

SCOMM

#48:20

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH V - STATE COUNCIL
JANUARY, ALASKA 99511
907-465-3000

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Special Committee on Fisheries, 4/16/85, 8:30 am
" " " " 4/23/85, 8:30 am

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 12, 1985

SUBJECT: Sectional analysis of HB 331
TO: Representative David Thompson
FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 makes the theft of commercial fishing gear, regardless of the value of the gear, a form of theft in the second degree, which is classified as a class C felony.

Section 2 establishes a presumptive sentence of one year imprisonment for conviction of theft of commercial fishing gear if it is the defendant's first felony conviction of any kind.

Section 3 provides that the sentence imposed for theft of commercial fishing gear that is the defendant's first felony conviction of any kind may not be suspended, imposition may not be suspended, and the sentence may not be reduced except as provided in AS 12.55.155 - 12.55.175.

Section 4 allows the court to reduce to zero years or increase to five years the presumptive one-year sentence for theft of commercial fishing gear if factors in mitigation or aggravation are established.

Section 5 requires the court, in sentencing a person convicted of theft of commercial fishing gear, to take away the person's commercial fishing license and all limited entry permits. Upon a first or second conviction of theft of a commercial fishing gear, the person becomes ineligible for issuance or transfer of a commercial fishing license or limited entry permits for three years. A third conviction of the offense makes the person permanently ineligible for issuance or transfer of a commercial fishing license or limited entry permits.

EHH:csh
c3/099


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* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT:          04/23/85  TIME: 10:04
* FROM:          LIOKOD
* SUBJECT:       KODIAK FINAL STATS
* PRINT DATE:   04/23/85  TIME: 10:04
*
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*** FINAL T/C STATS ***

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DATE:    ___APRIL 23, 1985___
SITE:    ___KODIAK L.I.O.____
SPONSOR: ___HOUSE SPECIAL COMMITTEE ON FISHERIES___
SUBJECT: ___HB 331 - THEFT OF COMMERCIAL FISH GEAR___
LOCAL MODERATOR: ___MARY JO AND LORNA_____

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TESTIFIED:
NAME/REPRESENTING          ADDRESS          PHONE

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1. DAVID SHRADER, 412 WILLOW ST., KODIAK 99615, 486-5819

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TESTIFIED:    ___1___          TIME START: 8:30AM
OBSERVED:    ___0___          TIME END:   9:50AM
TOTAL:       ___1___

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Original sponsors: Thompson, Sund
and Marrou

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IN THE HOUSE

BY THE HOUSE SPECIAL COMMITTEE
ON FISHERIES

CS FOR HOUSE BILL NO. 331 (Fisheries)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the theft of commercial fishing gear."

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

* Section 1. AS 12.55.045 is amended by adding a new subsection to read: 16.43.990 (4)

(d) In a case in which the defendant is convicted of a violation of AS 11.46.100 - 11.46.190 and in which the property that is the subject of the offense is commercial fishing gear, the court shall consider the victim's need for, and may order, restitution that may include compensation for loss of income.

* Sec. 2. AS 12.80.050 is amended by adding a new subsection to read:

(c) In a prosecution for a violation of AS 11.46.100 - 11.46.190 in which the property is commercial fishing gear, the gear shall be returned to the owner as soon as possible, and photographs of the gear shall be used as evidence in place of the actual gear.

* Sec. 3. AS 16.05.710 is amended by adding a new subsection to read:

(b) Upon a conviction of a person for a violation of AS 11.46.-100 - 11.46.190 in which the property is commercial fishing gear, the court may, in addition to the penalty imposed by law, order a suspension of the person's commercial fishing privileges.

Upon a second conviction

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 331
 Title: "An Act relating to theft of commercial fishing gear."
 Sponsor: Thompson
 Requestor: Special Comm. on Fisheries
 Date of Request: 4/15/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
NRMEC
 BRU, Program or Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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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: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4350
 Date: 4/15/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 4/15/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

KODIAK ISLAND BOROUGH
RESOLUTION NO. 85-34-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY SUPPORTING SENATE BILL 245 AND HOUSE BILL 331 CONCERNING THE THEFT OF COMMERCIAL FISHING GEAR.

WHEREAS, Senate Bill 245 and House Bill 331 have been introduced and provide a definition for theft of commercial fishing gear as a crime of theft in the second degree, and

WHEREAS, this crime is then punishable, upon conviction, by a sentence of a term of imprisonment of not more than five years and forfeiture of commercial fishing license and all limited entry permits, and

WHEREAS, theft of commercial fishing gear is an ongoing problem and a real detriment to the financial stability of Kodiak Island's large fishing fleet, and

WHEREAS, this problem has become even more serious with the limited amounts of fish resources available for harvest.

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly that Senate Bill 245 and House Bill 331 should be passed by the Legislature and signed into law, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the following individuals:

Honorable Bill Sheffield, Governor of Alaska
Honorable Patrick Rodey, Chairman, Senate Judiciary Committee
Honorable Arliss Sturgulewski, Chairman, Senate Resources Committee
Honorable M. M. Miller, Chairman, House Judiciary Committee
Honorable Albert P. Adams, Chairman, House Finance Committee
Honorable Fred F. Zharoff, Senator District N
Honorable David W. Thompson, Representative District 27

PASSED AND APPROVED this 4th day of April, 1985.

KODIAK ISLAND BOROUGH

By Thomas H. Peters
Borough Mayor

ATTEST:

By Shirley Miller, CMC
Borough Clerk

1 IN THE HOUSE

BY GOLL

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Relating to Pacific Fisheries Legisla-
6 tive Task Force.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the fishing industry plays a vital role in the economy of the
9 state, and Alaska's fisheries resources provide a primary source of recre-
10 ation and nutrition for citizens throughout the state; and

11 WHEREAS the increasing federal intervention into management of fisher-
12 ies resources and the protection of Pacific salmon for future generations
13 are both concerns that the state shares with other West Coast states; and

14 WHEREAS other West Coast states have joined together to form the
15 Pacific Fisheries Legislative Task Force, whose purpose is to consider and
16 forge positions on issues of common concern relating to the West Coast
17 fisheries; and

18 WHEREAS Alaska has been requested to participate in this common
19 effort; and

20 WHEREAS the Pacific Fisheries Legislative Task Force will serve as a
21 clearing house for opinions and issues related to the West Coast fisheries;

22 BE IT RESOLVED by the Alaska State Legislature that the President of
23 the Senate shall appoint two senators, and the Speaker of the House of
24 Representatives shall appoint two representatives, to serve on the Pacific
25 Fisheries Legislative Task Force; and be it

26 FURTHER RESOLVED those appointed as members shall report back to the
27 Second Session of the Fourteenth Alaska State Legislature on the activities
28 of the Pacific Fisheries Legislative Task Force.

BILL BRADBURY
COOS, CURRY, DOUGLAS COUNTIES
DISTRICT 24

REPLY TO ADDRESS INDICATED:

- Senate Chamber
Salem, Oregon 97310-1347
- P.O. Box 1498
Bandon, Oregon 97411



503-378-8067

COMMITTEES
Chairman:
Energy and Natural Resources
Vice-Chairman:
Joint Water Policy
Member:
Revenue
Agriculture and Forestry

OREGON STATE SENATE
SALEM, OREGON
97310-1347

April 2, 1985

The Honorable Peter Goll
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Goll:

Oregon has enacted Pacific Fishery Legislative Task Force legislation (HJR 2 enclosed).

We kept costs to a minimum (about \$4,000 for a two year period) by limiting meetings to four per year, requiring use of existing legislative staff (California Senate Research has offered to staff it free) and generally focusing on getting legislators together to talk about regional fishery management problems.

I have also enclosed a copy of the California Senate Concurrent Resolution No. 22 and a letter from its chief sponsor, Senator Mello, outlining California's offer to staff the Task Force.

At such a low cost, hope you can join us.

My Best,

A handwritten signature in cursive script that reads "Bill Bradbury".

Bill Bradbury
State Senator

A-Engrossed

House Joint Resolution 2

Ordered by the Senate March 5

Including House Amendments dated February 1 and Senate Amendments dated March 5

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Task Force on Fishery Resources)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs President of the Senate and Speaker of the House of Representatives to appoint, respectively, two Senators and two Representatives to serve on Pacific Fisheries Legislative Task Force.

Prescribes operative date.

JOINT RESOLUTION

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Whereas fishing on the Pacific Coast plays a vital role in economic development; and

Whereas there is an obvious need for developing means for protecting and fostering Pacific fishing so as to maximize yield while protecting the resource for future generations; and

Whereas the subjects that require interstate cooperation are many and know no state boundaries; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of other jurisdictions, shall appoint, respectively, two Senators and two Representatives to represent Oregon on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinion from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions.

(2) Participation in the activities of the task force by individuals appointed to represent the State of Oregon is subject to the following conditions:

(a) Members may not attend more than four meetings in each calendar year.

(b) Members must use existing staff personnel for administrative support work.

(c) Members shall receive no compensation or per diem for service as a member, but may receive actual and necessary travel and other expenses incurred in the performance of their official duties.

(3) This resolution does not become operative until appropriate action is taken by two of the states to create a Pacific Fisheries Legislative Task Force.

(4) Copies of this resolution shall be sent to the presiding officers of the legislatures of Washington, California and Alaska.



Senate

California Legislature

HENRY J. MELLO

SEVENTEENTH SENATORIAL DISTRICT

Senate Majority Whip

March 14, 1985

The Honorable Bill Bradbury
Oregon State Senate
State Capitol
Salem, Oregon 97310

Dear Senator Bradbury:

Thank you for calling to discuss the formation of the Pacific Fisheries Legislative Task Force. The prospect of a combined western states' legislative effort to address the Pacific Coast fishing industry is an exciting one.

Enclosed is a copy of my Senate Concurrent Resolution 22, which authorizes California's participation in the Task Force. The measure is largely being co-authored by the California Legislative Joint Committee on Fisheries and Aquaculture and is being sponsored by the Pacific Coast Federation of Fishermen's Association. The Resolution may be acted upon after April 7th.

As you know, I intend to amend the bill to clarify funding of the Task Force and to invite the Task Force to locate its headquarters in Sacramento.

It is my understanding that Greg de Giere has discussed staffing the Task Force through the Senate Office of Research, to the extent that funds are available and that the work is consistent with the Office's other functions, with the SOR Director, Elizabeth Kersten.

I look forward to working with the various states on this issue. The combined effort will provide unity and strengthen the western states' influence on relevant issues.

Sincerely,

HENRY J. MELLO

HJM:TBC:lle

Enclosure: SCR 22

cc: Senator Barry Keene
Senator Milton Marks
Assemblyman Gerald Felando
Assemblyman Dan Hauser
Assemblyman Jim Costa
Assemblyman Sam Farr

Mr. J. William Yeates, PCFFA
Elizabeth Kersten, Director
Senate Office of Research
Mr. Greg de Giere, Senate
Office of Research

Introduced by Senator Mello
 (Principal coauthors: Assembly Members Felando and Hauser)
 (Coauthors: Senators Keene and Marks)
 (Coauthors: Assembly Members Costa and Farr)

February 28, 1985

Senate Concurrent Resolution No. 22—Relative to the Pacific Fisheries Legislative Task Force.

LEGISLATIVE COUNSEL'S DIGEST

SCR 22, as introduced, Mello. Pacific Fisheries Legislative Task Force.

This measure would require the Senate Rules Committee and the Assembly Rules Committee to appoint 2 Senators and 2 Assembly Members, respectively, to represent the California Legislature on the Pacific Fisheries Legislative Task Force and to make funds available, in equal amounts, from the Senate Contingent Fund and the Assembly Contingent Fund, respectively, for the California share of the task force expenses.

Fiscal committee: no.

1 WHEREAS, The fishing, seafood, and aquaculture
 2 industries of the Pacific states and provinces of North
 3 America play a vital role in the economy of the region;
 4 and
 5 WHEREAS, There is an obvious need to develop
 6 means for protecting and fostering these industries to
 7 maximize yield while protecting the resources for future
 8 generations; and
 9 WHEREAS, The establishment of a task force
 10 composed of legislators of Pacific states and provinces

1 would serve as a clearinghouse for opinions from all the
 2 interests involved in the Pacific fishing, seafood, and
 3 aquaculture industries, including reporting to the
 4 legislatures of the participating states and provinces and
 5 to their delegations to the United States Congress and the
 6 Parliament of Canada concerning means of fostering and
 7 protecting those industries in the region; now, therefore,
 8 be it
 9 Resolved by the Senate of the State of California, the
 10 Assembly thereof concurring, That the Senate Rules
 11 Committee and the Assembly Rules Committee, shall
 12 appoint two Senators and two Assembly Members,
 13 respectively, to represent the California Legislature on
 14 the Pacific Fisheries Legislative Task Force; and be it
 15 further
 16 Resolved, That the Senate Rules Committee and the
 17 Assembly Rules Committee shall make funds available, in
 18 equal amounts, from the Senate Contingent Fund and
 19 the Assembly Contingent Fund, respectively, for the
 20 payment of the California share of expenses for the task
 21 force; and be it further
 22 Resolved, That the Secretary of the Senate transmit
 23 copies of this resolution to the presiding officers of the
 24 legislative bodies of British Columbia, Hawaii, Idaho,
 25 Oregon, and Washington.

Alaska State Legislature



House of Representatives House Judiciary Committee

The Honorable Bill Bradbury
Oregon State Senate
Salem, Oregon 97310-1347

March 9, 1985

Fouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

Dear Senator Bradbury:

Thank you for your recent letter regarding the proposed Pacific Fisheries Legislative Task Force for West Coast states.

The idea may have merit. I have taken the liberty of forwarding copies of your letter to Speaker of the House Ben Grussendorf; Rep. Peter Goll, chairman of the House Special Committee on Fisheries; Rep. Adelheid Herrmann, Co-Chairman of the House Resources Committee; Sen. Arliss Sturgulewski, Chairwoman of the Senate Resources Committee; Sen. Fred Zharoff, member of the Senate Finance Committee; and Rep. John Sund, one of our most knowledgeable fisheries experts in the Legislature, who chairs the House Committee on Loans.

If these Alaska legislators believe that the idea has merit and will be of benefit to Alaska, I would give serious consideration to a resolution similar to Oregon's HJR 2.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Miller".

Rep. M. Mike Miller
Juneau/District 4

cc: Rep. Ben Grussendorf
Rep. Peter Goll
Rep. Adelheid Herrmann
Rep. John Sund
Sen. Arliss Sturgulewski
Sen. Fred Zharoff

BILL BRADBURY
COOS, CURRY, DOUGLAS COUNTIES
DISTRICT 24

REPLY TO ADDRESS INDICATED.

- Senate Chamber
Salem, Oregon 97310-1347
- P.O. Box 1499
Bandon, Oregon 97411



COMMITTEES
Chairman:
Energy and Natural Resources
Vice-Chairman:
Joint Water Policy
Member:
Revenue
Agriculture and Forestry

OREGON STATE SENATE
SALEM, OREGON
97310-1347

February 8, 1985

The Honorable Mike M. Miller
Alaska State Legislature
Capitol, room 124
Juneau AK 99811

Dear Representative Miller:

There is one thing that all West Coast states share and that is our precious salmon resource. With the advent of federal/regional management of that resource, it seems wise for legislators from the affected states to meet on a regular basis to discuss matters of common concern and work toward positive solutions. Many of us on the West Coast of the lower forty-eight are hoping to create the Pacific Fisheries Legislative Task Force and we are hoping that Alaska will join us.

I have enclosed the amended House Joint Resolution 2 which establishes Oregon as a member of the Pacific Fisheries Legislative Task Force. Two senators and two representatives would meet on a regular basis with senators and representatives from other West Coast states to deal with the problems confronting our West Coast fishery.

In Oregon the bill creating the Pacific Fisheries Task Force has already moved out of committee toward the floor of the House where it is likely to be overwhelmingly approved. A similar resolution has been introduced in the State of California and numerous Washington legislators have expressed strong interest in the concept. I hope Alaska will join us.

The closest working model for the Fishery Task Force would be the Western States Legislative Forestry Task Force which meets in one of the western states quarterly and travels annually back to Washington, D.C. to discuss federal land management issues with the land managers in Washington. This Task Force was formed because so many of our western states have such large federal land ownership that the federal land management agencies are very important to our economic future. It seemed important for

Page Two
February 8, 1985

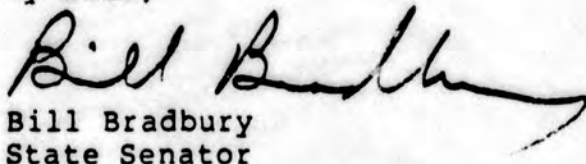
legislators from the member states to stay on top of federal actions and work in a unified manner for positive changes. I believe the same can be said almost exactly for the state of our fishery today. There is increased federal control and management by region rather than management by state. It makes sense for all of us to communicate about these important issues that affect the vital fishing industry.

The funding model we are tentatively pursuing is that for the Pacific Marine Fisheries Commission. This formula assesses most of the costs of the task force on a flat per state basis but does adjust it slightly based on the amount of fish landings made in each state each year. There is also a provision that allows a noncoastal state to be a member for 5% of the total budget.

Given all the recent activities surrounding the U.S./Canada fish treaty we also have hopes of having the provincial government of British Columbia join the task force. If California, Oregon, Washington, British Columbia and Alaska all join I'm sure we will have plenty to talk about.

I hope you will give membership in the Pacific Fisheries Legislative Task Force serious consideration during this session of the Alaska legislature. I look forward to working with you on this important matter.

My Best,



Bill Bradbury
State Senator

FISCAL AND/OR ORGANIZATIONAL
ANALYSIS OF

HB 2112

BAM Analyst

WATTS

Please check the action taken, complete if possible, and return one copy to the Budget and Management Division and one copy to the Legislative Fiscal Office.

Fiscal and/or organizational; analysis given below.

Unable to anticipate costs. (Explain under "Comments" below.)

No fiscal or organizational impact to the agency or state and local governments.

Effect on Revenue (By Fund):

	<u>1985-87</u>	<u>1987-89</u>
	\$	
820500 General Fund Appropriation	\$27,982	\$29,241

Effect on Expenditures (By Fund):

	<u>1985-87</u>	<u>1987-89</u>
	\$	
Legislative Administration Committee		
920500 Instate Travel	\$ 2,140	\$ 2,236
921000 Out Of State Travel	9,680	10,116
929000 Other Services & Supplies	<u>16,162</u>	<u>16,889</u>
Total	27,982	29,241

Organizational Impact:

NA

Positions: What new positions or changes in levels of positions does the proposal require?

NA

Governor's Budget: Is the proposal anticipated in the Governor's Budget? Yes ___ No X

Comments:

The projected expenditures for the Pacific States Legislative Fishery Task Force consists of travel to quarterly meetings and membership dues. Membership dues cover Oregon's share of the task force's budget.

Prepared by Marlene Jack, Agency Legislative Administration
Title Accounting Manager Date February 4, 1985

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

DRAFT

Revision Date: _____

REQUEST:

Bill/Resolution No.: CS HB 331 (Fisheries)
 Title: "An Act relating to the theft of
 commercial fishing gear."
 Sponsor: Representative Thompson
 Requestor: House Special Committee/Fisheries
 Date of Request: April 12, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: _____
Administration of Justice
 BRU, Program or Subprogram(s) Affected: _____
Offender Confinement, Reformation
 and Supervision

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

This legislation will have no fiscal impact on the Department of Corrections.

Prepared By: William W. Ladwig
 Division: Deputy Commissioner - Administration

Phone: 465-3376
 Date: April 22, 1985

Approved by Commissioner: [Signature]
 Agency: DEPARTMENT OF CORRECTIONS

Date: April 22, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)