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# COMMITTEE REPORT

## SENATE

4/27/82

FURTHER: None

Date: May 10, 1982

Mr. President:

The Committee on JUDICIARY has had HB 668

providing the division of fish and wildlife protection, Dept. of Public Safety, access to confidential reports and records of the Dept. of Fish & Game

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 668  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CHAIRMAN

Original sponsors: Sutcliffe and  
Fanning

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 668 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing the division of fish and wildlife  
7 protection, Department of Public Safety, access to  
8 confidential reports and records of the Department of  
9 Fish and Game related to commercial fishing; and provid-  
10 ing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. AS 16.05.815(a)(2) is amended to read:

13 (2) any of its records and reports to the Department of  
14 Revenue, to the division of fish and wildlife protection, Department of  
15 Public Safety, and to the Commercial Fisheries Entry Commission to  
16 assist them in carrying out their statutory responsibilities;

17 \* Sec. 2. AS 16.05.815(a)(2) is amended to read:

18 (2) any of its records and reports to the Department of  
19 Revenue [, TO THE DIVISION OF FISH AND WILDLIFE PROTECTION, DEPARTMENT  
20 OF PUBLIC SAFETY,] and to the Commercial Fisheries Entry Commission to  
21 assist them in carrying out their statutory responsibilities;

22 \* Sec. 3. Section 1 of this Act takes effect immediately in accordance  
23 with AS 01.10.070(c).

24 \* Sec. 4. Section 2 of this Act takes effect January 1, 1984.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 5, 1982

The Honorable Eric Sutcliffe  
The Honorable Ken Fanning  
Chairmen, House Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

*Eric & Ken*  
~~Dear Chairmen:~~

House Bill 668, an act providing the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing; and providing for an effective date, was introduced and referred to your committee.

It was brought to my attention that the Department of Labor could better enforce the bonding provision of AS 16.10.270-296, art. VI, purchase of fish, if they had access to certain Fish and Game Department records. The Department of Labor suggests amending Section 1 to read as follows:

Section 1. AS 16.05.815(a)(2) is amended to read: any of its records and reports to the Department of Revenue, to the Department of Labor, to the Division of Fish and Wildlife Protection in the Department of Public Safety, and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities.

Thank you for your consideration of this amendment.

Sincerely,

A handwritten signature in cursive script that reads "Keith".

Keith W. Specking  
Legislative Assistant  
to the Governor



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>L. C. Chasley</i> for <i>Staver Parrover</i>	Date 1/25/82	Commissioner <i>Ronald O. Skogg</i> Date 1-26-82

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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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

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

BOARD OF FISHERIES

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802  
PHONE:

January 7, 1982

The Honorable Eric G. Sutcliffe  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Sutcliffe:

The Alaska board of Fisheries encourages your support of S.B. 47 "An Act relating to reports and records of fishermen, fish, buyers and fish processors; and providing for an effective date."

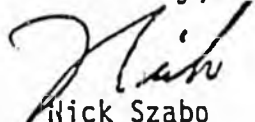
Commercial fisheries laws and their enforcement are an essential element in the management of Alaska's fisheries. The Department of Public Safety enforces fisheries regulations over large and remote areas with attendant logistic problems in patrol coverage, investigation and access to courts.

Surprisingly, the legal authority for State handling of fish ticket records fails to include the Department of Public Safety. In the years since the Division of Fish and Wildlife Protection became a Division of Public Safety, enforcement officials have not had access to fish tickets in the course of routine fisheries investigations. This information is considered confidential and access requires the lengthy process of obtaining a court order.

Currently, this information is routinely available to the Department of Fish and Game, the Commercial Fisheries Entry Commission, and the Department of Revenue. This situation significantly handicaps a State agency in the performance of its statutory responsibility and ultimately impacts the Alaskan public paying for resource management. The proposed legislation would allow the Division of Fish and Wildlife Protection, Department of Public Safety, access to these records.

The Alaska Board of Fisheries urges your support of S. B. 47. Thank you for your consideration.

Sincerely,



Nick Szabo  
Chairman  
Board of Fisheries



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU.

March 9, 1981

The Honorable Bettye Fahrenkamp  
Chairperson  
Senate Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Bettye:

Senate Bill 47, An act relating to reports and records of fishermen, fish buyers and fish processors; and providing for an effective date, was introduced at the request of the Governor and referred to your Committee.

After the bill was introduced, it was brought to my attention that the Department of Labor could better enforce the bonding provision of AS 16.10.270-296, art. VI, purchase of fish, if they had access to certain Fish and Game Department records. The Department of Labor suggests amending Section 1 to read as follows:

Section 1. AS 26.05.815(a)(2) is amended to read:  
any of its records and reports to the Department of Revenue, to the Department of Labor, to the Division of Fish and Wildlife Protection in the Department of Public Safety, and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities.

Thank you for your consideration of this amendment.

Sincerely,

A handwritten signature in cursive script that reads "Keith".

Keith W. Specking  
Legislative Assistant  
to the Governor



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MAY 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- HB 678 - "An Act relating to membership in electric and telephone cooperatives."
- HB 668 - "An Act relating to the release of records by the Department of Fish and Game to the Department of Public Safety; and providing for an effective date."
- HJR 77 - Proposing an amendment to the Constitution of the State of Alaska relating to annulment of regulations by the legislature.
- HB 210 - "An Act relating to child custody."
- HB 577 - "An Act repealing provisions relating to justification of the use of force in resisting or interfering with arrest."
- HB 575 - "An Act relating to culpable mental states prescribed as elements of criminal assaults."
- HB 2 - "An Act relating to land; and providing for an effective date."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:10 P.M. Committee members present were: Senators Rodey, Parr, and Anderson. Senators Bennett and Ray were absent.

010 - Call to order.

023 - Chairman Rodey brought HB 678 before the committee.

043 - *Anderson* moved to pass from committee with individual recommendations. There was no objection.

057 - HB 668 was brought before the committee.

077 - Senator Anderson moved to adopt the Senate committee substitute. There was no objection.

088 - Senator Parr moved to pass out of committee with individual recommendations. There was no objection.

109 - HJR 77 was brought before the committee.

131 - Senator Parr moved to adopt the committee substitute. There was no objection.

138 - Senator Anderson moved to pass out of committee with individual recommendations. There was no objection.

208 - Chairman Rodey announced that the committee will be hearing HB 2 in specific sections, dividing the bill up between University lands, homesteading, and seismographic material.

212 - Teresa Hebert, Exxon attorney, testified giving a language suggestion. She asked that the committee not adopt Sec. 11 & 12 of HB 2 which deal with seismographic material.

445 - Chairman Rodey returned HB 2 to the file.

453 - Chairman Rodey brought HB 210 before the committee.

465 - Representative Rogers testified, stating he would rather have mandatory mediation, but he also wished to avoid a fiscal note on the bill.

679 - Senator Parr moved to adopt the committee substitute. There was no objection.

685 - Senator Anderson moved to pass the bill from committee with individual recommendations. There was no objection.

689 - The next item of business was HB 577.

691 - Representative Anderson testified in favor of this bill.

786 - For the record, Senator Ray entered the meeting.

097 - Senator Parr asked the committee to hold the bill over until the next meeting. There was no objection and the bill was laid on the table.

140 - The last item of business was HB 575.

277 - After discussion, Senator Ray moved to pass HB 575 with individual recommendations.

285 - After a brief discussion, Senator Ray withdrew his motion.

298 - Senator Ray moved to add the provisions in SB 535 on to HB 575 as a committee substitute. There was no objection, and the committee substitute was adopted.

306 - Senator Ray moved to pass the committee substitute with individual recommendations. There was no objection.

314 - The meeting was adjourned at 2:20 P.M.



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MAY 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

HB 668 - "An Act relating to the release of records by the Department of Fish and Game to the Department of Public Safety; and providing for an effective date."

HB 47 - "An Act relating to the prohibition against waste of the meat of wild food animals."

HB 74 - "An Act relating to the rights of debtors and creditors."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:35 P.M. Committee members present were: Senators Rodey, Ray, Anderson, and Parr. Senator Bennett was absent.

003 - Call to order.

008 - Chairman Rodey brought HB 668 before the committee.

086 - Bob Stickles, Fish & Wildlife, testified in favor of HB 668.

191 - Roger Painter, representing United Fisherman of Alaska, testified in favor of this legislation also. He stated that the January 1, 1984 effective date does not leave time for positive action by the legislature.

240 - Senator Rodey suggested changing the effective date to July 1, 1984. There was no objection.

265 - Chairman Rodey laid HB 668 on the table.

276 - The next item of business was HB 47.

287 - Representative Grussendorf, representing himself, testified in favor of HB 47. He stated that something definitely has to be done to avoid the waste of game meat that is taking place.

501 - Representative Fanning, representing himself, testified in favor also.

- 762 - After discussion, Chairman Rodey directed Mr. Bruce to have language drafted to meet the committee's concerns.
- 856 - Bob Hinman, Department of Fish & Game, testified in favor of HB 47.
- 142 - Bob Stickles, Fish & Wildlife, testified in favor of this legislation also.
- 162 - Chairman Rodey laid HB 47 on the table.
- 170 - The last item on the agenda was HB 74.
- 195 - Dickerson Regan, Code Revision Commission, and Mr. Baldwin, Code Revision Commission, testified in favor of this bill.
- 457 - Marilla Gemmer, Department of Revenue, testified in favor of HB 74. She referred to the amendments in the memo which she distributed. See attached.
- 474 - Chris Miller, Department of Labor, testified in favor and referenced Judy Knights letter to Senator Mulcahy. See attached.
- 490 - After discussion, Chairman Rodey left HB 74 with committee members for their review.
- 503 - The meeting was adjourned at 2:55 P.M.

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)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No Fiscal Impact

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

SP11 2998 16.54 JPO5 0120 16.54 04/26/82

ATTN: LT. SEIBEL/FMP/JUNO 4/26/82

FOR REPRESENTATIVE SUTCLIFFE RE: HB 686  
SB 47

THE WORDING ON THE CURRENT VERSION OF SB 47 PROHIBITS THE DIVISION FROM VIEWING FISH TICKETS WITHOUT A COURT ORDER, ALTHOUGH THE PURPOSE OF THE BILL IS TO GIVE US ACCESS.

IT IS VIRTUALLY IMPOSSIBLE TO LOOK AT THE TOP HALF OF THE FISH TICKET AND NOT ALSO TAKE IN THE BOTTOM HALF, WHICH ACCORDING TO CSSB 47 IS NOT AVAILABLE TO US.

HAVING ACCESS TO THE COMPLETE FISH TICKET IS ABSOLUTELY ESSENTIAL IF THE DIVISION IS TO ENFORCE LIMITED ENTRY. ACCESS TO FISH TICKETS WOULD:  
(1) ALLOW US TO IDENTIFY FISHERMEN WHO WERE NOT PERMIT HOLDERS, (2) ALLOW US TO DETERMINE WHO WAS PURCHASING FISH FROM NON-PERMIT HOLDERS, (3) INCREASE THE APPREHENSION OF ILLEGAL FISHERMEN SUBSTANTIALLY.

THIS YEARS LEGISLATIVE AUDIT ON CFEC STATES: "WE BELIEVE THAT THE MOST EFFICIENT MEANS OF ENFORCING A LIMITED FISHERY WOULD BE TO ALLOW F&WP ACCESS TO FISH TICKETS AND FISH TICKET INFORMATION." HB 686 WILL GIVE US THIS TIMELY ACCESS AND WE SUPPORT THIS VERSION OF THE BILL.

COLONEL STICKLES/FMP--DIRECTOR/ANCHORAGE

PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE A.S.A.P...RUTH/SP11

JPO5 0088 16.58 JPO5 0122 16.59 04/26/82

ALL INFORMATION



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

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 <i>W. R. Nix</i> Commissioner William R. Nix
		Date 1-28-82

GOVERNOR'S OFFICE USE

Comments:

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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:

1. Identify fishermen who were not permit holders - *FAKE CARD*
2. Determine which processors were purchasing fish from non-permit holders - *FAKE CARD*
3. Use the fish ticket as evidence in court

# 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,rt

cc: Colonel Stickle  
Lt. Mills