

HOUSE BILL NO. 519

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVE SHARP BY REQUEST

Introduced: 2/18/92

Referred: Resources, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management of state fish and game areas."

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

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

4 Sec. 16.05.145. PUBLIC TRUST FOR SPECIAL FISH AND GAME MANAGEMENT
5 AREAS. A public trust has been created by the use of the revenue generated from taxes and fees
6 paid by sportsmen for the establishment and management of state fish and game special
7 management areas, controlled use areas, and other areas established by law. This public trust
8 would be breached by restricting or eliminating sport fishing, hunting, or trapping activities and
9 opportunities in these areas in a manner inconsistent with the sustained yield principle. If the
10 state breaches this public trust, the state shall either reimburse the fish and game fund for the
11 value of the financial contribution derived from federal aid funds for sport fish and wildlife
12 restoration or derived from the fish and game fund for establishing or managing the area, acquire
13 other land in the same geographic area where sport fishing, hunting, and trapping activities and
14 opportunities are allowed, or designate other state land in the vicinity of the affected area as a

1 management area for sport fishing, hunting, or trapping.

2 * Sec. 2. AS 16.20.010 is amended to read:

3 Sec. 16.20.010. LEGISLATIVE RECOGNITION. The legislature recognizes that

4 (1) the state has jurisdiction over all fish and game in the state except in those
5 areas where it has assented to federal control;

6 (2) the state has not assented to federal control of fish and game in those areas
7 that [WHICH] were set apart as National Bird and Wildlife Refuges while the state was a United
8 States territory;

9 (3) special recognition of the value to the state and the nation of areas of
10 unspoiled habitat and the game characteristic to it will be demonstrated by designating as state
11 game refuges those federal lands that [WHICH] were National Bird and Wildlife Refuges or
12 Ranges at the time that Alaska achieved statehood;

13 (4) the special contribution made to sport fish and wildlife restoration and
14 enhancement programs by the support of sportsmen through payment of taxes and fees
15 collected under federal aid programs for sport fish and wildlife restoration and state
16 hunting license and waterfowl stamp programs must be acknowledged and fostered in the
17 future by maintaining or enhancing sport fishing, hunting, and trapping activities and
18 opportunities on state game refuges consistent with the sustained yield principle;

19 (5) a public trust has been created by the use of the revenue generated from
20 taxes and fees paid by sportsmen for the establishment and management of state game
21 refuges; this public trust would be breached by restricting or eliminating sport fishing,
22 hunting, or trapping activities and opportunities on state game refuges in a manner
23 inconsistent with the sustained yield principle; and if the state breaches this public trust,
24 the state shall either reimburse the fish and game fund for the value of the financial
25 contribution derived from federal aid programs for sport fish and wildlife restoration or
26 derived from the fish and game fund for establishing or managing the area, acquire other
27 land in the same geographic area where sport fishing, hunting, and trapping activities and
28 opportunities are allowed, or designate other state land in the vicinity of the affected area
29 as management areas for sport fishing, hunting, or trapping.

30 * Sec. 3. AS 16.20.020 is amended to read:

31 Sec. 16.20.020. PURPOSE. The purpose of AS 16.20.010 - 16.20.080 [THIS

1 CHAPTER] is to conserve, maintain, and develop [PROTECT AND PRESERVE] the
2 [NATURAL] habitat and game populations [POPULATION] in certain designated areas of the
3 state and to guarantee continued hunting and trapping activities and opportunities in those
4 areas consistent with the sustained yield principle and subject to allocation by the Board
5 of Game.

6 * Sec. 4. AS 16.20.040 is amended to read:

7 Sec. 16.20.040. REGULATIONS. The board shall, under AS 16.05, adopt regulations
8 governing the taking of game on state game refuges it considers advisable for conservation and
9 protection purposes and for guaranteeing continued public hunting and trapping and other
10 consumptive uses of resources consistent with the sustained yield principle and subject to
11 allocation of the Board of Game.

12 * Sec. 5. AS 16.20 is amended by adding a new section to article 5 to read:

13 Sec. 16.20.290. PUBLIC TRUST ON STATE RANGE AREAS. A public trust has been
14 created by the use of the revenue generated from taxes and fees paid by sportsmen for the
15 establishment and management of state range areas under AS 16.20.290 - 16.20.360. This public
16 trust would be breached by restricting or eliminating sport fishing, hunting, or trapping activities
17 and opportunities on state range areas in a manner inconsistent with the sustained yield principle.
18 If the state breaches this public trust, the state shall either reimburse the fish and game fund for
19 the value of the financial contribution derived from federal aid programs for sport fish and
20 wildlife restoration or derived from the fish and game fund for establishing or managing the area,
21 acquire other land in the same geographic area where sport fishing, hunting, and trapping
22 activities and opportunities are allowed, or designate other state land in the vicinity of the
23 affected area as a management area for sport fishing, hunting, or trapping.

24 * Sec. 6. AS 16.20.500 is amended by adding a new subsection to read:

25 (b) A public trust has been created by the use of the revenue generated from taxes and
26 fees paid by sportsmen for the establishment and management of state fish and game critical
27 habitat areas. This public trust would be breached by restricting or eliminating sport fishing,
28 hunting, or trapping activities and opportunities on state fish and game critical habitat areas in
29 a manner inconsistent with the sustained yield principle. If the state breaches this public trust,
30 the state shall either reimburse the fish and game fund for the value of the financial contribution
31 derived from federal aid programs for sport fish and wildlife restoration or derived from the fish

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