

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 ACT ENTITLED

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

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

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

7 (b) For purposes of the conservation, [AND] development, **and maintenance**
8 of the game resources of the state, there is created a Board of Game composed of
9 seven members appointed by the governor, subject to confirmation by a majority of
10 the members of the legislature in joint session. The governor shall appoint each
11 member on the basis of interest in public affairs, good judgment, knowledge, and
12 ability in the field of action of the board, and with a view to providing diversity of
13 interest and points of view in the membership. The appointed members shall be
14 residents of the state and shall be appointed without regard to political affiliation or

1 geographical location of residence. The commissioner is not a member of the Board
2 of Game, but shall be ex officio secretary.

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

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

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

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

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

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

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

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

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

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

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

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

30 (11) taking game to ensure public safety.

31 * **Sec. 3.** AS 16.05 is amended by adding a new section to article 6 to read:

1 **Sec. 16.05.911. Regulation of the means of access for hunting, trapping,**
 2 **and fishing.** Notwithstanding other provisions of law, traditional means of access for
 3 purposes of hunting, trapping, or noncommercial fishing may not be restricted except
 4 as

5 (1) specifically authorized by act of the legislature;

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

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

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

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

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

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

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

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

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

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

31 (3) provide for additional public uses of the refuges that are consistent

1 with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **(C) assist private nonprofit organizations established for the**
31 **primary purpose of preserving hunting, fishing, and trapping in providing**

1 hunting safety education; and

2 (D) provide wildlife conservation education programs.

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

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

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

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

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

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

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

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

30 (5)] allow additional public uses of the area that are [IN A MANNER]
31 compatible with the purposes specified in [(1) - (4) OF] this section.

1 * **Sec. 11.** AS 41.23.020(c) is amended to read:

2 (c) The Nelchina Public Use Area shall be open to mineral entry under
3 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the
4 purposes specified in AS 41.23.010. Each valid existing right or permit shall remain
5 valid and continue in full force and effect according to its terms. Exploration,
6 development, and extraction of subsurface resources shall be allowed in a manner that
7 is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) -
8 (4)].

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

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

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

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

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

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

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

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

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

31 (b) The Hatcher Pass Public Use Area is established to

- 1 (1) protect, develop, and maintain fish and wildlife habitat and the fish
2 and wildlife that use the habitat;
- 3 (2) protect, enhance, and preserve traditional public uses of fish and
4 wildlife, including fishing, hunting, trapping, viewing, and photography;
- 5 (3) perpetuate and enhance general public recreation in a quality
6 environment; and
- 7 (4) allow additional public uses of the area that are compatible with the
8 purposes specified in this subsection.