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SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE 4/27/88

3/24/88
Mr. President:

Finance Committee considered SB 459

confidentiality of shellfish stock abundance surveys conducted by the Department of Fish and Game; efd

and recommended

[] replace with _____ CS _____) [] same title
[x] or adopt _____ CS SB 459 (Res)) [x] new title

[] attached amendment(s) and

[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [] adopted fiscal note(s)

[] new [] updated or [x] previous
[x] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: John P. ...]

Rick Halford (do pass)
Chairman signature and recommendation

[] Committee Backup attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION SSB 459 (Res)
PUBLISH DATE: 3/24/88

3/19/88
5 (Res)
Fin
B

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Confidentiality of shellfish
abundance surveys
Sponsor: Zharoff
Requestor: Senate Resources

Agency Affected: Fish and Game
BRU: Commercial Fisheries
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Didier Phone: 465-4120
Division: Commercial Fisheries Date: 3/16/88
Approved by Commissioner: Wm. H. Miller Date: 3-16-88
Agency: Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED
MAR 17 1988
LEGISLATIVE FINANCE

58459



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

| | | | |
|--|-------------------------------------|--|---------------------------|
| DEPARTMENT Fish & Game | DIVISION Commercial Fish. | BILL NUMBER SB 459 | SPONSOR Zharoff |
| SHORT TITLE OF BILL Confidentiality of shellfish stock abundance surveys | | | |
| DEPARTMENT POSITION Neutral | | | |
| PREPARED BY Al Didier | DATE 3/16/88 | COMMISSIONER'S SIGNATURE <i>[Signature]</i> | DATE 3-16-88 |

SUMMARY

| | |
|---|---|
| OTHER AGENCIES AFFECTED BY BILL None | CONSTITUENT GROUP(S) AFFECTED BY BILL Unknown |
| ORGANIZATIONAL SUPPORT FOR BILL Unknown | ORGANIZATIONAL OPPOSITION TO BILL Unknown |

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill would make confidential until the end of the current fishing season; all information from shellfish abundance surveys which show the abundance of shellfish by sampling location.

ANALYSIS OF BILL/PROGRAM EFFECTS

See Attached

AMENDMENTS PROPOSED

(c) Shellfish stock abundance survey information that reveals shellfish catch by sampling location is confidential and is not subject to inspection or copying under AS 09.25.110 - 09.25.120 until the close of the fishing season for which the survey was conducted.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Analysis of Bill/Program Effects

PRO: This bill may permit the department to open seasons in areas which have small, localized shellfish populations. If the locations of these populations are publicized prior to the fishing season, effort could be concentrated and the department would be reluctant to allow a fishery. If some fishermen are not aware of these concentrations, effort may be more dispersed and a short opening might be possible without the risk of overharvest.

CON: Assessment surveys are often used to set guideline harvest levels prior to a fishery. The public has always had the opportunity to critique these surveys and confirm the validity of the guideline harvest levels before the season. This process will not be possible under the proposed legislation.

Shellfish populations are generally not highly mobile and shellfish surveys often indicate the availability of recruitment in future years. Since this information will only remain confidential during the current season, a fisherman could refer to the survey conducted the previous year to identify probable shellfish concentrations. This may tend to dilute the possible benefits cited above.

Original sponsor: Zharoff

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 459 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the confidentiality of crab stock
7 abundance survey information held by the Department
8 of Fish and Game; and providing for an effective
9 date."

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

11 * Section 1. AS 16.05.815 is amended to read:

12 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS AND
13 RECORDS. (a) Except as provided in (b) and (c) of this section,
14 records required by regulations of the department concerning the
15 landings of fish, shellfish or fishery products, and annual statis-
16 tical reports of buyers and processors required by regulation of the
17 department are confidential and may not be released by the department
18 except that the department may release

19 (1) any of its records and reports to the National Marine
20 Fisheries Service as required for preparation and implementation of
21 the fishery management plans of the North Pacific Fishery Management
22 Council within the fishery conservation zone; however, information
23 released to the National Marine Fisheries Service under this paragraph
24 may not disclose the identity of individual fishermen or their ves-
25 sels;

26 (2) any of its records and reports to the Department of
27 Revenue and to the Commercial Fisheries Entry Commission to assist
28 them in carrying out their statutory responsibilities;

29 (3) records or reports of the total value purchased by each

1 buyer to a municipality that levies and collects a tax on fish, shell-
2 fish, or fishery products if the municipality

3 (A) requires records of the landings of fish, shell-
4 fish, or fishery products to be submitted to it for purposes of
5 verification of taxes payable; and

6 (B) maintains the confidentiality of reports and
7 records that it receives under this paragraph;

8 (4) such records and reports as necessary to be in confor-
9 mity with a court order;

10 (5) on request, the report of a person to the person whose
11 fishing activity is the subject of the report; and

12 (6) fish tickets and fish ticket information to the divi-
13 sion of fish and wildlife protection, Department of Public Safety.

14 (b) Except as provided in (c) of this section, records [RECORDS]
15 or reports received by the department which do not identify individual
16 fishermen, buyers, or processors or the specific locations where fish
17 have been taken are public information.

18 * Sec. 2. AS 16.05.815 is amended by adding a new subsection to read:

19 (c) Crab stock abundance survey information that reveals crab
20 catch by sampling location is confidential and is not subject to
21 inspection or copying under AS 09.25.110 - 09.25.120 until the close
22 of the fishing season for which the survey was conducted.

23 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5259
DURING SESSION:
P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474


RECEIVED MAR 29 1988

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Rick Halford
Co-Chairman
Senate Finance Committee

FROM: Senator Fred F. Zharoff 

DATE: March 29, 1988

RE: CS For Senate Bill 459 - "An Act relating to the confidentiality of crab stock abundance surveys conducted by the Department of Fish and Game; and providing for an effective date."

CSSB 459 moved out of the Senate Resources Committee last week with five "do pass" recommendations. The bill carries a zero fiscal note. It is now before the Senate Finance Committee. I respectfully request that CSSB 459 either be waived by the Finance Committee or scheduled for a hearing at the earliest possible opportunity.

Attached is a sectional analysis, a copy of the Department of Fish and Game's analysis of the bill, and the fiscal note. The amendment suggested by Fish and Game was adopted. "Shellfish" also was changed to "crab" to be more specific. It was the feeling of the Resources Committee that the pros in Fish and Game's analysis far outweigh the cons.

Thank you for your consideration of this request.



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

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DURING SESSION:

P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

SECTIONAL ANALYSIS

Revised 3/28/88

Senate Bill 459 - "An Act relating to the confidentiality of crab stock abundance surveys conducted by the Department of Fish and Game; and providing for an effective date."

SECTION 1 CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS. Adds references to new paragraph (c) in the statutes that describe which Department of Fish and Game information is confidential and which is public information.

SECTION 2 New paragraph (c). Crab stock abundance survey information that reveals crab catches by sampling location is confidential until after the close of the fishing season for which the survey was conducted. This information is specifically exempted from the public records statutes, AS 09.25.110 - 09.25.120.

SECTION 3 Immediate effective date.

1 IN THE SENATE

BY ZHAROFF

2

SENATE BILL NO. 459

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the confidentiality of shellfish
7 stock abundance surveys conducted by the Department
8 of Fish and Game; and providing for an effective
9 date."

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14 records required by regulations of the department concerning the
15 landings of fish, shellfish or fishery products, and annual statis-
16 tical reports of buyers and processors required by regulation of the
17 department are confidential and may not be released by the department
18 except that the department may release

19 (1) any of its records and reports to the National Marine
20 Fisheries Service as required for preparation and implementation of
21 the fishery management plans of the North Pacific Fishery Management
22 Council within the fishery conservation zone; however, information
23 released to the National Marine Fisheries Service under this paragraph
24 may not disclose the identity of individual fishermen or their ves-
25 sels;

26 (2) any of its records and reports to the Department of
27 Revenue and to the Commercial Fisheries Entry Commission to assist
28 them in carrying out their statutory responsibilities;

29 (3) records or reports of the total value purchased by each

1 buyer to a municipality that levies and collects a tax on fish,
2 shellfish, or fishery products if the municipality

3 (A) requires records of the landings of fish, shell-
4 fish, or fishery products to be submitted to it for purposes of
5 verification of taxes payable; and

6 (B) maintains the confidentiality of reports and
7 records that it receives under this paragraph;

8 (4) such records and reports as necessary to be in confor-
9 mity with a court order;

10 (5) on request, the report of a person to the person whose
11 fishing activity is the subject of the report; and

12 (6) fish tickets and fish ticket information to the divi-
13 sion of fish and wildlife protection, Department of Public Safety.

14 (b) Except as provided in (c) of this section, records [RECORDS]
15 or reports received by the department which do not identify individual
16 fishermen, buyers, or processors or the specific locations where fish
17 have been taken are public information.

18 * Sec. 2. AS 16.05.815 is amended by adding a new subsection to read:

19 (c) Information contained in a shellfish stock abundance survey
20 that reveals the location of shellfish harvests is confidential and is
21 not subject to inspection or copying under AS 09.25.110 - 09.25.120
22 until the close of the fishing season during which the survey is
23 conducted.

24 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3-10 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/16/88 DATE TURNED INTO OFFICE _____
Mr. President:

RESOURCES Committee considered ~~ES~~ SB 459 (b)

confidentiality of shellfish stock abundance surveys conducted by the
Department of Fish and Game; efd

and recommended:

Morarty
 replace with CS SB 459 (res) same title
 new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

OFM

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

McLellan
Carlisle Spurgin
Paul G. Smith
Paul G. Smith

John Blodgett Do Pass
Chairman signature and recommendation

Committee Backup Attached