

**SENATE BILL NO. 16**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 1/13/97

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

8 \* **Sec. 2.** AS 16.05.130(a) is repealed and reenacted to read:

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

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

1 (A) intensive management of sport fish stocks and game  
2 populations for maximum sustained yield for human harvest;

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

6 (C) direct benefits to purchasers of sport fishing, hunting, and  
7 trapping licenses, permits, and tags that increase sport fish stocks and game  
8 populations, increase human harvests of sport fish and game, or decrease  
9 predation upon sport fish or game;

10 (D) construction and preservation of shooting ranges; or

11 (E) administration of the fish and game license function and  
12 payment of license vendor compensation; the amount of money expended under  
13 this subparagraph may not exceed 10 percent of the total amount of money  
14 appropriated by the legislature from the fish and game fund and federal funds  
15 received by the state through the federal aid to fish restoration program and the  
16 federal aid in wildlife restoration program; and

17 (2) may not be

18 (A) expended for projects in an area where consumptive uses  
19 of sport fish and game are not allowed;

20 (B) expended, borrowed, or otherwise used for a purpose not  
21 expressly authorized under this section;

22 (C) expended for costs of personnel or administration, other  
23 than costs of personnel or administration directly incurred in conjunction with  
24 projects allowed under this subsection; the amount that may be expended for  
25 costs of administration of a project may not exceed 10 percent of the amount  
26 appropriated for a project; or

27 (D) expended for costs of construction, other than costs of  
28 construction projects that are consistent with (1) of this subsection and that are  
29 for

30 (i) facilities used solely for the propagation or rearing  
31 of sport fish or game for restocking, enhancement, or transplantation;

- 1 (ii) shooting ranges; or  
 2 (iii) facilities to improve public access to areas where  
 3 consumptive uses of sport fish and game are allowed.

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

5 (b) Money accruing to the state from waterfowl conservation tag fees from  
 6 hunters may not be diverted to a purpose other than (1) the [CONSERVATION AND]  
 7 enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that  
 8 are important for waterfowl and consumptive uses [PUBLIC USE] of waterfowl in the  
 9 state; **and** (3) projects related to consumptive uses of waterfowl [WATERFOWL  
 10 RELATED PROJECTS APPROVED BY THE COMMISSIONER; (4) THE  
 11 ADMINISTRATION OF THE WATERFOWL CONSERVATION PROGRAM; AND  
 12 (5) EMERGENCIES IN THE STATE AS DETERMINED BY THE GOVERNOR].

13 The department shall maintain a state waterfowl tag fee account within the fish and  
 14 game fund to permit separate accounting records for the receipt and expenditure of  
 15 money derived from the sale of waterfowl tags. [THE DEPARTMENT SHALL  
 16 PREPARE A REPORT BEFORE APRIL 15 OF EACH EVEN-NUMBERED YEAR  
 17 FOR THE PUBLIC AND THE LEGISLATURE ON THE USE OF MONEY  
 18 DERIVED FROM WATERFOWL CONSERVATION TAGS AND LIMITED  
 19 EDITION PRINTS. THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE  
 20 THAT THE REPORT IS AVAILABLE.]

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

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

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

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

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

1 (C) direct benefits to purchasers of sport fishing and hunting  
 2 licenses, permits, and tags by increasing sport fish stocks and game  
 3 populations, increasing human harvests of sport fish and game, or decreasing  
 4 predation upon sport fish or game; or

5 (D) construction and preservation of shooting ranges; and

6 (2) may not be

7 (A) expended for projects in an area where consumptive uses  
 8 of sport fish and game are not allowed;

9 (B) expended, borrowed, or otherwise used for a purpose not  
 10 expressly authorized under this section;

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

14 (D) expended for costs of construction, other than costs of  
 15 construction projects that are consistent with (1) of this subsection and that are  
 16 for

17 (i) facilities used solely for the propagation or rearing  
 18 of sport fish or game for restocking, enhancement, or transplantation;

19 (ii) shooting ranges; or

20 (iii) facilities to improve public access to areas where  
 21 consumptive uses of sport fish and game are allowed.

22 (f) The department shall prepare an annual report of expenditures from the fish  
 23 and game fund and provide the report to each member of the legislature. The report  
 24 must contain a detailed accounting of expenditures and a description of the proportion  
 25 of the fund expended for each project and of the benefits of each project to purchasers  
 26 of hunting, trapping, and sport fishing licenses.

27 (g) A person may bring a civil action in a court of competent jurisdiction  
 28 against a state agency or public official for an injunction to compel compliance with  
 29 this section or to compel remedial action to correct the consequences of a violation of  
 30 this section. A public official is not immune from suit under this section. In this  
 31 subsection, "public official" does not include a member of the legislature or a member

1 of the Board of Game or the Board of Fisheries.

2 (h) In this section,

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

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

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

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

19 \* **Sec. 5.** AS 16.05.130(d) and 16.05.340(a)(17)(B) are repealed.