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STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Sutcliffe & Fanning	Bill Number HB 668
Department Position Support		
Division Director <i>for</i> <i>H. C. Chesley</i> Steven Penoyer	Date 1/25/82	Commissioner <i>Ronald G. Skoog</i> Date 1-26-82

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill CFEC
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

Would enhance Department of Fish and Game fishery management program.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

None

6. Comments:

The Department of Fish and Game strongly supports legislation that would allow the Department to release its confidential records to the Department of Public Safety, Division of Fish and Wildlife Protection. Because the Division of Fish and Wildlife Protection is responsible for enforcement of ADF&G regulations, the current statute makes it difficult for them to proceed efficiently with the prosecution of violations. As a result both Departments are burdened with unnecessary costs and delays in handling the information. The Division of Fish and Wildlife Protection was once a part of the Department of Fish and Game and had access to those records. When the Division was formally transferred to the Department of Public Safety the significance of AS 16.05.815 was not taken into account. Now the Division cannot adequately enforce our regulations when evidence for prosecution of violations is based on confidential records of the Department of Fish and Game.

From a management standpoint catch reporting is critical to the prevention of overharvest. Consequently, complete and effective enforcement of reporting requirements is especially important to the fishery manager. The Division of Fish and Wildlife Protection must be allowed to participate in this activity to ensure good compliance with reporting requirements. In addition to allowing the Division access to perform searches for evidence of violations that have been reported to them, the confidential records are also required as evidence for prosecution of other fishery violations.



STATE OF ALASKA
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BILL ANALYSIS

Department Public Safety	Sponsor (Principal) Sutcliffe	Bill Number HB 668
Department Position: Support		
Division Director Colonel Robert J. Stickles <i>RJS</i>	Date 1/22/82	Commissioner's Signature William R. Nix <i>W. Nix</i> Date 1-28-82

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) SB 47	1. b) Other Agencies Affected by Bill Commercial Fisheries Entry Commission Alaska Department of Fish & Game
2. a) Organizational Support for Bill Board of Fisheries Alaska Department of Fish & Game Local Advisory Groups Legislative Audit (See audit on Commercial Fisheries Entry Commission)	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill

Would allow the Division of Fish & Wildlife Protection access to fish tickets and fish ticket data without a court order. If this bill passes the Division will have the ability to actively enforce limited entry.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

None

6. Comments:

Access to fish tickets would allow the Division to:

- Identify fishermen who were not permit holders
- Determine which processors were purchasing fish from non-permit holders
- Use the fish ticket as evidence in court



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Department Fish and Game	Sponsor (Principal) Sutcliffe & Fanning	Bill Number HB 668
Department Position Support		
Division Director <i>for</i> <i>H. C. Chesley</i> Steven Randofer	Date 1/25/82	Commissioner <i>Ronald D. Skeeg</i> Date 1-26-82

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill CFEC
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill
3. Program Effects of Bill Would enhance Department of Fish and Game fishery management program.	
4. Fiscal Impact: <input checked="" type="checkbox"/> None <input type="checkbox"/> Fiscal Note Attached	
5. Amendments Proposed: None	

6. Comments:
The Department of Fish and Game strongly supports legislation that would allow the Department to release its confidential records to the Department of Public Safety, Division of Fish and Wildlife Protection. Because the Division of Fish and Wildlife Protection is responsible for enforcement of ADF&G regulations, the current statute makes it difficult for them to proceed efficiently with the prosecution of violations. As a result both Departments are burdened with unnecessary costs and delays in handling the information. The Division of Fish and Wildlife Protection was once a part of the Department of Fish and Game and had access to those records. When the Division was formally transferred to the Department of Public Safety the significance of AS 16.05.815 was not taken into account. Now the Division cannot adequately enforce our regulations when evidence for prosecution of violations is based on confidential records of the Department of Fish and Game.

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 668
Title Act providing FWP access to confidential reports/records of Dept. of F&G.
Requested by House Resources Date 2-5-82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected NR MEC
BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

No Fiscal Impact

IV. DATE 2-5-82 PREPARED BY Don Tetzi
AGENCY Department of Public Safety
PHONE 269-5534
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) Alto
33-001 (Rev. 12/81)

MEMORANDUM

State of Alaska

TO: Legislative File
Paul Conger
Department of Public Safety
Juneau

DATE: February 10, 1982

FILE NO:

TELEPHONE NO:

FROM: Lt. Colonel Don Tetzlaff
Deputy Director
Fish & Wildlife Protection
Anchorage

SUBJECT: HB 668

On February 4, 1982, 1:00 p.m., an informal discussion was held with the House Resource Sub-Committee in reference to the revision of Title 16 (access to fish ticket).

Present were Sutcliffe, Grussendorf, Vaska, three legislative aides and myself.

Comments voiced were pretty much as stated on the Bill Analysis prepared by the Division as to why we wanted or needed access. Plus I did go into a little more detail as to how the Division currently obtains access. Show probable cause (pc), complete affidavit, obtain search warrant.

My response to how many times we had the need to obtain search warrants last year was approximately 15 to 20.

My response to Sutcliffe's question of whether or not receiving copies of all fish tickets would be beneficial to the Division, was yes, but only if receiving the copies were timely, legible and practical to do so. And stated if just access was approved copies would not be necessary.

Vaska stated that he felt allowing another agency access to fish tickets would increase the possibility of mis-use of the information on fish tickets. I assured him our responsibility as to the use of the information on the ticket being they are classified as confidential, would be the same as ADF&G and LE. Officers that mis-used any information would be subject to reprimand, dismissal and/or possibly criminal charges filed against them.

My response was negative to the question of whether or not access to fish tickets would mean an increase in budget requests.

My final comment was that it seemed a little ridiculous, at least to me, that the agency primarily responsible to enforce the fish and game code and limited entry regulations was not allowed immediate access to information that would assist us in the enforcement of those regulations. And that if this committee wanted to assist this Division in doing a better job for the people and the resource we would urge the passing of HB 668.

DT/rl

cc: Colonel Stickle
Lt. Mills