

**CS FOR SENATE BILL NO. 77(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/26/95

Referred: Rules

Sponsor(s): SENATOR SHARP

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to management of game populations, to the powers and duties  
2 of the commissioner of fish and game, and to the division of game."

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

4 \* **Section 1.** LEGISLATIVE FINDINGS. The legislature finds that providing for high  
5 levels of harvest for human consumptive use in accordance with the sustained yield principle  
6 is the highest and best use of identified big game prey populations in most areas of the state  
7 and that those identified big game prey populations should be managed accordingly.

8 \* **Sec. 2.** AS 16.05.020 is amended to read:

9 Sec. 16.05.020. FUNCTIONS OF COMMISSIONER. The commissioner shall

10 (1) supervise and control the department, and may appoint and employ  
11 division heads, enforcement agents, and the technical, clerical, and other assistants  
12 necessary for the general administration of the department;

13 (2) manage, protect, maintain, improve, and extend the fish, game and  
14 aquatic plant resources of the state in the interest of the economy and general well-

1 being of the state;

2 (3) have necessary power to accomplish the foregoing including, but  
3 not limited to, the power to delegate authority to subordinate officers and employees  
4 of the department;

5 **(4) cooperate with and assist the Board of Fisheries and the Board**  
6 **of Game by implementing regulations as requested by either board.**

7 \* **Sec. 3.** AS 16.05.050(1) is amended to read:

8 (1) to **cooperate with and** assist the **Board of Fisheries and the**  
9 **Board of Game by implementing regulations, programs, and research as**  
10 **requested by either board** [UNITED STATES FISH AND WILDLIFE SERVICE IN  
11 THE ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS PERTAINING  
12 TO FISH AND GAME];

13 \* **Sec. 4.** AS 16.05.090(a) is amended to read:

14 (a) The commissioner may, with the approval of the governor, establish a  
15 departmental division of commercial fisheries, a departmental division of sport  
16 fisheries, [A DEPARTMENTAL DIVISION OF GAME,] and other departmental  
17 divisions as are necessary.

18 \* **Sec. 5.** AS 16.05.090 is amended by adding a new subsection to read:

19 (d) There is established in the department a division to be called the division  
20 of game. The division shall carry out the duties of the department regarding the  
21 management of and research on game in the state. The division shall perform other  
22 duties as assigned by the commissioner.

23 \* **Sec. 6.** AS 16.05.255(e) is amended to read:

24 (e) The Board of Game shall adopt regulations to provide for intensive  
25 management programs to restore the abundance or productivity of identified big game  
26 prey populations as necessary to achieve human consumptive use goals of the board  
27 in an area where the board has determined that

28 (1) consumptive use of the big game prey population is a preferred use;

29 (2) depletion of the big game prey population **from historic high levels**  
30 or reduction of the productivity of the big game prey population **exists** [HAS  
31 OCCURRED] and may result, **or has resulted,** in a significant reduction in the

1 allowable human harvest of the population; and

2 (3) enhancement of abundance or productivity of the big game prey  
3 population is feasibly achievable utilizing recognized and prudent active management  
4 techniques.

5 \* **Sec. 7.** AS 16.05.255(g)(2) is amended to read:

6 (2) "intensive management" means management, **in accordance with**  
7 **the sustained yield principle**, of an identified big game prey population to enhance,  
8 extend, and develop the population to maintain high levels or provide for higher levels  
9 of human harvest, including control of predation and prescribed or planned use of fire  
10 and other habitat improvement techniques, **but not including restrictions on methods**  
11 **or means of taking game, access to game, or human harvest of game.**

12 \* **Sec. 8.** AS 16.05.255(g) is amended by adding new paragraphs to read:

13 (3) "harvestable surplus" means the number of animals that is equal to  
14 the number of offspring born in a game population during the year less the number of  
15 animals in the population that die during the year from all causes other than predation  
16 or human harvest;

17 (4) "high level of human harvest" means the harvest of one-third or  
18 more of the harvestable surplus of a game population by humans;

19 (5) "sustained yield" means the achievement and maintenance in  
20 perpetuity of a high level of human harvest of game on an annual or periodic basis.

21 \* **Sec. 9.** AS 16.05.255 is amended by adding a new subsection to read:

22 (h) The board shall adopt goals to manage game populations for which human  
23 use is an important use so as to provide at least one-half of the harvestable surplus for  
24 human harvest.

25 \* **Sec. 10.** AS 16.05.270 is amended to read:

26 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. **(a)**  
27 For the purpose of administering AS 16.05.251 and 16.05.255, each board may  
28 delegate authority to the commissioner to act in its behalf.

29 **(b) If a board delegates authority to the commissioner, the commissioner**  
30 **shall cooperate with and assist the board by implementing regulations,**  
31 **management plans, and intensive management programs as requested by the**

1        **board.**

2                (c) If there is a conflict between the board and the commissioner on proposed  
3 regulations, public hearings shall be held concerning the issues in question. If, after  
4 the public hearings, the board and the commissioner continue to disagree, the issue  
5 shall be certified in writing by the board and the commissioner to the governor who  
6 shall make a decision. The decision of the governor is final.