CS FOR HOUSE BILL NO. 349(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/6/00
Referred: Rules

Sponsor(s): REPRESENTATIVES MASEK, Dyson, Harris, James

A BILL

FOR AN ACTentitled

"An Act relating to the Board of Game, means of access for hunting, trapping, and fishing, the definition of 'means' and 'methods,' and hunting safety education and wildlife conservation education programs; and relating to the purposes of game refuges, fish and game critical habitat areas, and public use areas."

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

* Section 1. AS 16.05.221(b) is amended to read:

(b) For purposes of the conservation, [AND] development, and maintenance of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or
geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

* Sec. 2. AS 16.05.255(a) is amended to read:

(a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart game reserve areas, refuges, and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture, taking, and transport of game, including regulations, consistent with resource conservation, [AND] development, **and maintenance** goals, establishing means and methods that may be employed by persons with physical disabilities;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits **are** [IS] allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, **maintenance**, and **continued** utilization of game;

(11) taking game to ensure public safety.

* Sec. 3. AS 16.05 is amended by adding a new section to article 6 to read:
Sec. 16.05.911. Regulation of the means of access for hunting, trapping, and fishing. Notwithstanding other provisions of law, traditional means of access for purposes of hunting, trapping, or noncommercial fishing may not be restricted except as

(1) specifically authorized by act of the legislature;

(2) necessary to maintain sustained yield management of a fish stock or game population or to protect or enhance habitat that is essential to the maintenance of sustained yield management of a fish stock or game population;

(3) necessary to achieve the statutory purpose of an area established by law to protect a fish stock or game population or the habitat of a fish stock or game population, such as a refuge, sanctuary, range, or critical habitat area;

(4) necessary to achieve temporary protection for a fish stock or game population or the habitat of a fish stock or game population for a period of less than one year in a specifically identified area; or

(5) provided by a law or by a regulation adopted by the Board of Fisheries or the Board of Game that is applicable to a refuge, sanctuary, range, critical habitat area, controlled-use area, or conservation area and that is in effect on the effective date of this section.

* Sec. 4. AS 16.05.940 is amended by adding a new paragraph to read:

(37) "means," "means and methods," and "methods" mean the tools, implements, devices, substances, or vehicles employed to take fish or game and the manner of use of tools, implements, devices, substances, or vehicles to take fish or game.

* Sec. 5. AS 16.20.020 is repealed and reenacted to read:

Sec. 16.20.020. Purposes. The purposes of AS 16.20.010 - 16.20.080 are to

(1) protect, enhance, and preserve fish and game habitat and the fish and game that use the habitat;

(2) consistent with (1) of this section, protect, enhance, and preserve traditional public uses of fish and game, including fishing, hunting, trapping, viewing, and photography;

(3) provide for additional public uses of the refuges that are consistent
with this section.

* Sec. 6. AS 16.20.500 is amended to read:

Sec. 16.20.500. Purpose. The purpose of AS 16.20.500 - 16.20.690 is to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife and traditional uses of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.

* Sec. 7. AS 16.55.010 is amended to read:

Sec. 16.55.010. Duties of department. The Department of Fish and Game shall

1 (1) assist in developing and coordinating activities involving private organizations relating to shooting and firearms;

2 (2) develop [A] hunting safety education and wildlife conservation education programs and cooperate with private nonprofit organizations established for the primary purpose of preserving hunting, fishing, and trapping and with other organizations to expand these education programs [PROGRAM] for the people of the state;

3 (3) establish a program to assist in the planning, construction, and operation of public shooting ranges.

* Sec. 8. AS 16.55.020 is amended to read:

Sec. 16.55.020. Powers of department. In the discharge of its duties under AS 16.55.010, the Department of Fish and Game may

1 (1) provide, through a departmental coordinator, technical assistance to municipalities, communities, and organizations;

2 (2) make grants to municipalities and organizations as provided in AS 16.55.030 to

3 (A) [TO] develop and operate public shooting ranges and facilities; [AND]

4 (B) [TO] operate programs involving education and training in the safe use of firearms;

5 (C) assist private nonprofit organizations established for the primary purpose of preserving hunting, fishing, and trapping in providing
hunting safety education; and

(D) provide wildlife conservation education programs.

* Sec. 9. AS 16.55.030 is amended to read:

Sec. 16.55.030. Grants. Subject to legislative appropriation for the purpose, the Department of Fish and Game may make grants in accordance with AS 16.55.020(2) to (1) municipalities and private nonprofit organizations established for the primary purpose of preserving hunting, fishing, and trapping to provide hunting safety education; and (2) municipalities and private nonprofit organizations to provide wildlife conservation education [IN ACCORDANCE WITH AS 16.55.020(2)]. The department may impose reasonable restrictions on the use of funds granted under this section.

* Sec. 10. AS 41.23.010 is amended to read:

Sec. 41.23.010. Purpose of AS 41.23.010 - 41.23.040. The purpose of AS 41.23.010 - 41.23.040 is to establish the area described in AS 41.23.040 as the Nelchina Public Use Area. The Nelchina Public Use Area is established to

(1) protect, develop, and maintain fish and wildlife habitat and the fish and wildlife that use the habitat [, PARTICULARLY CARIBOU CALVING AREAS, TRUMPETER SWAN NESTING AREAS, AND OTHER IMPORTANT HABITATS FOR MOOSE, DALL SHEEP, AND BROWN BEAR SO THAT TRADITIONAL PUBLIC USES OF FISH AND WILDLIFE POPULATIONS MAY CONTINUE];

(2) protect, [PERPETUATE AND] enhance, and preserve traditional public uses of fish and wildlife, [PUBLIC ENJOYMENT OF FISH AND WILDLIFE AND THEIR HABITAT] including fishing, hunting, trapping, viewing, and photography;

(3) perpetuate and enhance general public recreation in a quality environment;

(4) [PERPETUATE AND ENHANCE ADDITIONAL PUBLIC USES DESCRIBED IN THE SUSITNA AREA PLAN;]

(5)] allow additional public uses of the area that are [IN A MANNER] compatible with the purposes specified in [(1) - (4) OF] this section.
* Sec. 11. AS 41.23.020(c) is amended to read:

   (c) The Nelchina Public Use Area shall be open to mineral entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the purposes specified in AS 41.23.010. Each valid existing right or permit shall remain valid and continue in full force and effect according to its terms. Exploration, development, and extraction of subsurface resources shall be allowed in a manner that is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) - (4)].

* Sec. 12. AS 41.23.030(d) is amended to read:

   (d) The commissioner shall allow traditional access to the Nelchina Public Use Area by motorized or nonmotorized means of transportation to private land, interests in private land, and for lawful sport and subsistence hunting, fishing, trapping, and recreational purposes in a manner that is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) - (4)].

* Sec. 13. AS 41.23.050 is amended to read:

   Sec. 41.23.050. Purpose of AS 41.23.050 - 41.23.080. The purpose of AS 41.23.050 - 41.23.080 is to establish the area described in AS 41.23.080 as the Ernie Haugen Public Use Area. The Ernie Haugen Public Use Area is established to

   (1) protect, develop, and maintain fish and wildlife habitat and the fish and wildlife that use the habitat [SO THAT TRADITIONAL PUBLIC USES MAY CONTINUE];

   (2) protect, [PERPETUATE AND] enhance, and preserve traditional public uses of fish and wildlife, including [PUBLIC ENJOYMENT] of fishing, hunting, trapping, viewing, and photography;

   (3) perpetuate and enhance general public recreation in a quality environment; and

   (4) allow additional public uses of the area that are [PERSONAL USE WOOD CUTTING, WHEN DETERMINED] compatible with the purposes specified in [(1) - (3) OF] this section.

* Sec. 14. AS 41.23.100(b) is repealed and reenacted to read:

   (b) The Hatcher Pass Public Use Area is established to
(1) protect, develop, and maintain fish and wildlife habitat and the fish
and wildlife that use the habitat;
(2) protect, enhance, and preserve traditional public uses of fish and
wildlife, including fishing, hunting, trapping, viewing, and photography;
(3) perpetuate and enhance general public recreation in a quality
environment; and
(4) allow additional public uses of the area that are compatible with the
purposes specified in this subsection.