

Sponsor Supplement

Representative Cheryl Heinze

HB 452 – What's changed?

The original piece of legislation has undergone changes in each of its three committees of referral.

The most recent changes occurred in the House Finance Committee on 4-14-2004:

- **Section 1** of the (H) FIN amendment was added to specifically expand the scope of the previous section's language to **include requirements for timely submission of reports**. These requirements would be **set through regulation**.
- **Section 2** of the amendment **changed the penalty** for failure to submit timely reports **from a class A misdemeanor** (carrying a penalty of up to 1 year in jail and a \$10,000 fine) **to a violation** (which carries a penalty of up to \$500 fine with no jail time or permanent record).
- This language was **inserted in response to concerns raised by various members of the guide industry** about an oversight made in the bill's original language. These changes were made with the full support of the Department of Fish and Game and Rep. Heinze.
- The amendment was adopted with the full support of the Finance committee and HB 452 was later passed out of committee without objection. **The only language in place referring to a Class A misdemeanor that was not excluded by the amendment applies to a person knowingly (as defined by statute) guiding without a license.**

Why require reporting at all?

- The reporting requirements within HB 452 will provide the Board of Fisheries with guided sport fishing effort and **harvest information that is currently not available**

in freshwater (except the Kenai River). The **Board will use this information to** develop regulations, as necessary that will **provide for sustained yield of Alaska's wild stocks.**

So, even without jail time, I still have to give up my sweet spot and jeopardize my business?

- **NO!**
- A number of sport fishing guides are concerned that the reporting requirements within HB 452 will require them to reveal specific locations where they take clients to catch fish. **The department does not envision this type of reporting requirement.** The **reporting areas** for the existing **saltwater** logbook program **are large saltwater areas**, usually conforming to commercial fishing statistical areas that encompass many square miles.
- The **freshwater reporting requirements would not be more specific** (except in the Kenai River) than listing the drainage that is fished; for example, “the Nushagak River”, or “the Gulkana River” will probably be required, not “the Nushagak River 1.2 miles above the confluence with Clear Creek”.
- **All reporting requirements** for both fresh and saltwater fishing guides **will be adopted by the Board of Fisheries during regularly scheduled open public noticed meetings.** This process will include as much public participation as the public wishes to be included, like all other board meetings. **Specific considerations related to your fishery will be heard and considered.**

But my competition can still have access to my information, right?

- **All sport fishing reports are considered confidential.** They will be available to the owner of the guiding company upon request. **All other requests for records of any individual guiding business will be denied.** The department will only release reporting information when the data is combined for at least four or more guiding businesses, just like it is for commercial fishing fish ticket data, to protect the rights of individual owners.