

12277

HOUSE RES



Alaska State Legislature

Please enter into the record my testimony to the House Resource
 committee name
 committee on HR 256 , dated 1-30-08
 bill/subject

From: Rebecca [caseload@att.net]
Sent: Wednesday, January 30, 2008 10:05 AM
To: LIO Anchorage
Subject: Predator Control

Please stop House Bill 256, which eliminates the few remaining standard governing the predator control program and would allow predator-control expansion across the state. This bill takes science and public input out of the process. Our public voice is important to Alaska and how it's governed. This bill removes scientific standards by saying the state game board can authorize predator control by simply finding it would be conducive to growing more big game.

Alaska needs to have a comprehensive wildlife management plan to start predator control in a given area. Such plans give the public a chance to weigh in on wildlife values other than harvesting meat.

With a comprehensive wildlife management plan, the state Fish and Game Department would have to scientifically justify that predators are a problem and that the control program would be successful.

Sincerely,
 Rebecca Case
 8376 E. Stormy Hill Cir.
 Wasilla, AK

Signed: _____
 Testifier

 Representing (Optional)

 Address

 Phone No.

STATE OF ALASKA

SARAH FALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5525
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Representative Craig Johnson
Representative Carl Gatto
Chairmen, House Resources Committee

FROM: Denby S. Lloyd, Commissioner
Alaska Department of Fish and Game

DATE: January 8, 2008

SUBJECT: Hearing Request, House Bill 256

I am writing to request that, at your earliest convenience, you schedule a hearing in the Resources Committee of House Bill 256, "Active Game Management/Airborne Shooting". I enclose the following:

- A copy of the current version of House Bill 256
- The Governor's Transmittal Letter for the bill
- A copy of ADF&G's zero fiscal note for the bill

We will continue to supplement the bill packet as we receive more material, such as letters of support. When a hearing has been scheduled, we can provide you with a list of witnesses to testify on behalf of the legislation.

Please feel free to contact my legislative liaison, Tim Barry, with questions or for more information. Thank you for your attention to this matter.

* * *

Writer's defense of state control of wolves flawed on many counts

The letter "Let the state manage wolf, moose populations; all others back off" (Dec. 17), stating that the state manages wolf populations scientifically, is wrong. On Sept. 28, 2007, professional wildlife biologists, including several Alaskans, submitted a letter to Gov. Sarah Palin denouncing the present wolf-killing program as unwarranted and unscientific.

The writer claims we do not have wild fluctuations of moose and wolf populations under such management. He ignores factors such as snow depth, forage quality and availability, competition between the moose populations for that forage, and many other aspects of survival that cause considerable fluctuation.

The writer also states moose numbers are low, yet within the Interior a cow hunt was recently held and a calf hunt also opened.

Finally, the writer states nobody wants to kill off the wolves. Trapping is widespread as is hunting; even aerial hunting is strongly supported by the state and under way for another season despite two public votes by Alaskans to abolish it. Wolves are being killed in large numbers throughout Alaska.

The Alaska Outdoor Council strongly supports these efforts and has worked to increase the killing of wolves and bears wherever possible as evidenced by its Web site and actions.

If this continues, eventually Alaska will be just like the other states, a shadow of its former wilderness.

— Art Greenwalt
Fairbanks

EDITOR'S NOTE: The writer is an official with a wildlife advocacy organization.

Board of Game wolf proposals wrong way to manage species

It is "strange" that wolves have recently been accused of exhibiting aggressive behavior toward humans. Except for an occasional attack on humans (usually where feeding of the animals has occurred), wolves are shy and timid and keep to themselves. How convenient for the Board of Game, which is in the business of mismanaging Alaska's wild game to the detriment of not only the animals but all Alaskans!

This group is composed mainly of a few financially well-off white men who believe that wild animals were placed here for the sole purpose for them to kill. I am not talking about your average hunter, either, or subsistence hunters. The board's antics certainly do not benefit average sport hunters. It is creating more and more shortages of certain species, which upsets the balance of nature.

Now it wants to allow entire wolf families to be slaughtered in their dens with Proposal 41. Proposal 42 will permit baiting of wolves and Proposal 41 will allow mother bears and their cubs to be killed. Well, that goes along with the stupidity of having moose cow and calf hunts for the last several years. Nothing like depleting the species (moose) and blaming it on the dead wolves and bears!

— Sandra Sedwarf
Fairbanks

Alaska voters have spoken; aerial shooting should be banned

It seems like Gov. Sarah Palin and the Board of Game are all lifelong members of the NRA. Why else would they be so intent on killing wolves and brown bears from the air. The Board of Game is easy to figure out since all of its members are hunters or trappers. After watching the local news one night and noticing the huge brown bear on Gov. Palin's couch it's easy to guess her motives also. The voters of this state have voted at least twice to ban aerial shooting. Since our vote doesn't matter anymore, may Queen Palin live a long and fruitful life, but not as our governor.

— Wayne Braisher
Anchorage

Killers of giant Kodiak grizzly give black eye to legitimate hunters

In reference to hunter John Pomazi and guide Jake Jeffers... shooting the grizzly bear ("Big time," Jan. 6) How disgusting it was to read that those two went out and destroyed a bear just for the hide. People like them make me sick! You should only hunt to feed your family. I cannot even believe that this is legal!

Those hunters took a 150-pound hide and left about 1,500 pounds of meat? Must be legal because the Department of Fish and Game, aka Department of Assassins, says it is. Does it make them feel manly to sit beside a bear that they shot after waking it up and have pictures taken? How cowardly and pathetic!

It's a shame how the Department of Assassins runs the great state of Alaska. Those two definitely give a black eye to all of the legitimate hunters in the state of Alaska.

— David Schretner
Eagle River

Brown bear was executed simply so the hunter could brag about it

I was sickened at the picture of the dead brown bear in the paper ("Big time," Jan. 6) Trophy hunting for storytelling and bragging rights is immoral, reprehensible and disgusting. This bear managed to live for many years until a man was able execute it with a modern weapon just so he could brag about this horrible, cowardly act. I never understood the mentality of the thrill of the kill. An innocent creature's life was extinguished forever due to this act; that's something to be sad about. Let sleeping bears lie.

— Patricia Lynch
Anchorage

Governmental hiding sacrifices Arctic to politics, development

The Palin administration (Board of Game) has used the excuse of not wanting for a scientifically proven ecological emergency to justify its wide-ranging aerial wolf and grizzly and black bear killing plans. Yet a future ecological emergency can be projected for polar bears that leading polar bear biologists and climatologists envision as due to global warming. It appears the state, by disputing these experts' findings, wants an ecological emergency before it is willing to do something about it.

pendent upon it.

While the Palin administration continues its fight against a threatened species listing for polar bears with its dubious denials of poor reviewed science, the ice is still melting for the bears and the arctic ecosystem that they, seals, walrus and other animals are dependent upon. We are the only species that can project impacts caused by our actions, yet the Palin administration wishes us to ignore these projections due to political, economic and industry pressures. If they succeed, we and our children can say goodbye to Nanook and the arctic ecosystem that Nanook is dependent upon.

— Bill Watkins
Anchorage

Let's hope Palin's 'stubbornness' doesn't get in the way of pipeline

However, one sentence in the article grabbed my attention more than any other. The article's author writes, "Both (Palin's parents) recall Palin as a disciplined child who was impossible to sway once she made up her mind. ..." I wonder if Gov. Palin's stubbornness will cause a terrible delay in constructing a gas pipeline or perhaps cost us a pipeline altogether. The pitfalls of stubbornness combined with pride are well documented throughout the course of history.

— Dianne Haddon
Anchorage

Palin makes state king at expense of business relations

Tony Bickert's Jan. 12 letter "We've started to regain control over our state's natural resources," reflects the current unprecedented climate for investment in the state. We have populist governor who is enjoying record level of support. The Legislature is afraid to take her on. Her attacks on the private sector can be compared to what has happened in Venezuela under Hugo Chavez. Higher tax revenues will fund our bloated state government in the short term but this cannot last.

Make no mistake, it can only end in tears.
— Christopher C. We
Anchorage

Alaskans and Americans are fed up with corruption, political divisiveness, and cronyism. Einstein said that insanity is doing the same thing over and over again and expecting a different result. Roll of the dice? Barack Obama says the real gamble in this election is playing the same Washington game with the same Washington players and expecting a different result. Alaska may be one of the newest state in the nation, but we've got the message for the 21st century!

Americans want change you can believe in. They want a no-nonsense government that serves and protects their needs; that can be trusted to do the right thing. And they want leaders who will deliver on that message.

— Ann Stephenson
Sitka

How to reach us

| | | | | |
|---|---|---|--|---|
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|---|---|---|--|---|

Daily News Opinion

COMPASS: Points of view from the community

We need state parks officials to defy Game Board bulles

By BILL SHEPHERD

It's time for officials in Alaska's Division of Parks to show some guts — and leadership — by standing up to the Board of Game, which has so far, time after time, refused to do anything about the overhunting and trapping of wolverines in those cornering Alaska's wilderness.



Given the Board of Game's arrogant and shameful actions, I ask the leaders of Alaska's state parks: What are you going to do to protect Chugach's wolverines?

Back in April, after the Board of Game voted to open Chugach State Park to wolverine trapping based on what turned out to be a false premise and against the advice of local wildlife manager Nick Simons, park superintendent Tom Harrison said he was loath to protest the board's actions because he didn't want to step on any toes.

He shouldn't worry about that any longer. After the March meeting, board

member Ted Ryvaler in particular insists that the board wouldn't have allowed the trapping of Chugach wolverines if only the park's superintendent and advisory board had expressed their opposition.

Well, in a June position to reconsider the action, Chugach's advisory board did state Park Director James King made their opposition abundantly clear. So what happened?

In an August teleconference, the Board of Game voted 5-0 to not reconsider its bad decision. In essence, board members dumped their votes at Alaska's Division of Parks, the best wildlife resource available and the community of people — Anchorage's residents — who have the most interest in Chugach State Park's wildlife populations.

If Gov. Sarah Palin is so concerned about out-of-control state

boards on the same street when the 11th month they a no- as not to a hand this year, may be she should have a meeting with the Game Board, which continues to represent a narrow but politically connected class of Alaskans who care about our state's wildlife. I don't think she'll do anything though, because Palin is philosophically and politically aligned with both the Game Board and the Alaska Outdoor Council, whose interests the board primarily serves.

Given the Board of Game's arrogant and shameful actions, I ask the leaders of Alaska's state parks: What are you going to do to protect Chugach's wolverines, a species that hasn't been harvested in the park since 1973, a species whose population is known to be small and may be

part of an area-wide population already overharvested.

Being and fishermen about to do whatever it takes to protect Chugach's small and now threatened population of wolverines. If that means licensing certain types of traps, then do it. If it means closing the park to all sorts of trapping, do it.

It's time to stand up to the bulls on the Board of Game. If those who manage Alaska's wildlife won't do their job, then Alaska's state parks officials have the absolute obligation to do what's best for the wildlife that inhabit the parks. In the process, perhaps they will prove capable of listening to local conservationists.

Bill Shepherd is a longtime resident of Anchorage who travels frequently in Chugach State Park.

COMPASS: Points of view from the community

Manufactured Alaska hunts lack thrill, should be killed

By RUBY WYTTENBERG

The real live game out of hunting in Alaska. The recreation-style outings of Kotzebue Sound are, straight on top, clearly what Alaska's most magnificent wildlife is being sold out in commercialized exploitation ("Camera show Kotzebue bear kills," Oct. 8).



Bear hunters in the Kotzebue National Preserve carried a RTU (Chassis) television crew recording their guided "hunt" — not because the hunt was illegal, but because the bills were so ridiculously easy they were humiliating. Now these bears are still have a hard time progressing through back home with tales about their noble pursuit of the dangerous Alaska brown bear.

The TV crew is to be commended for standing up to these hunters in a remote area. Few viewers, including native Alaskans, can say for themselves the illegality of such a process for "hunting" in Alaska.

Science doesn't matter. Subsistence doesn't matter. Fair chase doesn't matter. There is only one concern for the Alaska hunting establishment: Is it "legal?"

The TV crew was accused of "interfering" with a hunt that was underway. That is, a camera was no where — but in sight of the pathetic bear hunt runs in. In Kotzebue National Preserve, bear hunting is the shooting fish in a barrel — all it takes is an automatic killing game management system as if Alaska guides willing to catch in or human-substituted bears.

Just like any other commercialized extraction of public resources, guided hunting on public lands should be open to public review. The public has a right to know how carefully the

wildlife resource are being extracted. Brown bears are top-of-the-line — imagine how carefully the state manages the more highly valued.

Alaskans — hunters, guides, state Game Board members and Fish and Game personnel — are desperate about the Kotzebue incident. And with good reason — "legal" hunting in Alaska cannot stand the light of day. Other "legal" Alaskan hunts are, if anything, even more unethical because commercial vehicles are used to chase down and shoot wild animals. Hunters in Alaska have been ob-

jected to mythical status in terms of subsistence, fair chase and governmental purpose and character. An opposite reality has long been evident. Science doesn't matter. Subsistence doesn't matter. Fair chase doesn't matter. There is only one concern for the Alaska hunting establishment: Is it "legal?"

And that's where Alaska politicians, the Alaska Division of Fish and Game, and the Board of Game come in. Guides, hunters and the hunting industry lobby for liberal regulations; politicians ignore them like fire; and the state implements them. Politicians determine the "science" of Alaska wildlife management — state wildlife biologists merely sell their scientific credit by giving their "professional" opinions in the commercial over-hunting.

The game management system itself is corrupt. Fish and Game answers to a state legislature that is been destructively infected with cor-

ruption. That's why the hunting establishment, the commercial hunting industry and the political hunting lobby have been able to steadily and legally "harvest" their way through our wildlife populations.

Many Alaskans and the victims of hunting as an unethical and spiritual experience — a tradition of getting close to nature and of that experience. Some members of the hunting establishment, particularly bear hunters, glorify their effort as loath-and-chew pleasure. In a over, game management in Alaska is based on emotion "into the wild" fantasies. We have "subsistence" hunts for the rich, "sport" hunts that resemble summary executions and "science" left over from the 19th century. The Kotzebue incident reveals just how lame and cheap the "Alaska hunting experience" has become.

Ruby Wittenberg is an author and photographer who lives in Anchorage.

HB

257

ALASKA STATE LEGISLATURE
House Resources Committee

Carl Gatto, Co-Chair

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Juneau, AK 99801-1182
Phone (907) 465-3743
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Rep. Carl_Gatto@legis.state.ak.us



Craig Johnson, Co-Chair

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Rep. Craig_Johnson@legis.state.ak.us

**COMMITTEE RECOMMENDATION/LETTER OF INTENT
CS HB 257 (FSH)**

To: Representative Mike Chenault and Representative Kevin Meyer
Co-Chairs, House Finance Committee

From: Representative Carl Gatto, Co-Chair
Representative Craig Johnson, Co-Chair

Date: March 7, 2008

A handwritten signature in black ink, appearing to be "Gatto", written over the "From" line.

OFFERED BY THE HOUSE RESOURCES COMMITTEE

After taking public testimony on CS HB 257 (FISH) and considering the major differences between the original bill version and the Fisheries Committee Substitute, the committee unanimously urges the sponsor to work with the administration to determine the existing regulatory oversight of the mariculture industry, and to identify information-sharing methods to reduce the Division of Agriculture's fiscal note.

The Departments of Fish and Game, Environmental Conservation and Natural Resources should also work with mariculture harvesters and the bill sponsor to facilitate the development of a stronger mariculture industry throughout Alaska.

Debra Higgins

From: Rowland, Mindy B (GOV) [mindy.rowland@alaska.gov]
Sent: Friday, February 22, 2008 5:12 PM
To: Debra Higgins
Subject: RE: Fiscal Notes for House Resources

I was just getting ready to write back to you. Here's what I've learned:

Only one of the DNR notes (AG) should have reported from House Fisheries (and it is current to the Fisheries CS). The other (CPL) note was to an earlier version of the bill.

So as I understand it, you will be receiving a new fiscal note from DFG. the DNR fiscal note dated 1/14/08 is current, and the DNR fiscal note dated 2/13/08 should be set aside.

Let me know if I have sufficiently muddied the issue!

Thanks
Mindy

Mindy Rowland
Deputy Legislative Director
Office of Governor Sarah Palin
465-4021

From: Debra Higgins [mailto:Debra_Higgins@legis.state.ak.us]
Sent: Friday, February 22, 2008 4:33 PM
To: Rowland, Mindy B (GOV)
Subject: RE: Fiscal Notes for House Resources

Hi Mindy,

Thank you for the information on HB 257. I'll flag the DFG fiscal note that's in the file and wait to hear from you on the 2 from DNR.

Thanks again.

Debra Higgins
Staff to Rep. Craig Johnson
Co-Chair, House Resources Committee
907-465-3715 phone
907-465-3872 fax

From: Rowland, Mindy B (GOV) [mailto:mindy.rowland@alaska.gov]
Sent: Friday, February 22, 2008 2:51 PM
To: Debra Higgins
Subject: RE: Fiscal Notes for House Resources

Hi Debbie,

You should be receiving the fiscal note for HB 370 this afternoon.

2/26/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 257(FSH)
 () Publish Date: _____

Identifier (file name): HB257CS(FSH)-DFG-CF-02-22-08 Dept. Affected: Fish and Game
 Title: Transfer Aquatic Farming to DNR RDU: Commercial Fisheries
 Component: Headquarters Fisheries Management
 Sponsor: Representative Harris
 Requester: House Resources Committee Component Number: 2171

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | | | |
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| CHANGE IN REVENUES () | | | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill would have no fiscal impact on the Department of Fish and Game.

Prepared by: Cynthia Pring-Ham, Mariculture Coordinator
 Division: Division of Commercial Fisheries
 Approved by: Tom Lawson, Director
Division of Administrative Services, Department of Fish and Game

Phone 465-6150
 Date/Time 2/22/08 2:00 PM
 Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 257(FSH)
(H) Publish Date: 2/19/08

Identifier (file name): HB257-DFG-CF-02-12-08 Dept. Affected: Fish and Game
Title: Transfer Aquatic Farming to DNR RDU: Commercial Fisheries
Sponsor: Representative Harris Component: Headquarters Fisheries Management
Requester: House Fisheries Committee Component Number: 2171

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|--------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | (180.7) | 180.7 | | | | | | |
| Travel | (12.7) | 12.7 | | | | | | |
| Contractual | (23.2) | 23.2 | | | | | | |
| Supplies | (5.4) | 5.4 | | | | | | |
| Equipment | | | | | | | | |
| Land & Structures | | | | | | | | |
| Grants & Claims | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | (222.0) | 222.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | | | |
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| CHANGE IN REVENUES () | | | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|----------------|--------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | (222.0) | 222.0 | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | (222.0) | 222.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|-------|------|--|--|--|--|--|--|
| Full-time | (2.0) | 2.00 | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This fiscal note reflects the transfer of two positions and associated funding out of the Department of Fish and Game. These positions, and the duties for which they are responsible, are transferred in this legislation to the Department of Natural Resources.

Prepared by: Cynthia Pring-Ham, Mariculture Coordinator
Division: Division of Commercial Fisheries
Approved by: Tom Lawson, Director
Division of Administrative Services, Department of Fish and Game

Phone 465-6150
Date/Time 2/12/08 2:00 PM
Date 2/12/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 257(FSH)
(H) Publish Date: 2/19/08

Identifier (file name): HB257-DNR-AG-01-14-08 Dept. Affected: Natural Resources
Title: Transfer Aquatic Farming to DNR RDU: Resource Development
Component: Agriculture Development
Sponsor: Representative Harris (By Request)
Requester: House Fisheries Committee Component Number: 455

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | |
|-------------------------------|---------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | 112.2 | | 114.2 | 116.2 | 118.2 | 120.2 | 122.2 |
| Travel | 5.0 | | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| Contractual | 11.5 | | 11.5 | 11.5 | 11.5 | 11.5 | 11.5 |
| Supplies | 4.0 | | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| Equipment | | | | | | | |
| Land & Structures | | | | | | | |
| Grants & Claims | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | 132.7 | 0.0 | 134.7 | 136.7 | 138.7 | 140.7 | 142.7 |

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|----------------------------|--------------|------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | 132.7 | | 134.7 | 136.7 | 138.7 | 140.7 | 142.7 |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other Interagency Receipts | | | | | | | |
| TOTAL | 132.7 | 0.0 | 134.7 | 136.7 | 138.7 | 140.7 | 142.7 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | |
|-----------|---|--|---|---|---|---|---|
| Full-time | 1 | | 1 | 1 | 1 | 1 | 1 |
| Part-time | 1 | | 1 | 1 | 1 | 1 | 1 |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

One Development Specialist I and one half time Administrative Clerk II will be required to maintain this program. There are 45-50 active shellfish farms throughout the State and 12 operations are currently registered with the Alaska Grown certification program. Travel to remote locations will be necessary as well as meetings with the Department of Fish and Game and the Department of Natural Resources, Division of Mining Land and Water. Unique marketing programs that are not currently being produced by the Division of Agriculture would have to be developed.

Prepared by: Franci Havemeister, Director
Division: Agriculture
Approved by: Tom Irwin, Commissioner
Natural Resources

Phone: 761-3866
Date/Time: January 14, 2008
Date: January 14, 2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 257(FSH)
 (H) Publish Date: 2/19/08

Identifier (file name): HB257-DNR-CP&L-02-13-08 Dept. Affected: Natural Resources
 Title: Transfer Aquatic Farming to DNR RDU: Resource Development
 Component: Claims, Permits & Leases
 Sponsor: Rep. Harris
 Requester: H FSH Component Number: 2460

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | |
|-------------------------------|---------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| Personal Services | 180.7 | | 180.7 | 180.7 | 180.7 | 180.7 | 180.7 |
| Travel | 12.7 | | 12.7 | 12.7 | 12.7 | 12.7 | 12.7 |
| Contractual | 23.2 | | 23.2 | 23.2 | 23.2 | 23.2 | 23.2 |
| Supplies | 13.4 | | 5.4 | 5.4 | 5.4 | 5.4 | 5.4 |
| Equipment | | | | | | | |
| Land & Structures | | | | | | | |
| Grants & Claims | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | 230.0 | 0.0 | 222.0 | 222.0 | 222.0 | 222.0 | 222.0 |

| | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|

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|-------------------------------|--|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|----------------------------|--------------|------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | 230.0 | | 222.0 | 222.0 | 222.0 | 222.0 | 222.0 |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other Interagency Receipts | | | | | | | |
| TOTAL | 230.0 | 0.0 | 222.0 | 222.0 | 222.0 | 222.0 | 222.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|---|--|---|---|---|---|---|
| Full-time | 2 | | 2 | 2 | 2 | 2 | 2 |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This fiscal note reflects the transfer of two positions and associated funding from the Department of Fish and Game. These positions, and the duties for which they are responsible, are transferred in this legislation to the Department of Natural Resources.

DNR assumes that computers and specialized equipment required by these positions would be transferred, and that lease space costs are included in the Contractual Services line item transfer. One-time funding of an estimated \$8.0 would be required in the first year to cover costs associated with moving, phone and computer set up, and office furniture.

Prepared by: Melanie Lesh, Special Assistant/Legislative Liaison
 Division: Commissioner's Office
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone 465-4730
 Date/Time February 13, 2008
 Date February 13, 2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 257(FSH)
 (H) Publish Date: 2/29/08

Identifier (file name): HB257CS(FSH)-DFG-CF-02-22-08 Dept. Affected: Fish and Game
 Title: Transfer Aquatic Farming to DNR RDU: Commercial Fisheries
 Sponsor: Representative Harris Component: Headquarters Fisheries Management
 Requester: House Resources Committee Component Number: 2171

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 0.0 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

| | | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill would have no fiscal impact on the Department of Fish and Game.

Prepared by: Cynthia Pring-Ham, Mariculture Coordinator
 Division: Division of Commercial Fisheries
 Approved by: Tom Lawson, Director
Division of Administrative Services, Department of Fish and Game

Phone 465-6150
 Date/Time 2/22/08 2:00 PM
 Date 2/22/2008



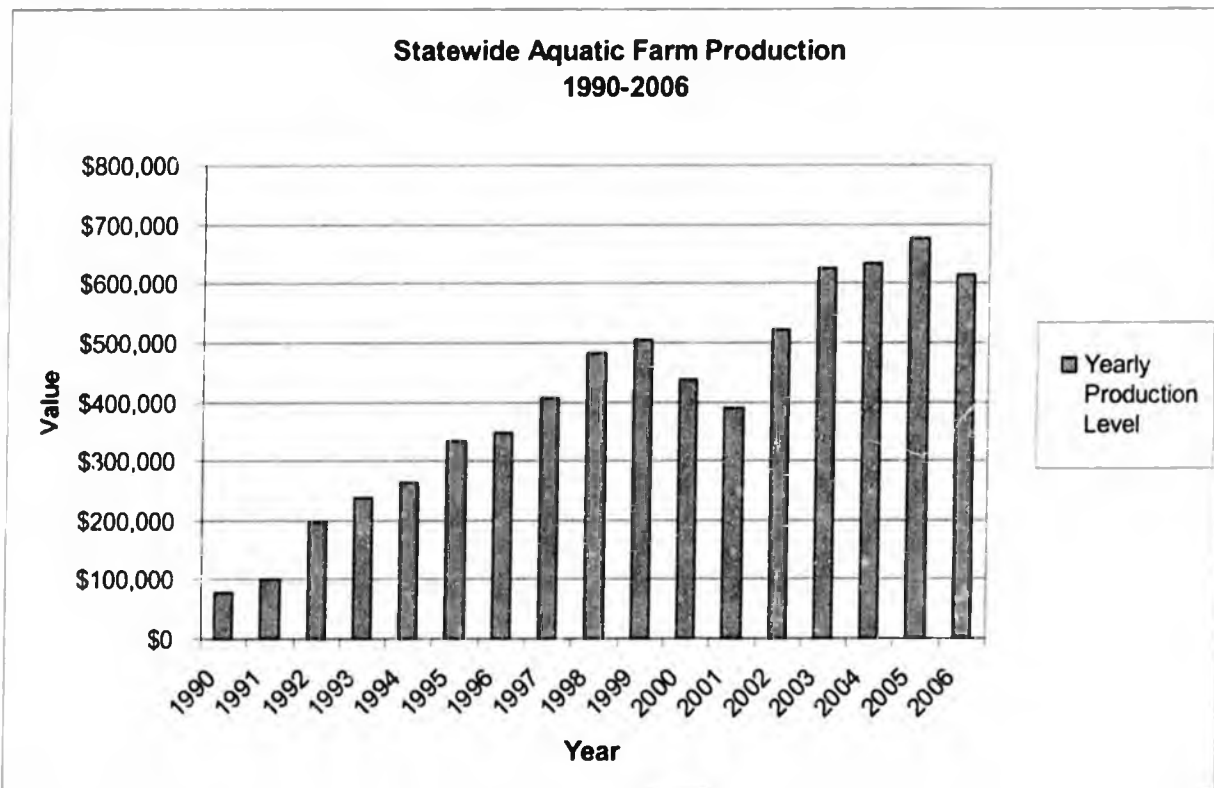
Alaska Aquatic Farm Program

Status and Production

Currently, there are 63 farm sites, one hatchery, and 4 nurseries approved to operate in the state. Total acreage permitted for aquatic farming is 330 acres, an increase from 290 acres permitted in 2006.

Table 1 shows historical statewide aquatic farm production in Alaska. Based on 2006 data which is most complete, production totaled \$614,843 with production almost evenly divided between southcentral and southeast Alaska. Peak production for the industry was in 2005 and totaled \$676,045. Over 79% of the production came from the sale of Pacific oysters and the remaining 21% was predominately for littleneck clams sales. Littleneck clam production went up 6% from FY 2005 totals.

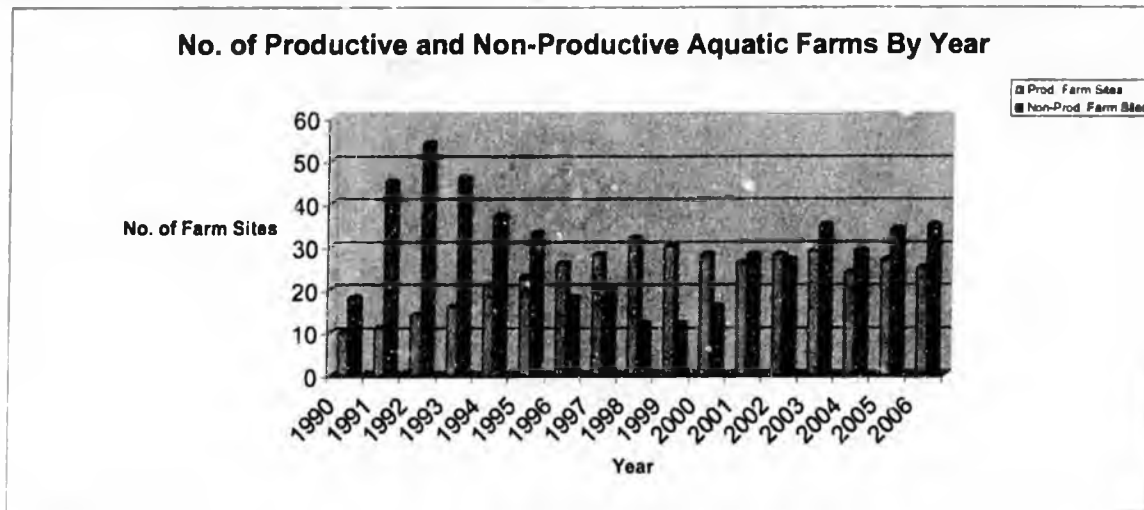
Table 1:



Based on annual reports submitted to the department thus far for calendar year 2007, the overall production estimates for 2007 are anticipated to be lower than 2006. Reports for 15 farms are still outstanding. Preliminary farm data reports for the calendar year 2007, shows 47% of the 63 permitted farms reported some level of production activity compared to 42% at the end of 2006 based on 60 permitted farms.

Table 2 shows the number of farms that had production and non-production since 1990. The percentage of active farm sites has been consistently in the 40-50% range since 2000 and peaked at 73% in 1999.

Table 2:



Note farms are required to show increases in production over a five year period. DNR requires that by the 5th year, the lease holder must meet a commercial-use requirement for production that is equivalent to \$3,000 per acreage up to \$15,000 maximum.

In water inventory for Pacific oysters at aquatic farm sites at the end of 2006 was 8,902,721 and was valued at \$3,828,170. This is 8% decrease from 2005 inventory which was 9,68,7442. The inventory estimate was based on farm gate values of an average 0.43/oyster. The reduced inventory was probably due to number of spat availability, quality of spat received, and mortalities due to hard winter.

Aquatic farm employment in 2006 showed 71 people were employed at farm sites totaling 2,848 days of work. This was an increase from the 2005 aquatic farm employment which had 60 people and 2439 days of work.

Permitting

In Fiscal Year 2007, ADF&G staff issued 3 new operation permits, 6 operation permit renewals, amended 11 operation permits, completed transfer of 1 permit to a new permit holder, and conducted 26 site inspections to determine compliance with permit conditions.

In addition, ADF&G has completed 99% of all the aquatic farm sites operating under a current aquatic farm site operation permit. In comparison, over half of the operation permits were expired in 2003. This renewal effort provided current permits for 35 farm sites.

There are currently 5 applications that are pending due to the need for more information from the applicants and the need for biomass surveys.

Staff issued 78 transport permits, 10 acquisition permits and 2 fish resource permits for enhancement research projects.

Certification

Four Pacific oyster seed suppliers were certified in 2007, three of which are in the Lower 48 (Lummi, Coast, and Kona Coast). Pacific oyster seed stock supplies were not adequate to meet demands of the farmers this last year.

Hatchery

The number one goal of the shellfish industry is the availability of high quality seed for farmers use. The Mariculture Program has been working with Jeff Hetrick, Alutiiq Pride Shellfish Hatchery Manager, for over a year to develop a Hatchery Management Plan which includes details on anticipated seed production and transport to farms, disease control measures, planned brood stock acquisition and schedule, specific and anticipated breeding practices to maintain and improve genetic fitness. This Management plan is similar to what is required of the Alaska salmon hatcheries and will help in planning for future activities the hatchery plans to do and ensures that hatchery operations are producing spat from native species with sufficient genetic diversity.

Mariculture Development Zones

Before the passage of HB 208, the ASGA and the Alaska Marine Advisory Program worked with ADF&G, ADNR, ADEC, ADGC, the Southeast Conference, the Alaska Cooperative Extension Service, and numerous other organizations, were working on designation of Mariculture Development Zones with an overall purpose of improving rural economies through the expansion of an environmentally sound mariculture industry. ADF&G is working with Ray Ralonde, Alaska Marine Advisory Program Aquaculture Specialist to resurrect this important effort in the coming years.

HB

267

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 267
 () Publish Date: _____

Identifier (file name): HB267-DPS-AWT-01-10-08 Dept. Affected: Public Safety
 Title: "An Act relating to . . . Wildlife Violator Compact . . ." RDU: Alaska State Troopers
 Component: Alaska Wildlife Troopers
 Sponsor: Representative Johnson
 Requester: House Resources Committee Component Number: 2746

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 0.0 | 0.0 |
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 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 | 0.0 | 0.0 |

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | |
|-----------|---|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)
 Research of other compact member states estimates that the time needed to administer the program will be between 5 and 30 hours per month, depending upon how many new entries are required into the data base. The Division of Alaska Wildlife Troopers can administer this program with existing personnel.

Prepared by: Captain Burke Waldron
 Division: Division of Alaska Wildlife Troopers
 Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone (907)269-5509
 Date/Time 01/08/08 3:15pm
 Date 1/10/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 267
 () Publish Date: _____

Identifier (file name): HB257-DFG-DWC-01-11-08 Dept. Affected: Fish and Game
 Title: Wildlife Violator Compact RDU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Johnson
 Requester: House Resources Committee Component Number: 473

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 0.0 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

| | | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other Interagency Receipts | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will not have any fiscal impact on the Department of Fish and Game.

Prepared by: Doug Larsen, Director
 Division: Wildlife Conservation
 Approved by: Denby Lloyd, Commissioner
Department of Fish and Game

Phone 465-4191
 Date/Time 1/11/08 4:00 PM
 Date 1/11/2008

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 25, 2008

SUBJECT: Sectional summary of CSHB 267(RES)
(Work Order No. 25-LS0864\O)

TO: Representative Craig Johnson
Co-chair of the House Resources Committee
Attn: Jeanne Ostnes

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill sets out the provisions of the Wildlife Violator Compact.

- Article I of the compact states the policy and purpose behind the compact and what member states aim to achieve by joining the compact.
- Article II sets out the definitions of terms used in the compact.
- Article III states the procedures to be followed by a state issuing a citation to a person for a wildlife violation.
- Article IV states the procedures for the home state of the person who is issued a wildlife violation in another state in the compact.
- Article V declares that all states that are parties to the compact will recognize a suspension of license privileges as if it happened in their states.
- Article VI states that nothing in the compact shall be construed to affect the right of a party state to apply its own local laws or practices in wildlife enforcement.
- Article VII describes the board of compact administrators and the role of the board.
- Article VIII provides for entry into and withdrawal from the compact.
- Article IX states that amendments may be made to the compact.
- Article X states that the compact should be liberally construed to carry out its purpose, and that the provisions of the compact are severable in order to keep remaining provisions in effect.
- Article XI states the title of the compact.

Representative Craig Johnson
January 25, 2008
Page 2

Section 2 of the bill states that the compact does not apply to violations for commercial fishing or commercial activities of providers of services to big game hunters.

Section 3 of the bill provides the procedure for peace officers in the state of Alaska to file an action for revocation of a fishing or hunting license to comply with the terms of the compact.

BJK:med
08-050.med

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 22, 2008

SUBJECT: HB 267 in light of art. I, sec. 10 of the United States Constitution
(Work Order No. 25-LS0864\M)

TO: Representative Craig Johnson
Attn: Jeanne Ostnes

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have forwarded to me a question sent to you by Mr. Dennis Olson regarding a possible violation of the United States Constitution by HB 267. In particular, Mr. Olson asserts that art. I, sec. 10 of the U.S. Constitution¹ has restrictions on a state's ability to enter into a compact with another state.

The third clause of this Constitutional provision contains the phrase "without the consent of Congress." Hence, Congress can consent to a state entering into an agreement or compact with another state. In the context of criminal activity, such as the Wildlife Violator Compact, Congress has offered its consent. This consent can be found at 4 U.S.C. 112(a), which states:

¹ Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. (emphasis added)

Representative Craig Johnson
January 22, 2008
Page 2

The consent of Congress is hereby given to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

It is under the provision of this provision of the U.S. Code that the Wildlife Violator Compact began and is currently allowed. Hence, Congress has offered its consent to this type of compact between states and allows the compact to not be in violation of the U.S. Constitution.

If I may be of further assistance, please advise.

BJK:med
08-034.med

On Jan 20, 2008 10:06 PM, dennis <dennisoly@gmail.com> wrote:

Dear Representative Johnson,

Upon reading HB 267 and reflecting on its impact to this State, it gives me great pause to consider that the Resources Committee is in much haste to give their approbation to such a damaging and unconstitutional act. Certain members suggest that this bill would not place the sovereignty of this State at risk. I could not more strongly disagree.

Article I, Section 10, Part 3, of the US Constitution states:

"No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, **enter into any Agreement or Compact with another State, or with a foreign Power**, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay."

The plain language of HB 267 describes itself as a "compact to supersede existing statutes by approving standards, rules, or other action under terms of compact." Article II(k)(1), of HB 267 defines the "state" as "any state, territory, or possession of the United States, District of Columbia, Common wealth of Puerto Rico, Provinces of Canada, or **any other countries.**" (emphasis added).

This compact would require the State of Alaska to enforce citations or judgments of foreign states, which may or may not provide the same level of protection guaranteed the accused by our Constitutions. Article I, Section 2(b) states that Alaska must:

"Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a party state and treat the suspension as if it occurred in their own state."

To me, this seems the most odious part of the bill. Assume my son should commit some offense in my home, and though I punish him, I enter into some agreement with my neighbors that they should punish my child as well, though my son has done no wrong to them. Would my family and friends consider that wise and just? If a man commits a theft at a local grocery store, is arrested, found guilty, punished for the crime, and prohibited from entering the store for a period of time, should he be expelled from every store?

This bill doesn't punish a man once for his offense, but many times. Additionally, he is subject to the punishment of those to whom he has done no wrong. How can such a scheme be even considered in a republican form of government?

There are many other parts of this bill that may be considered odious as well, however, consideration for your time will not allow me to deliberate further. My only request is that each member of the Resources Committee dedicate himself to an exhaustive examination of the bill, and if haste must be made in consideration of some other important work, may he hastily reject this dangerous bill.

Sincerely yours, Dennis Olson – Big Lake, Alaska

CS FOR HOUSE BILL NO. 267(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES JOHNSON, Dahlstrom, Wilson, Buch, Chenault, Ramras

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to authorizing the state to join with other states entering into the**
 2 **Wildlife Violator Compact and authorizing the compact to supersede existing statutes**
 3 **by approving standards, rules, or other action under the terms of the compact;**
 4 **excluding commercial fishing and big game commercial hunting services from the**
 5 **provisions of the compact; and directing the initiation of civil actions to revoke**
 6 **appropriate licenses in this state based on a licensee's violation of or failure to comply**
 7 **with the terms of a wildlife resource citation issued in another state that is a party to the**
 8 **compact."**

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

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

11 **Sec. 16.05.332. Wildlife Violator Compact. The Wildlife Violator Compact**
 12 **as contained in this section is enacted into law and entered into on behalf of the State**

1 of Alaska with any other states legally joining it in a form substantially as follows:

2 ARTICLE I

3 FINDINGS, DECLARATION OF POLICY, AND PURPOSES

4 Section 1. Findings. The party states find that

5 (a) Wildlife resources are managed in trust by the respective states for the
6 benefit of all residents and visitors.

7 (b) The protection of their respective wildlife resources are materially affected
8 by the degree of compliance with state statute, regulation, ordinance, or administrative
9 rule relating to the management of those resources.

10 (c) The preservation, protection, management, and restoration of wildlife
11 contributes immeasurably to the aesthetic, recreational, and economic aspects of those
12 natural resources.

13 (d) Wildlife resources are valuable without regard to political boundaries and,
14 therefore, all persons must be required to comply with wildlife preservation,
15 protection, management, and restoration statutes, ordinances, and administrative rules
16 and regulations of all party states as a condition precedent to the continuance or
17 issuance of any license to hunt, fish, trap, or possess wildlife.

18 (e) The violation of wildlife laws interferes with the management of wildlife
19 resources and may endanger the safety of persons and property.

20 (f) The mobility of many wildlife law violators necessitates the maintenance
21 of channels of communications among the various states.

22 (g) In most instances, a person who is cited for a wildlife violation in a state
23 other than the person's home state

24 (1) must post collateral or a bond to secure the person's appearance for
25 a trial at a later date;

26 (2) if unable to post collateral or a bond, is taken into custody until the
27 collateral or bond posted; or

28 (3) is taken directly to court for an immediate appearance.

29 (h) The purpose of the enforcement practices described in (g) of this section is
30 to ensure compliance with the terms of a wildlife citation by the person who, if
31 permitted to continue on the person's way after receiving the citation, could return to

1 the person's home state and disregard the person's duty under the terms of the citation.

2 (i) In most instances, a person receiving a wildlife citation in the person's
3 home state is permitted to accept the citation from the officer at the scene of the
4 violation and continue immediately on the person's way after agreeing to comply with
5 the terms of the citation.

6 (j) The practice described in (g) of this section causes unnecessary
7 inconvenience and, at times, a hardship for the person who is unable at the time to post
8 collateral, furnish a bond, stand trial, or pay a fine and, therefore, is compelled to
9 remain in custody until another arrangement is made.

10 (k) The enforcement practices described in (g) of this section consume an
11 undue amount of law enforcement time.

12 Sec. 2. Policies. The policies of the party states are to

13 (a) Promote compliance with the statutes, ordinances, regulations and
14 administrative rules relating to management of wildlife resources in their respective
15 states.

16 (b) Recognize the suspension of wildlife license privileges of any person
17 whose license privileges have been suspended by a party state and treat the suspension
18 as if it had occurred in their state.

19 (c) Allow a violator to accept a wildlife citation, except as provided in
20 subsection (b) of article III, and proceed on the person's way without delay whether or
21 not the person is a resident in the state in which the citation was issued if the person's
22 home state is a party to this compact.

23 (d) Report to the appropriate party state, as provided in the compact manual,
24 any conviction recorded against any person whose home state was not the issuing
25 state.

26 (e) Allow the home state to recognize and treat convictions recorded for its
27 residents which occurred in another party state as if they had occurred in the home
28 state.

29 (f) Extend cooperation to its fullest extent among the party states for obtaining
30 compliance with the terms of a wildlife citation issued in one party state to a resident
31 of another party state.

1 (g) Maximize the effective use of law enforcement personnel and information.

2 (h) Assist court systems in the efficient disposition of wildlife violations.

3 Sec. 3. Purposes. The purposes of this compact are to:

4 (a) Provide a means by which the party states may participate in a reciprocal
5 program to carry out the policies set forth in section 2 of this article in a uniform and
6 orderly manner.

7 (b) Provide for the fair and impartial treatment of wildlife violators operating
8 within party states in recognition of the persons' right of due process in the sovereign
9 status of a party state.

10 ARTICLE II

11 DEFINITIONS

12 As used in this compact, unless the context otherwise requires,

13 (a) "Citation" means any summons, complaint, summons and complaint, ticket,
14 penalty assessment or other official document issued by a wildlife officer or other
15 peace officer for a wildlife violation containing an order that requires the person to
16 respond.

17 (b) "Collateral" means any cash or other security deposited to secure an
18 appearance for trial in connection with the issuance by a wildlife officer or other peace
19 officer of a citation for a wildlife violation.

20 (c) "Compliance" means the act of answering a citation by appearing in a court
21 or tribunal or the payment of fines, costs, or surcharges, if any.

22 (d) "Conviction" means a conviction, including any court conviction, of any
23 offense related to the preservation, protection, management, or restoration of wildlife
24 which is prohibited by state statute, regulation, ordinance, or administrative rule, or a
25 forfeiture of bail, bond, or other security deposited to secure the appearance of a
26 person charged with any such offense, or the payment of a penalty assessment or a
27 plea of nolo contendere, or the imposition of a deferred or suspended sentence by the
28 court.

29 (e) "Court" means a court of law, including magistrate's court and the justice of
30 the peace court.

31 (f) "Home state" means the state of primary residence of a person.

1 (g) "Issuing state" means the party state that issues a wildlife citation.

2 (h) "License" means any license, permit, or other public document that
3 conveys to the person to whom it is issued the privilege of pursuing, possessing, or
4 taking any wildlife regulated by statute, regulation, ordinance, or administrative rule
5 of a party state.

6 (i) "Licensing authority" means

7 (1) in each other party state, the department or division within the party
8 state that is authorized by law to issue or approve licenses or permits to hunt, fish,
9 trap, or possess wildlife; and

10 (2) in this state, the Department of Public Safety.

11 (j) "Party state" means any state that enacts legislation to become a member of
12 this compact.

13 (k) "Personal recognizance" means an agreement by a person made at the time
14 of the issuance of the wildlife citation that the person will comply with the terms of
15 that citation.

16 (l) "State" means any state, territory, or possession of the United States, the
17 District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or any
18 other countries.

19 (m) "Suspension" means any revocation, denial, or withdrawal of any license
20 privileges, including the privilege to apply for, purchase, or exercise the benefits
21 conferred by any license.

22 (n) "Terms of the citation" means those conditions and options expressly stated
23 in the citation.

24 (o) "Wildlife" means all species of animals, including, but not limited to,
25 mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, that are defined
26 as wildlife and are protected or otherwise regulated by statute, regulation, ordinance,
27 or administrative rule in a party state. Species included in the definition of wildlife
28 vary from state to state and a determination of whether a species is wildlife for the
29 purposes of this compact must be based on local law. In this state, "wildlife" means all
30 species of fish and game as these terms are defined in AS 16.05.940.

31 (p) "Wildlife law" means any statute, regulation, ordinance, or administrative

1 rule enacted to manage wildlife resources and the use thereof.

2 (q) "Wildlife officer" means any person authorized by a party state to issue a
3 citation for a wildlife violation.

4 (r) "Wildlife violation" means any cited violation of statute, regulation,
5 ordinance, or administrative rule enacted to manage wildlife resources and the use
6 thereof.

7 ARTICLE III

8 PROCEDURES FOR ISSUING STATE

9 Issuing state procedures are as follows:

10 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue
11 a citation to any person whose primary residence is in a party state in the same manner
12 as if the person were a resident of the home state. The wildlife officer may not require
13 the person to post collateral to secure that person's appearance, subject to the
14 exceptions set forth in paragraph (b) of this article, if the officer receives the person's
15 personal recognizance that the person will comply with the terms of the citation.

16 (b) Personal recognizance is permissible if

17 (1) it is not prohibited by local law or the compact manual; and

18 (2) the violator provides adequate proof of the violator's identity to the
19 wildlife officer.

20 (c) Upon conviction or failure of a person to comply with the terms of a
21 wildlife citation, the appropriate officer shall report the conviction or the failure to
22 comply to the licensing authority of the party state in which the wildlife citation was
23 issued. The report must be made in accordance with the procedures specified by the
24 issuing state and contain information as specified in the compact manual as minimum
25 requirements for effective processing by the home state.

26 (d) Upon the receipt of the report of conviction or noncompliance required by
27 (c) of this article, the licensing authority of the issuing state shall transmit to the
28 licensing authority in the home state of the violator the information in the manner
29 prescribed in the compact manual.

30 ARTICLE IV

31 PROCEDURES FOR HOME STATE

1 Home state procedures are as follows:

2 (a) Upon the receipt of a report of failure to comply with the terms of a citation
3 from the licensing authority of the issuing state, the licensing authority of the home
4 state shall notify the violator and begin a suspension action in accordance with the
5 home state's suspension procedures. The licensing authority of the home state shall
6 suspend the violator's license privileges until satisfactory evidence of compliance with
7 the terms of the wildlife citation has been furnished by the issuing state to the home
8 state licensing authority. Due process rights must be accorded to the violator.

9 (b) Upon the receipt of a report of conviction from the licensing authority of
10 the issuing state, the licensing authority of the home state shall enter the conviction in
11 its records and consider the conviction as if it had occurred in the home state for the
12 purposes of the suspension of license privileges.

13 (c) The licensing authority of the home state shall maintain a record of actions
14 taken and make reports to the issuing states as provided in the compact manual.

15 ARTICLE V

16 RECIPROCAL RECOGNITION OF SUSPENSION

17 The party states agree that

18 (a) all party states shall recognize the suspension of license privileges of any
19 person by any state as if the violation on which the suspension is based had occurred
20 in their state and would have been the basis for suspension of license privileges in
21 their state.

22 (b) each party state shall communicate information concerning the suspension
23 of license privileges to the other party states in the manner prescribed in the compact
24 manual.

25 ARTICLE VI

26 APPLICABILITY OF OTHER LAWS

27 The party states agree that, except as expressly required by the provisions of this
28 compact, nothing included in this compact shall be construed to affect the right of any
29 party state to apply any of its laws relating to license privileges to any person or
30 circumstance or to invalidate or prevent any agreement or other cooperative
31 arrangements between a party state and a nonparty state concerning wildlife law

1 enforcement.

2 ARTICLE VII

3 COMPACT ADMINISTRATOR PROCEDURES

4 The party states agree that

5 (a) For the purpose of administering the provisions of this compact and to
 6 serve as a governing body for the resolution of all matters relating to the operation of
 7 this compact, a board of compact administrators is hereby established. The board must
 8 be composed of one representative from each of the party states to be known as the
 9 compact administrator. The compact administrator shall be appointed by the head of
 10 the licensing authority of each party state and shall serve and be subject to removal in
 11 accordance with the laws of the state that the compact administrator represents. A
 12 compact administrator may provide for the discharge of the compact administrator's
 13 duties and the performance of the compact administrator's functions as a board
 14 member by an alternate. An alternate may not serve unless written notification of the
 15 alternate's identity has been given to the board.

16 (b) Each member of the board of compact administrators is entitled to one
 17 vote. No action of the board is binding unless taken at a meeting at which a majority
 18 of the total number of votes on the board are cast in favor thereof. Action by the board
 19 must be only at a meeting at which a majority of the party states are represented.

20 (c) The board shall elect annually, from its membership, a chair and vice chair.

21 (d) The board shall adopt bylaws, not inconsistent with the provisions of this
 22 compact or the laws of a party state, for the conduct of its business and may amend or
 23 rescind its bylaws.

24 (e) The board may accept for any of its purposes and functions under this
 25 compact any donations and grants of money, equipment, supplies, materials, and
 26 services, conditional or otherwise, from any state, the United States, or any
 27 governmental agency and may receive, use, and dispose of them as it deems
 28 appropriate.

29 (f) The board may contract with, or accept services or personnel from, any
 30 governmental or intergovernmental agency, person, firm, corporation, or private
 31 nonprofit organization or institution.

1 (g) The board shall establish all necessary procedures and develop uniform
2 forms and documents for administering the provisions of this compact. All procedures
3 and forms adopted pursuant to board action must be included in the compact manual.

4 ARTICLE VIII

5 ENTRY INTO AND WITHDRAWAL FROM COMPACT

6 The party states agree that

7 (a) This compact becomes effective upon adoption by at least two states.

8 (b) Entry into the compact must be made by a resolution of ratification
9 executed by the authorized officers of the applying state and submitted to the chairman
10 of the board of compact administrators.

11 (c) The resolution must be in a form and content as provided in the compact
12 manual and include

13 (1) a citation of the authority by which the state is authorized to become
14 a party to this compact;

15 (2) an agreement to comply with the terms and provisions of the
16 compact; and

17 (3) a statement that entry into the compact is with all states then party
18 to the compact and with any state that legally becomes a party to the compact.

19 (d) The effective date of entry must be specified by the applying state, except
20 that the effective date must not be less than 60 days after notice has been given by

21 (1) the chair of the board of the compact administrators; or

22 (2) the secretary of the board of compact administrators to each party
23 state that the resolution from the applying state has been received.

24 (e) A party state may withdraw from the compact by giving official written
25 notice to the other party states. A withdrawal does not take effect until 90 days after
26 the notice of withdrawal is given. The notice must be directed to the compact
27 administrator of each party state. The withdrawal of a party state does not affect the
28 validity of the compact as to the remaining party states.

29 ARTICLE IX

30 AMENDMENTS TO THE COMPACT

31 The party states agree that

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(a) This compact may be amended from time to time. Amendments must be presented in resolution form to the chair of the board of compact administrators and may be proposed by one or more party states.

(b) The adoption of an amendment must be endorsed by all party states and becomes effective 30 days after the date the last party state endorses the amendment.

(c) The failure of a party state to respond to the chair of the board of compact administrators within 120 days after the receipt of the proposed amendment constitutes an endorsement.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

The party states agree that this compact must be liberally construed so as to carry out the purposes stated in the compact. The provisions of this compact are severable and if any phrase, clause, sentence or provision of the compact is declared to be contrary to the constitution of any party state or the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of the compact is not affected thereby. If this compact is held contrary to the constitution of any party state thereto, the compact remains in effect as to the remaining states and to the state affected as to all severable matters.

ARTICLE XI

TITLE

The party states agree that this compact will be known as the Wildlife Violator Compact.

* Sec. 2. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.334. Application of Wildlife Violator Compact. The provisions of AS 16.05.332 do not apply to violations involving

(1) commercial fishing; or

(2) commercial activities of providers of services to big game hunters;

for purposes of this section, "services to big game hunters" has the meaning given to "big game hunting services" under AS 08.54.790.

* Sec. 3. AS 16.05.410 is amended by adding a new subsection to read:

(h) For purposes of enforcement of the provisions of the Wildlife Violator

1 Compact entered into under AS 16.05.332, upon the receipt of a report that a violator
2 has failed to comply with the terms of a citation for a wildlife violation issued by an
3 issuing state other than this state or of the violator's conviction of a wildlife violation
4 in an issuing state other than this state, a peace officer may file a civil action in the
5 district court to revoke the comparable license or licenses that the violator holds in this
6 state. Once an action has been filed, the court shall set a time and date for a hearing on
7 the proposed license revocation or revocations and shall send notice of the hearing to
8 the violator. The hearing shall be before the court without a jury. At the hearing, the
9 court shall hear evidence regarding the nature and seriousness of the offense for which
10 the violator was convicted or the nature and seriousness of the failure to comply with
11 the citation, the time period involved, the potential effect of the violator's actions on
12 the preservation of the resource, and other relevant circumstances. If the court finds by
13 a preponderance of the evidence that the violator's actions demonstrate a disregard for
14 the preservation of wildlife resources, the court may revoke the violator's license or
15 licenses for a period of not less than one year or more than three years from the date of
16 revocation. In this subsection, the terms "issuing state," "wildlife," and "wildlife
17 violation" have the meanings given in AS 16.05.332.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 21, 2008

SUBJECT: Draft CSHB 267(RES) -- notes concerning the bill draft
(Work Order No. 25-LS0864\K)

TO: Representative Craig Johnson
Co-Chair of the House Resources Committee

FROM: Brian J. Kane *BJK*
Legislative Counsel

and

Jack Chenoweth
Assistant Revisor

1. On page 3, at line 19, in inserting the language of the first of the two committee-adopted amendments, "this paragraph" was changed to "this subsection." Elsewhere in the text of the compact, it is clear that the first subordinate part of the text, headed by a letter in parentheses, is regarded as a "subsection."

2. Page 3, lines 19 - 21: Inclusion of the last four words of the second sentence, added as part of the same committee-adopted amendment, squarely raises the question as to whether or not the Wildlife Violator Compact would be applicable to violations of state fisheries law. The text of the compact itself refers to "wildlife," defined in article II, subsection (o), as

... all species of animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, that are defined as wildlife and are protected or otherwise regulated by statute, regulation, ordinance, or administrative rule in a party state. *Species included in the definition of wildlife vary from state to state and a determination of whether a species is wildlife for the purposes of this compact must be based on local law.*

While the definition in the compact allows for the possible coverage of fish, the language emphasized above cautions the reader to look to the definition of "wildlife" as set out in state law. The Fish and Game Code (AS 16.05) has no definition of "wildlife." Arguably, the comparable term in this jurisdiction is of the word "game" under AS 16.05.940(19), a definition that is not inclusive of "fish":

Representative Craig Johnson
January 21, 2008
Page 2

(19) "game" means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 - AS 16.40[.]

Alternatively, while the Fish and Game Code makes a distinction, a broader reading of "wildlife" might be understood to include "fish." AS 16.05.940(12).

Inclusion or exclusion of "fish" from the definition of "wildlife" appears to present a significant ambiguity. Before reporting the bill, the committee may want to assure itself that the compact lends itself to administration in a way that it is clear that "wildlife" violations will include those involving the taking of "fish."

JBC:ljw
08-022.ljw

25-LS0864\K

Kane

1/21/08

CS FOR HOUSE BILL NO. 267(RES)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - SECOND SESSION****BY THE HOUSE RESOURCES COMMITTEE****Offered:****Referred:****Sponsor(s): REPRESENTATIVES JOHNSON, Dahlstrom, Wilson, Buch, Chenault, Ramras****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to authorizing the state to join with other states entering into the**
2 **Wildlife Violator Compact and authorizing the compact to supersede existing statutes**
3 **by approving standards, rules, or other action under the terms of the compact; and**
4 **directing the initiation of civil actions to revoke appropriate licenses in this state based**
5 **on a licensee's violation of or failure to comply with the terms of a wildlife resource**
6 **citation issued in another state that is a party to the compact."**

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

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

9 **Sec. 16.05.332. Wildlife Violator Compact. The Wildlife Violator Compact**
10 **as contained in this section is enacted into law and entered into on behalf of the State**
11 **of Alaska with any other states legally joining it in a form substantially as follows:**

ARTICLE I

12 **FINDINGS, DECLARATION OF POLICY, AND PURPOSES**
13

1 Section 1. Findings. The party states find that

2 (a) Wildlife resources are managed in trust by the respective states for the
3 benefit of all residents and visitors.

4 (b) The protection of their respective wildlife resources are materially affected
5 by the degree of compliance with state statute, regulation, ordinance, or administrative
6 rule relating to the management of those resources.

7 (c) The preservation, protection, management, and restoration of wildlife
8 contributes immeasurably to the aesthetic, recreational, and economic aspects of those
9 natural resources.

10 (d) Wildlife resources are valuable without regard to political boundaries and,
11 therefore, all persons must be required to comply with wildlife preservation,
12 protection, management, and restoration statutes, ordinances, and administrative rules
13 and regulations of all party states as a condition precedent to the continuance or
14 issuance of any license to hunt, fish, trap, or possess wildlife.

15 (e) The violation of wildlife laws interferes with the management of wildlife
16 resources and may endanger the safety of persons and property.

17 (f) The mobility of many wildlife law violators necessitates the maintenance
18 of channels of communications among the various states.

19 (g) In most instances, a person who is cited for a wildlife violation in a state
20 other than the person's home state

21 (1) must post collateral or a bond to secure the person's appearance for
22 a trial at a later date;

23 (2) if unable to post collateral or a bond, is taken into custody until the
24 collateral or bond is posted; or

25 (3) is taken directly to court for an immediate appearance.

26 (h) The purpose of the enforcement practices described in (g) of this section is
27 to ensure compliance with the terms of a wildlife citation by the person who, if
28 permitted to continue on the person's way after receiving the citation, could return to
29 the person's home state and disregard the person's duty under the terms of the citation.

30 (i) In most instances a person receiving a wildlife citation in the person's
31 home state is permitted to accept the citation from the officer at the scene of the

1 violation and continue immediately on the person's way after agreeing to comply with
2 the terms of the citation.

3 (j) The practice described in (g) of this section causes unnecessary
4 inconvenience and, at times, a hardship for the person who is unable at the time to post
5 collateral, furnish a bond, stand trial, or pay a fine and, therefore, is compelled to
6 remain in custody until another arrangement is made.

7 (k) The enforcement practices described in (g) of this section consume an
8 undue amount of law enforcement time.

9 Sec. 2. Policies. The policies of the party states are to

10 (a) Promote compliance with the statutes, ordinances, regulations and
11 administrative rules relating to management of wildlife resources in their respective
12 states.

13 (b) Recognize the suspension of wildlife license privileges of any person
14 whose license privileges have been suspended by a party state and treat the suspension
15 as if it had occurred in their state.

16 (c) Allow a violator to accept a wildlife citation, except as provided in
17 subsection (b) of article III, and proceed on the person's way without delay whether or
18 not the person is a resident in the state in which the citation was issued if the person's
19 home state is a party to this compact. However, nothing in this subsection prevents the
20 state from requiring bonds, confiscation of equipment, or similar restraints as
21 determined necessary in commercial fishing cases.

22 (d) Report to the appropriate party state, as provided in the compact manual,
23 any conviction recorded against any person whose home state was not the issuing
24 state.

25 (e) Allow the home state to recognize and treat convictions recorded for its
26 residents which occurred in another party state as if they had occurred in the home
27 state.

28 (f) Extend cooperation to its fullest extent among the party states for obtaining
29 compliance with the terms of a wildlife citation issued in one party state to a resident
30 of another party state.

31 (g) Maximize the effective use of law enforcement personnel and information.

(h) Assist court systems in the efficient disposition of wildlife violations.

Sec. 3. Purposes. The purposes of this compact are to:

(a) Provide a means by which the party states may participate in a reciprocal program to carry out the policies set forth in section 2 of this article in a uniform and orderly manner.

(b) Provide for the fair and impartial treatment of wildlife violators operating within party states in recognition of the persons' right of due process in the sovereign status of a party state.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context otherwise requires,

(a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document issued by a wildlife officer or other peace officer for a wildlife violation containing an order that requires the person to respond.

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) "Compliance" means the act of answering a citation by appearing in a court or tribunal or the payment of fines, costs, or surcharges, if any.

(d) "Conviction" means a conviction, including any court conviction, of any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, regulation, ordinance, or administrative rule, or a forfeiture of bail, bond, or other security deposited to secure the appearance of a person charged with any such offense, or the payment of a penalty assessment or a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

(e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(f) "Home state" means the state of primary residence of a person.

(g) "Issuing state" means the party state that issues a wildlife citation.

1 (h) "License" means any license, permit, or other public document that
2 conveys to the person to whom it is issued the privilege of pursuing, possessing, or
3 taking any wildlife regulated by statute, regulation, ordinance, or administrative rule
4 of a party state.

5 (i) "Licensing authority" means

6 (1) in each other party state, the department or division within the party
7 state that is authorized by law to issue or approve licenses or permits to hunt, fish,
8 trap, or possess wildlife; and

9 (2) in this state, the Department of Public Safety.

10 (j) "Party state" means any state that enacts legislation to become a member of
11 this compact.

12 (k) "Personal recognizance" means an agreement by a person made at the time
13 of the issuance of the wildlife citation that the person will comply with the terms of
14 that citation.

15 (l) "State" means any state, territory, or possession of the United States, the
16 District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or any
17 other countries.

18 (m) "Suspension" means any revocation, denial, or withdrawal of any license
19 privileges, including the privilege to apply for, purchase, or exercise the benefits
20 conferred by any license.

21 (n) "Terms of the citation" means those conditions and options expressly stated
22 in the citation.

23 (o) "Wildlife" means all species of animals, including, but not limited to,
24 mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, that are defined
25 as wildlife and are protected or otherwise regulated by statute, regulation, ordinance,
26 or administrative rule in a party state. Species included in the definition of wildlife
27 vary from state to state and a determination of whether a species is wildlife for the
28 purposes of this compact must be based on local law.

29 (p) "Wildlife law" means any statute, regulation, ordinance, or administrative
30 rule enacted to manage wildlife resources and the use thereof.

31 (q) "Wildlife officer" means any person authorized by a party state to issue a

1 citation for a wildlife violation.

2 (r) "Wildlife violation" means any cited violation of statute, regulation,
3 ordinance, or administrative rule enacted to manage wildlife resources and the use
4 thereof.

5 ARTICLE III

6 PROCEDURES FOR ISSUING STATE

7 Issuing state procedures are as follows:

8 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue
9 a citation to any person whose primary residence is in a party state in the same manner
10 as if the person were a resident of the home state. The wildlife officer may not require
11 the person to post collateral to secure that person's appearance, subject to the
12 exceptions set forth in paragraph (b) of this article, if the officer receives the person's
13 personal recognizance that the person will comply with the terms of the citation.

14 (b) Personal recognizance is permissible if

15 (1) it is not prohibited by local law or the compact manual; and

16 (2) the violator provides adequate proof of the violator's identity to the
17 wildlife officer.

18 (c) Upon conviction or failure of a person to comply with the terms of a
19 wildlife citation, the appropriate officer shall report the conviction or the failure to
20 comply to the licensing authority of the party state in which the wildlife citation was
21 issued. The report must be made in accordance with the procedures specified by the
22 issuing state and contain information as specified in the compact manual as minimum
23 requirements for effective processing by the home state.

24 (d) Upon the receipt of the report of conviction or noncompliance required by
25 (c) of this article, the licensing authority of the issuing state shall transmit to the
26 licensing authority in the home state of the violator the information in the manner
27 prescribed in the compact manual.

28 ARTICLE IV

29 PROCEDURES FOR HOME STATE

30 Home state procedures are as follows:

31 (a) Upon the receipt of a report of failure to comply with the terms of a citation

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from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator and begin a suspension action in accordance with the home state's suspension procedures. The licensing authority of the home state shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process rights must be accorded to the violator.

(b) Upon the receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and consider the conviction as if it had occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and make reports to the issuing states as provided in the compact manual.

ARTICLE V

RECIPROCAL RECOGNITION OF SUSPENSION

The party states agree that

(a) all party states shall recognize the suspension of license privileges of any person by any state as if the violation on which the suspension is based had occurred in their state and would have been the basis for suspension of license privileges in their state.

(b) each party state shall communicate information concerning the suspension of license privileges to the other party states in the manner prescribed in the compact manual.

ARTICLE VI

APPLICABILITY OF OTHER LAWS

The party states agree that, except as expressly required by the provisions of this compact, nothing included in this compact shall be construed to affect the right of any party state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangements between a party state and a nonparty state concerning wildlife law enforcement.

ARTICLE VII

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COMPACT ADMINISTRATOR PROCEDURES

The party states agree that

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is hereby established. The board must be composed of one representative from each of the party states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each party state and shall serve and be subject to removal in accordance with the laws of the state that the compact administrator represents. A compact administrator may provide for the discharge of the compact administrator's duties and the performance of the compact administrator's functions as a board member by an alternate. An alternate may not serve unless written notification of the alternate's identity has been given to the board.

(b) Each member of the board of compact administrators is entitled to one vote. No action of the board is binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor thereof. Action by the board must be only at a meeting at which a majority of the party states are represented.

(c) The board shall elect annually, from its membership, a chair and vice chair.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party state, for the conduct of its business and may amend or rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency and may receive, use, and dispose of them as it deems appropriate.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, corporation, or private nonprofit organization or institution.

(g) The board shall establish all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures

1 and forms adopted pursuant to board action must be included in the compact manual.

2 ARTICLE VIII

3 ENTRY INTO AND WITHDRAWAL FROM COMPACT

4 The party states agree that

5 (a) This compact becomes effective upon adoption by at least two states.

6 (b) Entry into the compact must be made by a resolution of ratification
7 executed by the authorized officers of the applying state and submitted to the chairman
8 of the board of compact administrators.

9 (c) The resolution must be in a form and content as provided in the compact
10 manual and include

11 (1) a citation of the authority by which the state is authorized to become
12 a party to this compact;

13 (2) an agreement to comply with the terms and provisions of the
14 compact; and

15 (3) a statement that entry into the compact is with all states then party
16 to the compact and with any state that legally becomes a party to the compact.

17 (d) The effective date of entry must be specified by the applying state, except
18 that the effective date must not be less than 60 days after notice has been given by

19 (1) the chair of the board of the compact administrators; or

20 (2) the secretary of the board of compact administrators to each party
21 state that the resolution from the applying state has been received.

22 (e) A party state may withdraw from the compact by giving official written
23 notice to the other party states. A withdrawal does not take effect until 90 days after
24 the notice of withdrawal is given. The notice must be directed to the compact
25 administrator of each party state. The withdrawal of a party state does not affect the
26 validity of the compact as to the remaining party states.

27 ARTICLE IX

28 AMENDMENTS TO THE COMPACT

29 The party states agree that

30 (a) This compact may be amended from time to time. Amendments must be
31 presented in resolution form to the chair of the board of compact administrators and

1 may be proposed by one or more party states.

2 (b) The adoption of an amendment must be endorsed by all party states and
3 becomes effective 30 days after the date the last party state endorses the amendment.

4 (c) The failure of a party state to respond to the chair of the board of compact
5 administrators within 120 days after the receipt of the proposed amendment constitutes
6 an endorsement.

7 ARTICLE X

8 CONSTRUCTION AND SEVERABILITY

9 The party states agree that this compact must be liberally construed so as to carry out
10 the purposes stated in the compact. The provisions of this compact are severable and if
11 any phrase, clause, sentence or provision of the compact is declared to be contrary to
12 the constitution of any party state or the United States or the applicability thereof to
13 any government, agency, person, or circumstance is held invalid, the validity of the
14 remainder of the compact is not affected thereby. If this compact is held contrary to
15 the constitution of any party state thereto, the compact remains in effect as to the
16 remaining states and to the state affected as to all severable matters.

17 ARTICLE XI

18 TITLE

19 The party states agree that this compact will be known as the Wildlife Violator
20 Compact.

21 * Sec. 2. AS 16.05.410 is amended by adding a new subsection to read:

22 (h) For purposes of enforcement of the provisions of the Wildlife Violator
23 Compact entered into under AS 16.05.332, upon the receipt of a report that a violator
24 has failed to comply with the terms of a citation for a wildlife violation issued by an
25 issuing state other than this state or of the violator's conviction of a wildlife violation
26 in an issuing state other than this state, a peace officer may file a civil action in the
27 district court to revoke the comparable license or licenses that the violator holds in this
28 state. Once an action has been filed, the court shall set a time and date for a hearing on
29 the proposed license revocation or revocations and shall send notice of the hearing to
30 the violator. The hearing shall be before the court without a jury. At the hearing, the
31 court shall hear evidence regarding the nature and seriousness of the offense for which

1 the violator was convicted or the nature and seriousness of the failure to comply with
2 the citation, the time period involved, the potential effect of the violator's actions on
3 the preservation of the resource, and other relevant circumstances. If the court finds by
4 a preponderance of the evidence that the violator's actions demonstrate a disregard for
5 the preservation of wildlife resources, the court may revoke the violator's license or
6 licenses for a period of not less than one year or more than three years from the date of
7 revocation. In this subsection, the terms "issuing state," "wildlife," and "wildlife
8 violation" have the meanings given in AS 16.05.332.

Conceptual #1
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

Page 3, line 19 insert:

"However, nothing in this paragraph prevents the state from requiring bonds, confiscation of equipment or similar restraints as determined necessary in commercial fishing cases."

AMENDMENT #2

OFFERED IN THE HOUSE
TO: HB 267

BY REPRESENTATIVE JOHNSON

- 1 Page 1, line 5:
- 2 Delete "resident"
- 3
- 4 Page 10, line 22:
- 5 Delete "who is a resident"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 328

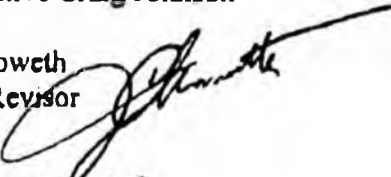
MEMORANDUM


November 10, 2007

SUBJECT: Draft bill for an Act relating to the Wildlife Violator Compact and related enforcement mechanisms -- a note on the definition of the term "resident" (Work Order No 25-LS0864\M)

TO: Representative Craig Johnson

FROM: Jack Chenoweth
Assistant Revisor

and 

Brian Kane 
Legislative Counsel

The "M" version revises material in bill section 2 and inserts reference to a "violator who is a resident. . ." The material is proposed to be part of a new subsection, (h), within AS 16.05.410.

For purposes of the state Fish and Game Code, AS 16.05, of which the material in the accompanying draft would be a part, the determination of who is a "resident" is made in two places. In effect, the chapter contains two tests or definitions. For purposes of AS 16.05.330 - 16.05.430, the test of AS 16.05.415 has applicability; in that section, several subsections have particular relevance:

Determination of residency. (a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of this section, is a resident if the person

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

(3) is not claiming residency in another state, territory, or country; and

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

...

(c) A person who is a member of the military service or the United States Coast Guard is a resident for the purposes of AS 16.05.330 -

16.05.430 if the person has been stationed in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of this section.

(d) A person who is the dependent of a resident member of the military service or the United States Coast Guard under (a) or (c) of this section is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person has lived in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of this section.

(e) A person who is an alien is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

(3) is not claiming residency in another state, territory, or country; and

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

(f) In AS 16.05.330 - 16.05.430, a person who is not a natural person, other than a sole proprietorship, establishes residency by maintaining its main office or headquarters in the state and providing proof, satisfactory to the commissioner, of that fact to the department or an agent of the department upon demand. A sole proprietorship has the same residency as the person, whether natural or otherwise, who is the proprietor of the entity. The commissioner may adopt regulations as necessary to implement this subsection.

(g) A natural person who does not qualify as a resident under (a) - (e) of this section does not qualify as a resident by virtue of an interest in a resident business entity under (f) of this section.

If AS 16.05.415 is inapplicable, then the general definition of "resident" applicable to the entirety of the chapter, as set out in AS 16.05.940(27), will apply:

(27) "resident" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country.

(B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country[.]

By virtue of this office's decision to place the new material in this bill in AS 16.05.332 and 16.05.410(h), the first of these two definitions appears to have application. If that is not satisfactory to you, we can renumber the material in the bill to fall outside AS 16.05.330 - 16.05.430 so that the definition of AS 16.05.940(27) would apply. The differences between the two tests or definitions may not be significant, but the introduction of "resident" into the draft requires that I flag it for your attention.

JBC:med
07-420.med

Enclosure

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8

Letters of Support and Various
Alaska News Articles

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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

Sponsor Statement Wildlife Violator Compact HB 267

This legislation would allow Alaska to join other states in entering into a Wildlife Violator Compact. The Wildlife Compact (WVC) was created in 1989 when passed into law in Colorado, Utah and Oregon and currently there are 26 states participating in the compact. Ohio will be the 27th state joining in January of 2008. The WVC is an interstate agreement to enhance compliance with the hunting, fishing and other wildlife laws, ordinances and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators.

Compact Benefits for the Consumer:

- Delays and or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
- Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

Compact Benefits for the Agency:

- Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
- The burden on courts and jail facilities is reduced because of the decreased case load involving immediate appearances, bonding and incarceration.
- Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding or incarceration.
- The numbers of "Failure to Appear" cases are reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home state.
- Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

Johnson 11/11/07

Inter-state poacher watch extends Alaska's reach

By REP. CRAIG JOHNSON

Recent news coverage of Alaska's big game hunting, some good and some bad, highlights the need for better communication and cooperation with other states to ensure poachers do not go unpunished.

I read with both pride and dismay a story from Anchorage about poachers being brought to justice for illegally taking our big game. Pride because our Alaska wildlife troopers did their job and did it well, but with dismay at the fact that the two men involved will undoubtedly be viewed as hunters. They are not, and for once the *Anchorage Daily News* got it right in the headline by calling them poachers.



Johnson

This calculated criminal act and others like it, unfortunately, are all too common here, and all the harder to enforce, thanks to the sheer size of our state. However, there is one valuable way we can change the dynamic and start bringing forces to bear on those who illegally take and waste our fish and game: The Wildlife Violator Compact, or WVC. I am working on a bill that would bring our state into the WVC fold and allow greater effectiveness and efficiency in the state's wildlife enforcement efforts.

Colorado, Nevada, and Oregon initiated the Wildlife Violator Compact in 1989 to give their wildlife enforcement officers a way to cross-reference violators from other states. It allows license revocations associated with the crimes committed in any compact-member state to be enforced in all compact-member states including the violator's home state. Previously, the risk of hunting illegally was simply getting caught.

The out-of-state violator could return home and fail to appear at arraignment, adding a burden to law enforcement and the court system in tracking violators down for extradition. With the WVC, if an out-of-state poacher fails to appear in court for a violation committed in Alaska, state wildlife agents could enter the violation into the WVC database, which would revoke the violator's hunting or fishing license in all compact-member states until the violator appeared to face the charges.

In addition to greatly increasing the communication between enforcement agencies, the WVC allows for hunting or fishing license revocations in member states to be transferred, meaning violators from out of state who commit serious wildlife crimes in Alaska would also have their home state licenses revoked. This change alone brings more offenders to justice by bringing the same sanctions on their home state hunting and fishing privileges as those in the state where the violation occurred.

The significant deterrent is that violators won't be able to ignore the citation or summons. The license revocations will cross state lines, forcing them to cooperate to ensure their home state status won't be compromised.

Currently, 26 states are members. Fifteen more are in the process of approving legislation or are awaiting enrollment in the WVC. At present a database of more than 4,100 violators exists that Alaska wildlife troopers can search through when processing citations or when an applicant

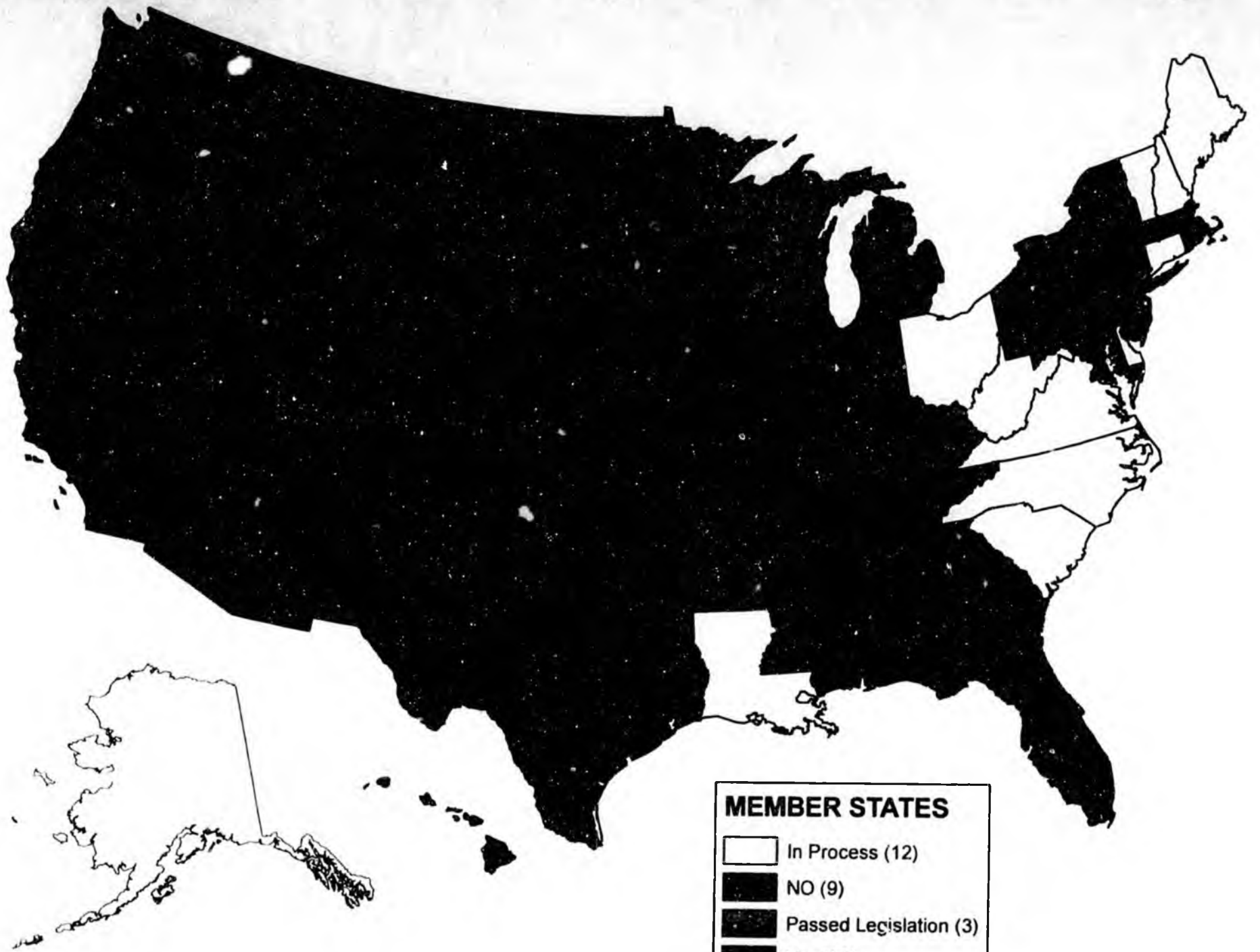
applies for a hunting or fishing license in Alaska. Information sharing also means that instead of tracking down poachers who fail to appear, or working on extradition proceedings, enforcement officers can spend more time in the field patrolling and making arrests, thus minimizing unnecessary paperwork.

The respective chairmen of the boards of Fish and Game support this legislation, saying: "The WVC sends a clear message that we value our fish and wildlife resources, and are serious about protecting them." Chairmen Cliff Judkins of the Board of Game and Mel Morris of the Board of Fish also wrote that: "Passage of this legislation will provide a strong deterrence for the commission of serious fish and wildlife crimes in Alaska, and will remain a priority of the two boards."





I believe that vigilance, state-of-the-art tools, and inter-governmental cooperation are highly effective measures that will keep our state as a world-class destination for big game hunting and wildlife viewing. By Alaska's participation in the WVC, poachers who disregard our laws will no longer return home and ignore our legal system.

Craig Johnson is a Republic member of the Alaska House representing District 28 (Southwest Anchorage).

<http://www.voiceofthetimes.net>



MEMBER STATES

| | |
|---|------------------------|
|  | In Process (12) |
|  | NO (9) |
|  | Passed Legislation (3) |
|  | Yes (26) |

TWENTY-SIX STATES



MEMBER STATES

NO
 Yes

WILDLIFE VIOLATOR COMPACT STATES
OCTOBER 20, 2005

ARIZONA
CALIFORNIA
COLORADO
GEORGIA
IDAHO
INDIANA
IOWA
KANSAS
MARYLAND
MICHIGAN
MINNESOTA
MISSOURI

MONTANA
NEVADA
NEW MEXICO
NORTH DAKOTA
OREGON
SOUTH DAKOTA
UTAH
WASHINGTON
WYOMING

2006 AND 2007 ADDITIONS

MISSISSIPPI
ILLINOIS
TENNESSEE
FLORIDA
NEW YORK

WILDLIFE VIOLATOR COMPACT



Why should Alaska join?

PRESENTED BY

*Alan G. Cain
Statewide Law Enforcement Specialist
Alaska Dept. of Fish & Game*



①

HISTORY

- PATTERNED AFTER THE DRIVERS LICENSE COMPACT
- LEGISLATION DRAFTED BY NEVADA & COLORADO IN 1985
- LEGISLATION PASSED IN 1989 IN COLORADO, NEVADA, & OREGON
- OFFICIALLY STARTED 1991 BETWEEN COLORADO, NEVADA, & OREGON



②

WHY?

- Two poachers from Missouri convicted of taking two bighorn sheep w/o licenses in Wyoming . Both fined \$19,800 and loss of hunting privileges for 10 years



③

WYOMING

- Two habitual wildlife violators convicted of taking two bighorn rams out of season on Christmas eve in Wyoming



④

IDAHO

- A spike bull elk killed during closed season in Idaho and hauled back into Montana with Montana elk tag
- Group consisted of eight Montana residences that had been illegally killing 5-10 bulls in Idaho during closed season for 10-15 years having a significant impact on the bull population in the area



5

COLORADO

- This individual was convicted in Arizona. He was then convicted of illegal guiding in Colorado



6

MISSOURI

- Shooting deer illegally in Iowa and bringing them to the Missouri to be checked as legal kills may have seemed like a slick idea to three Missouri men, but the scheme cost them more than \$20,000



7

ARIZONA

- This poacher is posing with 4 deer and 3 javelina. All were taken on one hunting trip. This guy had been poaching for years, until an informant told officials about him



8

This nonresident poacher from Alabama is posing with an illegal cow caribou. He and his hunting companions took a total of 11 illegal caribou and entirely wasted the meat of 9. If Alaska were a compact member, their hunting licenses would have been revoked in 21 states instead of Alaska only.

ALASKA



(9)

FOUNDATION

- PREVENT POACHERS REVOKED IN ONE STATE FROM HUNTING OR FISHING IN OTHER STATES
- PROVIDE FOR ISSUANCE OF CITATION TO NON-RESIDENTS VERSUS ARREST
- PROVIDE STRONG DETERRANCE FOR SERIOUS FISH & WILDLIFE CRIMES

(10)

CURRENT PROVISIONS

- ANYONE REVOKED IN ONE COMPACT STATE IS REVOKED IN ALL OTHER COMPACT STATES IF THE CONVICTION IS A BASIS FOR REVOCATION IN THAT STATE
- EACH STATE WILL TREAT THE CONVICTION AS IF IT OCCURRED IN THEIR STATE
- A VIOLATOR OF A COMPACT STATE SHALL BE TREATED AS A RESIDENT IF HE VIOLATES IN ANY OTHER COMPACT STATE
- IF THE VIOLATOR FTA's THEN THE STATE ISSUING THE CITATION MAY NOTIFY THE HOME STATE

(11)

CURRENT PROVISIONS (cont'd)

- THE HOME STATE NOTIFIES THE VIOLATOR THAT HE WILL BE SUSPENDED UNTIL THE TERMS OF THE CITATION ARE COMPLIED WITH
- REVOCATION INFORMATION IS ENTERED INTO UTAH'S DATA BASE
- EACH COMPACT STATE ENTERS & CONTROLS THEIR OWN INFORMATION. EACH STATE CAN ACCESS INFORMATION ON ALL THE REVOKEES IN THE DATABASE AND SORT BY VIOLATION IF THEY WISH
- THIS ALLOWS FOR VIEWING ONLY THOSE VIOLATIONS WHICH ARE REVOCABLE IN YOUR STATE

(12)

TECHNICAL ASPECTS

- BASIC VIOLATOR INFORMATION STORED ON A MAINFRAME COMPUTER HOSTED BY THE UTAH DEPARTMENT OF PUBLIC SAFETY
- ACCESS TO MAINFRAME IS GRANTED TO COMPACT ADMINISTRATORS AND LAW ENFORCEMENT PERSONNEL IN MEMBER STATES
- PERIODIC AND ON-DEMAND DOWNLOADS OF CURRENT REVOKEE INFORMATION ARE PROVIDED TO MEMBER STATES

13

TECHNICAL ASPECTS (cont'd)

- DOWNLOADS OF VIOLATOR INFORMATION MAY BE INCORPORATED IN TO DRAWING AND AUTOMATED LICENSING SYSTEMS TO PREVENT REVOKEES FROM OBTAINING LICENSES IN MEMBER STATES



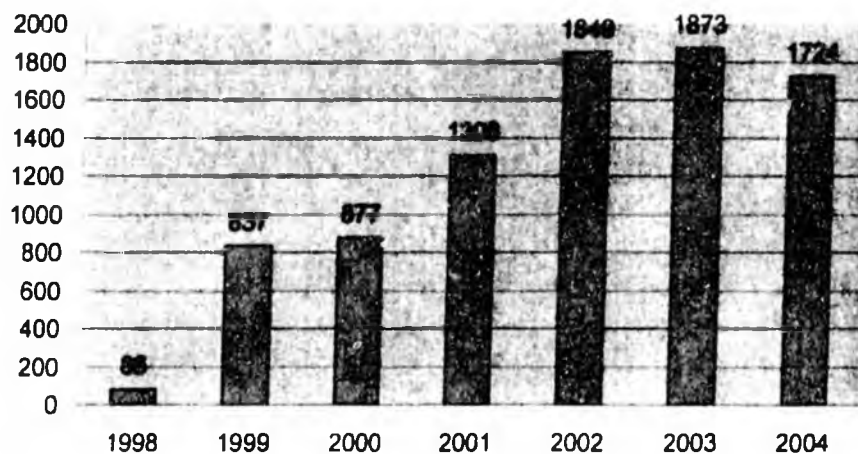
14

STATUS

- APPROXIMATELY 4,100 NAMES CURRENTLY EXIST IN THE DATABASE
- A TOTAL OF 9,788 INDIVIDUALS HAVE BEEN REVOKED THROUGH THE COMPACT (as of June 2005)
- APPROXIMATELY 50 PERCENT ARE REVOKED DUE TO BIG GAME VIOLATIONS
- 25 STATES CURRENTLY PARTICIPATE IN VIOLATOR COMPACT
- 3 MINUTE AVERAGE PER ENTRY

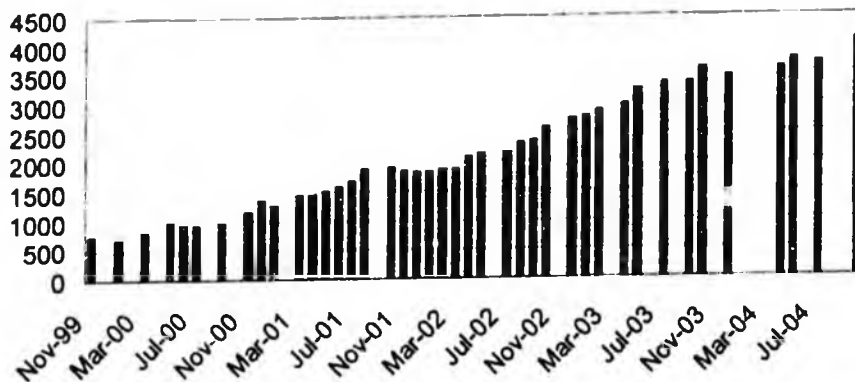
15

Interstate Wildlife Violator Compact Database 10-26-98 to 07-16-2004 Suspensions Added Per Year



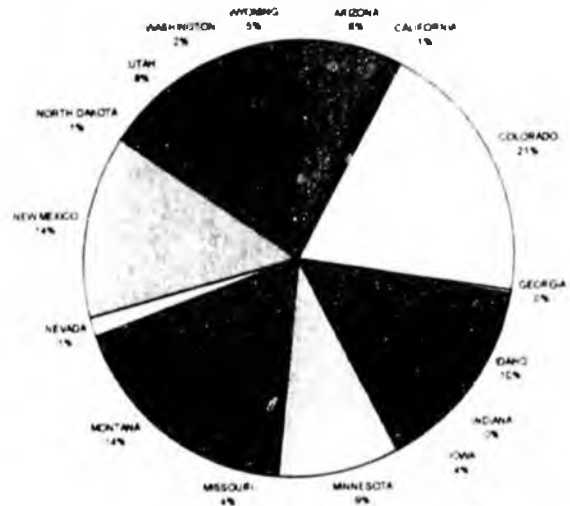
16

INTERSTATE WILDLIFE VIOLATOR COMPACT "CURRENT"
SUSPENSIONS AS OF DATE LISTED

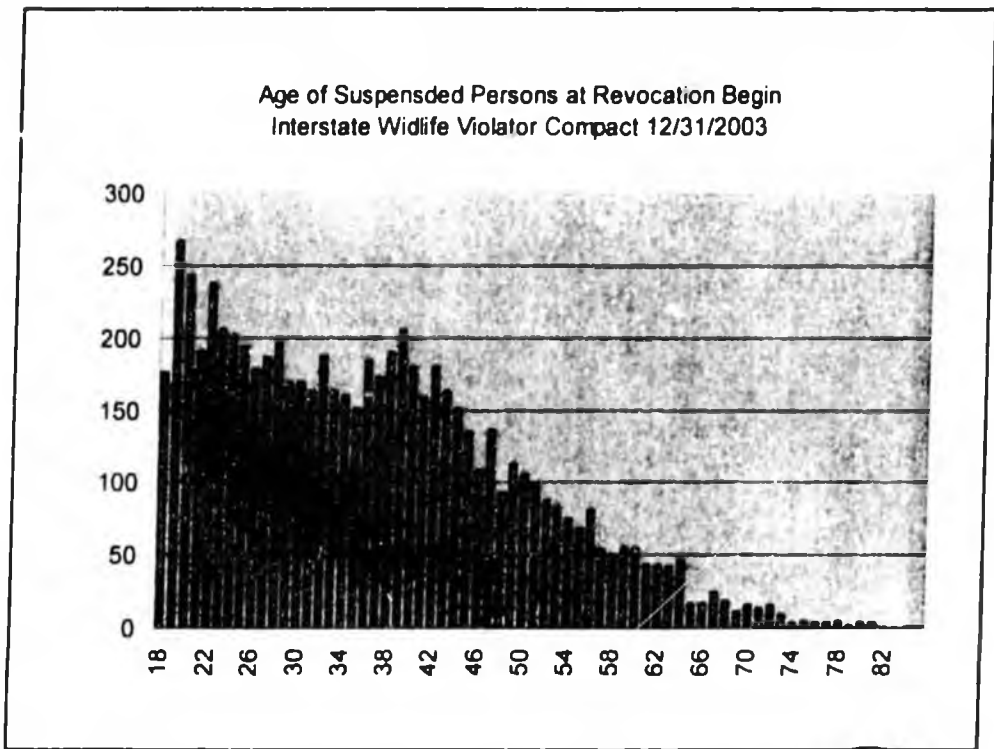
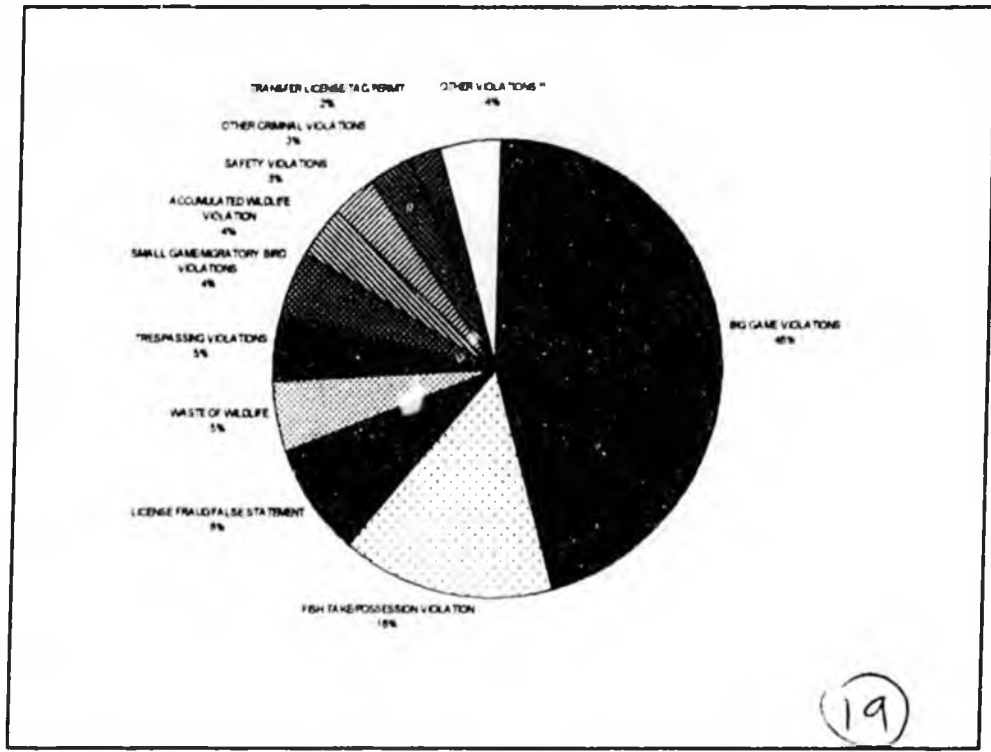


(17)

Interstate Wildlife Violator Compact Suspension Record Contributions to Database 10/1998
through 10/27/2004



(18)



COMPACT MEETINGS

- EACH STATE'S CHIEF OR LICENSING AUTHORITY SHALL APPOINT A COMPACT ADMINISTRATOR
- IWVC MEETING IS HELD ANNUALLY DURING THE AFWA CONFERENCE



21

COMPACT MEMBERS

- Arizona
- California
- Colorado
- Florida
- Georgia
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Maryland
- Michigan
- Minnesota
- Missouri
- Montana
- Nevada
- New Mexico
- New York
- North Dakota
- Oregon
- South Dakota
- Tennessee
- Utah
- Washington
- Wyoming

22

Wildlife Compact Member States



| MEMBER STATES | |
|--------------------|-----|
| In Process | 101 |
| No | 111 |
| Passed Legislation | 41 |
| Yes | 251 |

23

REASONS ALASKA SHOULD JOIN

- Greatly increase deterrence of serious fish & wildlife crimes in Alaska by individuals who hunt or fish in other states
- Increase compliance in paying fines by nonresidents
- Greater protection of valuable game animals throughout the United States

24

**WILDLIFE VIOLATOR COMPACT
OPERATIONS MANUAL
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SECTION I BACKGROUND

I. Historical Information

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a compact based on the format of the existing Drivers License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.

In 1985 draft compacts were developed independently in Colorado and Nevada. Subsequently, these drafts were merged and the Wildlife Violator Compact (WVC) was presented for discussion at the 1986 Law Enforcement Technical Committee Workshop of the Western Association.

During the 1989 Legislative session compact legislation was passed into law in Colorado, Nevada and Oregon. These three states formed the nucleus for the development of the operational procedures of the WVC.

I. Compact Benefits

A. For the consumer

1. Delays, and/or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
2. Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

B. For the agency

1. Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
2. The burden on courts and jail facilities is reduced because of the decreased caseload involving immediate appearances, bonding and incarceration.

3. Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding, or incarceration.
4. The number of "Failure to Appear" cases is reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home states.
5. Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

SECTION II WILDLIFE VIOLATOR COMPACT

NOTE: This section contains the text of the Wildlife Violator Compact as passed by the Colorado Legislature in 1989. Details may differ from Wildlife Violator Compact language enacted by other participating states, but the substantive language remains intact.

ARTICLE I Findings, Declaration of Policy, and Purpose

- (a) The participating states find that:
- (1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
 - (2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.
 - (3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.
 - (4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.
 - (5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
 - (6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.
 - (7) In most instances, a person who is cited for a wildlife violation in a state other than his home state:
 - (i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or
 - (ii) Is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance.

- (8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.
- (9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.
- (10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.
- (11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

- (1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.
- (2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state.
- (3) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.
- (4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.
- (5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

- (6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.
 - (7) Maximize effective use of law enforcement personnel and information.
 - (8) Assist court systems in the efficient disposition of wildlife violations.
- (c) The purpose of this compact is to:
- (1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.
 - (2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II Definitions

As used in this compact, unless the context requires otherwise:

- (a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.
- (b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
- (c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.
- (d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.
- (e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

- (f) "Home state" means the state of primary residence of a person.
- (g) "Issuing state" means the participating state which issues a wildlife citation to the violator.
- (h) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- (i) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.
- (k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.
- (l) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.
- (m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
- (n) "Terms of the citation" means those conditions and options expressly stated upon the citation.
- (o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.
- (p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.
- (q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.
- (r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or

administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III Procedures for Issuing State

- (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.
- (b) Personal recognizance is acceptable (1) if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual and (2) if the violator provides adequate proof of identification to the wildlife officer.
- (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.
- (d) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE IV Procedure for Home State

- (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. All member states may honor a suspension based on failure to comply. Due process safeguards will be accorded.
- (b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the

licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

- (c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V Reciprocal Recognition of Suspension

- (a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.
- (b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE VI Applicability of Other Laws

- (a) Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII Compact Administrator Procedures

- (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.

- (b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (c) The board shall elect annually from its membership a chairman and vice-chairman.
- (d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize and dispose of same.
- (f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII
Entry into Compact and Withdrawal

- (a) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.
- (b) (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.
- (2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:
 - (i) A citation of the authority from which the state is empowered to become a party to this compact;
 - (ii) An agreement of compliance with the terms and provisions of this compact; and

- (iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
- (3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretariat of the board to each participating state that the resolution from the applying state has been received.
- (c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX **Amendments to the Compact**

- (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.
- (b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.
- (c) Failure of a participating state to respond to the compact chairman within sixty days after receipt of a proposed amendment shall constitute endorsement thereof.

ARTICLE X **Construction and Severability**

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this Compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI
Title

This compact shall be known as the "Wildlife Violator Compact".

SECTION III
PROCEDURAL MATTERS

I. The Wildlife Violator Compact

A. What is it?

The Wildlife Violator Compact (WVC) assures non-resident violators receiving citations for certain wildlife violations in participating states the same treatment accorded residents who are in violation. Procedures are established in Section IV of this manual which cause a non-resident violator who fails to comply with the terms of a citation issued in a participating state to face the possibility of the suspension of his wildlife license privileges in his home state until the terms of the citation are met. Safeguards are built into the WVC to assure that a non-resident violator is afforded all due process protection.

In addition, the WVC provides for the reciprocal recognition of the suspension of license privileges by participating states, subject to limitations again intended to provide due process protection. The reciprocal recognition of suspensions is intended to address the problems associated with the mobility of many violators.

Finally, the WVC provides that information on convictions in participating states shall be forwarded to the home state of the violator. The home state shall treat such convictions as if they had occurred in that state for the purposes of license suspension actions.

The WVC not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers.

B. What it is not.

The WVC is not a device to secure court appearance if a defendant has previously delivered himself into the court's jurisdiction and trial has been postponed to a later date. It is not a device for collecting unpaid portions of fines allowed to be paid in installments by the courts. It is not a punitive device.