

**SENATE BILL NO. 68**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Taylor, Pearce

Introduced: 2/10/99

Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to cooperation with federal programs relating to management of  
2 fish and game."

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

4 \* **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.145. Cooperation with federal agencies.** (a) A state agency may  
6 not cooperate with a federal agency in the implementation of a federal program that  
7 restricts the state management of fish or game in the state unless the commissioner of  
8 fish and game finds in writing that the federal agency has entered into an agreement  
9 to reimburse the state for the full cost of cooperation. The commissioner shall include  
10 in the findings a description of the cost of cooperation with the federal program.

11 (b) The commissioner shall annually prepare and update as necessary a list of  
12 federal programs that restrict state management of fish or game in the state. The  
13 commissioner shall submit the list to the legislature by January 31 of each year  
14 together with a report of actions taken under (a) of this section during the preceding

1 calendar year. The report must

2 (1) include the findings for each instance in which the commissioner  
3 found that a federal agency agreed to reimburse the state for the full cost of  
4 cooperation with a federal program;

5 (2) describe the nature of the cooperation extended to each federal  
6 agency to implement a program included on the list;

7 (3) describe the full cost of cooperation incurred by the state and the  
8 amount of reimbursement received or expected by the state for that cooperation; and

9 (4) describe each instance in which the commissioner found that a  
10 federal agency did not agree to reimburse the state for the full cost of cooperation with  
11 a federal program included on the list.

12 (c) In determining the full cost of cooperation with a federal program that is  
13 included on the list prepared under (b) of this section, the commissioner shall include  
14 the direct cost and associated overhead cost of fish or game management or research  
15 activities performed by a state agency that are requested or required by the federal  
16 agency for the purpose of implementing the federal program and the cost of acquiring,  
17 interpreting, and sharing information collected by a state agency that is requested or  
18 required by the federal agency for the purpose of implementing the federal program.  
19 If cooperation with the federal program requires or is directly aided by the adoption  
20 of regulations or the enactment of law, the commissioner shall include, as part of the  
21 full cost of cooperation, the direct cost and associated overhead cost incurred by the  
22 department, the Board of Fisheries, the Board of Game, local fish and game advisory  
23 committees, the Department of Law, the Department of Public Safety, the Department  
24 of Corrections, other state agencies, the legislature, and the court system in reviewing,  
25 considering, adopting or enacting, implementing, and enforcing the regulation or law  
26 and in prosecuting and punishing violations of the regulation or law.

27 (d) In this section, "restrict" means preempt or otherwise limit the authority  
28 of the state under the Constitution of the State of Alaska to manage the taking of fish  
29 or game through regulation of seasons, areas, bag limits, or means and methods.