

"An Act creating a special fish and game prosecutor; and providing for an effective date."

### COMMITTEE REPORT

4/2/75

HOUSE

FINANCE

Mr. Speaker:

Date 4/15/75

The Committee on JUDICIARY has had HB 370

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 370 AND THAT

CS FOR HB 370 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Larry Lindner</u>	<u>Sam R. Tuttle</u>	_____
<u>Charles H. ...</u>	<u>...</u>	_____
<u>R. S. Bradley</u>	_____	_____
<u>Spickard</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Larry Lindner Chairman

*(An Act creating a special fish, game and game prosecutor)*

"An Act creating a special fish and game prosecutor; and providing for an effective date."

4/16/75

# COMMITTEE REPORT

## HOUSE

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Date \_\_\_\_\_

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recommends it DO PASS

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reports it back WITHOUT RECOMMENDATION

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Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

Original sponsor: Specking, Anderson,  
H. Beirne, et al

Offered: 4/16/75  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 370

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a special fish, game and guide  
7 prosecutor; and providing for an effective date."

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11 Department of Law is the office of the special prosecutor for fish, game  
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15 who is admitted to the practice of law in the state, familiar with fish,  
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17 trial practice; and at least one investigator experienced in fish, game  
18 and guide investigation.

19 (c) The Department of Law shall set out separately the expenses of  
20 the office of the fish, game and guide prosecutor as an independent sub-  
21 program or element of the Department of Law budget, which shall be  
22 submitted by the governor in accordance with the Executive Budget Act  
23 (AS 37.07) as part of his annual budget presentation to the legislature.  
24 The funds budgeted shall include sufficient travel expenses to allow the  
25 office to operate effectively in enforcing the fish, game and guide laws  
26 of the state.

27 (d) The fish, game and guide prosecutor shall

28 (1) review all reported violations of state fish, game and  
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16 (1) conduct investigations of fishing, hunting and guiding  
17 practices in the state; and

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19 the production of documents or other physical evidence, administer  
20 oaths, and conduct hearings to aid in investigation or inquiry; service  
21 of an order or subpoena shall be made in the same manner as a summons in  
22 a civil action in the superior court.

23 \* Sec. 2. This Act takes effect July 1, 1975.  
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29

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amnd

Introduced: 4/2/75  
Referred: Judiciary and Finance

BY SPECKING, ANDERSON, BEIRNE,  
BRADLEY, BUCHHOLDT, COTTEN,  
DUNCAN, FREEMAN, GARDINER, HAUGEN,  
HERSHBERGER, KELLEY, MCKINNON  
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COMMITTEE COPY

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ALASKA STATE LEGISLATURE

NINTH Legislature FIRST Session

HOUSE BILL NO. 370

By SPECKING, ANDERSON, BEIRNE, BRADLEY, BUCHHOLDT, COTTEN, DUNCAN, FREEMAN, GARDINER, HAUGEJ, HERSHBERGER, KELLEY, MCKINNON, OSTERBACK, OSTROSKY, PARKER, SMITH AND SULLIVAN ELIASON AND SWANSON

"An Act creating a special fish and game prosecutor; and providing for an effective date."

Spec. fish&game prosecutor

Introduced in the House 4/2/75

HISTORY IN THE HOUSE

1975

Apr 2

Read first time and referred to Committee on Judiciary and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

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PASS	Effective Date
Yeas	Yeas
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Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

Chapter No. ....

Original sponsor: Speckhard, Anderson,  
H. Seirna, et al

Dffered: 4/16/75  
Referred: Finance

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The Legislature of the State of Alaska  
FISCAL NOTE

*all*

First Session - Ninth Legislature

I. REQUEST

Bill No. HB 370

Title: An Act Creating a Special Fish and Game Prosecutor

Requested by: House Judiciary Committee Date: April 9, 1975

Return Date Requested:

Agency: Department of Law Program: Prosecution

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Prosecution

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		67.8	74.6	82.1	90.3	99.3
200 TRAVEL		20.5	22.5	24.7	27.2	29.9
300 CONTRACTUAL		23.1	25.4	27.9	30.7	33.8
400 COMMODITIES		2.8	3.1	3.4	3.7	4.1
500 EQUIPMENT		4.4				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		118.6	129.3	138.1	151.9	167.1

B. FUNDING: (Thousands of dollars)

GENERAL FUND		118.6	129.3	138.1	151.9	167.1
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	3 /	3 /	3 /	3 /	3 /
MAN MONTHS (P./T.)	/	36 /	36 /	36 /	36 /	36 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

General Assumptions:

1. The prosecutor and staff will be located in Anchorage.

2. A Legal Secretary will be needed to provide clerical support. The present staff in the Anchorage District Attorney's office is inundated by the existing workload and cannot absorb the volume of work the Prosecutor and Investigator will produce.

Fiscal Assumptions: (dollar amount on chart below)

~~XXXXXXXXXXXXXXXXXXXX~~

Personal Services - Attorney V, Range 25-A, Investigator, Range 17-A.  
Legal Secretary I, Range 10-B.

Travel - to carry out the activities listed in HB 370 we assume 25 trips each by the Prosecutor and the Investigator instate for field travel at

V. DATE: April 11 1975

PREPARED BY: Robert F. Schroeder

*Legal administrator*

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

### III. ANALYSIS (continued)

an average cost of \$346 per trip for transportation and per diem; 2 trips out of state by the Investigator at \$550 per trip; two administrative trips by the Prosecutor and one by the Investigator at \$300 per trip; one trip each by the prosecutor and investigator for instate meetings at \$300 per trip; and one trip out of state by the prosecutor at \$600 per trip.

Contractual Services - Department of Law offices in Anchorage are fully occupied; additional space will have to be acquired for the prosecutor and staff. Witness fees are budgeted 60% above the present average per prosecutor in the Anchorage District Attorney office; we anticipate fish and game cases will involve more out of state citizens than encountered in other offenses therefore the costs of witness transportation will be higher. Other items of expenditure are averaged from the present costs of operation.

#### Commodities and Equipment:

Average amounts necessary to establish and effectively maintain each position:

<u>Object of Expenditure</u>	<u>Attorney V Range 25-A</u>	<u>Investigator Range 17-A</u>	<u>Legal Sec. I Range 10-B</u>	<u>Total</u>
<u>Personal Services</u>				
Salaries	30,096	16,704	10,656	57,465
Benefits at 18%	5,417	3,704	1,981	10,342
<u>Total Pers. Servs.</u>	<u>35,513</u>	<u>19,711</u>	<u>12,574</u>	<u>67,798</u>
<u>Travel</u>				
Field-instate	8,650	8,650		17,300
Field-out of state		1,100		1,100
Administrative				
instate	600	300		900
out of state				
Conventions and Meetings				
instate	300	300		600
<u>Total Travel</u>	<u>10,150</u>	<u>10,350</u>		<u>20,500</u>
<u>Contractual Services</u>				
Communications servs.	1,600	1,500	100	3,200
Printing & Advertising	200	200		400
Rent	600	400	200	1,200
Repair & Janitorial	400	300	200	1,200
Transportation of				
Things	100	100		200
Equipment Rental	400	400	2,100	2,900
Professional Fees	2,000			2,000
Other Fees	200	100		300
Witness Fees	12,000			12,000
<u>Total Cont. Servs.</u>	<u>17,500</u>	<u>3,000</u>	<u>2,600</u>	<u>23,100</u>
<u>Comodities</u>				
Professional Supplies	800	400		1,200
Office Supplies	600	600	400	1,600
<u>Total Commodities</u>	<u>1,400</u>	<u>1,000</u>	<u>400</u>	<u>2,800</u>
<u>Equipment</u>	<u>1,400</u>	<u>1,400</u>	<u>1,600</u>	<u>4,400</u>
<u>Total</u>	<u>\$65,693</u>	<u>\$ 35,461</u>	<u>\$17,174</u>	<u>\$118,598</u>

**TERRY GARDINER**

STATE REPRESENTATIVE

POUCH V  
JUNEAU  
99811

BOX 1092  
KETCHIKAN  
99901

# Alaska State Legislature

April 15, 1975

TO: Hugh Malone, Chairman  
House Finance Committee

FROM: Terry Gardiner, Chairman *T.G.*  
House Judiciary Committee

SUBJECT: HB 370/371

The Judiciary Committee has recommended that both HB 370 and HB 371 do pass. This recommendation is made on the basis of the amount appropriated in HB 371 as funding for HB 370 and not on the basis of the attached fiscal note. It is the understanding of the Judiciary Committee that there presently is someone in the Attorney General's Office who is handling fish and game matters exclusively. The attached fiscal note should therefore be reduced by the amount already being spent by the Office in providing fish and game protection services. Judiciary recommends that HB 370 be funded in the amount of HB 371 (\$75,000) or less.

TO:  R. D. Stevenson  
Special Assistant

DATE : April 2, 1975

FROM: Frederick P. Boetsch, C.P.A. *FB*  
Deputy Commissioner, Taxation

SUBJECT: House Bill 307

House Bill 307 is a housekeeping measure designed to eliminate from the Alaska Net Income Tax Act those references to credits provided at the Federal level through the Internal Revenue Code which do not have any applicability at State level or which duplicate other provisions at the State level.

The first credit eliminated is a credit on interest earned on certain U. S. Government obligations. This credit is provided by the Federal government since the Federal Government does tax interest earned on its own securities. The State, however, is prohibited by Federal law from taxing that interest, hence it does not make sense to allow a credit in our statute.

The second credit eliminated is a credit allowed by the Federal government for Federal taxes paid on gasoline which is then used for off-highway purposes. For the sake of administrative convenience the Federal system allows a claim for such refund to be made on the income tax return and the credit applied against income tax liability. Obviously, the State is not interested in refunding Federal gasoline taxes. We have a different procedure by which we refund State gasoline taxes paid for gasoline which is used for off-highway purposes. This provision would eliminate an unnecessary, irrelevant and possibly costly provision in the Federal code which is presently adopted by Alaska through our piggy-back mechanism.

The credit for political contributions allowed by the Federal system in Internal Revenue Code Section 41 is a duplication of the full \$50 credit against Alaska taxes provided by AS 43.20.010 (c) (10). The elimination of this credit is also included in House Bill 212. Since these bills were drafted independently, however, it was included in this miscellaneous clean-up bill as it obviously is a duplication and does not make sense when applied at the State level.

We do not have any estimates on the effect of these bills on the State Treasury since the information is not included in our data base. We are developing statistics on the political campaign contributions credit as allowed under AS 43.20.010 (c) (10), but will not have that information available until later this year since this is the first year in which the credit applies. The Treasury effect of this provision would be a \$4.00 for every \$50.00 contribution.

There are no administrative problems connected with this bill.

FPB:eh