

# Fiscal Note

State of Alaska  
2024 Legislative Session

Bill Version: SB 168  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB168CS(RES)-DFG-DWC-04-13-24  
Title: COMPENSATION FOR WRONGFULLY SEIZED  
GAME  
Sponsor: BJORKMAN  
Requester: (S)Finance

Department: Department of Fish and Game  
Appropriation: Wildlife Conservation  
Allocation: Wildlife Conservation  
OMB Component Number: 473

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates					
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

None	***		***	***	***	***	***	***
<b>Total</b>	***	<b>0.0</b>	***	***	***	***	***	***

**Estimated SUPPLEMENTAL (FY2024) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2025) cost:** 0.0 *(separate capital appropriation required)*

**Does the bill create or modify a new fund or account?** No  
*(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version/comments:**

Updated to reflect changes adopted in the Senate Resources CS. The Department of Fish and Game was removed as the agency responsible for providing monetary compensation to an individual. The monetary compensation amount was changed from a per-pound calculation to reference the restitution schedule for unlawfully taking a game animal under AS 16.05.925(b), and the amounts for each animal were increased.

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Division:	Office of the Commissioner	Date:	04/13/2024 09:00 AM
Approved By:	Bonnie Jensen, Administrative Services Director	Date:	04/13/24
Agency:	Department of Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2024 LEGISLATIVE SESSION

BILL NO. CSSB168

Analysis

This legislation amends Fish and Game statutes by adding a new section that would require the State of Alaska (State) to provide monetary compensation to an individual if a court finds the individual not guilty or if a conviction is overturned on appeal or otherwise set aside in cases where the State or an agent of the State seized game from the individual. The amount the State must pay equals the restitution amount for unlawfully taking the same species of game animal under AS 16.05.925(b). For purposes of this fiscal note, the department assumes any costs to the State would be handled by a different agency since the bill references the State generally. Therefore, operating costs to the department are zero.

If an individual is found guilty of illegally taking game, the court may impose restitution to the State in the amount(s) under AS 16.05.925(b) for each animal unlawfully taken. Restitution payments are deposited into the Fish and Game Fund (FGF) in accordance with AS 16.05.110(a)(3). Those deposits are the focus of this fiscal note, and the department anticipates a positive revenue impact as a result of this legislation.

If enacted, the bill will increase the amount of revenue per restitution payment for the species listed under AS 16.05.925(b) by 55 percent. The amount the Division of Wildlife Conservation FGF subaccount receives each year varies. Likewise, the annual amount of the increase is not expected to be consistent. In some years, the annual amounts could increase substantially, while in other years it would be less significant. Overall, the department anticipates a net positive. However, based on the inconsistency and uncertainty in amounts from year-to-year, the department submits an indeterminate fiscal note.

As a reference point, below are the fish and game restitution amounts identified for FY2019-FY2023 along with 55 percent calculated increases and an average. These numbers include restitution specific to AS 16.05.925(b); however, these numbers may also include other fish and game related restitution amounts such as those under AS 16.35.210(d) and other court ordered judgments not specific to AS 16.05.925(b).

Fiscal Year	Amount	55 percent
2019:	\$34.5	\$19.0
2020:	\$32.8	\$18.0
2021:	\$53.3	\$29.3
2022:	\$74.6	\$41.0
2023:	\$107.3	\$59.0
Five-Year Average:	\$60.5	\$33.3