

SENATE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 4/9/99

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 relating to the powers and duties of the commissioner of fish and game; and
3 relating to management of fish and game."

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

5 * **Section 1.** AS 16.05.050(a) 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9 * **Sec. 2.** AS 16.05.130(a) is repealed and reenacted to read: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) Except as provided in (c) of this section, money accruing to the state from
11 sport fishing, hunting, and trapping license, tag, or permit fees may not be diverted to
12 a purpose other than the protection, propagation, investigation, and restoration of sport
13 fish and game resources and the expenses of administering the sport fish and game
14 divisions of the department and shall be expended only as provided by appropriation.

1 Money subject to this subsection

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

3 (A) management of sport fish stocks and game populations for
4 sustained yield for human harvest and for nonretention fisheries;

5 (B) propagation, reintroduction, restocking, transplantation,
6 manipulation of habitat, predator removal, consumptive use and hunter safety
7 education, public access to sport fishing and hunting areas, or restoration of
8 sport fish and game resources;

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

13 (D) construction, operation, and maintenance of

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

16 (ii) shooting ranges; or

17 (iii) facilities, including sanitation facilities, to improve
18 public access to areas where either consumptive uses of sport fish and
19 game or nonretention fisheries for sport fish are allowed; or

20 (E) administration of the fish and game license function and
21 payment of license vendor compensation; the amount of money expended under
22 this subparagraph may not exceed 10 percent of the total amount of money
23 appropriated by the legislature from the fish and game fund and federal funds
24 received by the state through the federal aid to fish restoration program and the
25 federal aid in wildlife restoration program; and

26 (2) may not be expended for

27 (A) projects or programs in an area where neither consumptive
28 uses of sport fish and game nor nonretention fisheries are allowed except for
29 projects described under (1)(D) of this subsection;

30 (B) law enforcement activities; or

31 (C) advertising.

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

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

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

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

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

23 (A) management of fish stocks and game populations for
 24 sustained yield for human harvest and for nonretention fisheries;

25 (B) propagation, reintroduction, restocking, transplantation,
 26 manipulation of habitat, predator removal, consumptive use and hunter safety
 27 education, public access to sport fishing and hunting areas, or restoration of
 28 sport fish and game resources;

29 (C) direct benefits to purchasers of sport fishing and hunting
 30 licenses, permits, and tags that increase sport fish stocks and game populations,
 31 increase human harvests of sport fish and game, or decrease predation upon

1 sport fish or game; or

2 (D) construction, operation, and maintenance of

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

5 (ii) shooting ranges; or

6 (iii) facilities, including sanitation facilities, to improve
7 public access to areas where either consumptive uses of sport fish and
8 game or nonretention fisheries for sport fish are allowed; and

9 (2) may not be expended for projects or programs in an area where
10 neither consumptive uses of sport fish and game nor nonretention fisheries are allowed
11 except for projects described under (1)(D) of this subsection.

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

17 (g) A person may bring a civil action in a court of competent jurisdiction
18 against a state agency or public official for an injunction to compel compliance with
19 this section or to compel remedial action to correct the consequences of a violation of
20 this section.

21 * **Sec. 5.** AS 16.05.940 is amended by adding new paragraphs to read:

22 (37) "high level of human harvest" means the opportunity with a high
23 probability of success for humans to harvest at least one-third of the harvestable
24 surplus of an animal population; in this paragraph, "high probability of success" means
25 a probability greater than 50 percent that a hunter will take an animal of the species
26 being hunted during a general hunting season or a subsistence hunting season other
27 than a drawing permit hunting season or subsistence hunting season established under
28 AS 16.05.258(b)(4);

29 (38) "intensive management" means management, consistent with the
30 sustained yield principle, of an identified big game prey population through active
31 management measures to enhance, extend, and develop the population to maintain high

1 levels or provide for higher levels of human harvest, including control of predation and
2 prescribed or planned use of fire and other habitat improvement techniques, but not
3 including restrictions on methods or means of taking game, access to game, or human
4 harvest of game;

5 (39) "sustained yield" means the achievement and maintenance in
6 perpetuity of a high level of human harvest on an annual basis of game, other than
7 mammalian predators or of fish.

8 * **Sec. 6.** AS 16.05.130(d), 16.05.255(h)(2), 16.05.255(h)(4), 16.05.255(h)(5), and
9 16.05.340(a)(17)(B) are repealed.