

HOUSE BILL NO. 216

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 3/26/01

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the emergency order authority of the commissioner of fish and game**
2 **and to meetings of the Board of Fisheries."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of the legislature to

7 (1) clarify the roles of the Board of Fisheries and the commissioner of fish and
8 game and to recognize that the commissioner is better able to respond quickly to changing
9 conditions on the fishing grounds by authorizing the commissioner to supersede a regulation
10 or fishery management plan adopted by the board as necessary to assure that fishery resources
11 are managed for sustained yield;

12 (2) formalize the procedures for setting the agenda for meetings of the Board
13 of Fisheries in order to provide adequate notice and to avoid surprises and inconvenience to
14 the public that is affected by the decisions of the board;

1 (3) maintain the customary practice by which the Board of Fisheries may
2 change its meeting agenda to correct errors in regulations, to address unforeseen
3 consequences of regulations, and to address fishery conservation issues, but to further require
4 that an agenda change to address a fishery conservation issue be subject to the determination
5 by the commissioner of fish and game that a conservation issue does exist and that the issue
6 cannot be resolved under current regulations.

7 * **Sec. 2.** AS 16.05.060 is amended by adding a new subsection to read:

8 (d) The commissioner, as necessary to manage fishery resources for sustained
9 yield, may exercise authority under this section to supersede a regulation or fishery
10 management plan adopted by the Board of Fisheries.

11 * **Sec. 3.** AS 16.05.300 is amended by adding a new subsection to read:

12 (c) The Board of Fisheries shall adopt regulations establishing procedures for
13 proposing, adopting, and amending the agenda for meetings of the board. The board
14 may amend an adopted agenda in response to a request to consider a matter that is not
15 on the adopted agenda in order to (1) address a fishery conservation issue if the
16 commissioner concurs in the determination of the board that a fishery conservation
17 issue exists and that the issue cannot be resolved under current regulations, (2) correct
18 an error in a regulation adopted by the board, or (3) address an unforeseen
19 consequence on a fishery of a regulation adopted by the board. The board may not
20 consider a request for an amendment of an adopted agenda unless the request for the
21 amendment is accompanied by substantial evidence that the request complies with this
22 subsection and the regulations adopted by the board.