

**SENATE BILL NO. 267**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATORS PETE KELLY, Taylor

Introduced: 2/11/00

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to management of game."

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

3 \* **Section 1.** AS 16.05.020 is amended to read:

4 **Sec. 16.05.020. Functions of commissioner.** The commissioner shall

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

8 (2) manage, protect, maintain, improve, and extend the fish [, GAME]  
9 and aquatic plant resources of the state in the interest of the economy and general  
10 well-being of the state;

11 (3) manage, protect, maintain, improve, and extend the game  
12 resources, other than big game resources, of the state in the interest of the  
13 economy and general well-being of the state;

14 (4) manage, protect, maintain, improve, extend, and enhance the  
15 big game resources of the state to achieve an abundance of game for human

1 **utilization in accordance with scientific principles of biological resource**  
 2 **management;**

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

6 \* **Sec. 2.** AS 16.05.050 is amended by adding a new subsection to read:

7 (c) The commissioner shall accord a high priority to the implementation of  
 8 programs and regulations adopted by the Board of Game under AS 16.05.255(e) - (h)  
 9 and shall allocate fiscal and staff resources of the department as necessary to  
 10 implement those programs and regulations in a timely and effective manner.

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

12 (a) The Board of Game may adopt regulations **under** [IT CONSIDERS  
 13 **ADVISABLE IN ACCORDANCE WITH**] AS 44.62 (Administrative Procedure Act)  
 14 **that the board considers necessary** for **the management of game in accordance**  
 15 **with scientific principles of biological resource management by**

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

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

21 (3) establishing the means and methods employed in the pursuit,  
 22 capture, taking, and transport of game, including regulations, consistent with resource  
 23 conservation and development goals, establishing means and methods that may be  
 24 employed by persons with physical disabilities;

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

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

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

31 (7) **providing for** watershed and habitat improvement, and

1 management, conservation, protection, use, disposal, propagation, and stocking of  
2 game;

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

5 (9) establishing the times and dates during which the issuance of game  
6 licenses, permits, and registrations and the transfer of permits and registrations between  
7 registration areas and game management units or subunits is allowed;

8 (10) regulating sport hunting and subsistence hunting as needed for the  
9 conservation, development, and utilization of game;

10 (11) authorizing the taking of game to ensure public safety.

11 \* **Sec. 4.** AS 16.05.255(f) is amended to read:

12 (f) The Board of Game may not significantly reduce the taking of an identified  
13 big game prey population by adopting regulations relating to restrictions on harvest or  
14 access to the population, or to management of the population by customary  
15 adjustments in seasons, bag limits, open and closed areas, methods and means, or by  
16 other customary means authorized under (a) of this section, unless the board has  
17 adopted regulations [, OR HAS SCHEDULED FOR ADOPTION AT THE NEXT  
18 REGULARLY SCHEDULED MEETING OF THE BOARD REGULATIONS,] that  
19 provide for intensive management to increase the take of the population for human  
20 harvest consistent with (e) of this section. This subsection does not apply if the board

21 (1) determines that intensive management would be

22 (A) ineffective, based on scientific information;

23 (B) inappropriate due to land ownership patterns; or

24 (C) against the best interest of subsistence uses; or

25 (2) declares that a biological emergency exists and takes immediate  
26 action to protect or maintain the big game prey population in conjunction with the  
27 scheduling for adoption of those regulations that are necessary to implement (e) of this  
28 section.

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

30 (g) The Board of Game shall establish [POPULATION AND HARVEST  
31 GOALS AND] seasons for taking [INTENSIVE MANAGEMENT OF] identified big

1 game prey populations **that are consistent with intensive management programs** to  
2 achieve a high level of human harvest **of the populations.**

3 \* **Sec. 6.** AS 16.05.255(h)(2) is amended to read:

4 (2) "high level of human harvest" means the allocation of a sufficient  
5 portion of the harvestable surplus of a game population to achieve a **very** high  
6 probability of success for human harvest of the game population based on biological  
7 capabilities of the population and considering hunter demand;

8 \* **Sec. 7.** AS 16.05.783(a) is amended to read:

9 (a) A person may not shoot or assist in shooting a free-ranging wolf,  
10 wolverine, fox, or lynx the same day that a person has been airborne. However, the  
11 Board of Game may authorize a predator control program involving shooting from the  
12 air if

13 (1) the commissioner [OF FISH AND GAME] acting under a request  
14 from the Board of Game makes written findings [BASED ON PREY POPULATION  
15 OBJECTIVES SET BY THE BOARD UNDER AS 16.05.255(g)] that

16 (A) predation is an important factor contributing to a low or  
17 declining prey population that is inconsistent with a game management program  
18 authorized by the **board** [BOARD OF GAME], and that a reduction of  
19 predation can reasonably be expected to result in aiding an increase in the prey  
20 population or in arresting the decline of the prey population; or

21 (B) a disease or parasite of a predator population

22 (i) is threatening the normal biological condition of the  
23 predator population; or

24 (ii) if left untreated, would spread to other populations;

25 and

26 (2) the commissioner determines that airborne or same day airborne  
27 shooting is necessary to accomplish a game management program authorized by the  
28 **board** [BOARD OF GAME].