

**SB**

**247**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF  
4/03/96

DATE: 3/28/96

DATE TURNED INTO OFFICE: 4/03/96

The Finance Committee considered SENATE BILL NO. 247

Relating to the fish and game fund; amending Rules 79(b) and 82(b)(2), Alaska Rules of Civil Procedure; efd.

and recommends:

- be replaced with \_\_\_\_\_ CS SB 247 ( FIN )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Lacey</i>	✓		
		<i>Paul E. Jolly</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Public Safety	3/14/96	∅	
F&G/Admin. Services	3/31/96	∅	fund source change
F&G/Wildlife Conserv.	3/31/96	∅	"
F&G/Sport Fish	3/31/96	∅	"

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

3/20/96

REPORTED OUT OF

# FISCAL NOTE

SFC

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB247 | -

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: An Act relating to the fish and game fund BRU: Administration and Support  
 Component: Administrative Services  
 Sponsor: Senators Taylor and Sharp  
 Requester: Senate Resources 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1004)						
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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
1003 GF Match						
1004 GF	2,177.5	2,177.5	2,177.5	2,177.5	2,177.5	2,177.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(1,200.0)	(1,200.0)	(1,200.0)	(1,200.0)	(1,200.0)	(1,200.0)
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 fish and game and 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.

Fish and Game funds are currently used to pay for the costs of administering the license system such as printing license stock, postage for mailing stock to vendors, and paying vendor compensation for licenses sold.

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

Phone: 465-6091  
Date: 3/13/96

Approved by Commissioner: Ernie Bruce for  
Agency: \_\_\_\_\_

Date: 3/20/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 247 -

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Restrict use of fish & game fund BRU: Sport Fish  
 Component: Sport Fish  
 Sponsor: Senator Taylor  
 Requester: Senate Resources 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( 1002 )</b>	<b>(6,139.8)</b>	<b>(6,139.8)</b>	<b>(6,139.8)</b>	<b>(6,139.8)</b>	<b>(6,139.8)</b>	<b>(6,139.8)</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)
1003 GF Match						
1004 GF	14,134.1	14,134.1	14,134.1	14,134.1	14,134.1	14,134.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	(8,359.6)	(8,359.6)	(8,359.6)	(8,359.6)	(8,359.6)	(8,359.6)
<b>TOTAL</b>	<b>(365.3)</b>	<b>(365.3)</b>	<b>(365.3)</b>	<b>(365.3)</b>	<b>(365.3)</b>	<b>(365.3)</b>

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 \$365.3 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 \$6,139.8 of the \$8,397.7 available. This is shown in CHANGE IN REVENUES above. Since the State of Alaska receives the maximum allowable DJ/WB funding, other states have already been suggesting that funding formulas be changed to lower our share of DJ/WB money. By not fully utilizing this money it will supply those states more ammunition for that battle.

Prepared by: Kevin Delaney  
 Division: Sport Fish  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: Fish and Game

Phone: 465-4180  
 Date: 3/19/96  
 Date: 3-20-96

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Assumptions used in analyzing SB 247.

- Division of Sport Fish will operate all projects at proposed FY 97 levels
- Headquarters and Regional Supervision and Management projects other than Access Coordination projects can not receive funding from either the Fish and Game fund or Federal DJ/WB fund.
- Research and Technical Services (RTS) projects can not be funded with either the Fish and Game fund or Federal DJ/WB fund.
- 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 "Salmon Projects", "Resident Species Projects, and "Shellfish/BottomFish/Personal Use Projects" can not be funded with Fish and Game funds and/or Federal DJ/WB funds.
- 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	0.0	0.0	0.0	0.0	1865.1
56 SE Supervision	1379.8	1379.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1379.8
57 SE Salmon	1604.1	401.0	1203.1	0.0	0.0	0.0	0.0	0.0	0.0	1604.1
58 SE Resident Sp	498.9	124.7	374.2	0.0	0.0	0.0	0.0	0.0	0.0	498.9
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	0.0	0.0	0.0	0.0	2088.3
60 SC Salmon	2676.4	841.0	1835.4	0.0	0.0	0.0	0.0	0.0	0.0	2676.4
61 SC Resident Sp	507.4	126.8	380.5	0.0	0.0	0.0	0.0	0.0	0.0	507.4
62 SC Shellfish &	267.3	124.2	143.2	0.0	0.0	0.0	0.0	0.0	0.0	267.3
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	0.0	0.0	0.0	0.0	942.7
70 IN Salmon	124.1	31.0	93.1	0.0	0.0	0.0	0.0	0.0	0.0	124.1
71 IN Resident Sp	831.4	207.8	623.5	0.0	0.0	0.0	0.0	0.0	0.0	831.4
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
<b>Total</b>	<b>17775.8</b>	<b>9392.4</b>	<b>7896.9</b>	<b>271.4</b>	<b>215.1</b>	<b>1032.8</b>	<b>2257.9</b>	<b>271.4</b>	<b>215.1</b>	<b>13998.6</b>
Admin Ovrhead**			500.8							135.5
<b>Grand Total</b>	<b>18276.6</b>	<b>9392.4</b>	<b>8397.7</b>	<b>271.4</b>	<b>215.1</b>	<b>1032.8</b>	<b>2257.9</b>	<b>271.4</b>	<b>215.1</b>	<b>14134.1</b>

\*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.

# FISCAL NOTE

2/20/96  
125,110

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. SB 247**

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Restrict Use of Fish & Game Fund BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Taylor  
 Requester: Senate Resources **COMPONENT SERIAL NO. 473**

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (1002)</b>	<b>(4,500.0)</b>	<b>(7,954.0)</b>	<b>(7,954.0)</b>	<b>(7,954.0)</b>	<b>(7,954.0)</b>	<b>(7,954.0)</b>

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts	(7,954.0)	(7,954.0)	(7,954.0)	(7,954.0)	(7,954.0)	(7,954.0)
1003 GF Match						
1004 GF	15,623.5	15,623.5	15,623.5	15,623.5	15,623.5	15,623.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(7,669.5)	(7,669.5)	(7,669.5)	(7,669.5)	(7,669.5)	(7,669.5)
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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) The legislation will become effective at the beginning of FY97. (2) To maintain department services and programs at existing levels, General Funds will be provided to offset funding cuts in Fish & Game Fund and Federal Aid revenues. (3) Federal Aid apportionments and license/tag revenues will remain constant for foreseeable future.

Secs. 2 and 3 of the bill restrict utilization of federal aid and license/tag revenue for costs of personnel (\$10,411.1) and in areas where game populations are subject to preferences among consumptive uses that are not valid under the state constitution or state law. Virtually all game populations trespass on federal lands that are "subject" to subsistence preferences not valid under state law. Accordingly, this bill would preclude expending Fish & Game Fund and Federal Aid revenues on all wildlife management programs throughout the state. Only expenditures of program receipts (\$110.2) would be unaffected by this bill.

These limitations on Federal Aid spending would cause the department to revert \$4,500.0 in FY97 and to revert the entire Federal Aid apportionment (approx. \$8,000.0) each year thereafter. Reverted funds would be redistributed to the other 49 states.

Prepared by: Ken Taylor, Deputy Director  
 Division: Wildlife Conservation  
 Approved by Commissioner: Paul R.  
 Agency: Alaska Department of Fish and Game

Phone: 465-6192  
 Date: 3/20/96  
 Date: 3.20.96

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STATE OF ALASKA

FISCAL NOTE

BILL NO.

REPORTED OUT OF RES. FIN  
SB-247

1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to the fish and game fund; BRU: Fish & Wildlife Protection  
amending Rules 79(b) and 82(b)(2),... Component: Enforcement & ISU  
 Sponsor: Senators Taylor and Sharp  
 Requestor: S. Resources COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	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-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ 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.)

No fiscal impact. The Division of Fish & Wildlife Protection receives no revenue from the Federal Aid To Fish and Wildlife Restoration Programs nor from the sale of licenses.

Prepared By: Captain Richard Graham, Operations Commander Phone: 269-5589  
 Division: Fish & Wildlife Protection Date: 03/19/96  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/19/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. CSSB 247(RES)**

Revision Date: 3/29/96 Dept. Affected: Fish and Game  
 Title: Restrict Use of Fish & Game Fund BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Taylor  
 Requester: Senate Finance **COMPONENT SERIAL NO. 473**

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (1002)</b>	<b>0.0</b>	<b>(440.0)</b>	<b>(4,764.0)</b>	<b>(9,000.0)</b>	<b>(9,000.0)</b>	<b>(9,000.0)</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	(4,314.4)	(4,325.0)	(4,400.0)	(4,400.0)	(4,400.0)	(4,400.0)
1003 GF Match						
1004 GF	6,374.8	6,385.4	6,460.4	6,460.4	6,460.4	6,460.4
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)
<b>TOTAL</b>	<b>0.0</b>	<b>(0.0)</b>	<b>(0.0)</b>	<b>(0.0)</b>	<b>(0.0)</b>	<b>(0.0)</b>

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)

Assumptions: (1) To maintain department services and programs at existing levels, General Funds will be provided to offset funding cuts in Fish & Game Fund and Federal Aid 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.

Sec. 2 of the bill restricts use of license/tag revenue for such programs as education, nongame, marine mammals management, sanctuary management, endangered species, law enforcement, and public information (\$2,060.4). Sec. 4 of the bill restricts utilization of federal aid revenue for costs of personnel (\$4314.4), the major use of federal funds.

These limitations on Federal Aid spending would cause the department to revert \$440.0 in FY98, to revert \$4,764.0 in FY99, and to revert remaining federal aid funds and all new apportionments (approx. \$9,000.0) each year thereafter. Reverted funds would be redistributed to the other 49 states.

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

Phone: 465-6194  
 Date: 3/29/96

Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Date: 3/31/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 247(RES)

Revision Date: <u>3/28/96</u>	Dept. Affected: <u>Fish and Game</u>
Title: <u>Restrict use of fish &amp; game fund</u>	BRU: <u>Sport Fish</u>
	Component: <u>Sport Fish</u>
Sponsor: <u>Senator Taylor</u>	
Requester: <u>Senate Resources</u>	COMPONENT SERIAL NO. <u>464</u>

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( 1002 )</b>	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)	(6,139.8)
1003 GF Match						
1004 GF	5,774.4	5,774.4	5,774.4	5,774.4	5,774.4	5,774.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>(365.4)</b>	<b>(365.4)</b>	<b>(365.4)</b>	<b>(365.4)</b>	<b>(365.4)</b>	<b>(365.4)</b>

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 \$365.4 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 \$6,139.8 of the \$8,397.7 available. This is shown in CHANGE IN REVENUES above. Since the State of Alaska receives the maximum allowable DJ/WB funding, other states have already been suggesting that funding formulas be changed to lower our share of DJ/WB money. By not fully utilizing this money it will supply those states more ammunition for that battle.

Prepared by: Kevin Delaney by PFB  
 Division: Sport Fish  
 Approved by Commissioner: Geon Bunn  
 Agency: Fish and Game

Phone: 465-4180  
 Date: 3/28/96  
 Date: 3/31/96

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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 Fish and Game fund. None of RTS can be funded with 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 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. None of these projects can be funded with Federal DJ/WB money.
- 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. For projects eligible to use Fish and Game funds, that funding source will be used first to cover loss of federal funding. Projects will receive a relative percentage of the Fish and Game funds that are available.
- 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 \$	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	773.2	0.0	0.0	0.0	1091.9
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	734.9	0.0	0.0	0.0	869.2
58 SE Resident Sp	498.9	124.7	374.2	0.0	0.0	99.7	0.0	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	2088.3	0.0	0.0	0.0	0.0
60 SC Salmon	2676.4	841.0	1835.4	0.0	0.0	1541.2	0.0	0.0	0.0	1135.2
61 SC Resident Sp	507.4	126.8	380.5	0.0	0.0	156.0	0.0	0.0	0.0	351.4
62 SC Shellfish &	267.3	124.2	143.2	0.0	0.0	227.6	0.0	0.0	0.0	39.7
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	56.8	0.0	0.0	0.0	67.3
71 IN Resident Sp	831.4	207.8	623.5	0.0	0.0	359.5	0.0	0.0	0.0	471.9
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
<b>Total</b>	<b>17775.8</b>	<b>9392.4</b>	<b>7896.9</b>	<b>271.4</b>	<b>215.1</b>	<b>9392.5</b>	<b>2257.9</b>	<b>271.4</b>	<b>215.1</b>	<b>5638.9</b>
Admin Ovrhead**			500.8							135.5
<b>Grand Total</b>	<b>18276.6</b>	<b>9392.4</b>	<b>8397.7</b>	<b>271.4</b>	<b>215.1</b>	<b>9392.5</b>	<b>2257.9</b>	<b>271.4</b>	<b>215.1</b>	<b>5774.4</b>

\*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.

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. CSSB247(RES)**

Revision Date:	<u>3/28/96</u>	Dept. Affected:	<u>Fish and Game</u>
Title:	<u>An Act relating to the fish and game fund</u>	BRU:	<u>Administration and Support</u>
Sponsor:	<u>Senators Taylor and Sharp</u>	Component:	<u>Administrative Services</u>
Requester:	<u>Senate Resources</u>	COMPONENT SERIAL NO.	<u>479</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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1004)						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
1003 GF Match						
1004 GF	2,313.5	2,313.5	2,313.5	2,313.5	2,313.5	2,313.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(1,336.0)	(1,336.0)	(1,336.0)	(1,336.0)	(1,336.0)	(1,336.0)
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 fish and game and 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.

Fish and Game funds are currently used to pay for the costs of administering the license system such as printing license stock, postage for mailing stock to vendors, and paying vendor compensation for licenses sold.

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

Phone: 465-6091  
 Date: 3/28/96

Approved by Commissioner: Sean Bruce for  
 Agency: \_\_\_\_\_

Date: 3/31/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB247(RIs)

Revision Date: 4/9/96 Dept. Affected: Fish and Game  
 Title: An Act relating to the fish and game fund BRU: Administration and Support  
 Component: Administrative Services  
 Sponsor: Senators Taylor and Sharp  
 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						
<b>TOTAL OPERATING</b>	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)

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)						
<b>TOTAL</b>	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: Geenan Bunn  
 Agency: \_\_\_\_\_

Date: 4/9/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 247(RLS)

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

**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						
<b>TOTAL OPERATING</b>	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)

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)
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

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)

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 *DGG*  
Division: Wildlife Conservation

Approved by Commissioner: Geron Bruce *for*  
Agency: Alaska Department of Fish and Game

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

Date: 4/9/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 247(RLS)

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( 1002 )	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)
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**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)
<b>TOTAL</b>	<b>(69.5)</b>	<b>(69.5)</b>	<b>(69.5)</b>	<b>(69.5)</b>	<b>(69.5)</b>	<b>(69.5)</b>

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 DJ/WB funding, other states have already been suggesting that funding formulas be changed to lower our share of DJ/WB 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: Deon Bue for  
 Agency: Fish and Game

Phone: 465-4180  
 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) receive: 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 \$	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
<b>Total</b>	<b>17775.8</b>	<b>9392.4</b>	<b>7896.9</b>	<b>271.4</b>	<b>215.1</b>	<b>7518.1</b>	<b>7186.3</b>	<b>271.4</b>	<b>215.1</b>	<b>2585.0</b>
Admin Ovrhead**			500.8							431.2
<b>Grand Total</b>	<b>18276.6</b>	<b>9392.4</b>	<b>8397.7</b>	<b>271.4</b>	<b>215.1</b>	<b>7518.1</b>	<b>7186.3</b>	<b>271.4</b>	<b>215.1</b>	<b>3016.2</b>

\*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.

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



*Senator Robin L. Taylor*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax: (907) 465-3922

352 Front Street  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713

## 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.

District A:

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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.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

February 23, 1996

**SUBJECT:** Sectional Summary of SB 247; An Act relating to the fish and game fund.

**TO:** Senator Robin Taylor

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of SB 247; An Act relating to the fish and game fund.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 16.05.130(a). Revenue received by the state from sport fishing, hunting, and trapping licenses and tag fees may only be expended as provided by legislative appropriation. License and tag revenues may be only used for intensive management projects; for propagation, reintroduction, restocking, transplantation, habitat manipulation, predator removal, hunter education, access to hunting and sport fishing areas, and restoration of game and sport fish resources; or for certain types of projects that directly benefit purchasers of sport fishing, hunting, and trapping licenses and tags. License and tag revenues may not be used for projects in areas where consumptive use of sport fish and game are not allowed, expended in areas where certain preferences among consumptive users of game are in effect, used for a purpose not permitted under this subsection, or expended for the costs of personnel, administration, and certain kinds of construction projects.

Section 2 of the bill amends AS 16.05.130(b) by changing the uses for which revenue derived from the waterfowl conservation tag fee may be used.

Section 3 of the bill adds new subsections to AS 16.05.130. Federal monies received under the federal sport fish and wildlife restoration programs may only be used for certain kinds of projects. The Department of Fish and Game shall prepare an annual report of expenditures from the fish and game fund and provide the report to members of the legislature. A person may bring a civil action in the courts to enforce the requirements of AS 16.05.130; if the person prevails in the action, the person is entitled to recover the full,

Senator Robin Taylor  
February 23, 1996  
Page 2

true, and actual costs of the litigation. The terms "harvestable surplus", "high level of human harvest", "intensive management", and "maximum sustained yield" are defined.

Section 4 of the bill makes a technical amendment to AS 16.05.340(a)(17)(B) to conform to the amendment of AS 16.05.130(b) by sec. 2 of the bill.

Section 5 of the bill repeals AS 16.05.130(d), relating to the use of hunting, fishing, and trapping license revenues and federal sport fish and wildlife restoration monies.

Section 6 of the bill provides for the amendment of certain court rules necessary to implement the new AS 16.05.130(h), as added by sec. 3 of the bill.

Section 7 of the bill provides that the new AS 16.05.130(h), as added by sec. 3 of the bill, does not take effect unless the amendments of court rules proposed by sec. 6 of the bill are approved by a two-thirds majority vote of both houses of the legislature.

Section 8 of the bill provides that the bill takes effect July 1, 1996.

GU:glc:pl  
96-117.glc

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

Post-It™ brand fax transmittal memo 7671		# of pages	/
To: SEN. ROBERT LEMAN	From: FBX LIO		
Co: SRES. CUMTE	Co:		
Dept:	Phone #		
Fax #	Fax #		

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 consumptive 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: Lee A. Stoner  
 (Lee A. Stoner)  
 Testifier

Representing (Optional)  
940 Soriano 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 Lisianski Dr. Waiilatpe

Address

(907) 376-9488

Phone No.



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## The Alaska Environmental Lobby is opposed to SB 247

SB 247 is an *"Act restricting the use of certain funds deposited in the fish and game fund"*.

Alaskans have the constitutional right to the **state's natural resources to being managed for the benefit of all**. This bills' focus on consumptive use of wildlife resources, at the exclusion of other uses, is it's most disturbing aspect.

SB 247 would restrict money from licenses or tag fees for use only on projects that provide *"direct benefits to purchasers of sport fishing, hunting, and trapping licenses and tags..."*

This appears to assume that a licenses/tag is a user fee. They are not. These licenses are temporary permission to harvest a resource in a regulated and prescribed manner. If the Bill's objective was distribution of user fees it would suggest new fees for non consumptive use. It does not. What it does assert is that consumptive use is the highest and best use of wildlife resources at the exclusion of all other interests.

The Bill eliminates State funding from licenses for any project designed to provide direct benefits to Alaskans engaged in non consumptive use of the State's wildlife resources. Projects that the Bill does provide for include *"intensive management"*.

In a similar vein, the Bill's language pointing out *"a person may bring a civil action...against a state agency or public official"* coupled with language assuring a potential plaintiff that if they prevail they are *"entitled to recover the full, true, and actual costs of litigation, including 100% of actual attorney fees"* can only have a chilling effect on resource management. Similar language in CS SB 262 "B" version, has moderated its tone somewhat by exempting members who serve on the Board of Game from such suits, but **the closing sentence in \*Section 3 (g) of SB 247 -A public official is not immune from suit under this section.-can serve no other purpose but to intimidate.**

3/20/96



WORK DRAFT

WORK DRAFT

WORK DRAFT

Sen. Frank moved  
ADOPTED  
4/23/96  
R/O

9-LS1606K  
Utermohle  
3/29/96

CS FOR SENATE BILL NO. 247( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS TAYLOR, Sharp, Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act restricting the use of certain funds deposited in the fish and game  
2 fund; amending Rules 79(b) and 82(b)(2), Alaska Rules of Civil Procedure, and  
3 relating to the powers and duties of the commissioner of fish and game; and  
4 providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

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

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

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

1 money subject to this subsection. Money subject to this subsection

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

3 (A) intensive management of sport fish stocks and game  
4 populations for maximum sustained yield by human harvest;

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

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

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

14 (2) may not be

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

17 (B) expended, borrowed, or otherwise used for a purpose not  
18 authorized under this subsection;

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

22 (D) expended for costs of construction, other than costs of  
23 construction projects that are consistent with (1) of this subsection and that are  
24 for

25 (i) facilities used solely for the propagation of sport fish  
26 or game for restocking, enhancement, or transplantation;

27 (ii) shooting ranges; or

28 (iii) facilities to improve public access to areas where  
29 consumptive uses of sport fish and game may occur.

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

31 (b) Money accruing to the state from waterfowl conservation tag fees from

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

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

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

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

22 (A) intensive management of fish stocks and ~~game~~ populations  
23 for maximum sustained yield for human harvest;

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

27 (C) direct benefits to purchasers of sport fishing and hunting  
28 licenses and tags by increasing sport fish stocks and game populations,  
29 increasing human harvests of sport fish and game, or decreasing predation upon  
30 sport fish and game taken by purchasers of sport fishing and hunting licenses  
31 and tags; or

- 1 (D) construction and preservation of shooting ranges; and  
2 (2) may not be
- 3 (A) expended for projects in an area where consumptive uses  
4 of sport fish and game are not allowed except for construction projects that are  
5 consistent with (1) of this subsection and that are for
- 6 (i) facilities used solely for the propagation of sport fish  
7 or game for restocking, enhancement, or transplantation;
- 8 (ii) shooting ranges; or  
9 (iii) facilities to improve public access to areas where  
10 consumptive uses of sport fish and game may occur;
- 11 (B) expended, borrowed, or otherwise used for a purpose not  
12 authorized under this subsection;
- 13 (C) expended for costs of personnel or administration, other  
14 than costs of personnel or administration directly incurred in conjunction with  
15 projects allowed under this subsection; or
- 16 (D) expended for costs of construction, other than costs of  
17 construction projects that are consistent with (1) of this subsection and that are  
18 for
- 19 (i) facilities used solely for the propagation of sport fish  
20 or game for restocking, enhancement, or transplantation;
- 21 (ii) shooting ranges; or  
22 (iii) facilities to improve public access to areas where  
23 consumptive uses of sport fish and game may occur.
- 24 (f) The department shall prepare an annual report of expenditures from the fish  
25 and game fund and provide the report to each member of the legislature. The report  
26 must contain a detailed accounting of expenditures and a description of the proportion  
27 of the fund expended for each project and of the benefits of each project to purchasers  
28 of hunting, trapping, and sport fishing licenses.
- 29 (g) A person may bring a civil action in a court of competent jurisdiction  
30 against a state agency or public official for an injunction to compel compliance with  
31 this section or to compel remedial action to correct the consequences of a violation of

1 this section. A public official is not immune from suit under this section.

2 (h) A person who brings an action under (g) of this section and who prevails  
3 in the action is entitled to recover the full, true, and actual costs of litigation, including  
4 100 percent of actual attorney fees.

5 (i) In this section,

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

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

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

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

22 \* Sec. 5. AS 16.05.340(a)(17)(B) is amended to read:

23 (B) The Board of Game shall by regulation exempt the  
24 requirement of a waterfowl conservation tag for waterfowl hunting in areas of  
25 the state not likely to benefit from programs described in AS 16.05.130(b)(2)  
26 and (3) [AS 16.05.130(b)(2) - (4)].

27 \* Sec. 6. AS 16.05.130(d) is repealed.

28 \* Sec. 7. AS 16.05.130(h), added by sec. 4 of this Act, has the effect of amending Rules  
29 79(b) and 82(b)(2), Alaska Rules of Civil Procedure, by providing that a person who prevails  
30 in an action under AS 16.05.130(g) is entitled to recover the full, true, and actual costs of  
31 bringing and prosecuting the action, including 100 percent of actual attorney fees.

- 1     \* Sec. 8. AS 16.05.130(h), added by sec. 4 of this Act, providing for the recovery of the  
2 full, true, and actual costs of litigation, including 100 percent of actual attorney fees by a  
3 prevailing plaintiff in an action brought under AS 16.05.130(g), takes effect only if sec. 7 of  
4 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
5 Constitution of the State of Alaska.
- 6     \* Sec. 9. This Act takes effect July 1, 1996.

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/30/96

FURTHER: Finance

Date of 5-Day Notice: 3-12-96  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-29-96

The Resources Committee considered SB 247

Relating to the fish and game fund.

*Fiscal notes to CS (ke) to come 3-29-96*

and recommends:

- be replaced with CS SB 247 (RES)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Peagance</i>	✓	<i>[Signature]</i>			
<i>Richard Halford</i>	✓				
<i>Jaylat</i>	✓				
<del><i>[Signature]</i></del>					
		CHAIR: <i>[Signature]</i>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill