

# Fiscal Note

State of Alaska  
2024 Legislative Session

Bill Version:	CSSB 168(RES)
Fiscal Note Number:	1
(S) Publish Date:	3/22/2024

Identifier: SB168-DFG-DWC-02-10-24  
 Title: COMPENSATION FOR WRONGFULLY SEIZED GAME  
 Sponsor: BJORKMAN  
 Requester: (S)Resources

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 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>	***	***	***	***	***

**Fund Source (Operating Only)**

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

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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>

**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 If yes, by what date are the regulations to be adopted, amended or repealed?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:**

Not applicable; initial version.

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Division:	Office of the Commissioner	Date:	02/10/2024 08:00 AM
Approved By:	Bonnie Jensen, Administrative Services Director	Date:	02/10/24
Agency:	Department of Fish and Game		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2024 LEGISLATIVE SESSION**Analysis**

This legislation amends Fish and Game statutes by adding a new section that would require the Alaska Department of Fish and Game (ADF&G) to provide monetary compensation to an individual if a court finds that the State wrongfully seized game from the individual. The calculation in the bill requires compensation in an amount approximately equal to the weight in pounds of the game multiplied by the current prevailing per-pound retail price of beef sold in the area where the game was originally taken.

Under AS 16.05.190, a peace officer of the State is required to seize game if there is probable cause to believe a violation exists. If a court finds a defendant not guilty or the State dismisses an offense, that does not automatically mean that a state agent did not have probable cause to seize the game and that the game was wrongfully seized. It is unclear if the compensation is intended to be provided through the criminal court process as part of the adjudication of a fish and game violation or if it would require the defendant to file a civil matter to receive a judgement from the court and findings the game was wrongfully seized.

Game animals vary in size as does the price of beef based on location, even within different stores in the same areas around Alaska, and the price of beef also varies depending on the cut (ground beef, steak, prime rib, etc.). Additionally, most game is taken in rural locations off Alaska's road system, which raises the question of what the price would be in these areas as the bill requires the cost per-pound be determined by the area the game was originally taken.

It is difficult for ADF&G to assess the fiscal impact with the uncertainty in the legal standard and monetary compensation calculation. Therefore, the department submits an indeterminate fiscal note.