			18,907

It is anticipated that this legislation will result in new trials or a lengthening of the existing trial schedule.

Travel

3,500

Transportation and per diem for judicial travel to primary commercial fishing areas. Represents anticipated costs in excess of current trial-related travel funding.

Contractual

Jury fees

21,875

Represents anticipated costs in excess of existing jury trial funding. Approximately 125 additional jury days for 7 jurors at \$25 a day.

Total estimated cost

\$44,282

8-LS1676R
Utermohle
4/28/94

HOUSE CS FOR CS FOR SENATE BILL NO. 316()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Jacko, Kerttula, Miller, Frank, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to commercial fishing penalties."

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

3 * Section 1. AS 16.05.722(a) is amended to read:

4 (a) A person who without any culpable mental state violates AS 16.05.440 -
5 16.05.690, or a regulation of the Board of Fisheries or the department governing
6 commercial fishing, is guilty of a violation and upon conviction is punishable by a fine
7 of not more than

8 (1) \$6,000 [\$3,000] for a first conviction; and

9 (2) \$12,000 [\$6,000] for a second or subsequent conviction.

**HOUSE JUDICIARY COMMITTEE
LETTER OF INTENT
SB316**

Bearing in mind that the purpose of this action is to increase compliance with Alaska's commercial fishing regulations, it is the intent of the House Judiciary Committee that the Department of Fish and Game, along with the Department of Public Safety, research and develop a highly stable and visible buoy marking system, to be deployed on the northern district boundary of the Egegik area in Bristol Bay. Further, the intent of the Committee is that this visible marking system should be of high enough integrity to reasonably supersede the LORAN system as a basis for the assessment of district boundary violations.

Brian D. Porter

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 29, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 4 May 94

The JUDICIARY Committee considered:

CSSB 316(RES)

CS FOR SENATE BILL NO. 316(RES)

FISHING VIOLATIONS: FINES/BURDEN OF PROOF

"An Act relating to commercial fishing penalties."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s) a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: House Judiciary letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>Janetta James</i>	<input checked="" type="checkbox"/>		
<i>Pepe Root</i>	<input checked="" type="checkbox"/>	<i>Scott Phillips</i>	<input checked="" type="checkbox"/>		
<i>Brian S. Porter</i>	<input checked="" type="checkbox"/>	<i>Wyn Simon</i>	<input checked="" type="checkbox"/>		
<i>Jim Radal</i>	<input checked="" type="checkbox"/>				

And letter of Intent

Brian S. Porter
CHAIRMAN'S SIGNATURE

Sponsor Statement:

SB 316 Fishing Violations: Fines/Burden of Proof Senator Rick Halford

The pattern of activity in commercial fisheries is clear, the number of illegal acts is growing every year (1). Moreover, the fines for convictions are going down, the result of plea bargaining endorsed by prosecutors and judges. To quote one letter from a commercial fisherman, "We are creating a fishery that enables lawbreakers to profit handsomely (2)."

When judges and prosecutors reduce misdemeanors to violations, lower fines which have already been agreed to by defendants (3) and "give a slap on the wrist to most violators (4)," the temptation to break the law increases exponentially.

Another aspect of the situation is the data which supports the notion that the majority of illegal activity is being conducted by repeat offenders, indeed, habitual offenders (5).

It is this group of people, the repeat offenders who are stealing Alaska's fish resources, that Senate Bill 316 is aimed toward. At a minimum this bill would reduce the potential for being rewarded financially for stealing a resource which belongs to all the people of Alaska.

Thank you.

Footnotes:

(1) 1993 Bristol Bay Salmon Enforcement Program, Fish and Wildlife Protection, Alaska Department of Public Safety, 1-31-94.

(2) Letter from Robert B. Butt, 2-13-94.

(3) 1993 Bristol Bay Salmon Enforcement Program, et. al..

(4) Letter from Robert B. Butt to Governor Walter J. Hickel, 1993.

(5) Criminal History, Citations for 1993 Violators in Bristol Bay, Alaska Department of Public Safety, 3-14-94.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 11, 1994

SUBJECT: Evidentiary standards of proof (Work Order No. 8-LS1676)

TO: Senator Rick Halford
ATTN: Dave Thompson

FROM: George Utermohle *GU*
Legislative Counsel

You have requested an explanation of the differences between the two evidentiary standards of proof: "preponderance of the evidence" and "clear and convincing evidence."

The Alaska Supreme Court has described the difference between the two standards as follows:

Where one has the burden of proving asserted facts by a preponderance of the evidence, he must induce a belief in the minds of the jurors that the asserted facts are probably true. If clear and convincing proof is required, there must be induced a belief that the truth of the asserted facts is highly probable.

Saxton v. Harris, 395 P.2d 71, 72 (Alaska 1964).

If I may be of further assistance, please advise.

GU:pl
94-303.plm

SB 316: An Act relating to Commercial fishing penalties.

The bill would increase punishment for violations of commercial fishing laws by doubling the fines, lowering the threshold for suspension of permits and increasing the defendant's burden of evidence to a higher standard that fish were lawfully taken.

1. Currently the Court may suspend a license for a first or second conviction within a 10 year period. The bill would delete second conviction option.
2. Currently the Court shall suspend a license for a period of not more than three years for third conviction. The bill would make three years mandatory and lower threshold for suspension to second conviction.
3. The bill would suspend a commercial fishing license for at least two years but not more than five after a third misdemeanor or felony conviction within a ten year period for violating commercial fishing law.
4. The bill would suspend a commercial fishing license for at least three years but not more than seven years after a fourth misdemeanor or felony conviction within a ten year period for violating commercial fishing law.
5. The bill would order forfeiture of commercial fishing license after fifth or subsequent misdemeanor or felony conviction within a 10 year period for violating commercial fishing law.
6. Currently the fines are not more than \$3000 for first conviction, \$6000 for second conviction. The bill would double fines to not more than \$6000 for first conviction and \$12,000 for second conviction.
7. Currently the defendant's burden to show evidence that fish on board or at a site were taken legally is a preponderance of the evidence standard. The bill would raise evidence standard to clear and convincing.

Thank you.

COST

The following is a brief synopsis of the 1993 Bristol Bay Salmon Enforcement Program.

The program began on June 20, 1993, with an opener in the Egegik District, which was covered by the P/V PUBLIC SAFETY #1 (PS1). The P/V TROOPER and the P/V WOLDSTAD arrived in the bay on June 23. The P/V PS1 patrolled the Egegik and Ugashik districts, the P/V TROOPER patrolled the Egegik district, and the P/V WOLDSTAD patrolled the Naknek-Kvichak district. The P/V WOLDSTAD departed the bay on July 16, the P/V TROOPER departed on July 20, and the P/V PS1 patrolled the Ugashik district until July 19, 1993.

Unlike the 1991 season, we didn't have to deal with any strike related activity. This allowed us to concentrate our efforts on enforcement right from the beginning.

The Bristol Bay run this year came back considerably larger than forecast. The preseason forecast was for a return of 41.8 million fish. A commercial harvest of 41.7 million fish was achieved in 1993, with a total return of 53.6 million fish, broken down as follows:

RIVER SYSTEM	CATCHES	ESCAPEMENTS	TOTAL RUN
Naknek-Kvichak	8,914,823	5,931,722	14,846,545
Egegik	21,911,499	1,522,188	23,433,687
Ugashik	4,357,820	1,429,538	5,787,358
Nushigak	5,818,947	2,654,573	8,573,520
Togiak	721,007	356,980	1,077,987
TOTALS	41,724,096	11,895,001	53,619,097

The inshore run of sockeye salmon totaled 52.2 million fish, the third largest inshore return on record (trailing only returns of 62.5 million in 1980, and 53.1 million in 1985). It was approximately 25% greater than the preseason forecast of 41.8 million.

All districts except the Naknek-Kvichak experienced greater than expected runs and a commercial harvest of 40.8 million sockeye was achieved, the largest sockeye harvest on record for Bristol Bay (exceeding the previous high of 37.4 million in 1983). A total of 11.4 million sockeye entered the escapement.

The estimated ex-vessel value of the 1993 Bristol Bay salmon fisheries totaled \$153.7 million. This is the fifth largest ex-vessel value on record, but well below the \$202.3 million record value attained in 1990 when salmon prices were high and below last years ex-vessel value of \$191.3 million. It was, however, well above the 1973 to 1992 mean value of \$102.9 million.

Bristol Bay Enforcement Recap 1993

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December 15, 1993

There were twenty commissioned personnel assigned to the program, as well as nine civilians. Six of the civilians were part of the crews on the two large patrol vessels and the other three were clerical support staff. The total number of personnel (including civilian vessel personnel, clerks, etc.) was twenty-nine. A personnel roster is attached. The highest number of personnel at the peak of the 1992 season was only nineteen. At the peak of the 1991 season, the highest number of personnel was thirty-eight.

We had four commissioned Alaska State Troopers assigned to the program full time. Three of these troopers were assigned to the vessels and one was assigned to the beach. Each of these individuals did an outstanding job.

TDY personnel arrived in King Salmon aboard the King Air on June 23, 1993. At which time, a briefing was held prior to their deployment to the vessels and to Dillingham.

We were able to maintain an excellent working relationship with the Alaska Department of Fish and Game staff in King Salmon and Dillingham. We were kept well informed of openings, closures, extensions, etc. Problem areas and enforcement concerns were discussed on a regular basis. The cooperation and coordination between the two agencies continues to be excellent and is expected to remain that way.

As always, our primary fisheries enforcement problems occurred on the district lines. As mentioned earlier, with no strike activity this year, we were able to concentrate on enforcement problems right from the start. This allowed us to stay on top of things as best we could.

It should be noted that on the first day of the fishery at Egegik, June 20, 1993, the crew of the P/V PS1, assisted by Trooper Gary Folger in a Piper Supercub, made approximately 60 closed waters cases.

Again this year, we saw excellent cooperation between the vessels and aircraft. With the exception of the first opening at Egegik, patrol vessel skiffs were able to approach nearly all violators spotted from the air.

While the P/V PS1 did an excellent job at Egegik, it was just not enough and couldn't control the line. Sergeant Rollin Young and FWEO Scott Quist, as stated earlier, made approximately 60 cases the first day and could have probably made that many more if they had the skiffs and troops to do it.

Bristol Bay Enforcement Recap 1993

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December 15, 1993

With the big return to the Egegik district, we had close to 350 boats in that district throughout much of the season. Fishermen appeared to be much more aggressive this season and constantly pushed over the line. They knew at what point we were citing and pushed to that point and beyond continuously.

Our shore based personnel were faced with continuous set net complaints. This was primarily due to two reasons. First, there is always the ongoing dispute between the drifters and the setnetters. Numerous complaints came from the drifters that the setnetters were fishing too far out. Complaints also came from the setnetters that the drifters were on top of their set nets.

This was compounded this year by a regulation change that took effect March 1, 1993, which required setnetters to be no more than 1000 feet from the 18 foot high tide mark. In past years in this area, they could be out to 1200 feet from the 18 foot high tide mark.

Measuring these nets proved almost impossible until we located a La Prosurvey 1000 Laser Ranger 5B, which we rented from The Surveyor's Exchange in Anchorage. This device proved invaluable in dealing with the problems of measuring nets, distances, etc.

At Ugashik, we experienced the same problems as in past years. As long as a patrol boat was on the line, we could keep fishermen from pushing over the line for the most part. However, the minute the boat got tied up with a case or left the line, fishermen decided it was open season everywhere.

With that in mind, we did a stakeout operation on the north line of Ugashik. We set up range markers on the bluff, utilizing the loran on the P/V PS1. This worked well and we made quite a few cases. Some boats we had over the line as many as three times in one day. The operation went well until the officer was spotted on the bluff by a spotter pilot, who then landed in a dry lake bed and walked up to see what he was doing. It was amazing how well the fishermen knew where the line was once they found out an officer was on the bluff.

We did a similar operation on the Egegik north line on the first opening. In that situation, we put an officer on another vessel with a fisherman who agreed to work with us. The P/V PS1 then left the line and the officer stayed on the private vessel and made approximately 20 cases. He reported seeing many skippers on their flying bridges with binoculars looking for the patrol vessel. His comments were that it was obvious most fishermen were not concerned about where the line was, they were only concerned with where the patrol vessel was.

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Four vessels were seized in the bay this season. Three of the vessels were seized for fishing closed waters and the fourth was seized as a result of the operators fishing without a permit. Vessels seized are as follows:

Fishing Vessel	Reason Seized	Settlement
GONE FISHING	.5 miles into closed waters after the closure of the Kvichak Section.	Civil: \$10,000
KATIE DEVINE	Closed waters 30 minutes after closure.	Released.
DEACON	Operator did not have a permit.	Has not settled.
MINSTRAL	1.5 miles into closed waters outside the Nushigak District.	Civil: \$25,000

The F/V KATIE DEVINE was released with no settlement. This was done because the defendant stated he had lost a net and that he had approval from Fish and Game to retrieve it from closed waters. A check revealed that Fish and Game did not talk to this individual. However, it was very clear from talking to other fishermen who heard the conversation on the VHF radio that someone came on the VHF and stated that they were ADF&G and that they had given the F/V KATIE DEVINE approval to go into closed waters to retrieve a net. The F/V KATIE DEVINE did forfeit its illegal fish.

We opened 482 cases during the Bristol Bay fishery this year, up from a previous all time high of 328 in 1991. We filed 509 criminal charges in 1993. There were 52 cases with multiple defendants and we had 31 cases where there were multiple charges per defendant.

We seized 581,474 pounds of fish during the season, of which; 161,172 has been forfeited to date. Based on an average of \$.60 per pound, forfeiture value of this fish is \$96,730.20.

We seized 108 shackles of gillnet during the program. 19 shackles were forfeited as of this date.

As of December 9, 1993, gross fines for the program have been \$1,065,633.86, with only \$230,500 of that being suspended. This leaves a total of \$835,133.86 in net fines due the State.

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There was nearly a 100% increase in closed waters cases in 1993, with a total of 311 cases in 1993 compared to 168 cases in 1992. This can be attributed in part to the extreme aggressiveness of the fishermen this season and to continued effective enforcement. A break down of the cases are as follows:

<u>VIOLATION</u>	<u># OF OCCURRENCES</u>
ASSAULT III	1
COMMERCIAL FISH AID AND ABET	2
COMMERCIAL FISH ANCHOR DRIFT NET	4
COMMERCIAL FISH CLOSED PERIOD	28
COMMERCIAL FISH CLOSED WATERS	311
COMMERCIAL FISH DRIFT TOO CLOSE	16
COMMERCIAL FISH EMPLOY UNLICENSED CREW	15
COMMERCIAL FISH FAIL TO MARK BUOY	5
COMMERCIAL FISH FAIL TO RECORD	4
COMMERCIAL FISH FAIL TO REGISTER	6
COMMERCIAL FISH FALSE FISH TICKET	2
COMMERCIAL FISH FALSE STATEMENT	3
COMMERCIAL FISH ILLEGAL GEAR	1
COMMERCIAL FISH ILLEGAL POSSESSION	5
COMMERCIAL FISH IMPROPERLY MARKED BUOY	1
COMMERCIAL FISH IMPROPERLY MARKED GEAR	6
COMMERCIAL FISH MISCELLANEOUS CHECK/STOP	1
COMMERCIAL FISH NET OUT TOO FAR	21
COMMERCIAL FISH NO BUOY	4
COMMERCIAL FISH NO CREW LICENSE	26
COMMERCIAL FISH NO PERMIT	3
COMMERCIAL FISH NO PHOTO ID	10
COMMERCIAL FISH NO VESSEL NAME	3
COMMERCIAL FISH NO VESSEL NUMBERS	6
COMMERCIAL FISH PERMIT HOLDER NOT PRESENT	5
LOG: BOATING ACCIDENT	1
LOG: CARCASS FOUND	1
LOG: COMMERCIAL FISH CLOSED PERIOD	1
LOG: COMMERCIAL FISH DRIFT TOO CLOSE	8
LOG: COMMERCIAL FISH FAIL TO REGISTER	2
LOG: COMMERCIAL FISH INTERFERE WITH GEAR	2
LOG: COMMERCIAL FISH MISCELLANEOUS	1
LOG: COMMERCIAL FISH NO VESSEL NUMBERS	1
LOG: COMMERCIAL FISH OVERLIMIT OF GEAR	4
LOG: COMMERCIAL FISH SET NET TOO CLOSE	1

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<u>VIOLATION</u>	<u># OF OCCURANCES</u>
LOG: FOUND NET	2
LOG: GAME NUISANCE BEAR	1
LOG: MEDICAL ASSIST	1
LOG: PERSONAL USE CLOSED SEASON	2
LOG: PROCESS SERVED	1
LOG: PUBLIC ASSIST	3
LOG: UNMARKED GILLNET	1
SPORT FISH NO KING STAMP	2
SPORT FISH NO LICENSE	13
SPORT FISH USE BAIT	1
WARNING: COMMERCIAL FISH ANCHOR DRIFT NET	4
WARNING: COMMERCIAL FISH CLOSED PERIOD	2
WARNING: COMMERCIAL FISH CLOSED WATERS	6
WARNING: COMMERCIAL FISH DRIFT TOO CLOSE	1
WARNING: COMMERCIAL FISH EMPLOY U/L CREW	7
WARNING: COMMERCIAL FISH FAIL TO MARK NET	1
WARNING: COMMERCIAL FISH INTERFERE WITH GEAR	1
WARNING: COMMERCIAL FISH NO CREW LICENSE	5
WARNING: COMMERCIAL FISH NO VESSEL ID	1
WARNING: SPORT FISH NO LICENSE	6

Radio Dispatcher II Jolene Dodge from Kodiak, Clerk IV Cynthia Nestegard from SIS, and Clerk Typist III Kim Spaans from Detachment provided the clerical support for the program. While from outward appearances this seems like a large clerical staff for one program, we must realize that Kim and Cynthia only overlapped each other for a couple of days and that this staff handled 484 cases in approximately three weeks. This included running criminal record checks on all defendants, closing case reports for those that plead out at arraignment, and returning those cases to the boats for full reports were the defendants plead not guilty at arraignment. They also utilized a data base program to keep track of all the statistics for this program.

For the most part the enforcement program went very well with personnel working as hard and carrying as large a case load as humanly possible. Without question the most frustrating part of the program was the process of prosecuting the cases and not receiving adequate penalties to serve as a deterrent to the fishermen. As in the past the Division, in conjunction with the District Attorney's Office in Dillingham, established recommended sentencing guidelines for the various violations occurring in the Bay. These guidelines were based on ten years of experience with the fishery. In 1993 we did begin citing fishermen for a narrower margin of closed water fishing

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than in previous years with this being the only major change.

It is common practice to be approached by the various defendants prior to court arraignments in an effort for them to reach a plea agreement satisfactory to the state and thus avoid a trial. This routinely involves the fishermen and Fish & Wildlife personnel assigned court duty. The district attorney is advised of the agreement and normally makes this recommendation to the court.

During 1993 we had two state attorneys assigned to the program. One attorney was not only new to Bristol Bay but was also a new attorney. The second attorney had several years of experience with the program. For some reason the experienced attorney felt the plea agreements were too harsh, so consequently it became common practice for him to lower the recommended penalty to the court, in many cases by \$1,000 to \$1,500 (sometimes more), and agree to return additional fish and nets. Keep in mind the original plea agreement was agreed to by the defendant. It was then not uncommon for the court to reduce the fine even more.

Another common problem with the District Attorney's office is the practice of reducing cases from a misdemeanor to an infraction (violation). This is done for a number of reasons but for the most part as a cost saving measure. The burden of proof is less for an infraction in that the "intent" of the fishermen to violate the law is not required to be proven (strict liability rule). However, intent has been proven in all cases originally filed as misdemeanors by FWP, the information is in the report. There is a greater chance of the defendant agreeing to plea to an infraction, as opposed to a misdemeanor because the monetary fine is less, there is no chance of serving jail time, and his fishing permit can not be suspended. As a result, this saves the Department of Law and the Court System time and money by not having to schedule expensive trials, convene juries and pay judge and attorney travel expenses to the Bay later in the year. No one debates the expense and time that would be necessary to conduct misdemeanor trials for the several hundred fishing cases.

The number of cases in Bristol Bay are increasing while the fines per case are decreasing. The fishermen already know they may be able to make several illegal sets valued at \$10,000 to \$20,000 before being caught. This combined with the possibility of a mere \$3,000 or even a \$6,000 fine serves as no deterrent to their illegal acts.

As long as misdemeanor cases are reduced to infractions there will never by any chance of fishing permits being suspended or ultimately revoked after three convictions as provided by statute. This, of course is the ultimate deterrent.

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Prior to the 1994 season it is imperative for the Division to meet with the appropriate state attorneys and judges if necessary to resolve these issues. Division personnel and the commercial fishing community are demanding a much higher compliance rate but this will never happen until the penalty exceeds or at least meets the value of the crime.

This is a list of the personnel and equipment which were utilized in the program:

P/V WOLDSTAD (Egegik, Naknek, and Kvichak)

Cpl. Dean Layton
Trp. Lonnie Swanson
VTII Bill Wertanen
BOI Don Wood (cook)
BOI John Gianguilli
BOI Mike Reuter
Trp. Ken Woldstad
AST Trp. Willard Ellis

P/V TROOPER (Egegik)

Trp. Robert Rodrigues
Trp. Scott Jones
BOI Rick Gottwald
VTI Mark Salvog
FWEO Bob Beasley
AST Trp. Jeff Edmondson
AST Trp. Frank D'Angelo

P/V PUBLIC SAFETY #1 (Egegik and Ugashik)

Trp. Rollin Young
FWEO Scott Quist

KING SALMON

Lt. Thomas Schwantes
Sgt. Don Starbard
Trp. Gary Folger (pilot)
Trp. Curt Bedingfield (pilot) (set net)
FWEO Rohn Nelson (set net)
AST Trp. Joanna Roop (set net)
RDII Jolene Dodge
CIV Cynthia Nestegard
CTIII Kim Spaans

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DILLINGHAM

Trp. Ed Painter (pilot) (O.I.C.)
 Trp. Jim Lowe (22' Whaler)
 FWE0 Eric Olsen (22' Whaler)

AIRCRAFT

PA18 Cub on floats (King Salmon)
 PA18 Cub on wheels (King Salmon)
 PA18 Cub on floats (Dillingham)
 King Air (transportation of TDY personnel)

VESSELS

P/V WOLDSTAD (2 skiffs)
 P/V TROOPER (2 skiffs)
 P/V PUBLIC SAFETY #1 (1 skiff)
 22' Whaler (King Salmon)
 22' Whaler (Dillingham)

Vessel Sea Days	FY93	FY94	Total
F/V WOLDSTAD	12	20	32
P/V TROOPER	10	23	33
P/V PUBLIC SAFETY #1	10	22	32
22' WHALER (DILLINGHAM)	3	10	13
22' WHALER (KING SALMON)	8	19	27
Grand Total	43	94	137

AIRCRAFT HOURS

Cessna 714NK 1.2 Hours
 PA18 24005 42.5 Hours
 PA18 7056 54.9 Hours
 PA18 88AK 64.4 Hours

=====

TOTAL AIRCRAFT HOURS 163.4 Hours

FY93 AIRCRAFT HOURS = 82.5

FY94 AIRCRAFT HOURS = 80.9

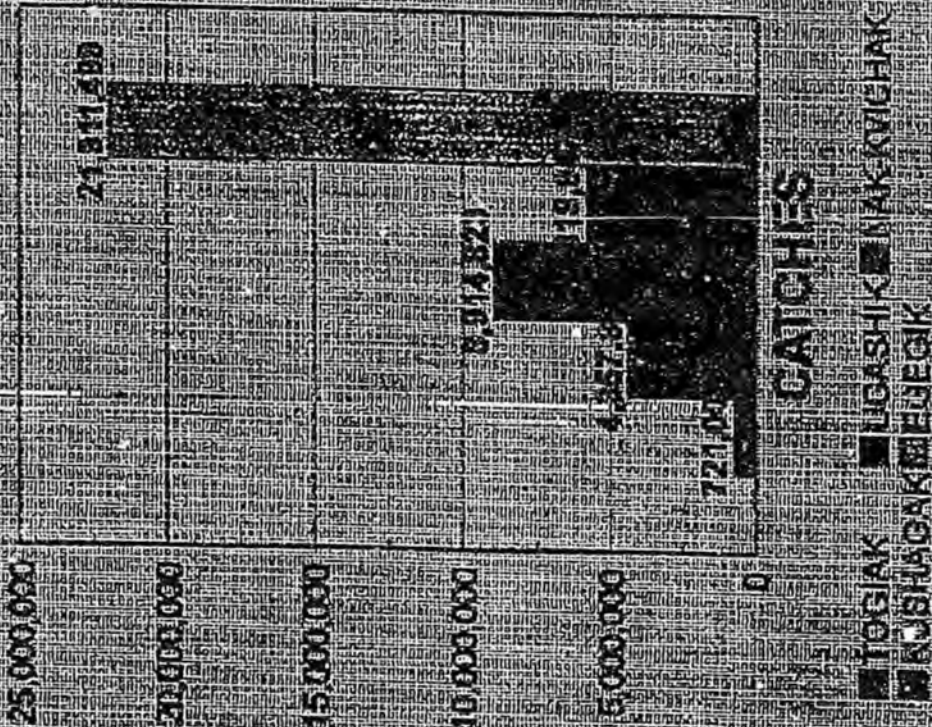
**Commissioner,
Richard L. Burton**

**ALASKA
DEPARTMENT OF PUBLIC SAFETY
FISH AND WILDLIFE PROTECTION
BRISTOL BAY SALMON ENFORCEMENT
1993 SEASON**



ADF&G Statistics

- ▶ Ex-vessel value of this harvest **\$153.7 million** dollars (fifth largest ever)
- ▶ Total run was **53,619,017** fish (third largest run ever)
- ▶ Total catch was **4,724,096** (largest sockeye catch on record, exceeding the prior 1983 record of 27.4 million)
- ▶ Total Escapement = **11,895,001**



CATCHES

TOGIAK ■ LIKSHIK ■ KAK-APIC-HAK
 KUSHUAK ■ EUEGAK

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

ALASKA

DEPARTMENT OF PUBLIC SAFETY
FISH AND WILDLIFE PROTECTION

BRISTOL BAY SALMON ENFORCEMENT

1993 SEASON

Commissioner,
Richard L. Burton



1993 BRISTOL BAY SALMON PROGRAM
COSTS vs. INCOME COMPARISON

EXPENSES

PERSONAL SERVICES

\$173,050.00

TRAVEL

\$27,572.00

CONTRACTUAL

\$9,494.00

SUPPLIES \$17,812.00

TOTAL EXPENSES

\$227,928.00

INCOME

FINES \$835,133.86

SEIZED FISH

\$96,730.20

FORFEITED GEAR

\$5,700.00

CIVIL FINES

\$35,000.00

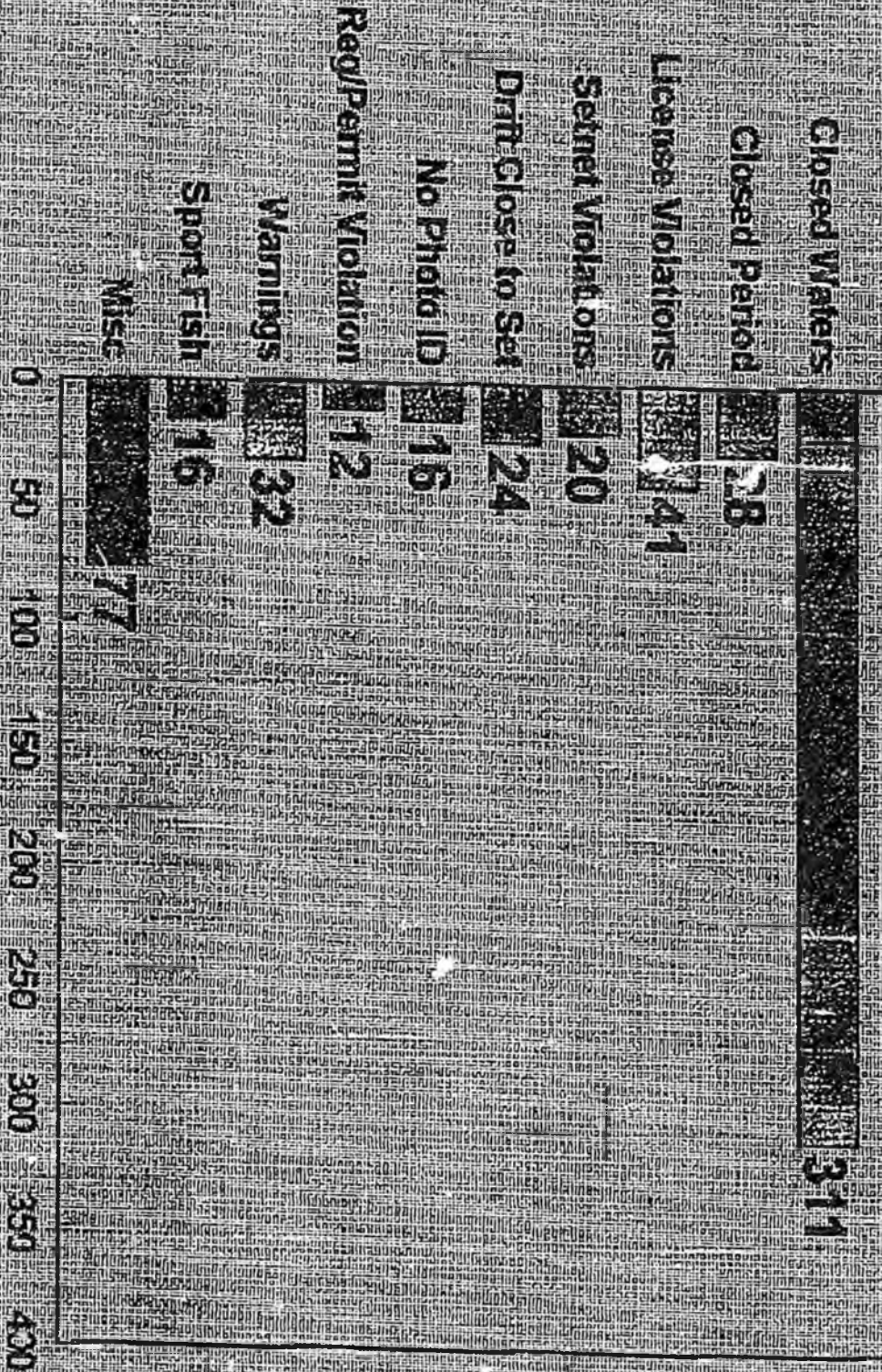
TOTAL INCOME

\$972,564.06

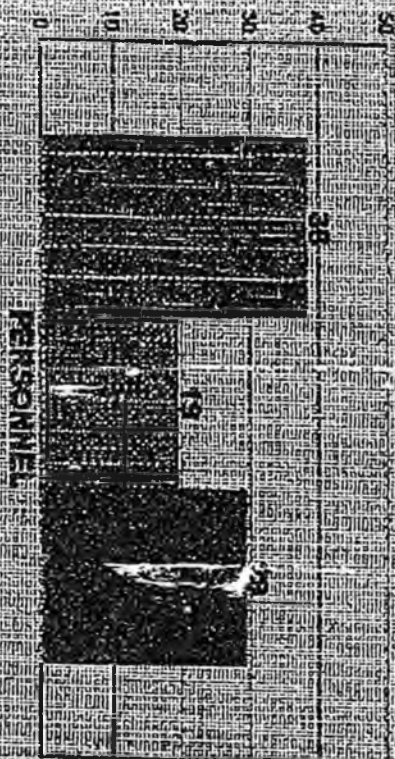
Cases remaining to be settled = 65.

001 C-2

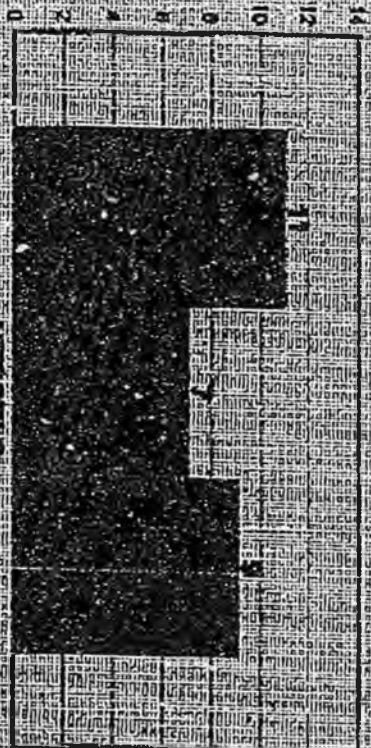
1993 Distribution of Case Load



1991 - 92 - 93 COMPARISONS



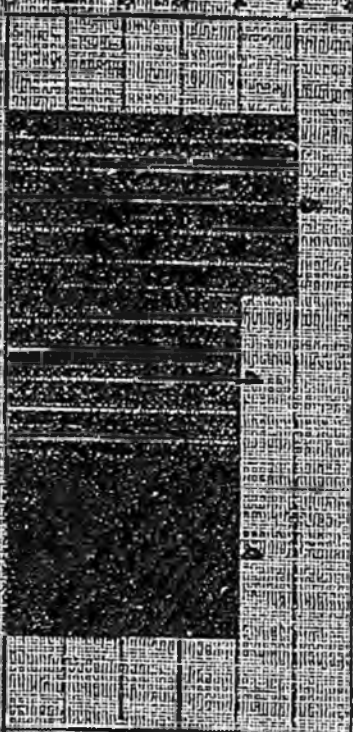
■ 1991 ■ 1992 ■ 1993



■ 1991 ■ 1992 ■ 1993



■ 1991 ■ 1992 ■ 1993



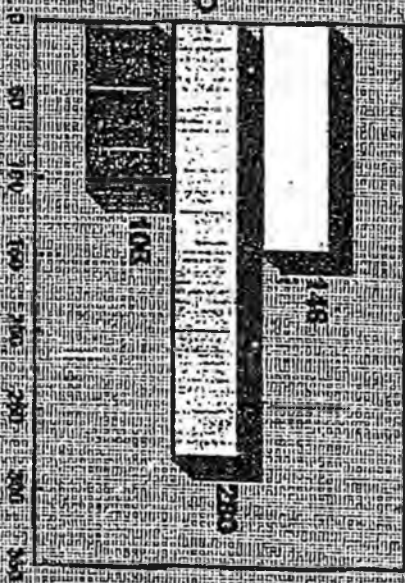
■ 1991 ■ 1992 ■ 1993

1991 - 92 - 93 COMPARISONS

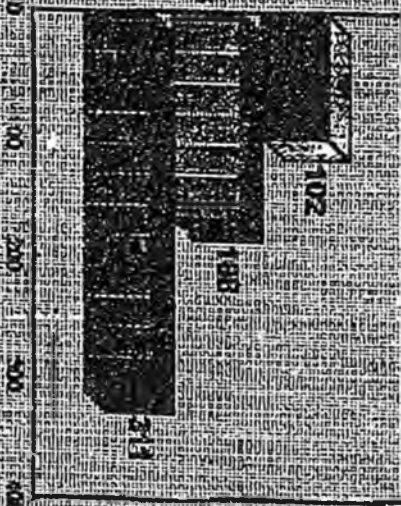
#FISH SEIZED



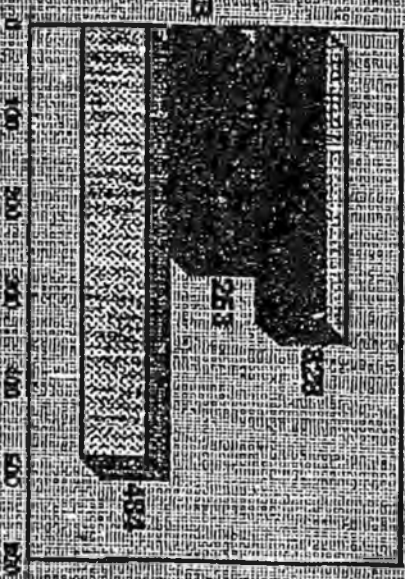
NETS SEIZED



CLOSED WATERS



TOTAL GAGES



1991 1992 1993

1991 1992 1993

1991 1992 1993

1991 1992 1993

Criminal History: Violations for 1993 Bristol Bay Enforcement Program

Public Safety has generated this report on repeat offenders in Bristol Bay. What follows is the summary.

The report identifies 90 individuals who were repeat offenders. The worse case shows a history going back to 1986 with 18 different violations (one can only guess how many illegal acts this guy was not cited for).

The limitations of the report are equally important, it only tells you that 90 people who were caught in 1993 had been caught previously. So, if a guy were cited in 1992 but not in 1993, that statistic is not included in this report.

Clearly, the data supports the notion that it is people who are habitual violators who cause the majority of the problems.

Thank you.

CRIMINAL HISTORY

COURT Dispo

A acquitted
 B no complaint filed
 C nolo contendere
 D Dismissed
 F Bail forfeited
 G guilty
 H not guilty
 N no dispo available.
 P not prosecuted-DA declined
~~R~~ R SIS/DIS completed
 S SIS/DIS
 T closed statistically
 I Not Guilty by Trial
 W Pardon by Governor
 U - SIS - NOT SET ASIDE

PERSON TEMPERMENT HEIGHT

A	Armed	4'8" - 56"
C	Caution	4'9" - 57"
D	Dangerous	5' - 60"
I	Incapaciated	5'1" - 61"
M	Mental	5'2" - 62"
R	Resist arrest	5'3" - 63"
		5'4" - 64"
		5'5" - 65"
		5'6" - 66"
		5'7" - 67"
		5'8" - 68"
		5'9" - 69"
		5'10" - 70"
		5'11" - 71"
		6' - 72"
		6'1" - 73"
		6'2" - 74"
		6'3" - 75"
		6'4" - 76"
		6'5" - 77"
		6'6" - 78"

OFFENSE CODES

9761 Child Enticement
 9852 Stop at direction of Officer
 9898 Fail to give notice
 9854 Render Aide or Assistance'
 4899 Obstruct/interfer
 5309 Harrassment

SENTENCE

A Alcohol screening
 C Commitment
 D Deferred Sent
 F Fine
 FS Fine Susp.
 J Jail
 JS Jail Susp.
 L License Susp
 P Probation
 R Reduced Charge
 S SIS
 T Restitution

INDEXING

B - Booking photo
 R - R&I Judgement
 F - Fingerprint Card-grm shee
 P - Rap sheet
 K - B-oking Sheet - ~~discovery~~
 W - Audit Report *Citation*
 X - DESEASED
 Y - CITATION
 Z - Judgement

CASE Closure Info

CA - Closed by Arrest
 CD - " Declined Prosecu
 CI - " By Investigation
 no Further Lead
 CU - Close unFounded.
 CL - Closed LOG
 CE - Closed by Excep
 R.A - Referred TO Anot
 Agency
 IR - Initiate Report

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
655692	01/14/1993	8600		GM LI UNLICENSED	
101238	01/14/1993	8600		GM LI UNLICENSED	
854138	02/05/1993 02/05/1993	8622 8622		GM CS TK CLSED SEASN GM CS TK CLSED SEASN	
1366393	02/18/1993	8001		AA I. FLS STM/SP APPL	
851390	04/29/1993	8181		CF FAIL OBT LIC CREW	
418076	04/29/1993	8180		CF LI EMPL UNL CREW	
691970	04/29/1993	8181		CF FAIL OBT LIC CREW	
1328311	04/29/1993	8181		CF FAIL OBT LIC CREW	
1328318	04/29/1993	8181		CF FAIL OBT LIC CREW	
174907	04/30/1993 04/30/1993	8150 8212	8212	CF IG OVER LENGTH NET CF ID FL TO WRK BUOY	C
583864	05/01/1993	8171		CF MISCELLANEOUS	
8142	05/01/1993	8181		CF FAIL OBT LIC CREW	
1328358	05/01/1993	8181		CF FAIL OBT LIC CREW	
525565	05/01/1993	8180		CF LI EMPL UNL CREW	
450357	05/01/1993	8171		CF MISCELLANEOUS	
681216	05/07/1993 05/07/1993	8214 8214	8214	CF FT. MK. CL. NT W/AD CF FT. MK. CL. NT W/AD	D
1311181	05/30/1993	8001		AA I. FLS STM/SP APPL	
1184711	06/04/1993	8001		AA I. FLS STM/SP APPL	
1306392	06/19/1993	8170		CF LIC ELS STMT/APPL	
880961	06/20/1993	8120		CF CN COMM FISH	
344098	06/20/1993 07/01/1992	8120 8120	8120	CF CN COMM FISH CF CN COMM FISH	G
203479	06/20/1993 07/12/1992	8120 8120	8120	CF CN COMM FISH CF CN COMM FISH	C
370283	06/20/1993 06/20/1993 06/20/1993	8180 8120 8120	8120 8120	CF LI EMPL UNL CREW CF CN COMM FISH CF CN COMM FISH	C C C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
1334546	06/20/1993	8181		CF FAIL OBT LIC CREW	
933941	06/20/1993	8120		CF CH COMM FISH	
1334719	06/20/1993	8120		CF CH COMM FISH	
864102	06/21/1993	8120		CF CH COMM FISH	
310715	06/21/1993	8181		CF FAIL OBT LIC CREW	
1324139	06/21/1993	8120		CF CH COMM FISH	
1231647	06/21/1993 07/06/1991	8120 8120	8120	CF CH COMM FISH CF CH COMM FISH	C
1073427	06/22/1993 06/22/1993 04/29/1993	8180 8120 8185	8120 8185	CF LI EMPL UNL CREW CF CH COMM FISH CF FAIL OBT VSSL LIC	C C C
1097920	06/22/1993	8181		CF FAIL OBT LIC CREW	
1334719	06/22/1993	8120		CF CH COMM FISH	
217074	06/24/1993 07/01/1988 07/01/1988 07/09/1989 07/07/1992 06/29/1992 06/24/1993	8180 8120 8210 8120 8120 8105 8260	8120 8210 8120 8120 8105 8260	CF LI EMPL UNL CREW CF CH COMM FISH CF EL TO ID ADEGHH CF CH COMM FISH CF CH COMM FISH CF CS TRAIL GILL NET CF OP NET CLS TO NET	G G G C C C
1334837	06/24/1993	8181		CF FAIL OBT LIC CREW	
1207695	06/24/1993	8181		CF FAIL OBT LIC CREW	
66048	06/24/1993	8181		CF FAIL OBT LIC CREW	
1318192	06/24/1993	8120		CF CH COMM FISH	
682765	06/24/1993 07/10/1988 04/25/1990	8120 8120 8184	8120 8184	CF CH COMM FISH CF CH COMM FISH CF PRM HLDG NOT PRES	G G
305131	06/24/1993 06/21/1988 06/24/1993	8180 8120 8120	8120 8120	CF LI EMPL UNL CREW CF CH COMM FISH CF CH COMM FISH	G C
321039	06/24/1993 07/05/1991	8105 8212	8212	CF CS TRAIL GILL NET CF ID FL TO MRK BUOY	G
865963	06/25/1993	8120		CF CH COMM FISH	
103963	06/25/1993	8120		CF CH COMM FISH	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISFO
	07/26/1987	8120	8120	CF CH COMM FISH	C
	07/06/1991	8260	8260	CF OP NET CLS TO NET	C
348285	06/26/1993	8120		CF CH COMM FISH	
	07/03/1993	8248	8248	CF FL REG FOR AREA	D
	07/21/1993	8120	8120	CF CH COMM FISH	C
1264430	06/27/1993	8001		AA L ELS STM/SP APPL	
1299541	07/18/1993	8001		AA L ELS STM/SP APPL	
570207	07/29/1993	8001		AA L ELS STM/SP APPL	
1347461	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347469	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347471	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347474	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347480	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347482	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347485	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347735	08/13/1993	8411		SP CAST IN CLSD WTRS	
1264430	08/15/1993	8001		AA L ELS STM/SP APPL	
1026092	08/22/1993	8752		GM IU WASTE/FD ANIML	
	08/22/1993	8752		GM IU WASTE/FD ANIML	
1318192	08/23/1993	8120		CF CH COMM FISH	
1214745	09/02/1993	8602		GM LI EL ORT HRV TCR	
1354269	09/03/1993	8605		GM LI RV TKT VIOL	
1060518	09/04/1993	8752		GM IU WASTE/FD ANIML	
	09/04/1993	8622		GM CS TK CLSD SRASN	
951449	09/06/1993	8508		GD CR GUIDE W/O LIC	
1355802	09/06/1993	8508		GD CR GUIDE W/O LIC	
1354266	09/07/1993	8605		GM LI RV TKT VIOL	
1049727	09/07/1993	8605		GM LI HV TKT VIOL	
1354346	09/13/1993	8605		GM LI HV TKT VIOL	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
476098	09/20/1993	8622		GM CS TR CLSD SEASN	
519759	09/23/1993	8605		GM LI HV TXT VIOL	
1136834	09/24/1993	8602		GM LI FL OBT HRV TCK	
930572	09/30/1993	8750		GM IU ILL SALE/BRTR	
	09/12/1991	8001	8001	AA L FLS STM/SP APPL	C
	09/12/1991	8001	8001	AA L FLS STM/SP APPL	C
1209328	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
629207	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
	01/02/1993	8609	8609	GM LI MISC	C
	01/02/1993	8609	8609	GM LI MISC	C
	07/21/1992	8609	8609	GM LI MISC	C
1147214	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
1248976	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	C
1114525	04/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
696709	06/29/1986	8400	8400	SP LI FISH W/O LIC	G
	04/27/1993	8100	8100	CF CS CF CLSD SEASON	C
360256	04/28/1993	8100	8100	CF CS CF CLSD SEASON	C
1328384	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
37221	07/08/1991	8120	8120	CF CH COMM FISH	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	07/08/1991	8120	8120	CF CH COMM FISH	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
695748	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328380	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1142050	04/28/1993	8180	8180	CF LI ENPL UNL CREW	C
	06/21/1993	8120	8120	CF CH COMM FISH	D
	06/20/1993	8120	8120	CF CH COMM FISH	D
177403	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1328982	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C

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UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
160008	07/07/1987	8212	8212	CF ID #1 TO MRK BUOY	C
	06/27/1988	8120	8120	CF CW COMM FISH	C
	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C
1102831	04/29/1993	8182	8182	CF FL OBT PRMT CEEC	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
102849	04/29/1993	8214	8214	CF FL MK GLL HT W/AD	C
1133954	07/08/1992	8120	8120	CF CW COMM FISH	C
	07/01/1992	8120	8120	CF CW COMM FISH	C
	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C
439146	07/14/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/01/1989	8120	8120	CF CW COMM FISH	G
	07/16/1988	8120	8120	CF CW COMM FISH	D
	04/29/1993	8181	8181	CF FAIL OBT LIC CREW	C
1073427	06/22/1993	8120	8120	CF CW COMM FISH	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1328320	04/29/1993	8180	8180	CF LI EMPL UNL CREW	C
169184	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1102831	04/29/1993	8182	8182	CF FL OBT PRMT CFEC	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
174907	04/30/1993	8212	8212	CF ID FL TO MRK BUOY	C
260647	04/30/1993	8180	8180	CF LI EMPL UNL CREW	C
307951	04/30/1993	8214	8214	CF FL MK GLL HT W/AD	C
452860	07/02/1993	8120	8120	CF CW COMM FISH	C
	04/30/1993	8181	8181	CF FAIL OBT LIC CREW	C
570362	05/01/1993	8171	8171	CF MISCELLANEOUS	C
485746	03/18/1991	8222	8222	CF POSS U/SZ SHEFISH	D
	07/10/1993	8120	8120	CF CW COMM FISH	C
	05/01/1993	8211	8211	CF FL DISP NRRS VSSL	C
1149174	05/01/1993	8171	8171	CF MISCELLANEOUS	C
180518	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
1108286	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
180518	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
923348	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
129592	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
89630	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
231470	10/03/1986	8180	8180	CF LI EMPL UNL CREW	D
	01/12/1988	8121	8121	CF CH ILL STORE POTS	G
	01/27/1993	8222	8222	CF POSS U/SZ SHFISH	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
1122914	05/01/1993	8211	8211	CF FL DISP NDRS VSSL	C
937486	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
1121941	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328373	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/02/1993	8180	8180	CF LI EMPL UNL CREW	C
1328388	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328373	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/02/1993	8180	8180	CF LI EMPL UNL CREW	C
882563	05/02/1993	8214	8214	CF FL MK GLL NT W/AD	C
	06/30/1993	8120	8120	CF CH COMM FISH	C
704148	04/12/1990	8102	8102	CF CS FAIL/REMV NET	D
	05/02/1993	8214	8214	CF FL MK GLL NT W/AD	C
1029829	04/17/1993	8401	8401	SP FSH W/O LIC IN PO	C
	05/02/1993	8400	8400	SP LI FISH W/O LIC	C
670830	06/27/1987	8120	8120	CF CH COMM FISH	C
	05/03/1993	8171	8171	CF MISCELLANEOUS	C
1328379	05/03/1993	8181	8181	CF FAIL OBT LIC CREW	C
1010148	07/03/1986	8120	8120	CF CH COMM FISH	C
	07/11/1987	8212	8212	CF ID FL TO MRK BUOY	C
	07/07/1987	8212	8212	CF ID FL TO MRK BUOY	C
	07/04/1987	8120	8120	CF CH COMM FISH	G
	07/11/1989	8120	8120	CF CH COMM FISH	G
	07/14/1990	8260	8260	CF OP NET C/S TO NET	C
	05/23/1992	8228	8228	CF ILL POSS GENERAL	R
	05/04/1993	8214	8214	CF FL MK GLL NT W/AD	C
	05/04/1993	8152	8152	CF IG O/LIH GILL NET	C
	07/03/1986	8120	8120	CF CH COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	07/11/1987	8212	8212	CF ID FL TO MRK BUOY	C
	07/07/1987	8212	8212	CF ID FL TO MRK BUOY	C
	07/04/1987	8120	8120	CF CW COMM FISH	G
	07/11/1989	8120	8120	CF CW COMM FISH	G
	07/14/1990	8260	8260	CF OP NET CLS TO NET	C
	05/23/1992	8228	8228	CF ILL POSS GENERAL	R
	05/04/1993	8214	8214	CF FL MK GLL NT W/AD	C
	05/04/1993	8152	8152	CF IG O/LIH GILL NET	C
1328296	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328308	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
1328301	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328368	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	07/14/1993	8120	8120	CF CW COMM FISH	G
1328364	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
286480	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
312891	05/06/1993	8214	8214	CF FL MK GLL NT W/AD	C
681216	05/07/1993	8214	8214	CF FL MK GLL NT W/AD	D
454045	02/08/1993	8171	8171	CF MISCELLANEOUS	C
	05/23/1993	8211	8211	CF FL DISP NRRS VSSL	G
585196	06/16/1991	8105	8105	CF CS TRAIL GILL NET	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334432	06/20/1993	8120	8120	CF CW COMM FISH	C
7551	06/29/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	C
1334526	07/02/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334537	06/20/1993	8120	8120	CF CW COMM FISH	C
503858	06/20/1993	8120	8120	CF CW COMM FISH	C
448427	06/20/1993	8120	8120	CF CW COMM FISH	C
689533	06/29/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334686	06/20/1993	8120	8120	CF CW COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
294202	06/20/1993	8105	8105	CF CS TRAIL GILL NET	C
1334545	06/20/1993	8120	8120	CF CW COMM FISH	G
528571	06/20/1993	8120	8120	CF CW COMM FISH	G
938524	06/27/1986	8180	8180	CF LI EMPL UNL CREW	G
	07/10/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
167504	07/10/1991	8120	8120	CF CW COMM FISH	C
	07/10/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334543	06/20/1993	8120	8120	CF CW COMM FISH	C
1070595	06/20/1993	8120	8120	CF CW COMM FISH	G
370283	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334702	06/20/1993	8120	8120	CF CW COMM FISH	C
131015	06/20/1993	8120	8120	CF CW COMM FISH	C
1334544	06/20/1993	8120	8120	CF CW COMM FISH	C
958903	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
319410	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	G
575211	07/08/1992	8120	8120	CF CW COMM FISH	D
	06/20/1993	8120	8120	CF CW COMM FISH	G
1180028	07/07/1990	8100	8100	CF CS CF CLSD SEASON	G
	07/05/1990	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
866651	05/22/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
1101533	06/27/1988	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
526907	06/27/1984	8120	8120	CF CW COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/21/1991	8214	8214	CF FL MK GLL NT W/AD	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
1334584	06/20/1993	8120	8120	CF CW COMM FISH	D
1055280	06/20/1993	8120	8120	CF CW COMM FISH	G
360531	07/10/1988	8120	8120	CF CW COMM FISH	C
	06/22/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
320885	06/21/1988	8120	8120	CF CW COMM FISH	G
	06/27/1992	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
939343	06/27/1987	8100	8100	CF CS CF CLSD SEASON	C
	07/13/1987	8120	8120	CF CW COMM FISH	C
	06/27/1992	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/21/1993	8120	8120	CF CW COMM FISH	G
477977	05/14/1990	8171	8171	CF MISCELLANEOUS	G
	07/03/1989	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
991860	06/20/1993	8120	8120	CF CW COMM FISH	G
611806	07/07/1987	8212	8212	CF ID FL TO MRK BUOY	C
	06/21/1988	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
710539	07/20/1992	8120	8120	CF CW COMM FISH	C
	06/29/1993	8260	8260	CF OP NET CLS TO NET	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334517	06/20/1993	8120	8120	CF CW COMM FISH	C
92293	06/20/1993	8120	8120	CF CW COMM FISH	C
1083177	06/20/1993	8120	8120	CF CW COMM FISH	C
1083492	06/30/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/09/1989	8120	8120	CF CW COMM FISH	G
	07/07/1991	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1142050	04/28/1993	8180	8180	CF LI EMPL UNL CREW	C
	06/21/1993	8120	8120	CF CW COMM FISH	D
	06/20/1993	8120	8120	CF CW COMM FISH	D
689987	07/08/1989	8210	8210	CF FL TO ID ADFGHH	G
	06/20/1993	8120	8120	CF CW COMM FISH	D

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
357147	06/20/1993	8120	8120	CF CH COMM FISH	D
1334573	06/20/1993	8120	8120	CF CH COMM FISH	C
1334580	06/20/1993	8120	8120	CF CH COMM FISH	C
1334509	06/21/1993	8120	8120	CF CH COMM FISH	C
1334572	06/21/1993	8120	8120	CF CH COMM FISH	C
937678	07/15/1989	8120	8120	CF CH COMM FISH	G
	06/21/1993	8120	8120	CF CH COMM FISH	C
491889	05/14/1986	8123	8123	CF CH TAKE HERRING	
	06/21/1993	8120	8120	CF CH COMM FISH	C
314947	07/03/1986	8180	8180	CF LI EMPL UNL CREW	D
	06/27/1988	8120	8120	CF CH COMM FISH	C
	06/23/1992	8120	8120	CF CH COMM FISH	C
	06/21/1993	8120	8120	CF CH COMM FISH	C
1334528	06/21/1993	8120	8120	CF CH COMM FISH	C
618192	06/27/1986	8100	8100	CF CS CF CLSD SEASON	G
	06/21/1993	8120	8120	CF CH COMM FISH	C
1334519	06/21/1993	8105	8105	CF CS TRAIL GILL NET	C
592464	06/25/1992	8120	8120	CF CH COMM FISH	D
	06/21/1993	8120	8120	CF CH COMM FISH	G
927160	06/21/1993	8120	8120	CF CH COMM FISH	C
939343	06/27/1987	8100	8100	CF CS CF CLSD SEASON	C
	07/13/1987	8120	8120	CF CH COMM FISH	C
	06/27/1992	8120	8120	CF CH COMM FISH	C
	06/20/1993	8120	8120	CF CH COMM FISH	G
	06/21/1993	8120	8120	CF CH COMM FISH	G
55007	07/06/1985	8140	8140	CF IG GENERAL	C
	06/21/1993	8120	8120	CF CH COMM FISH	C
	07/14/1993	8120	8120	CF CH COMM FISH	C
1142050	04/28/1993	8180	8180	CF LI EMPL UNL CREW	C
	06/21/1993	8120	8120	CF CH COMM FISH	D
	06/20/1993	8120	8120	CF CH COMM FISH	D
1334326	06/22/1993	8404	8404	SP LI MISCELLANEOUS	C
14894	07/06/1993	8120	8120	CF CH COMM FISH	C
	05/22/1993	8120	8120	CF CH COMM FISH	C
644244	06/22/1993	8120	8120	CF CH COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
1334567	06/22/1993	8120	8120	CF CH COMM FISH	C
582423	07/10/1983	8151	8151	CF IG OVER LGTH VSSL	G
	06/28/1989	8120	8120	CF CH COMM FISH	G
	06/22/1993	8105	8105	CF CS TRAIL GILL NET	G
360531	07/10/1988	8120	8120	CF CH COMM FISH	C
	06/22/1993	8120	8120	CF CH COMM FISH	G
	06/20/1993	8120	8120	CF CH COMM FISH	G
1073427	06/22/1993	8120	8120	CF CH COMM FISH	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
39132	06/24/1993	8120	8120	CF CH COMM FISH	C
93813	06/24/1993	8120	8120	CF CH COMM FISH	C
97650	07/07/1987	8180	8180	CF LI EMPL UNL CREW	C
	07/06/1990	8120	8120	CF CH COMM FISH	C
	07/13/1992	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8120	8120	CF CH COMM FISH	C
	06/24/1993	8171	8171	CF MISCELLANEOUS	C
	07/07/1987	8180	8180	CF LI EMPL UNL CREW	C
	07/06/1990	8120	8120	CF CH COMM FISH	C
	07/13/1992	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8120	8120	CF CH COMM FISH	C
	06/24/1993	8171	8171	CF MISCELLANEOUS	C
305131	06/21/1988	8120	8120	CF CH COMM FISH	G
	06/24/1993	8120	8120	CF CH COMM FISH	C
1869	06/27/1988	8120	8120	CF CH COMM FISH	G
	06/24/1993	8105	8105	CF CS TRAIL GILL NET	C
526901	07/06/1993	8120	8120	CF CH COMM FISH	C
	06/24/1993	8120	8120	CF CH COMM FISH	C
	01/04/1993	8182	8182	CF FL OBT PRMT CFEC	D
	01/04/1993	8222	8222	CF POSS U/SZ SHFISH	C
375252	07/06/1990	8120	8120	CF CH COMM FISH	C
	07/10/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	G
341845	06/24/1993	8120	8120	CF CH COMM FISH	G
472297	05/09/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/11/1990	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	H
217074	07/01/1988	8120	8120	CF CH COMM FISH	G
	07/01/1988	8210	8210	CF FL TO ID ADEGHP	G
	07/09/1989	8120	8120	CF CH COMM FISH	G
	07/07/1992	8120	8120	CF CH COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/29/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	C
1041816	07/26/1987	8120	8120	CF CH COMM FISH	C
	06/25/1993	8120	8120	CF CH COMM FISH	D
1334873	06/25/1993	8120	8120	CF CH COMM FISH	C
1334874	06/25/1993	8120	8120	CF CH COMM FISH	D
134344	06/25/1993	8120	8120	CF CH COMM FISH	C
1285718	07/01/1992	8120	8120	CF CH COMM FISH	C
	06/25/1993	8120	8120	CF CH COMM FISH	C
78854	07/02/1992	8120	8120	CF CH COMM FISH	C
	06/25/1993	8120	8120	CF CH COMM FISH	G
1334875	06/22/1993	8102	8102	CF CS FAIL/REMV NET	D
	06/25/1993	8105	8105	CF CS TRAIL GILL NET	G
1082543	06/26/1993	8120	8120	CF CH COMM FISH	C
398948	06/26/1993	8120	8120	CF CH COMM FISH	C
329562	05/16/1987	8171	8171	CF MISCELLANEOUS	D
	05/10/1991	8170	8170	CF LIC FLS STMT/APPL	C
	06/27/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/26/1993	8120	8120	CF CH COMM FISH	D
134226	07/07/1993	8260	8260	CF OP NET CLS TO NET	C
1290856	09/03/1993	8605	8605	GM LI HV TKT VIOL	C
1362780	09/11/1993	8001	8001	AA I. FLS STM/SP APPL	C
1283292	09/12/1993	8740	8740	GM OL TK OVRN LIMIT	G
1363839	09/18/1993	8601	8601	GM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	GM LI FL AFX LCK TAG	C
	09/18/1993	8601	8601	GM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	GM LI FL AFX LCK TAG	C
1363844	09/23/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363848	09/25/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363846	09/25/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363886	09/25/1993	8762	8762	GM HI DOG HARASS GM	C

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 321

Revision Date: _____ Dept. Affected: Public Safety
 Title: Fingerprinting/Crime Records BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Halford
 Requestor: Senator Halford COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

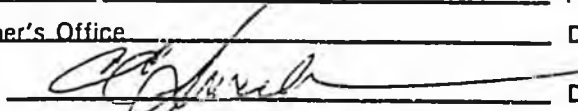
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

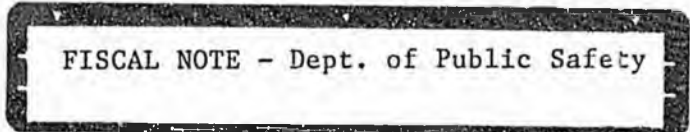
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 02/28/94
 Approved by Commissioner:  Date: 02/28/94
 Agency: Richard J. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 321

Revision Date: _____ Dept. Affected: Public Safety
 Title: Fingerprinting/Crime Records BRU: Statewide
 Component: Alaska Criminal Records
 Sponsor: Senator Halford
 Reque: Senator Halford COMPONENT SERIAL NO. 1190

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

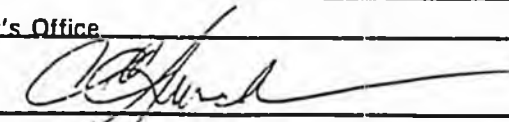
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 02/28/94
 Approved by Commissioner:  Date: 02/28/94
 Agency: Richard J. Burton, Dept. of Public Safety

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: CSSB 321(FIN)

Revision Date:	_____	Dept. Affected:	Corrections
Title:	An Act relating to ... fingerprints	BRU:	Statewide Operations
Sponsor:	Sen, Halford	Component:	Institutions
Requestor:	Senate Finance	Component Serial #:	694-1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	.	.	.	.	.
TRAVEL						
CONTRACTUAL	0	.	.	.	.	.
SUPPLIES	0	.	.	.	.	.
EQUIPMENT	0	.	.	.	.	.
*LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	.	.	.	.	.

CAPITAL EXP	0
-------------	---	---	---	---	---	---

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

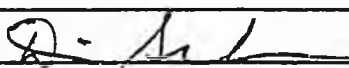
1002 Federal Receipts						
1003 GF Match						
1004 GF	0	.	.	.	.	.
1005 GF/Program Receipts						
1006 GF/MITIA						
Other						
TOTAL	0	.	.	.	.	.

Estimate of any current year (FY94) cost \$ 0

POSITIONS

FULL-TIME	0	.	.	.	.	.
PART-TIME	0	.	.	.	.	.
TEMPORARY	0	.	.	.	.	.

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant  Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 3/16/94
 Approved by: J. Frank Prewitt, Jr., Comm 3/18/94
 Agency: Department of Corrections

FISCAL NOTE - Dept. of Corrections

of 2

Fiscal Note/DOC
CSSB 321(FIN)
March 15, 1994
Page 2 of 2

The bill requires that fingerprints be taken for persons arrested for an offense, with or without a warrant, when booked into a correctional facility, or at arraignment, adjudication, or sentencing. A court will order that the offender be fingerprinted at a correctional facility or other appropriate place. Mandatory fingerprinting for misdemeanants will not go into effect until FY96. The department cannot determine with accuracy the number of additional cases which will require fingerprinting, nor which of those cases will be assigned to the department, without further investigation. Any increase in resources needed to accomplish additional fingerprinting will be requested through the FY96 budget process.

The department is continuing to work with the Department of Public Safety to assess the actual number of cases which are not being satisfactorily fingerprinted now. Offenders taken directly to a magistrate, appearing in court on a summons, or sentenced to probation without a period of incarceration, as well as some warrant arrests and some probation violators are probably not being fingerprinted under current practice. The increase in workload to fingerprint these cases will require additional resources. It has not been determined which agencies, in which locations, will be the most appropriate to pick up the additional fingerprinting workloads.

It costs roughly \$10 per set of prints (for 20 minutes of a correctional officer's time plus supplies.) The department plans to begin using an automated fingerprint machine at the busiest booking facility, Sixth Avenue Correctional Center, which may reduce personnel and supply expenses per set of prints. The time estimated to fingerprint an offender does not include the time required to perform a pat search and property inventory for a prisoner prior to admission into a correctional facility.



ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

MEMORANDUM

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

TO: Representative Brian Porter, Chairman
House Judiciary Committee

Representative Jeannette James
Representative Pete Kott
Representative Gail Phillips
Representative Joe Green
Representative Cliff Davidson
Representative Jim Nordlund

FROM: Senator Rick Halford

DATE: March 23, 1994

SUBJECT: Sponsor Statement - CSSB 321 (FIN)

Senate Bill 321 relates to the taking of fingerprints and the uniform reporting of homicides to the Federal Bureau of Investigations and the Violent Crimes Apprehension Program (VICAP).

Today, fingerprints are used to identify and apprehend suspected criminals. However, in some instances criminals who either post bail immediately or are summoned to appear in court may never be officially fingerprinted. SB 321 specifies when and how fingerprints are taken in order to enhance the criminal records in our state.

The Violent Criminals Apprehension Programs (VICAP) was created in 1985 at the request of law enforcement agencies attempting to share information across the country. VICAP is a national computer data information center located in the Behavioral Sciences Unit at the Federal Bureau of Investigations in Quantico, VA. The program deals with solved or unsolved homicides, missing persons who are suspected homicide victims and unidentified bodies suspected to be victims of foul play. VICAP provides the tool which enables law enforcement agencies nationwide to close-in on and arrest the 4000 people who get away with murder each year -- literally. To date there have been 457 known serial murderers across the United States.

This legislation will increase the efficiency and effectiveness of the criminal justice system. I encourage all members to give Senate Bill 321 your favorable consideration.

SPONSOR STATEMENT

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 23, 1994

SUBJECT: Sectional Summary of CSSB 321(FIN). (Work Order No. 8-LS1649\X)

TO: Senator Rick Halford
Attn: Kelly Goode

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 12.80 by adding a new section to require that whenever a person is arrested for an offense, appears before a court for an initial appearance or arraignment for an offense, or is sentenced or otherwise adjudicated for an offense the person's fingerprints shall be taken if they have not already been taken. The fingerprints shall be forwarded within five days to the Department of Public Safety. The Department of Public Safety is required to develop standard forms and procedures for the taking of fingerprints; also requires the department to make a reasonable effort to confirm the identity of a person whose fingerprints are received by the department and if the person has criminal record information under a different name the department shall promptly notify the appropriate agency or officer that took the fingerprints.

Section 2 of the bill amends AS 33.30.011 by adding a new paragraph (7) that requires the commissioner of public safety to provide for the fingerprinting of all persons charged with, or convicted of an offense, who are received at an correctional facility. The fingerprints shall be forwarded to the Department of Public Safety within five days.

Section 3 of the bill requires all law enforcement agencies to report homicides and suspected homicides to the Department of Public Safety within 25 days of the discovery of the homicide; the report shall contain information considered relevant

SECTIONAL SUMMARY

Senator Rick Halford
March 23, 1994
Page 2

by the Commissioner of Public Safety. If the department determines that the homicide or suspected homicide meets the Federal Bureau of Investigation's Violent Criminals Apprehension Program criteria, the law enforcement agency shall submit a VICAP form to the department; requires the department to compile the information received and compare that information to other homicides to discover similarities and in crimes and suspects - if similarities are found the department shall notify the reporting agencies; requires law enforcement agencies that terminate the investigation of a homicide to notify the department of the termination and the reason for the termination; requires the department to participate in the Federal Bureau of Investigation's Violent Criminals Apprehension Program and transmit the information received under this section to the FBI at least on a quarterly basis.

Section 4 of the bill provides a transitional section to cover the initial reporting of homicides and suspected homicides under AS 44.41.150.

Section 5 of the bill provides an applicability section for the fingerprinting requirements of the bill (section 1).

GPL:pl
94-240.plm

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0515



February 25, 1994

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Wrangell
Kenneth Luse

The Honorable Senator Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: Senate Bill 321

Dear Senator Halford,

As statewide president of the Alaska Peace Officers Association, I speak for over 1,100 law enforcement men and women who have dedicated their careers to the betterment of our Alaskan way of life. This is a task which grows increasingly difficult in an era of rising crime, especially murders.

We have supported legislation such as the Juvenile Waiver Bill, the Conspiracy Bill, and others because we feel such tools will help us identify and prosecute society's most dangerous offenders. We can thereby return our community to the semblance of law and order which is but a memory to Alaskans such as you and me who have lived here most of our lives.

It is for these reasons that the Alaska Peace Officers Association offers its support and endorsement of your Senate Bill 321 providing for fingerprinting of suspects and the uniform reporting of homicides in cooperation with the Federal Bureau of Investigations (FBI), and Violent Crimes Apprehension Program (VICAP).

The VICAP program grew out of the experiences of state and local homicide investigators with suspects who they felt had killed before. When it was realized that no national resources on this subject existed, a task force was organized that resulted

The Honorable Senator Rick Halford

February, 25, 1994

Page 2

in the formation of the National Center for the Analysis of Violent Crime (NCAVC). VICAP was created as part of the NCAVC in 1985.

VICAP is essentially a national computer data information center which is located in the Behavioral Sciences Unit at the FBI training academy in Quantico, VA. Its mission is to collect and analyze reports of violent crime -- specifically murder. The program receives reports from all 50 states and several foreign countries. The types of homicides VICAP deals with fall into three categories:

- solved or unsolved homicides or attempts that are apparently random, sexually oriented, without motive or are suspected of being part of a series;

- missing persons who are suspected of being victims of foul play;

- unidentified dead bodies suspected of being victims of homicide.

An investigator with a murder that fits one of these criteria will complete a VICAP form which consists of several pages of questions dealing with all phases of the crime, from victimology to physical evidence. When the form arrives at VICAP headquarters, it is reviewed for accuracy and entered into a computer data base. Once a case goes into the data base it is compared continually against all other entries from other states on the basis of certain aspects of the crime such as the type of weapon, body recovery site, firearm caliber, similarity and location of injuries and many other details.

The purpose of this is to detect general patterns in homicide MO's, which will in turn allow VICAP personnel to pinpoint those crimes that may have been committed by the same offender and then notify the agencies involved. When a possible serial murderer has been identified, VICAP can assist the law enforcement agencies that may have relevant cases by coordinating a multi-agency investigation conference. This becomes especially important when the suspect or suspects have traveled throughout the country. This is often the case

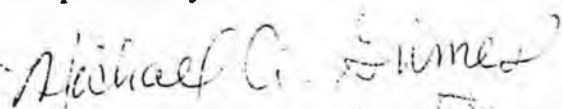
The Honorable Rick Halford
February 25, 1994
Page 3

in Alaska given a large military presence, a considerable number of seasonal workers and tourists, and our share of transients.

As you can imagine, the VICAP data base can only assist police officers to the extent that reliable information from all parts of the country are fed into it on a systematic basis. It is for this reason that we applaud the provisions of your uniform homicide reporting statute as proposed in AS 44.41.050. Requiring the fingerprinting of suspects will have a beneficial effect on law enforcement's ability to quickly detect and arrest those who have violated our laws. In time it will also augment the data base of Alaska's automated fingerprint computer identification system (AFIS).

Those of us who put our lives on the line every day applaud efforts such as yours that continue to provide us with the sort of tools which will help us effectively protect Alaskan citizens.

Respectfully,


Michael A. Grimes
Statewide President
Alaska Peace Officers Association

cc: The Honorable Representative Ramona Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182



Tom Link, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



Service since 1921

February 24, 1994

Senator Rick Halford
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Halford,

I would like to thank you for introducing Senate Bill No. 321, an act relating to the taking of fingerprints. This bill is timely and quite necessary for a number of reasons.

The traditional role of fingerprints has been to identify and apprehend criminals. The use of fingerprints coupled with modern day technology continues to be a very effective means of catching criminals. I have attached a memorandum from Kathryn Monfreda, my head Identification Technician, outlining APD's experience with fingerprints and the Automated Fingerprint Identification System. You can see that our success has been quite good.

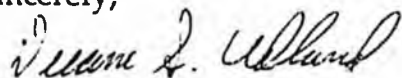
A less traditional role that public safety has been called upon to perform in recent years has been to do background checks on people for a variety of employment reasons, such as day care providers. Most recently the Brady Bill was thrust upon us, again underscoring the need for accurate fingerprint based criminal records.

Unfortunately, we are missing a significant number of fingerprints in Alaska for persons who have been arrested and convicted of crimes. Many people who are arrested never actually go to jail and get fingerprinted. We are missing out on a potential data base of prints that would lead to more crimes being solved as well as enhancing the accuracy of our criminal records system.

Your bill also specifies where and how fingerprints will be taken. That is a very important step in making sure that people don't drop through the cracks and escape detection or identification.

I also support the other aspects of your bill concerning mandatory reporting of homicides and the Violent Offenders Apprehension Program. I would be happy to assist you in any way that I can. I can be reached at 786-8552.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland
Deputy Chief of Police
4501 South Bragaw
Anchorage, Alaska 99507

MUNICIPALITY OF ANCHORAGE

MEMORANDUM

DATE: February 22, 1994

TO: Deputy Chief Udland

FROM: Kathryn Monfreda, Identification Technician *Km*

RE: Automated Fingerprint Identification System Statistics

As your requested, the following are some of the statistics I have compiled relating to APD's use of the State AFIS system.

Number of APD latents entered in system (start-up to date):	2,551
Number of APD latent "Hit" in system:	554 (approx. 22%)
Number of additional latents identified/result of "hit":	476
Number of additional cases cleared/result of "hit":	44

We have had a few cases of particular interest that have been solved solely due to the use of AFIS. One particular case involved a sexual assault at a place of business. The perpetrator used the telephone after completing the sexual assault of a stranger. The U.I. Officer lifted a print off the phone, which was entered into AFIS, and identified. This same suspect had also committed at least one other sexual assault (on UAA campus), and identifying him through AFIS is likely to have prevented further sexual assaults.

Shortly before Christmas, 1993, we had a string of residential burglaries. The officers were pretty sure many of them were the work of one unidentified individual. After several burglaries were investigated, a U.I. Officer lifted a print from a beer bottle on the kitchen counter of one of the burglarized homes. I was able to search this print through AFIS, and identified the print as having been made by Jason Barnum. His description fit that of an individual seen fleeing the area of other homes. The suspect was soon contacted, and was ultimately charged not only with the burglary through which he was identified, but 27 additional residential burglaries.

I hope this information is useful to you. If I can provide any further information, please let me know.

Alaska Association Chiefs of Police



March 15, 1994

RECEIVED

MAR 29 1994

ALASKA.....

Senator Rick Halford
State Capitol
Juneau, Alaska, 99801-1182

Dear Senator Halford:

On behalf of the Alaska Association of Chiefs of Police I would like to offer our support for CSSB 321 (Draft of 3/14/94), which mandates taking the fingerprints of any person charged with a crime and the statewide reporting of homicides for better coordination of the criminal investigation.

Annually, the criminal history records of the State are used in making over 100,000 decisions that pertain to arrests, release from custody, sentencing, and employment in child supervisory positions. The accuracy and defensibility of these decisions depend directly on the authenticity and accurateness of the criminal history information used in making the decisions. The only feasible way to authenticate criminal history records is to substantiate them with fingerprints taken at the time of arrest or first court appearance.

Alaska has a long history of doing a poor job of fingerprinting accused criminals. Last year 60-70% of all persons arrested and processed at a State Correctional facility or a contract jail were never fingerprinted. Past audits and reviews by nationally recognized criminal justice consulting organizations have repeatedly identified Alaska's low percentage of fingerprint supported criminal history records as an impediment to accurate record keeping and a significant contributor toward future liability. In short, the State of Alaska may well suffer punitive damages from decisions based on such records.

Thank you for taking the time to introduce this important piece of legislation. If our association can be of any assistance on this issue please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald L. Otte", is written over a horizontal line.

Ronald L. Otte
President



**FBI NATIONAL ACADEMY ASSOCIATES
ALASKA CHAPTER**

March 2, 1994

Senator Rick Halford
State Capitol
Juneau, Ak 99801-1182

Dear Senator Halford,

I am writing to inform you of the Alaska Chapter of the FBI National Academy Associates' (FBINAA) strong support of Senate Bill No. 321, which incorporates provisions for fingerprinting and the coordination of homicide and violent crime investigations.

Inadequacies in the current system allow persons involved in criminal behavior to go undetected because fingerprints were not taken, or were of such poor quality that they were of little value for purposes of comparison and identification. As a result, missing or rejected fingerprints prevent the automated searching of 180,000 Alaskan records, 12 million Western States Identification records, and the reliable indexing and searching of the FBI's Interstate Identification Index (III) and National Crime Information Center (NCIC) which are used for national criminal records searches. This legislation will readily correct the problem by insuring that all persons charged with a crime are properly fingerprinted, whether they are arrested, summoned or released on bail.

The FBINAA also supports the provision in this bill that establishes within the Department of Public Safety the responsibility of coordinating Alaska's participation in the Violent Criminal Apprehension Program (VICAP). The VICAP program will provide Alaska law enforcement with a "Single Point of Contact" for reporting, collecting, collating, and analyzing investigative data on a series of homicides that have been perpetrated by the same suspect or suspects. This information can then be used to effectively coordinate multi-agency investigations that will enhance the expeditious identification and apprehension of those responsible for the crimes.

Thank you for your help on these and other important issues.

Sincerely Yours,

Glenn M. Flothe
President
Alaska Chapter FBINAA

RECEIVED

MAR 08 1994

Asst.

GMF/1p

S B

3 2 2

HOUSE COMMITTEE REPORT

3/23/94

Judiciary

(7)
Date Referred: March 16, 1994

FURTHER REFERRALS:

Date of Committee Action: _____

The HOUSE SPECIAL COMMITTEE ON OIL AND GAS Committee considered: CSSB 322(FIN)

CS FOR SENATE BILL NO. 322(FIN)

DELAYS OF OIL AND GAS LEASE SALES

"An Act repealing the requirement that an oil or gas lease sale be held during the calendar quarter for which scheduled under the leasing program and repealing related allowable delays for certain oil and gas lease sales under the Alaska Land Act; and providing for an effective date."

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
- [] have attached amendments(s)
- [] do pass
- [] do not pass
- [] no recommendations
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

- [] fiscal impact _____
- [] zero fiscal note _____

- [] fiscal note(s) _____
- [] ^{Senate} zero fiscal note(s) DNR 2/23/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Robert Kott Kott	X	Harley Olberg ^{alberg}		✓	
Steve Simon	X				
Ernie Davis	X				
Green	✓				
	(4)			(1)	

CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB322

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act repealing the limitation on delays imposed on oil and gas lease sales under the Alaska Land Act." BRU: Resource Development
 Sponsor: Senate Resources Committee Component: Oil & Gas Development
 Requestor: Senate Resources Committee Component Serial No. 439

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This change will have no fiscal impact on the Department of Natural Resources.

Prepared by: Jerry Gallagher, Legislative Liaison Phone: 465-2400
 Division: Commissioner's Office Date: 17-Feb-94
 Approved by Commissioner: _____ Date: 17-Feb-94
 Agency: Natural Resources

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FISCAL NOTE: DNR

Alaska State Legislature

SENATOR

MIKE MILLER

P O Box 55094

North Pole, Alaska 99705

(907) 488-0862

Senate District Q



Senate

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976

CS Senate Bill 322 (Fin)

"An act repealing the limitation on delays imposed on oil and gas lease sales under the Alaska Land Act"

BY THE SENATE RESOURCES COMMITTEE

CS for Senate Bill 322(Fin) would repeal the statute requiring that an oil & gas lease sale be held no later than 90-days after the quarter in which it is scheduled. If a lease sale is not held within the 90 day time period, the sale cannot go forward and the entire process must begin again from "square one".

This current statutory deadline places a burdensome time constraint on the department, usually forcing an unreasonably short public comment period for the department's preliminary finding. The Division of Oil & Gas routinely builds in a long "buffer period" following public comment to allow adequate time to deal with the administrative and judicial process for anticipated reconsideration requests of the finding and subsequent appeals.

The 90 day limit was originally imposed to alleviate concern that indefinite delays would occur on scheduled oil & gas lease sales. However, it has instead had the opposite effect since the administrative and judicial appeal process often extends beyond 90 days. A repeal of the provision would provide the division with greater flexibility in the lease sale process, including the option of longer public comment periods.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

February 18, 1994

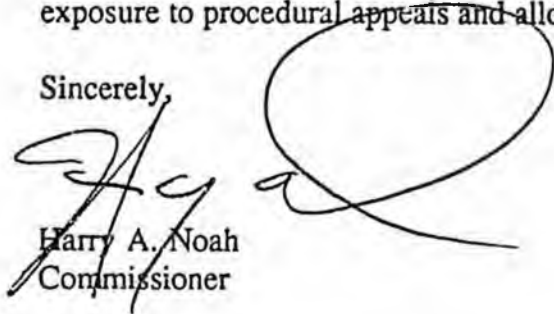
The Honorable Mike Miller, Chairman
Senate Resources Committee
Alaska State Legislature
State Capitol, Room 423
Juneau, Alaska 99801-1182

Dear Senator Miller:

The Department of Natural Resources supports SB 322, an Act entitled "An Act Repealing the Limitation on Delays Imposed on Oil and Gas Lease Sales Under the Alaska Land Act." The purpose of this legislation is to amend AS 38.05.180(c), to remove the requirement that the department conduct a competitive oil and gas lease sale within 90 days of the quarter in which the sale is originally scheduled in the department's Five-Year Leasing Schedule.

We support this change because it will allow the department greater flexibility to delay sales, if there are valid reasons for doing so, without running the risk of having to reschedule the sale for a minimum of two full calendar years. This added flexibility should reduce the program's exposure to procedural appeals and allow greater time for public participation as the need arises.

Sincerely,



Harry A. Noah
Commissioner

HAN/sf

enc.

cc: James Eason, Director
Division of Oil & Gas

Alaska State Legislature

SENATOR
MIKE MILLER

P.O. Box 55094
North Pole, Alaska 99705
(907) 488-0362

Senate District Q



Senate

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976

To: Representative Brian Porter, Chairman
House Judiciary Committee

From: Senator Mike Miller, Chairman
Senate Resources Committee

Re: scheduling request - SB 322

Date: March 17, 1994

I would like to request that Senate Bill 322, "Delays of Oil & Gas Lease Sales," sponsored by the Senate Resources Committee, be scheduled for a hearing in the House Judiciary Committee on Wednesday, March 23, pending referral from the House Special Committee on Oil & Gas. House Oil & Gas will hear the bill Monday, March 21.

The appropriate back up is attached. If you have questions, please contact Teresa at 4907. Thank you for your assistance.

RECEIVED

MAR 17 1994

Rep. Brian Porter

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**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. No. 1
Bill Version: SB 332
(S) Publish Date: 4-2-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Weight of Live Marijuana Plants BRU: Alaska State Troopers
Component: Detachments
Sponsor: (S) JUD
Requestor: (S) JUD COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

date _____ Court Aide (initial) _____

ANALYSIS: (Attach a separate page if necessary.)

No significant impact is anticipated on the Department of Public Safety.

Changes in CS SB332 (JUD)
have no fiscal impact. This
fiscal note is appropriate.
4/2/94

Prepared By: Lee Ann Lucas Phone: 465-4322
Division: Commissioner's Office Date: 03/11/94
Approved by Commissioner: [Signature] Date: 03/11/94
Agency: Richard L. Burton, Dept. of Public Safety

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March 10, 1994

To : MEMBERS OF THE SENATE JUDICIARY COMMITTEE

There are two problems which may be addressed via legislation. Current law mandates that when a large growing operation is taken down, that all of the plants be groomed to the point of the accepted market product. This entails many personnel hours harvesting, hanging, drying and then plucking the marijuana buds and leaves from the stems.

In essence, police are being required to finish the illicit procedure of marijuana cultivation just to be able to charge the persons involved with the appropriate crime. Even then, if they stall the trial process, or even just waiting until the appeal process, the finished product has dried even beyond what would be a salable product on the streets and can be as much as half the weight loss of the original product.

In a smaller growing operation, this would come into play if the suspect were charged with Misdemeanor Involving a Controlled Substance in the Fourth Degree, which is a class C felony but requires a suspect to possess at least a pound of marijuana, AS 11.71.040(a)(3)(f). Depending on when the growing operation is taken down, the amount will vary. If the harvest has already been made, even a large operation may not yield a pound of processed and groomed marijuana. The other end of the spectrum is that we may interdict an operation just getting going with hundreds of starter plants which when combined would not amount to a pound.

It is a waste of enforcement time and resources to process marijuana and could be greatly simplified if the statute was changed to simply state that the weight of the cultivated marijuana will be calculated by weighing the plant after it has been severed from the root wad, at the time of seizure. This is the aggregate weight of the plant.

The other area of concern is that a Felony drug sale does not occur unless the product is more than an ounce. The drug dealers are aware of that and refuse to sell more than an ounce.

This can be addressed by adding a definition to the statute that the amount of marijuana weight as purported by the dealer will be the amount used to classify the offense. (If the dealer says it's an ounce and sells it as such, the dealer will be charged with selling an ounce.)

A two hundred mature marijuana plant growing operation took our narcotics enforcement team approximately 32 officer hours to process.

THE SOLUTION:

REPEAL: AS 11.71.080. AGGREGATE WEIGHT OF LIVE MARIJUANA PLANTS. For the purposes of calculating the aggregate weight of a live marijuana plant, the aggregate weight shall be the weight of the marijuana when reduced to its commonly used form.

ENACT: AS 11.71.080. AGGREGATE WEIGHT OF LIVE MARIJUANA PLANTS. For the purposes of calculating the aggregate weight of a live marijuana plant, the aggregate weight shall be the weight of the entire plant, excluding the root wad and any growing media attached to it, at the time of harvest or seizure. OR

AS 11.71.080. PRESUMPTION OF POSSESSION WITH INTENT TO DELIVER. As it is now against the law to possess any amount of marijuana, for the purposes of prosecution, any person who is found to be in possession of or growing marijuana plants shall be presumed to be growing marijuana for illicit purposes. On a case by case screening, based on probable cause and in accordance with current law, the District Attorney's office in the appropriate jurisdiction, may chose to prosecute the possession case as an intent to distribute case.

ENACT: NEW STATUTE AS 11.71.090. WEIGHT OF MARIJUANA FOR SALE. For the purposes of classifying the level of offense in this statute, the purported weight of marijuana as stated, implied or represented by the person distributing the substance shall be the weight of classification, for purposes of charging.* For the purposes of prosecution weight if the amount exceeds the statutory requirement, the weight as determined by the Department of Public Safety Crime Detection Laboratory shall be the determined weight.**

*(If a dealer sells an ounce that is intentionally short in an effort by the dealer trying to avoid felony amounts, he may still be charged with dealing an ounce of marijuana.)

** (If an ounce and a half is weighed by the crime lab and then just prior to trial as long as six months to a year later the weight has decreased due to dehydration over time to weigh under an ounce, the original weight should still be used as the charging weight.)



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