

CS FOR SENATE BILL NO. 247(RLS) am(efd fld)(ct rule fld)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 4/12/96

Offered: 4/10/96

Sponsor(s): SENATORS TAYLOR, Sharp, Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act restricting the use of certain funds deposited in the fish and game
2 fund; and relating to the powers and duties of the commissioner of fish and
3 game."

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

5 * **Section 1.** AS 16.05.050 is amended by adding a new paragraph to read:

6 (20) to cooperate with sportsmen's organizations and other
7 organizations to increase game populations in the state and to introduce new
8 populations into suitable habitat.

9 * **Sec. 2.** AS 16.05.130(a) is repealed and reenacted to read:

10 (a) Notwithstanding any other law to the contrary, except as provided in (c)
11 of this section, money accruing to the state from sport fishing, hunting, and trapping
12 licenses or tag fees shall be expended only as provided by appropriation. The
13 legislature shall make a separate appropriation for each project to be funded from
14 money subject to this subsection. Money subject to this subsection

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- (1) shall be used only for projects that provide for
 - (A) intensive management of sport fish stocks and game populations for maximum sustained yield by human harvest;
 - (B) propagation, reintroduction, restocking, transplantation, manipulation of habitat, predator removal, hunter education, public access to sport fishing and hunting areas, or restoration of sport fish and game resources;
 - (C) direct benefits to purchasers of sport fishing, hunting, and trapping licenses and tags that increase sport fish stocks and game populations, increase human harvests of sport fish and game, or decrease predation upon sport fish and game taken by purchasers of sport fishing, hunting, and trapping licenses and tags;
 - (D) conservative management of sport fish stocks for high quality recreational fisheries, including catch and release fisheries and trophy fisheries;
 - (E) construction and preservation of shooting ranges; or
 - (F) administration of the fish and game license function and payment of license vendor compensation; and
- (2) may not be
 - (A) expended for projects in an area where consumptive uses of sport fish and game are not allowed;
 - (B) expended, borrowed, or otherwise used for a purpose not authorized under this subsection;
 - (C) expended for costs of personnel or administration, other than costs of personnel or administration directly incurred in conjunction with projects allowed under this subsection; or
 - (D) expended for costs of construction, other than costs of construction projects that are consistent with (1) of this subsection and that are for
 - (i) facilities used solely for the propagation of sport fish or game for restocking, enhancement, or transplantation;
 - (ii) shooting ranges; or

1 (iii) facilities to improve public access to areas where
2 consumptive uses of sport fish and game may occur.

3 * **Sec. 3.** AS 16.05.130(b) is amended to read:

4 (b) Money accruing to the state from waterfowl conservation tag fees from
5 hunters may not be diverted to a purpose other than (1) the [CONSERVATION AND]
6 enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that
7 are important for waterfowl and for consumptive uses [PUBLIC USE] of waterfowl
8 in the state; **and** (3) projects related to consumptive uses of waterfowl
9 [WATERFOWL RELATED PROJECTS APPROVED BY THE COMMISSIONER;
10 (4) THE ADMINISTRATION OF THE WATERFOWL CONSERVATION
11 PROGRAM; AND (5) EMERGENCIES IN THE STATE AS DETERMINED BY THE
12 GOVERNOR]. The department shall maintain a state waterfowl tag fee account within
13 the fish and game fund to permit separate accounting records for the receipt and
14 expenditure of money derived from the sale of waterfowl tags. [THE DEPARTMENT
15 SHALL PREPARE A REPORT BEFORE APRIL 15 OF EACH EVEN-NUMBERED
16 YEAR FOR THE PUBLIC AND THE LEGISLATURE ON THE USE OF MONEY
17 DERIVED FROM WATERFOWL CONSERVATION TAGS AND LIMITED
18 EDITION PRINTS. THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE
19 THAT THE REPORT IS AVAILABLE.]

20 * **Sec. 4.** AS 16.05.130 is amended by adding new subsections to read:

21 (e) Except as otherwise required by federal law, federal funds received by the
22 state through the federal aid to fish restoration program or the federal aid in wildlife
23 restoration program may not be expended except as provided by appropriation. Funds
24 subject to this subsection

25 (1) shall be used only for projects that provide for

26 (A) intensive management of fish stocks and game populations
27 for maximum sustained yield for human harvest;

28 (B) propagation, reintroduction, restocking, transplantation,
29 manipulation of habitat, predator removal, hunter education, public access to
30 sport fishing and hunting areas, or restoration of sport fish and game resources;

31 (C) direct benefits to purchasers of sport fishing and hunting

1 licenses and tags by increasing sport fish stocks and game populations,
2 increasing human harvests of sport fish and game, or decreasing predation upon
3 sport fish and game taken by purchasers of sport fishing and hunting licenses
4 and tags;

5 (D) conservative management of sport fish stocks for high
6 quality recreational fisheries, including catch and release fisheries and trophy
7 fisheries; or

8 (E) construction and preservation of shooting ranges; and

9 (2) may not be

10 (A) expended for projects in an area where consumptive uses
11 of sport fish and game are not allowed except for construction projects that are
12 consistent with (1) of this subsection and that are for

13 (i) facilities used solely for the propagation of sport fish
14 or game for restocking, enhancement, or transplantation;

15 (ii) shooting ranges; or

16 (iii) facilities to improve public access to areas where
17 consumptive uses of sport fish and game may occur;

18 (B) expended, borrowed, or otherwise used for a purpose not
19 authorized under this subsection;

20 (C) expended for costs of personnel or administration, other
21 than costs of personnel or administration directly incurred in conjunction with
22 projects allowed under this subsection; or

23 (D) expended for costs of construction, other than costs of
24 construction projects that are consistent with (1) of this subsection and that are
25 for

26 (i) facilities used solely for the propagation of sport fish
27 or game for restocking, enhancement, or transplantation;

28 (ii) shooting ranges; or

29 (iii) facilities to improve public access to areas where
30 consumptive uses of sport fish and game may occur.

31 (f) The department shall prepare an annual report of expenditures from the fish

1 and game fund and provide the report to each member of the legislature. The report
2 must contain a detailed accounting of expenditures and a description of the proportion
3 of the fund expended for each project and of the benefits of each project to purchasers
4 of hunting, trapping, and sport fishing licenses.

5 (g) A person may bring a civil action in a court of competent jurisdiction
6 against a state agency or public official for an injunction to compel compliance with
7 this section or to compel remedial action to correct the consequences of a violation of
8 this section. A public official is not immune from suit under this section.

9 (h) In this section,

10 (1) "harvestable surplus" means the estimated number of animals that
11 is equal to the number of offspring born in a population during a year less the number
12 of animals in the population that die during the year from all causes other than
13 predation or human harvest;

14 (2) "high level of human harvest" means the harvest of one-third or
15 more of the harvestable surplus of an animal population by humans;

16 (3) "intensive management" means management, in accordance with the
17 sustained yield principle, of an identified big game prey population or fish stock to
18 enhance, extend, and develop the population or stock to maintain high levels or
19 provide for higher levels of human harvest, including control of predation and
20 prescribed or planned use of fire and other habitat improvement techniques, but not
21 including restrictions on methods or means of taking fish or game, access to fish or
22 game, or human harvest of fish or game;

23 (4) "maximum sustained yield" means the achievement and
24 maintenance in perpetuity of a high level of human harvest on an annual basis of
25 game, other than mammalian predators, and of fish.

26 * **Sec. 5.** AS 16.05.340(a)(17)(B) is amended to read:

27 (B) The Board of Game shall by regulation exempt the
28 requirement of a waterfowl conservation tag for waterfowl hunting in areas of
29 the state not likely to benefit from programs described in **AS 16.05.130(b)(2)**
30 **and (3)** [AS 16.05.130(b)(2) - (4)].

31 * **Sec. 6.** AS 16.05.130(d) is repealed.