

SB

247

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

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Senate Bill 247 Sponsor Statement

This legislation is precipitated by the Department of Fish and Game's policy of using funds raised through consumptive uses of fish and game for non consumptive purposes. It will ensure that this is not the case in the future. The bill provides for suits to be brought by individuals against the department and its employees for violation of its provisions.

This legislation will require the Department of Fish and Game to expend Fish and Game funds for consumptive uses for both sport hunting and fishing. These funds are collected from sportsmen through the purchase of licenses, stamps and tags. It is only proper that the funds provided by these individuals be used to benefit these users of the resource.

Here are the principle points of the bill:

1. Limit the use of fish and game funds to provide for intensive management of sport fish stocks and game populations for maximum sustained yield. It also provides for propagation, reintroduction, restocking, transplantation, manipulation of habitat, predator removal, hunter education, public access to sports fishing and hunting areas, and restoration of sport fish and game resources.
2. Direct benefits to the purchasers of licenses, stamps and tags that increase human harvests of sport fish and game. It would prohibit the expenditure of these funds for non-consumptive uses of sport fish and game.
3. Prohibit the use of these funds for the cost of personnel, administration, and certain kinds of construction projects.
4. Allow funding to continue for facilities that would be used solely for the propagation of sport fish or game for restocking, enhancement, or transplantation. And also continue funding of shooting ranges and facilities to improve public access to areas where consumptive uses of sports fish and game may occur.
5. Defines the terms "harvestable surplus", "high level of human harvest" and "intensive management" for purposes of section 3 of the bill.

6. Mandates that federal funds received by the state, under the federal aid to fish restoration program or the federal aid in wildlife restoration program, be used for consumptive use purposes except where federal law directs they be used otherwise.
7. The Department of Fish and Game must prepare an annual report on expenditures from the Fish and Game Fund to legislators.
8. Provides for the right to bring civil action in the courts to enforce the requirements of AS 16.05.130. If that party prevails in the action, the person is entitled to recover the full, true and actual costs of the litigation.
9. There are also court rule amendments which are necessary to implement the new AS 16.05.130(h) added in the bill.



ALASKA OUTDOOR COUNCIL

4506 Robbie Rd.
JUNEAU, AK. 99801
(907) 463-3830

Mar. 20, 1996

Senator Robin Taylor
Alaska State Legislature
Juneau, Ak. 99801

Dear Senator Taylor:

The Alaska Outdoor Council appreciates your continuing interest in promoting traditional wildlife management in Alaska. We support your efforts to create an impetus through legislation for the Alaska Department of Fish and Game to once again take up important management concerns for Alaska's consumptive users of fish and wildlife.

We believe SB 247, "An Act relating to the fish and game fund", is an important component in the effort to re-establish traditional management of fish and game here in Alaska. For the past fifteen years consumptive users have continually endured the onslaught of an uninformed vocal minority bent on eliminating hunting and trapping opportunities. Although the Alaska Outdoor Council has traditionally supported the Department's budget and has tried to maintain a working relationship with leadership and staff, our efforts were increasingly frustrated by an apparent shift within some levels to accommodate non-consumptive uses at the expense of consumptive uses. We realize that a significant portion of that policy shift has been, and continues to be at the direction of an unsympathetic Administration.

Although we recognize the use of our dollars for some projects which may not appear to readily benefit hunters, trappers, and fishermen do have some merit, the opposition who also benefits from those expenditures has never recognized the contribution outdoorsmen have made to their benefit, and for the most part continues to oppose projects and programs beneficial to wildlife and humans. It is for that reason we have become increasingly reluctant to have our money spent in those arenas.

The AOC is still more than willing to work with the Department and the Administration to resolve some of the areas of concern to consumptive users of our wildlife resources; however, we must see some movement toward those items which we feel are important. Traditional management of wildlife, including predator

management, an educational effort structured to enlighten a broader segment of the public about wildlife management and the role consumptive uses play therein, better efforts to communicate with the consumptive user public, and more judicious use of consumptive use dollars in arenas which may not appear to have a direct cost/benefit ratio.

At the moment the membership of the Alaska Outdoor Council is supporting the effort on the part of those legislators who wish to reduce the Department's budget. We would prefer to return to our traditional role of fully supporting their budget; however, until the Department and the Administration can produce tangible assurances that our concerns are being given serious consideration, backed up with appropriate action, we feel there aren't many alternatives for us right now. We remain hopeful continuing dialogs with Departmental leadership will prove productive and that we will once again be more closely involved in supporting their efforts. Recent discussions we have had with the Commissioner and Divisional heads leads us to believe they are genuinely interested in our concerns and would like to accommodate such to the best of their ability. Any movement in our direction would be welcomed, and would quite likely result in much improved relations.

The Alaska Outdoor Council believes legislation, such as SB 247, has become necessary to help define the ADF&G's primary role in wildlife management. More importantly, such legislation will provide the groundwork for moving Alaska back toward traditional wildlife management.

Once again, the members of the Alaska Outdoor Council would like you to know how appreciative we are for your efforts on our behalf. If there is anything we can do to further assist you in this important effort, please let us know.

Sincerely,



Eddie Grasser

cc: Sen. Loren Leman
Sen. Drue Pearce
Sen. Steve Frank
Sen. Rick Halford
Sen. Georgianna Lincoln
Sen. Lyman Hoffman
Sen. Bert Sharp
Sen. Mike Miller

MAR 27 1996



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
 committee name
 committee on SB 247, dated 3/20/96
 bill/subject

As a lifelong Alaskan and a comsumptive user of Fish and Game resources for more years than I care to admit to, I wish to express the strongest possible support for S.B. #247.

I think it is vitally important to use funds generated by sportsmens' and sportswomens' license fees, tags, and permits to directly benefit consumptive users.

I don't claim to be a legal expert, but from what I see in the State Constitution, it appears that the Department of Fish and Wildlife is mandated to manage fish and wildlife resources in a manner that provides the highest possible sustained yield for consumptive users.

From the projects and programs generated by administrative positions within the Department over the last few years, it would appear that this mandate has been subverted and in some cases deliberately ignored.

The passage of S.B. #247 would go a long way toward squelching these departures from that mandate. Respectfully,
 Signed: _____

Testifier

Lee A. Stoner
(Lee A. Stoner)

Representing (Optional)

940 Serrano Dr., Wasilla, Alaska 99654

Address

(907) 376 9488

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name

committee on S.B. #247, dated March 20, 1996.
bill/subject

I am a housewife and mother of two married to a lifelong Alaskan who has provided our family with fish and game for years. I and my children have grown to prefer wild fish and game over domestic. I buy a license each year and each fall we have a family hunt to further the heritage of hunters.

I feel it is important that S.B. #247 be passed so that I and my family will be able to hunt and fish on a continuing basis.

Signed: Andra L. Stoner
Testifier

Representing (Optional)

940 Larsen Cir. Waiilla

Address

(907) 376-9488

Phone No.

To: Senator Taylor

Date: March 20, 1996

Subject: SB 247

From: Peter Shepherd, 1012 Galena St., Fairbanks, AK 99709

I support SB 247 and would like to commend Senators Taylor and Sharp for their efforts on this bill.

It is indeed unfortunate that it has become necessary to promulgate law mandating the dispensing of fish and game funds. However, I have witnessed over a number of years the mounting influence of changing public values on the attitudes of the ADF&G leadership towards those who provide the operational revenues. It is unconscionable that the fish and game funds are being used in ways that subvert the interests of the paying hunting and trapping public.

In general, a non-contributing public, many who embrace a philosophy that rejects human consumptive use, are those most vocally demanding the Department reframe from intensive management programs. In all due respect to these opposing public values, ADF&G and the State Board of Game should still act within the framework established by Alaska constitutional law. I suggest that any concessions made to these demands are patently unconstitutional on the part of ADF&G and the Board of Game.

In my opinion there is no moral or legal reason that fish and game funds be used to decrease opportunities, promotion, and enhancement of traditional consumptive uses of renewable wildlife resources on a sustained yield basis. Until such a time that other sources of funding are provided by the non-consumptive public, present uses of the fish and game fund are justifiably assignable to those outlined in SB247.

Thank You.

Peter Shepherd

Peter Shepherd

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To: SPA LOCAL LEADER	From: FBX LIO	
Co: SPES UNITE	Co:	
Dept:	Phone #	
Fax #	Fax #	

FISCAL NOTE

No. 8

Bill Version: CS SB 247(RLS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: An Act relating to the fish and game fund BRU: Administration and Support
 Sponsor: Senators Taylor and Sharp Component: Administrative Services
 Requester: Senate Rules COMPONENT SERIAL NO. 479

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1002)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
1003 GF Match						
1004 GF	977.5	977.5	977.5	977.5	977.5	977.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

To maintain department services and programs at existing levels, general funds will be necessary to offset the decrease in federal funding.

Federal receipts are currently collected as indirect overhead to fund such items as accounting services, personnel and payroll services, budgeting services, procurement and contracting services, and data processing services.

Prepared by: Kevin Brooks Kevin Brooks, Director
 Division: Administration

Phone: 465-6091
 Date: 4/9/96

Approved by Commissioner: Gerard Bunn
 Agency: _____

Date: 4/9/96

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FISCAL NOTE

No. 9

Bill Version: CS SB 247(CRS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: <u>4/9/96</u>	Dept. Affected: <u>Fish and Game</u>
Title: <u>Restrict Use of Fish & Game Fund</u>	BRU: <u>Wildlife Conservation</u>
Sponsor: <u>Senator Taylor</u>	Component: <u>Wildlife Conservation</u>
Requester: <u>Senate Rules</u>	COMPONENT SERIAL NO. <u>473</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	2,060.4	2,060.4	2,060.4	2,060.4	2,060.4	2,060.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Assumptions: (1) To maintain department services and programs at existing levels, General Funds will be provided to offset funding cuts in Fish & Game Fund revenues. (2) Federal Aid apportionments and license/tag revenues will remain constant for foreseeable future. (3) The regulatory process (\$713.3) and data processing programs (\$1,042.9) are assumed to directly benefit consumptive users and will continue to be funded by federal aid and Fish & Game Fund revenues.

Secs. 2 and 4 of the bill restrict use of Fish & Game Fund and Federal Aid funding for such programs as education, nongame, marine mammals management, sanctuary management, endangered species, law enforcement, and public information (\$2,060.4). To continue to provide these services, general funds would have to compensate for the loss of current revenue sources.

Prepared by: Diana Ground, Admin. Officer *DG*
Division: Wildlife Conservation

Approved by Commissioner: Geiron Bruce Jon
Agency: Alaska Department of Fish and Game

Phone: 465-6194
Date: 4/9/96

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FISCAL NOTE

No. 10

Bill Version: CSSB247(RLS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: Restrict use of fish & game fund BRU: Sport Fish
 Component: Sport Fish
 Sponsor: Senator Taylor
 Requester: Senate Rules COMPONENT SERIAL NO. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1002)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)
1003 GF Match						
1004 GF	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)
TOTAL	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached pages for assumptions made in fund source calculations. The \$69.5 net loss in FUND SOURCE is the result of lowered overhead costs paid to Division of Administration. These overhead costs are calculated based on the amount of Federal Funds expended by Division of Sport Fish. A reduction in ability to use Federal money is related to a direct reduction of overhead cost for the division.

With implementation of SB 247 the Division of Sport Fish will not be able to fully utilize available Federal funds and will be forced to revert \$1,211.4 of the \$8,397.7 available. This is shown in CHANGE IN REVENUES above. Since the State of Alaska receives the maximum allowable DJWB funding, other states have already been suggesting that funding formulas be changed to lower our share of DJWB money. By not fully utilizing this money it will supply those states more ammunition for that battle.

Prepared by: Kevin Delaney IRB for
 Division: Sport Fish
 Approved by Commissioner: Geran Bruce for
 Agency: Fish and Game

Phone: 465-4180
 Date: 4/9/96
 Date: 4/9/96

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Assumptions used in analyzing SB 247.

- Division of Sport Fish will operate all projects at proposed FY 97 levels
- No Headquarters projects other than Access can receive funding from either the Fish and Game fund or Federal DJ/WB fund.
- Research and Technical Services (RTS) projects with the exception of Biometrics, Statewide Harvest Survey and 50% of the Information Management project can not be funded with either the Fish and Game fund or Federal DJ/WB funds.
- All hatchery projects and access projects can be funded with moneys from the Fish and Game fund and/or the Federal DJ/WB fund.
- Regional projects can be funded with Fish and Game funds and/or Federal DJ/WB funds with the exception of Bristol Bay Trout Studies and Karluk Steelhead Studies in Region II, 80% of the resident species projects in Region I, and 50% of the Chena Grayling Studies in Region III.
- All projects which can no longer be funded with Fish and Game funds and/or Federal DJ/WB funds would have to receive General Fund moneys.
- Division of Administration (ADF&G) receives 6% overhead on all federal money we expend. Currently this is paid with federal money, but from this point forward, would have to be paid using General Fund money.

Current FY 97 Funding Sources and Funding Sources With Senate Bill 247

FY 97 Sport Fish Projects		Current Funding Sources				Funding Sources With SB 247				
Project # / Title	Total S	F&G*	Fed*	Prog*	CIP*	F&G*	Fed*	Prog*	CIP*	GF*
54 Headquarters	1228.1	1113.3	99.9	15.0	0.0	0.0	0.0	15.0	0.0	1213.1
64 Boating Access	362.5	36.9	110.6	0.0	215.1	36.9	110.6	0.0	215.1	0.0
55 RTS	1865.1	1029.8	835.3	0.0	0.0	421.9	684.2	0.0	0.0	759.0
56 SE Supervision	1379.8	1379.8	0.0	0.0	0.0	1379.8	0.0	0.0	0.0	0.0
57 SE Salmon	1604.1	401.0	1203.1	0.0	0.0	401.0	1203.1	0.0	0.0	0.0
58 SE Resident Sp	498.9	124.7	374.2	0.0	0.0	24.9	74.8	0.0	0.0	399.2
64 SE Access	50.0	12.5	37.5	0.0	0.0	12.5	37.5	0.0	0.0	0.0
91 SE Hatcheries	1150.8	442.7	487.8	220.4	0.0	442.7	487.8	220.4	0.0	0.0
59 SC Supervision	2088.3	2037.5	50.8	0.0	0.0	2037.5	50.8	0.0	0.0	0.0
60 SC Salmon	2676.4	841.0	1835.4	0.0	0.0	841.0	1835.4	0.0	0.0	0.0
61 SC Resident Sp	507.4	126.8	380.5	0.0	0.0	85.1	255.2	0.0	0.0	167.1
62 SC Shellfish &	267.3	124.2	143.2	0.0	0.0	124.2	143.2	0.0	0.0	0.0
64 SC Access	97.4	24.4	73.1	0.0	0.0	24.4	73.1	0.0	0.0	0.0
90 SC Hatcheries	1607.0	392.8	1178.3	36.0	0.0	392.8	1178.3	36.0	0.0	0.0
69 IN Supervision	942.7	942.7	0.0	0.0	0.0	942.7	0.0	0.0	0.0	0.0
70 IN Salmon	124.1	31.0	93.1	0.0	0.0	31.0	93.1	0.0	0.0	0.0
71 IN Resident Sp	831.4	207.8	623.5	0.0	0.0	196.2	588.6	0.0	0.0	46.6
64 IN Access	32.5	8.1	24.4	0.0	0.0	8.1	24.4	0.0	0.0	0.0
92 IN Hatcheries	461.6	115.4	346.2	0.0	0.0	115.4	346.2	0.0	0.0	0.0
Total	17775.8	9392.4	7896.9	271.4	215.1	7518.1	7186.3	271.4	215.1	2585.0
Admin Ovrhead**			500.8							431.2
Grand Total	18276.6	9392.4	8397.7	271.4	215.1	7518.1	7186.3	271.4	215.1	3016.2

*F&G is the Fish and Game Fund; Fed is Federal Funds; Prog is Program Receipts; CIP is Capital Improvement Project Funds; GF is General Funds.

**Fees paid to Department of Fish and Game, Division of Administration for overhead related to federal funding.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 247(RLS) am(efd fld)(ct rule fld)

1 Page 1, lines 12 - 14:

A D K L O W G

2 Delete "The legislature shall make a separate appropriation for each project to be
3 funded from money subject to this subsection."

4 Page 2, line 2:

5 Delete "sport fish stocks and"

6 Page 2, line 8:

7 Delete "increase"

8 Insert "may enhance"

9 Page 2, lines 8 - 9:

10 Delete ", increase"

11 Insert "for purposes of increasing opportunities for"

12 Page 2, lines 9 - 12:

13 Delete ", or decrease predation upon sport fish and game taken by purchasers of sport
14 fishing, hunting, and trapping licenses and tags"

15 Page 2, line 20, following "allowed":

16 Insert "except in cases where educational efforts are evident that support sport
17 fishing, hunting, trapping, and related management"

18 Page 2, line 31:

19 Delete "or"

- 1 Page 3, line 2, following "occur"
2 Insert "; or
3 (iv) educational programs, associated with designated areas,
4 that support sport fishing, hunting, trapping, and related management"
- 5 Page 3, line 26:
6 Delete "fish stocks and"
- 7 Page 4, line 1:
8 Delete "by increasing"
9 Insert "that may enhance"
- 10 Page 4, lines 1 - 2:
11 Delete ", increasing"
12 Insert "for purposes of increasing opportunities for"
- 13 Page 4, lines 2 - 4:
14 Delete ", or decreasing predation upon sport fish and game taken by purchasers of
15 sport fishing and hunting licenses and tags"
- 16 Page 4, line 11:
17 Delete "construction"
- 18 Page 4, line 15:
19 Delete "or"
- 20 Page 4, line 17, following "occur":
21 Insert "; or
22 (iv) educational programs, associated with designated areas, that
23 support sport fishing, hunting, trapping, and related management"
- 24 Page 5, lines 9 - 25:

1 Delete all material

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

*House Resources
5-3-96 8:05am
Tape #96-76
SB 247*