

SB

16

SFIN

FILE

O-LS0170VP
Utermohle
1/30/98

*moved Sen. Torgelson
objection Sen. Adams.
withdrawn*

CS FOR SENATE BILL NO. 16()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

1 "An Act restricting the use of certain funds deposited in the fish and game fund;
2 relating to the powers and duties of the commissioner of fish and game; and
3 relating to management of fish and game."

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

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

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

9 * **Sec. 2.** AS 16.05.130(a) is repealed and reenacted to read:

10 (a) Except as provided in (c) of this section, money accruing to the state from
11 sport fishing, hunting, and trapping license, tag, or permit fees may not be diverted to
12 a purpose other than the protection, propagation, investigation, and restoration of sport
13 fish and game resources and the expenses of administering the sport fish and game
14 divisions of the department and shall be expended only as provided by appropriation.

1 Money subject to this subsection

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

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

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

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

13 (D) construction, operation, and maintenance of

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

16 (ii) shooting ranges; or

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

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

26 (2) may not be

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

30 (B) expended, borrowed, or otherwise used for a purpose not
31 expressly authorized under this section;

1 (C) expended for costs of personnel or administration, other
2 than costs of personnel or administration directly incurred in conjunction with
3 projects allowed under this subsection; the amount that may be expended for
4 costs of administration of a project may not exceed 10 percent of the total
5 amount expended for the project; or

6 (D) expended for costs of construction, other than costs of
7 construction projects described under (1)(D) of this subsection.

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

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

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

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

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

30 (A) intensive management of fish stocks and game populations
31 for sustained yield for human harvest and for nonretention fisheries;

1 (B) propagation, reintroduction, restocking, transplantaion,
2 manipulation of habitat, predator removal, hunter education, public access to
3 sport fishing and hunting areas, or restoration of sport fish and game resources;

4 (C) direct benefits to purchasers of sport fishing and hunting
5 licenses, permits, and tags that increase sport fish stocks and game populations,
6 increase human harvests of sport fish and game, or decrease predation upon
7 sport fish or game; or

8 (D) construction, operation, and maintenance of

9 (i) facilities used solely for the propagation or rearing
10 of sport fish or game for restocking, enhancement, or transplantaion;

11 (ii) shooting ranges; or

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

15 (2) may not be

16 (A) expended for projects in an area where neither consumptive
17 uses of sport fish and game nor nonretention fisheries are allowed except for
18 projects described under (1)(D) of this subsection;

19 (B) expended, borrowed, or otherwise used for a purpose not
20 expressly authorized under this section;

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

24 (D) expended for costs of construction, other than costs of
25 construction projects described under (1)(D) of this subsection.

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

31 (g) A person may bring a civil action in a court of competent jurisdiction

1 against a state agency or public official for an injunction to compel compliance with
2 this section or to compel remedial action to correct the consequences of a violation of
3 this section. A public official is not immune from suit under this section. In this
4 subsection, "public official" does not include a member of the legislature or a member
5 of the Board of Game or the Board of Fisheries.

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

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

11 (38) "high level of human harvest" means the opportunity with a high
12 probability of success for humans to harvest at least one-quarter of the harvestable
13 surplus of an animal population;

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

22 (40) "sustained yield" means the achievement and maintenance in
23 perpetuity of a high level of human harvest on an annual basis of game, other than
24 mammalian predators, and of fish.

25 * Sec. 6. AS 16.05.130(d), 16.05.255(g)(2), and 16.05.340(a)(17)(B) are repealed.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date (Note if correction) 1/20/98 Dept. Affected Public Safety
 Title An Act restricting the Commissioner of Fish and BRU Fish and Wildlife Protection
 Game's use of moneys in the F&G fund Component Detachments
 Sponsor Sen. Taylor
 Requester S. Finance Component Serial No. 490

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
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 ()	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	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) 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)

This bill would limit the State's ability to manage fish and game stocks in their entire range and would preclude FWP from requesting enforcement funding in areas closed to "consumptive uses", but where illegal hunting and fishing may still occur. The Bill is inconsistent with department objectives.

Prepared by Captain Joel L. Hard Phone 746-9139
 Division Fish and Wildlife Protection Date 1/20/98
 Approved by Commissioner Ronald L. Otte Date 1/21/98
 Agency Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: 1/9/98 Dept. Affected: Department of Law
 Title: "... restricting the use of certain funds
deposited in the fish and game fund; ..." BRU: Civil Division
 Component: Natural Resources
 Sponsor: Senator Taylor
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2212

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	112.0	112.0	112.0	112.0	112.0	112.0
TRAVEL	6.5	6.5	6.5	6.5	6.5	6.5
CONTRACTUAL	58.0	58.0	58.0	58.0	58.0	58.0
SUPPLIES	2.4	2.4	2.4	2.4	2.4	2.4
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	185.4	178.9	178.9	178.9	178.9	178.9

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	185.4	178.9	178.9	178.9	178.9	178.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	185.4	178.9	178.9	178.9	178.9	178.9

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would restrict the uses of certain funds deposited in the fish and game fund. In addition, the bill would permit individuals to bring a civil action against a state agency or public official for an injunction to compel compliance with the restrictions or correct the consequences of a violation of the restrictions.

The language in the bill is unclear as to whether damages would be an available remedy. Assuming that they are, the department believes that there would be approximately five to six lawsuits filed over these provisions per year, with at least two requiring full trial preparation. These matters will require more attorney time than typical challenges to statutes or regulations. The department estimates the services of one full-time equivalent attorney position would be required. In addition, any suits under this bill over spending of funds would involve complex factual issues and will require extensive discovery, depositions, and reliance on expert testimony (accountants, auditors, budgetary experts, and possibly legal experts on the requirements of federal law).

The department's FY98 weighted cost for an attorney position is \$133,900 per year, plus \$6,500 for one-time

Prepared by: Joan M. Kasson Phone: 465-5370
 Division: Attorney General's Office Date: 1/9/98
 Approved by Commissioner: Bruce M. Botelho Date: 1/9/98
 Agency: Department of Law

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ANALYSIS CONTINUATION:

new position equipment. The weighted cost includes clerical support, communications, space, supplies, data processing, and all other normal overhead expenses. It does not include direct, out-of-pocket case costs such as experts, court reporters, and case travel. We have included \$5,000 for direct case travel costs, and \$40,000 for expert witnesses.

If the bill is amended to make it clear that damages are not available, or the court determines that damages are not a remedy, and the only relief available is injunctive, the fiscal impact is expected to be reduced to one-half an attorney position. In that event, the department would expect no more than two or three cases per year, almost all to be resolved by summary judgment. The department would then expect its costs to be \$89,200 per year, with an additional \$6,500 for FY99 one-time equipment purchases (\$67,000 for one-half an attorney position, \$2,500 for direct case costs, and \$20,000 for expert witnesses). The department anticipates that most challengers would be granted "public interest litigant" status. This would add to the cost to the state, because public interest litigants, if they lose, cannot be required to pay costs and fees, and if they win, receive full costs and fees. This additional cost is speculative at this point, however, and is not included as part of the department's estimated fiscal impact.

All legal costs would be paid from the general fund as use of fish and game funds for legal defense would be precluded by this bill.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date (Note if correction) _____	Dept. Affected: <u>Fish and Game</u>
Title <u>Use of Fish & Game Fund/Commissioner's Powers</u>	BRU <u>Wildlife Conservation</u>
Sponsor <u>Senator Taylor</u>	Component <u>Wildlife Conservation</u>
Requester <u>(S) FIN</u>	Component Serial No. <u>473</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	96.7	98.6	100.6	102.6	104.6	106.6
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual						
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	12.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	111.7	101.6	103.6	105.6	107.6	109.6

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1024)	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	240.0	240.0	240.0	240.0	240.0	240.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)	(128.3)	(138.4)	(136.4)	(134.4)	(132.4)	(130.4)
TOTAL	111.7	101.6	103.6	105.6	107.6	109.6

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	2	2	2	2	2	2
Part-time	1	1	1	1	1	1
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 the 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. (4) The 10% limit on administrative costs of projects (Sec. 2) applies only to Department of Admin. and F&G Division of Admin. (5) Costs of defending department personnel from frivolous lawsuits (Sec. 4g) will be borne by Department of Law.

This bill prohibits use of Fish & Game Fund and Federal Aid funding for nongame conservation, marine mammals, endangered species, construction, interpretive programs, wildlife education, and non-hunting related programs. To continue to provide these services, General Funds (\$242.0) will have to compensate for the loss of current revenue sources.

The division would need to hire 2 full-time administrative assistants and 1 part-time accounting clerk to help track budgets under this legislation. These positions would be in Wildlife Conservation and be paid from the F&G Fund.

Prepared by <u>Diana Ground, Administrative Officer</u>	Phone <u>465-6194</u>
Division <u>Wildlife Conservation</u>	Date <u>1/21/98</u>
Approved by Commissioner <u>[Signature]</u>	Date <u>2-6-98</u>
Agency <u>Alaska Department of Fish and Game</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date (Note if correction) _____ Dept. Affected Fish and Game
 Title An Act restricting the use of certain funds BRU Administration and Support
deposited in the fish and game fund Component Administrative Services
 Sponsor Senator Taylor
 Requester (S) FIN Component Serial No. 479

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)	(1,084.1)
1003 GF Match						
1004 GF	1,084.1	1,084.1	1,084.1	1,084.1	1,084.1	1,084.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) 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 statutorily required functions, such as accounting services, personnel and payroll services, budgeting services, procurement and contracting services, and data processing services.

Prepared by Kevin Brooks, Director *Kevin Brooks* Phone 468-5999
 Division Administrative Services Date 1/26/98
 Approved by Commissioner Frank Rue *Frank Rue* Date 2-6-98
 Agency Fish and Game

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: 1/27/98 Dept. Affected: Fish and Game
 Title: Use of Fish & Game Fund/Comm'r's Powers BRU: Sport Fish
 Component: Sport Fish
 Sponsor: Senator Taylor
 Requester: Senate Finance COMPONENT SERIAL NO. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	232.5	237.1	241.9	246.7	251.7	256.7
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES	2.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	20.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	260.0	244.6	249.4	254.2	259.2	264.2

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1004)	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)
1003 GF Match						
1004 GF	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)	see note (1)
TOTAL	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9	1,372.9

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	5	5	5	5	5	5
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Assumptions used in analyzing SB 16: (1) Although there are changes in the amount of Federal Receipts (\$-1,210.7) and Fish and Game Fund (\$-197.5) money that the Division of Sport Fish will be allowed to use with enactment of SB 16, the revenues in these fund sources will not change. The money not used from the Fish and Game Fund will remain in the account, however, the money left in the Federal Aid to Fish Restoration (DJ/WB) account will eventually revert and not be available to the state. (2) Division of Sport Fish will operate all projects at proposed FY 99 levels. (3) General Funds will be provided to offset loss of Fish and Game Fund and Federal revenues. (4) Federal Aid apportionment and license/tag revenues will remain constant for foreseeable future. (5) A large number of frivolous law suits filed against Fish and Game employees during the execution of their duties can be expected. This will require Dept of Law to prepare a fiscal note outlining the cost of defense against these suits. (6) The division would require 5 new full-time administrative assistants (range 13C) to help track project budgets under this legislation. (7) This bill prohibits the use of Fish & Game Fund and Federal Aid funding for the following projects: Headquarters - Aquatic Education, RIP debt, CFMD Library, Commissioner's Office Travel and Public Communications (RSA to Commissioner's Office); Research and Technical Services (RTS) - Planning, Web Site Development, Reporting, Statewide Economics, Responsive Management, Public Communications and 50% of Information Management; Region I (Southeast) - SE I&E; Region II (Southcentral) - Angler Outreach/Education and Information and Education; Region III (Interior) - AYK Region I&E.

Continued on attached page.

Prepared by: Kevin Delaney *Kevin Delaney* Phone: 465-4180
 Division: Sport Fish Date: 1/27/98
 Approved by Commissioner: Frank Rue *Frank Rue* Date: 2-6-98
 Agency: Fish and Game

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Title: Use of Fish & Game Fund/Comm'r's Powers

(8) To continue to provide these services, general fund (2.2) will have to compensate for the loss of current revenue sources. (9) Costs associated with administration of projects within the Division of Sport Fish are allowable, however, those costs of project administration which currently occur outside our Division (in Division of Administration or Department of Administration) are now limited. Under the 10% limitation clause found in Section 2(a)(2)(C) of this legislation, Fish and Game Fund money may be used to pay Division of Administration the 6% overhead charged on federal funds expended. (10) A table outlining current funding sources and funding shifts if SB 16 were enacted follows.

Current FY 99 Funding Sources and Funding Sources With Senate Bill 16

FY 98 Sport Fish Projects		Current Funding Sources				Funding Sources With SB 16					
Project #/Title	Total \$	F&G*	Fed*	Prog*	CIP*	F&G*	Fed*	Prog*	CIP*	GF*	Total \$
54 Headquarters	1,765.3	1,650.6	101.4	13.3	0.0	1,511.9	15.0	13.3	0.0	225.1	1,765.3
64 Boating Access	420.1	44.2	132.7	0.0	243.2	44.2	132.7	0.0	243.2	0.0	420.1
55 RTS	2,932.7	1,519.4	1,413.3	0.0	0.0	1,183.7	1,073.1	0.0	0.0	675.9	2,932.7
56 SE Supervision	1,347.2	1,347.2	0.0	0.0	0.0	1,332.7	0.0	0.0	0.0	14.5	1,347.2
57 SF Salmon	2,124.7	531.2	1,593.5	0.0	0.0	531.2	1,593.5	0.0	0.0	0.0	2,124.7
58 SE Resident Sp	477.2	119.3	357.9	0.0	0.0	119.3	357.9	0.0	0.0	0.0	477.2
63 SE Shellfish &	18.0	18.0	0.0	0.0	0.0	18.0	0.0	0.0	0.0	0.0	18.0
64 SE Access	57.1	14.3	42.8	0.0	0.0	14.3	42.8	0.0	0.0	0.0	57.1
91 SE Hatcheries	1,388.7	561.9	605.6	221.2	0.0	561.9	605.6	221.2	0.0	0.0	1,388.7
59 SC Supervision	2,614.7	2,108.3	506.4	0.0	0.0	1,873.1	345.2	0.0	0.0	396.4	2,614.7
60 SC Salmon	3,118.5	830.1	2,288.4	0.0	0.0	830.1	2,288.4	0.0	0.0	0.0	3,118.5
61 SC Resident Sp	468.5	117.1	351.4	0.0	0.0	117.1	351.4	0.0	0.0	0.0	468.5
62 SC Shellfish &	368.7	122.5	246.2	0.0	0.0	122.5	246.2	0.0	0.0	0.0	368.7
64 SC Access	138.1	34.5	103.6	0.0	0.0	34.5	103.6	0.0	0.0	0.0	138.1
90 SC Hatcheries	2,030.0	498.5	1,495.5	36.0	0.0	498.5	1,495.5	36.0	0.0	0.0	2,030.0
69 AYK Supervision	1,330.3	1,330.3	0.0	0.0	0.0	1,269.3	0.0	0.0	0.0	61.0	1,330.3
70 AYK Salmon	531.1	132.8	398.3	0.0	0.0	132.8	398.3	0.0	0.0	0.0	531.1
71 AYK Resident Sp	920.0	230.0	690.0	0.0	0.0	230.0	690.0	0.0	0.0	0.0	920.0
64 AYK Access	38.7	9.7	29.0	0.0	0.0	9.7	29.0	0.0	0.0	0.0	38.7
65 AYK Shellfish &	94.8	94.8	0.0	0.0	0.0	94.8	0.0	0.0	0.0	0.0	94.8
92 AYK Hatcheries	34.5	8.6	25.9	0.0	0.0	8.6	25.9	0.0	0.0	0.0	34.5
Total	22,218.9	11,323.3	10,381.9	270.5	243.2	10,538.2	9,794.1	270.5	243.2	1,372.9	22,218.9
Admin Overhead**	622.9		622.9			587.6					587.6
Grand Total	22,841.8	11,323.3	11,004.8	270.5	243.2	11,125.8	9,794.1	270.5	243.2	1,372.9	22,806.5

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

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 99801-1105

MEMORANDUM

February 7, 1998

SUBJECT: Sectional Summary of CSSB 16(); An Act restricting the use of certain funds deposited in the fish and game fund; relating to the powers and duties of the commissioner of fish and game; and relating to management of fish and game.

TO: Senator Robin Taylor
Attn: Mel Krogsen

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSSB 16(); An Act restricting the use of certain funds deposited in the fish and game fund; relating to the powers and duties of the commissioner of fish and game; and relating to management of fish and game.

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 amends the powers and duties of the commissioner of fish and game under AS 16.05.050 to allow the commissioner to cooperate with sportsmen's organizations and other organizations to increase game populations and to introduce new populations into suitable habitat.

Section 2 of the bill repeals and reenacts AS 16.05.130(a). Revenue received by the state from sport fishing, hunting, and trapping licenses, permits, and tag fees may only be expended as provided by legislative appropriation. The revenue 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; for certain types of projects that directly benefit purchasers of sport fishing, hunting, and trapping licenses, permits, and tags; for construction, operation, and maintenance of shooting ranges, certain propagation and rearing facilities, and certain public access facilities; or for administration of the fish and game licensing function. The revenue may not be used for projects in areas where neither consumptive use of sport fish and game nor catch and release sport fishing are allowed, used for a purpose not permitted under this subsection, expended for certain personnel and administrative costs, or expended for certain kinds of construction projects.

Senator Robin Taylor

February 7, 1998

Page 2

Section 3 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 4 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.

Section 5 of the bill adds new paragraphs to AS 16.05.940 to define the terms "harvestable surplus", "high level of human harvest", "intensive management", and "sustained yield".

Section 6 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), AS 16.05.255(g)(2) (defining "intensive management"), and AS 16.05.340(a)(17)(B) (relating to exemptions from the waterfowl conservation tag requirement).

GU:glc

98-063.glc

Alaska State Legislature

Chairman
Judiciary Committee

Member
Resources Committee
Rules Committee
Committee on Committees



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Senator Robin L. Taylor
Senate Majority Leader

TO: Senator Bert Sharp, Chair
Senate Finance Committee

FROM: Senator Robin Taylor *R.L.T.*

RE: SB 16 "Restricting the use of fish and game funds
deposited in the fish and game fund"

DATE: January 30, 1998

This memorandum is to serve as a request for hearing on SB 16. This bill will restrict the use of money deposited in the fish and game fund from sportsmans' licenses, tags, and permit fees to only those activities that directly benefit the licensees. The bill was passed from the Senate Resources Committee in its original form although there were some concerns. Attached is a proposed finance committee substitute that should eliminate those concerns.

Changes made in the proposed committee substitute include the following:

- Insertion of language that was inadvertently omitted in the original bill that prohibits diversion of money derived from sport hunting, trapping, and fishing licenses, tags, and permits for purposes other than fish and wildlife management that directly benefits holders of sport licenses;
- Elimination of the requirement for line item appropriation for each project within the Sport Fish and Wildlife Conservation Divisions of the Department of Fish and Game;

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- The word "maximum" has been eliminated from the bill;
- Management for non-retension fisheries as an allowable expenditure; and,
- Modification of the definitions section to be more compatible with the intent of this bill and to coincide with SB 250.

Thank you in advance for your prompt consideration of this request.

DRAFT CSSB 16()

Paragraphs repealed by Section 6.

16.05.130(d) Revenue from the sale of general hunting, trapping, and fishing licenses and tags together with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs shall be allocated by the department to programs intended to directly benefit license purchasers of general hunting, trapping, and fishing licenses. The department shall prepare an annual report by project of expenditures from the fish and game fund and notify the legislature that the report is available.

16.05.225(g)(2) "intensive management" means management of an identified big game prey population to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.

16.05.340(a)(17)(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).