

SB

459



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

DISTRICT N

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

MEMORANDUM

TO: Senator Jack Coghill
Chairman
Senate Resources Committee

FROM: Senator Fred F. Zharoff 

DATE: March 21, 1988

RE: Amendment to SB 459 (Confidentiality of shellfish surveys)

I respectfully request that the Senate Resources Committee make the following amendments to SB 459, "An Act relating to the confidentiality of shellfish stock abundance surveys conducted by the Department of Fish and Game; and providing for an effective date."

On page 2, line 19-23 delete existing language and insert the following:

(c) Crab stock abundance survey information that reveals crab 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.

The title of the bill also would need to be changed to reflect this amendment.

This amendment was suggested by the Department of Fish and Game as a way to more specifically describe the information we wish to keep confidential. Also, the amendment inserts "crab" in place of "shellfish". This more specifically targets the bill to the problem I am trying to solve -- disclosure of crab survey information, not shellfish in general.



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>A. Didier</i>	DATE 3-16-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUPS 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.

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
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REVENUE						
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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: *William H. Steyer* Date: 3-16-88
Agency: Fish and Game

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

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
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TRAVEL						
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LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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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
Division: Commercial Fisheries
Approved by Commissioner: William H. Kelly
Agency: Fish and Game

Phone: 465-4120
Date: 3/16/88
Date: 3-16-88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
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SECTIONAL ANALYSIS

Senate Bill 459 - "An Act relating to the confidentiality of shellfish 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 Game information is confidential and which is public information.

SECTION 2 New paragraph (c). Shellfish stock abundance survey information that reveals the location of shellfish harvests 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.

5-1837B
Hein
3/22/88

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).
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