

SENATE BILL NO. 170

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR SEEKINS

Introduced: 4/12/05

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Department of Fish and Game, the Board of Fisheries, and the**
2 **Board of Game; relating to the taking of big game and to the disposition of a mount,**
3 **trophy, or part of a fish or game animal; setting fees for certain trapping licenses and**
4 **certain hunting licenses, permits, and tags; setting fees for the resident combined**
5 **hunting, trapping, and sport fishing license and the resident combined hunting and**
6 **sport fishing license; relating to the resident small game hunting license; setting**
7 **application fees for certain hunting permits and stamps; establishing a surcharge on**
8 **hunting, trapping, and sport fishing licenses; relating to certain hunting, trapping, and**
9 **sport fishing licenses, tags, permits, and stamps; relating to the fish and game fund;**
10 **relating to violations of fish and game laws; relating to state management of wildlife;**
11 **relating to endangered fish and wildlife; and providing for an effective date."**

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

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

3 LEGISLATIVE INTENT. It is the intent of the Alaska State Legislature that the
4 additional revenue generated from the hunting and trapping fees established or increased by
5 this Act be used to maximize hunting and trapping opportunities throughout the state, with the
6 specific purpose of supporting programs designed to increase the harvestable surplus of game
7 for human consumptive uses.

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,
14 non-game, and aquatic plant resources of the state, **for which the Board of Fisheries**
15 **or the Board of Game has either authorized the taking for consumptive uses or**
16 **adopted regulations regarding the conservation, development, or utilization of**
17 **the resource**, in the interest of the economy and general well-being of the state;

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

21 * **Sec. 3.** AS 16.05.050 is amended by adding new subsections to read:

22 (c) Except as otherwise expressly required by law, the commissioner may
23 exercise the powers conferred on the commissioner under this title to manage, protect,
24 maintain, improve, or extend the fish, game, or aquatic plant resources of the state for
25 only those species that the Board of Fisheries or the Board of Game has authorized the
26 taking for consumptive uses.

27 (d) The commissioner shall manage non-game in accordance with regulations
28 adopted by the Board of Game.

29 (e) Except as provided under AS 16.05.092 or AS 16.20 or under regulations
30 adopted by the Board of Fisheries under AS 16.05.251(a) or the Board of Game under
31 AS 16.05.255(a) or (e), the commissioner may not manage, improve, or manipulate

1 land or water or otherwise alter, or restrict access to, habitat occupied or used by fish,
2 wildlife, or aquatic plant resources of the state.

3 (f) Notwithstanding other provisions of law, a plan, strategy, guideline, or
4 similar document that establishes a policy for the management of fish or game that is
5 prepared by the department shall be submitted to the appropriate board for the board's
6 approval before the department implements the policy.

7 (g) Notwithstanding AS 37.07.080(e), the commissioner may not transfer
8 more than \$5,000 between projects, objects of expenditures, or allocations without the
9 approval of the office of management and budget and review by the Legislative
10 Budget and Audit Committee under the procedures set out under AS 37.07.080(h)(1) -
11 (3).

12 (h) Notwithstanding (g) of this section, the commissioner may not expend
13 funds appropriated from revenue from the sale of hunting, trapping, and sport fishing
14 licenses, tags, stamps, and permits or from federal funds received under the Pittman -
15 Robertson or Dingell - Johnson/Wallop - Breaux programs for a purpose for which the
16 revenue or funds may not be used under AS 16.05.130.

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

18 (a) The commissioner may [, WITH THE APPROVAL OF THE
19 GOVERNOR,] establish a departmental division of commercial fisheries, a
20 departmental division of sport fisheries, a departmental division of game, and other
21 departmental **administrative and organizational units** [DIVISIONS] as are
22 **approved by the governor under AS 44.17.020** [NECESSARY].

23 * **Sec. 5.** AS 16.05.094 is amended to read:

24 **Sec. 16.05.094. Duties of section of subsistence hunting and fishing.** The
25 section of subsistence hunting and fishing shall

26 (1) compile existing data and conduct studies to gather information,
27 including data from subsistence users, on **the use of fish and game resources by**
28 **subsistence users and on compliance with state fishing, hunting, and trapping**
29 **licensing requirements by subsistence users** [ALL ASPECTS OF THE ROLE OF
30 SUBSISTENCE HUNTING AND FISHING IN THE LIVES OF THE RESIDENTS
31 OF THE STATE];

1 (2) quantify the amount, nutritional value, and extent of dependence on
2 food acquired through subsistence hunting and fishing;

3 (3) make information gathered available to the public, appropriate
4 agencies, and other organized bodies;

5 (4) **provide information to** [ASSIST] the department, the Board of
6 Fisheries, and the Board of Game **regarding** [IN DETERMINING] what uses of fish
7 and game, as well as [WHICH USERS AND] what methods **and means, are allowed**
8 **for** [, SHOULD BE TERMED] subsistence uses [, USERS, AND METHODS];

9 (5) EVALUATE THE IMPACT OF STATE AND FEDERAL LAWS
10 AND REGULATIONS ON SUBSISTENCE HUNTING AND FISHING AND,
11 WHEN CORRECTIVE ACTION IS INDICATED, MAKE RECOMMENDATIONS
12 TO THE DEPARTMENT];

13 **(5)** [(6)] make recommendations to the Board of Game and the Board
14 of Fisheries regarding [ADOPTION, AMENDMENT, AND REPEAL OF
15 REGULATIONS AFFECTING] subsistence hunting and fishing;

16 **(6)** **assist** [(7) PARTICIPATE WITH] other divisions in the
17 preparation of statewide and regional management plans [SO THAT THOSE PLANS
18 RECOGNIZE AND INCORPORATE THE NEEDS OF SUBSISTENCE USERS OF
19 FISH AND GAME].

20 * **Sec. 6.** AS 16.05.110(a) is amended to read:

21 (a) The fish and game fund shall be made up of the following money and other
22 money the legislature appropriates, which shall be deposited and retained in the fund
23 until expended **in accordance with appropriations made by the legislature:**

24 (1) money received from the sale of state sport fishing, hunting, and
25 trapping licenses, tags, **stamps,** and special permits, waterfowl conservation tags
26 purchased by hunters, and anadromous salmon tags purchased by fishermen;

27 (2) proceeds received from the sale of furs, skins, and specimens taken
28 by predator hunters and other employees;

29 (3) money received in settlement of a claim or loss caused by damage
30 to the fish and **wildlife** [GAME] resources of the state;

31 (4) money received from federal, state, or other governmental unit, or

1 from a private donor for fish and **wildlife** [GAME] purposes;

2 (5) interest earned upon money in the fund;

3 (6) money from any other source.

4 * **Sec. 7.** AS 16.05.110(b) is amended to read:

5 (b) Except for money received as fisheries fines or forfeitures in settlement of
6 a claim or loss caused by damage to the fish resources of the state that is appropriated
7 to or through the division of commercial fisheries management and development,
8 **subject to AS 16.05.130**, appropriations of money from the fish and game fund and of
9 money received by the state under the federal aid acts described under AS 16.05.140
10 shall be made to the division of wildlife conservation or the division of sport fish. The
11 division of wildlife conservation or the division of sport fish may use money
12 appropriated under this subsection to acquire administrative and other services from
13 other agencies if the division acquires the services through reimbursable services
14 agreements **that are approved by the legislature**. The division of wildlife
15 conservation and the division of sport fish shall include as part of their budgets
16 prepared under AS 37.07.050

17 (1) a listing of the reimbursable services agreements that are to be
18 funded with money appropriated **from the fish and game fund or from federal**
19 **funds received by the state** [UNDER THIS SUBSECTION];

20 (2) a description of the services to be provided under those
21 agreements; and

22 (3) a listing of the entities that are parties to those agreements.

23 * **Sec. 8.** AS 16.05.120 is amended by adding a new subsection to read:

24 (b) The additional receipts generated by the license, tag, permit, and stamp
25 fees and application fees established or increased by this Act shall be separately
26 accounted for by the department. For any fiscal year in which the ratio of fixed cost
27 expenditures of the department exceeds 55 percent of the department's budgeted
28 expenditures for the fiscal year, the department may not expend funds derived from
29 the additional receipts generated by the license, tag, permit, and stamp fees and
30 application fees established or increased by this Act until, or unless, the legislature has
31 expressly authorized the expenditure of the funds.

1 * **Sec. 9.** AS 16.05.130(a) is amended to read:

2 (a) Except as provided in (c) of this section, money accruing to the state from
3 sport fishing, hunting, and trapping licenses, tags, **stamps, application fees,** or permit
4 fees may not be diverted to a purpose other than the protection, propagation,
5 investigation, and restoration of sport fish and game resources and the expenses of
6 administering the sport fish and game divisions of the department. **To ensure that**
7 **revenue from the sale of hunting, trapping, and sport fishing licenses, tags,**
8 **stamps, and permits and that the federal funds received under the Pittman -**
9 **Robertson and Dingell - Johnson/Wallop - Breaux programs are not diverted to**
10 **purposes other than those authorized under this section, the budget of the**
11 **department prepared under AS 37.07.050 must account for funding and**
12 **expenditures for projects that directly benefit purchasers of hunting, trapping,**
13 **and sport fishing licenses separately from funding and expenditures for projects**
14 **that do not directly benefit purchasers of hunting, trapping, and sport fishing**
15 **licenses. Revenue deposited into the fish and game fund from the sale of hunting,**
16 **trapping, and sport fishing licenses, tags, stamps, and permits, from application**
17 **fees, and from federal funds received under the Pittman - Robertson and Dingell**
18 **- Johnson/Wallop - Breaux programs and expenditures of the revenue and funds**
19 **may not be combined or commingled with expenditures of other revenue or**
20 **funds, or used to provide matching funds, for projects that do not directly benefit**
21 **purchasers of hunting, trapping, and sport fishing licenses.**

22 * **Sec. 10.** AS 16.05.130(b) is amended to read:

23 (b) Money accruing to the state from waterfowl conservation tag fees from
24 hunters may not be diverted to a purpose other than (1) the conservation and
25 enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that
26 are important for waterfowl and public use of waterfowl in the state; (3) waterfowl
27 related projects approved by the commissioner; (4) the administration of the waterfowl
28 conservation program; and (5) **waterfowl conservation** emergencies in the state as
29 determined by the **commissioner or the Board of Game** [GOVERNOR]. The
30 department shall maintain a state waterfowl **conservation** tag fee account within the
31 fish and game fund to permit separate accounting records for the receipt and

1 expenditure of money derived from the sale of waterfowl **conservation** tags. The
 2 department shall prepare a report before April 15 of each even-numbered year for the
 3 public and the legislature on the use of money derived from waterfowl conservation
 4 tags and limited edition prints. The department shall notify the legislature that the
 5 report is available.

6 * **Sec. 11.** AS 16.05.130(d) is amended to read:

7 (d) Revenue from the sale of [GENERAL] hunting, trapping, and **sport**
 8 fishing licenses, [AND] tags, **stamps, and permits, and application fees** together
 9 with the federal matching funds from Pittman - Robertson **and** [,] Dingell -
 10 Johnson/Wallop - Breaux programs shall be allocated by the department **only** to
 11 **projects that [PROGRAMS INTENDED TO] directly benefit [LICENSE] purchasers**
 12 **of [GENERAL] hunting, trapping, and sport fishing licenses in participating in the**
 13 **activities for which the licenses were purchased and may not be used to provide**
 14 **matching funds for, or otherwise support, projects that do not directly benefit**
 15 **purchasers of hunting, trapping, and sport fishing licenses unless approved by**
 16 **the legislature by appropriation.** The department shall prepare an annual report by
 17 project of expenditures from the fish and game fund and notify the legislature that the
 18 report is available. **The report must contain a separate accounting of the**
 19 **expenditures of all projects funded from the fish and game fund and of all game**
 20 **and noncommercial fish projects that do and do not directly benefit purchasers**
 21 **of hunting, trapping, and sport fishing licenses. The report must include an**
 22 **accounting of the costs of each project and a description of the source of funds,**
 23 **including federal and other funds, expended for the project.**

24 * **Sec. 12.** AS 16.05.130 is amended by adding a new subsection to read:

25 (e) In this section, "project" means an activity that has a single purpose for
 26 which the department expends funds or administrative, material, personnel, or other
 27 department resources.

28 * **Sec. 13.** AS 16.05.190 is amended to read:

29 **Sec. 16.05.190. Seizure and disposition of equipment.** Guns, traps, nets,
 30 fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other
 31 paraphernalia used in or in aid of a violation of this chapter or a regulation of the

1 department may be seized under a valid search, and all fish and **wildlife** [GAME], or
2 parts of fish and **wildlife** [GAME], or nests or eggs of birds, taken, transported, or
3 possessed contrary to the provisions of this chapter or a regulation of the department
4 shall be seized by any peace officer designated in AS 16.05.150. Upon conviction of
5 the offender or upon judgment of the court having jurisdiction that the item was taken,
6 transported, or possessed in violation of this chapter or a regulation of the department,
7 all fish and **wildlife** [GAME], or parts of them are forfeited to the state and shall be
8 disposed of as directed by the court. If sold, the proceeds of the sale shall be
9 transmitted to the proper state officer for deposit in the general fund. Guns, traps,
10 nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia
11 seized under the provisions of this chapter or a regulation of the department, unless
12 forfeited by order of the court, shall be returned, after completion of the case and
13 payment of the fine, if any.

14 * **Sec. 14.** AS 16.05.195(a) is amended to read:

15 (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds,
16 and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54,
17 or regulation adopted under this title or AS 08.54, and all fish and **wildlife** [GAME] or
18 parts of fish and **wildlife** [GAME] or nests or eggs of birds taken, transported, or
19 possessed contrary to the provisions of this title or AS 08.54, or regulation adopted
20 under this title or AS 08.54, may be forfeited to the state

21 (1) upon conviction of the offender in a criminal proceeding of a
22 violation of this title or AS 08.54 in a court of competent jurisdiction; or

23 (2) upon judgment of a court of competent jurisdiction in a proceeding
24 in rem that an item specified above was used in or in aid of a violation of this title or
25 AS 08.54 or a regulation adopted under this title or AS 08.54.

26 * **Sec. 15.** AS 16.05.195(c) is amended to read:

27 (c) An action for forfeiture under this section may be joined with an
28 alternative action for damages brought by the state to recover damages for the value of
29 fish and **wildlife** [GAME] or parts of them or nests or eggs of birds taken, transported,
30 or possessed contrary to the provisions of this title or a regulation adopted under **this**
31 **title** [IT].

1 * **Sec. 16.** AS 16.05.221(b) is amended to read:

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

12 * **Sec. 17.** AS 16.05.251 is amended by adding new subsections to read:

13 (i) The Board of Fisheries shall accord a priority to the conservation,
 14 development, and utilization of those fish species which the board has authorized to be
 15 taken for consumptive uses and may determine on an area by area basis the level of
 16 priority assigned to each species for which consumptive uses are authorized. The
 17 board shall accord a subordinate priority to the conservation, development, and
 18 utilization of species for which consumptive uses have not been authorized by the
 19 board. Except for fish species or subspecies determined by the board to be endangered
 20 under AS 16.20.190, the board may not amend or repeal regulations authorizing the
 21 consumptive use of a fish species, including regulations relating to methods, means,
 22 and seasons of harvest, bag limits, access, and similar matters, based on the level of
 23 abundance of a population of a finfish, aquatic invertebrate, or amphibian species
 24 which the board has not authorized to be taken for consumptive uses.

25 (j) The Board of Fisheries shall adopt by regulation all plans, strategies,
 26 guidelines, and similar documents that establish policies for the management of fish in
 27 the state. The department shall submit each plan, strategy, guideline, or similar
 28 document prepared by the department that establishes policies for the management of
 29 fish for the approval by the board before the policies are implemented by the
 30 department.

31 * **Sec. 18.** AS 16.05.255(e) is amended to read:

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

5 [(1)] consumptive use of the big game prey population is a preferred
 6 use **and, based on information provided by the department, or another reliable**
 7 **source, that would lead a reasonable person who is knowledgeable and**
 8 **experienced in game management in this state to form an opinion that**

9 **(1)** [; (2)] depletion of the big game prey population or reduction of
 10 the productivity of the big game prey population has occurred and may result in a
 11 significant reduction in the allowable human harvest of the population; and

12 **(2)** [(3)] enhancement of abundance or productivity of the big game
 13 prey population is **reasonably** [FEASIBLY] achievable utilizing recognized and
 14 prudent active management techniques.

15 * **Sec. 19.** AS 16.05.255 is amended by adding new subsections to read:

16 (k) The Board of Game shall accord a priority to the conservation,
 17 development, and utilization of species of game and may determine on an area by area
 18 basis the level of priority assigned to each species for which consumptive uses are
 19 authorized. The board shall accord a subordinate priority to the conservation,
 20 development, and utilization of species that the board has not authorized to be taken
 21 for consumptive uses. Except for a species or subspecies determined by the board to
 22 be endangered under AS 16.20.190, the board may not amend or repeal regulations
 23 authorizing consumptive uses of a game species, including regulations relating to
 24 methods, means, and seasons of harvest, bag limits, access, and similar matters, based
 25 on the level of abundance of a population of a mammal, bird, reptile, insect, or other
 26 animal species for which the board has not adopted regulations authorizing the taking
 27 of that species for consumptive uses.

28 (l) The Board of Game shall adopt by regulation all plans, strategies,
 29 guidelines, and similar documents that establish policies for the management of game
 30 in the state. The department shall submit each plan, strategy, guideline, or similar
 31 document prepared by the department that establishes policies for the management of

1 game for the approval by the board before the policies are implemented by the
2 department.

3 (m) The Board of Game may adopt regulations the board considers advisable
4 for the conservation, development, and utilization of non-game for the management of
5 non-game by the department.

6 * **Sec. 20.** AS 16.05.340(a)(2) is amended to read:

7 (2) Resident hunting license **50** [25]

8 * **Sec. 21.** AS 16.05.340(a)(3) is amended to read:

9 (3) Resident hunting and trapping license **79** [39]

10 * **Sec. 22.** AS 16.05.340(a)(4) is amended to read:

11 (4) Resident trapping license **30** [15]

12 * **Sec. 23.** AS 16.05.340(a)(5) is amended to read:

13 (5) Resident hunting and sport fishing license **64** [39]

14 * **Sec. 24.** AS 16.05.340(a)(6) is amended to read:

15 (6) Resident hunting, trapping, and sport fishing license **94** [53];

16 (A) however, the fee is \$5 for an applicant who

17 (i) is receiving or has received assistance during the
18 preceding six months under any state or federal welfare program to aid
19 the indigent; or

20 (ii) has an annual family gross income of less than
21 \$8,200 for the year preceding application;

22 (B) a person paying \$5 for a resident hunting, trapping, and
23 sport fishing license **shall** [MUST] provide proof of eligibility under this
24 paragraph when **purchasing the license** [REQUESTED BY THE
25 DEPARTMENT].

26 * **Sec. 25.** AS 16.05.340(a)(9) is amended to read:

27 (9) Nonresident hunting license **150** [85]

28 * **Sec. 26.** AS 16.05.340(a)(11) is amended to read:

29 (11) Nonresident hunting and trapping license **300** [250]

30 * **Sec. 27.** AS 16.05.340(a)(15) is amended to read:

31 (15) Nonresident big game tags

1 A nonresident, **including a nonresident alien**, may not take a big game animal
2 without previously purchasing a numbered, nontransferable, appropriate tag, issued
3 under this paragraph. The tag must be affixed to the animal immediately upon capture
4 and must remain affixed until the animal is prepared for storage, consumed, or
5 exported. A tag issued but not used for an animal may be used to satisfy the tagging
6 requirement for an animal of any other species for which the tag fee is of equal or less
7 value.

- 8 (A) Bear, black, each **325** [225]
- 9 (B) Bear, brown or grizzly, each **750** [500]
- 10 (C) Bison, each **1000** [450]
- 11 (D) Caribou, each **425** [325]
- 12 (E) Deer, each **200** [150]
- 13 (F) Elk, each **500** [300]
- 14 (G) Goat, each **750** [300]
- 15 (H) Moose, each **500** [400]
- 16 (I) Sheep, each **750** [425]
- 17 (J) Wolf, each **50** [30]

18 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
19 game management unit if the Board of Game has adopted an intensive
20 management program under AS 16.05.255 for all or a portion of the game
21 management unit.

- 22 (K) Wolverine, each **250** [175]
- 23 (L) Musk **ox** [OXEN], each **1,500** [1,100]

24 * **Sec. 28.** AS 16.05.340(a)(17) is amended to read:

25 (17) Waterfowl conservation tag **10** [5]

26 (A) A person may not engage in waterfowl hunting without
27 having the current year's waterfowl **conservation** tag in the person's actual
28 possession, unless that person

- 29 (i) qualifies for a \$5 license fee under (6) of this
30 subsection;
- 31 (ii) is a resident under the age of 16;

(iii) is 60 years of age or older and is a resident;

(iv) is a disabled veteran eligible for a free license under

AS 16.05.341.

(B) The Board of Game shall by regulation **suspend** [EXEMPT] the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

* Sec. 29. AS 16.05.340(a)(19) is amended to read:

(19) Nonresident small game hunting license **50** [20]

* Sec. 30. AS 16.05.340(a)(20) is amended to read:

(20) Nonresident alien hunting license **450** [300]

A nonresident alien may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate **nonresident big game** tag, issued under **(15)** [(21)] of this subsection. [THE TAG MUST BE AFFIXED TO THE ANIMAL IMMEDIATELY UPON CAPTURE AND MUST REMAIN AFFIXED UNTIL THE ANIMAL IS PREPARED FOR STORAGE, CONSUMED, OR EXPORTED. A TAG ISSUED BUT NOT USED FOR AN ANIMAL MAY BE USED TO SATISFY THE TAGGING REQUIREMENT FOR AN ANIMAL OF ANY OTHER SPECIES FOR WHICH THE TAG FEE IS OF EQUAL OR LESS VALUE.]

* Sec. 31. AS 16.05.340(a) is amended by adding a new paragraph to read:

(27) Resident small game hunting license 25.

* Sec. 32. AS 16.05.340(d) is amended to read:

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain special nonresident military small game and sport fishing licenses at the rates for resident **small game** hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

* Sec. 33. AS 16.05.340 is amended by adding new subsections to read:

(j) By regulation, the commissioner may authorize a reduction, not to exceed

1 five percent, in the fee for a license, permit, stamp, or tag issued under AS 16.05.330 -
2 16.05.430 that is purchased through the department's Internet web site.

3 (k) In addition to the fee for a hunting, trapping, or sport fishing license set
4 under (a) of this section, the department shall collect an access surcharge on each
5 individual or combined hunting, trapping, or sport fishing license sold. The amount of
6 the surcharge is \$1 for each individual or combined resident hunting, trapping, or sport
7 fishing license sold and \$5 for each individual or combined nonresident hunting,
8 trapping, or sport fishing license sold. The proceeds of the surcharge must be
9 separately accounted and may be appropriated for the acquisition of easements, rights-
10 of-way, and land to provide access to fish and game for holders of hunting, trapping,
11 and sport fishing licenses.

12 * **Sec. 34.** AS 16.05.346(a) is amended to read:

13 (a) If the Board of Game establishes an open season for musk oxen and has
14 not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the
15 department shall conduct a drawing for permits to take the musk oxen. If the Board of
16 Game establishes an open season for musk oxen for which the Board of Game has
17 reduced or eliminated the resident tag fee, the department shall issue permits to take
18 the musk oxen in the order in which applications are received by the department. A
19 person is not eligible for more than one musk oxen permit a year. The department
20 may not charge a fee for an application for a musk oxen permit for an open season in
21 which the Board of Game has reduced or eliminated the resident tag fee under
22 AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is
23 **\$15** [\$10].

24 * **Sec. 35.** AS 16.05.346(b) is amended to read:

25 (b) The application fee for a drawing permit issued by the department for the
26 hunting of bison is **\$15** [\$10].

27 * **Sec. 36.** AS 16.05.346(c) is amended to read:

28 (c) Except as provided in (a) and (b) of this section, the permit application fee
29 for all species for which a limited drawing is conducted is **\$7.50** [\$5].

30 * **Sec. 37.** AS 16.05.346 is amended by adding new subsections to read:

31 (e) The application fee for a hunting permit issued by the department under

1 AS 16.05.258(b)(4), known as a tier II hunting permit, is \$10. A person is exempt
2 from the payment of the application fee for a tier II hunting permit if the person is

- 3 (1) blind;
4 (2) under the age of 16;
5 (3) 60 years of age or older; or
6 (4) a disabled veteran eligible for a free license under AS 16.05.341.

7 (f) The application fee for an annual registration hunt stamp is \$10. A person
8 shall obtain an annual registration hunt stamp before participating in a hunt for which
9 a registration stamp is required by regulation of the Board of Game. A person is
10 exempt from the payment of the annual registration hunt stamp application fee if the
11 person is

- 12 (1) blind;
13 (2) under the age of 16;
14 (3) 60 years of age or older; or
15 (4) a disabled veteran eligible for a free license under AS 16.05.341.

16 * **Sec. 38.** AS 16.05 is amended by adding a new section to read:

17 **Sec. 16.05.348. Deferral of issuance of hunting permits to take brown or**
18 **grizzly bear or wolf.** The Board of Game may establish a hunting permit deferral
19 program in areas adjacent to or near state game sanctuaries established under
20 AS 16.20 and federal national parks. If, upon review of current biological information
21 and historical harvest records for a brown or grizzly bear population or wolf
22 population in an area, the board has authorized the issuance of a fixed number of
23 hunting permits to take brown or grizzly bear or wolf in the area, the board may
24 establish a hunting permit deferral program for that species in that area. The board
25 shall give special consideration to the establishment of permit deferral programs in
26 areas where the management of a brown or grizzly bear population or wolf population
27 is affected by the habituation of brown or grizzly bears and wolves to the presence of
28 humans at popular wildlife viewing locations. Upon the establishment of a hunting
29 permit deferral program for an area, the commissioner shall defer the issuance of one
30 brown or grizzly bear or one wolf hunting permit for the area for a calendar year when
31 the appropriate permit deferral fee is received. Notwithstanding AS 16.05.080, the

1 commissioner shall set the amount of the hunting permit deferral fee at an amount that
 2 reasonably reflects the amount of the fee for the brown or grizzly bear hunting permit
 3 or wolf hunting permit that would not be issued and the value to the state economy
 4 attributable to the expenses incurred by a person to take the brown or grizzly bear or
 5 wolf for which the hunting permit would otherwise be issued. The permit deferral fee
 6 may be paid by an individual, a group of individuals, or any legal entity. The
 7 commissioner shall deposit the proceeds from the permit deferral fee in the fish and
 8 game fund.

9 * **Sec. 39.** AS 16.05.350(a) is amended to read:

10 (a) Licenses, permits, **stamps**, and tags required under AS 16.05.330 -
 11 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing
 12 licenses, the resident trapping license, the nonresident anadromous king salmon tags,
 13 the waterfowl conservation tag, and permits having a different specified expiration
 14 date, expire at the close of December 31 following issuance.

15 * **Sec. 40.** AS 16.05.360(a) is amended to read:

16 (a) The commissioner or **the commissioner's designee** [AN AUTHORIZED
 17 DEPUTY] shall issue each license, [AND] tag, **permit, stamp, certificate, or other**
 18 **document issued by the department that is required by law as a prerequisite to**
 19 **engaging in an activity authorized by the Board of Fisheries or Board of Game** to
 20 a qualified person under written application containing such reasonable information as
 21 required by the commissioner. The commissioner shall designate the [LICENSE
 22 AND TAG] form or type **of the document**. The **document** [FORM OR TYPE] must
 23 be sufficient to identify and locate the applicant and establish the applicant's status as
 24 to residency and citizenship. Each application shall be subscribed by the applicant.

25 * **Sec. 41.** AS 16.05.380 is amended to read:

26 **Sec. 16.05.380. Commissioner may appoint agents.** The commissioner may
 27 appoint state employees or other persons to take applications, issue licenses, permits,
 28 **stamps**, and tags, and collect fees. The commissioner is not liable for defalcation or
 29 failure to account for the fees collected by any person so appointed, but the
 30 commissioner shall require a bond in an adequate sum, conditioned upon faithfully
 31 accounting for all money collected. However, the commissioner may waive the bond

1 requirements of an instrumentality of the United States or its agents and employees
 2 when the instrumentality or its agents or employees sell licenses, permits, or tags
 3 primarily to persons in the armed forces. Each person, upon appointment by the
 4 commissioner, may administer oaths on applications for licenses, permits, stamps, and
 5 tags.

6 * **Sec. 42.** AS 16.05.390(a) is amended to read:

7 (a) Except as provided in (e) of this section, an agent appointed by the
 8 commissioner under AS 16.05.380 to sell licenses, permits, stamps, and tags is
 9 entitled to

10 (1) retain five percent of the fee that is charged for a license, permit,
 11 stamp, or tag or 25 cents for each license, permit, stamp, or tag sold, whichever is
 12 greater; and

13 (2) compensation of \$50 a [PER] year or \$1 for each license, permit,
 14 stamp, or tag sold during the year, whichever is greater.

15 * **Sec. 43.** AS 16.05.390(b) is amended to read:

16 (b) Each agent appointed to sell licenses, permits, stamps, or tags under
 17 AS 16.05.380 shall, as directed by the commissioner, transmit the proceeds from the
 18 sales of licenses, permits, stamps, and tags, except the amount authorized to be
 19 retained under (a)(1) of this section, together with a report of the sales, to the
 20 commissioner for deposit in the fish and game fund or the general fund.

21 * **Sec. 44.** AS 16.05.390(c) is amended to read:

22 (c) On March 31, June 30, September 30, and December 31 of each year, the
 23 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
 24 section, minus the penalties assessed under (g) of this section. If the compensation
 25 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
 26 after the date for which the compensation was calculated. If the compensation due is
 27 \$50 or less, the commissioner shall pay the compensation not later than January 30 of
 28 the year following the year in which the compensation was earned. The commissioner
 29 shall pay compensation only for sales of licenses, permits, stamps, or tags for which
 30 the commissioner has received the report and proceeds required to be transmitted
 31 under (b) of this section.

1 * **Sec. 45.** AS 16.05.390(e) is amended to read:

2 (e) The provisions of (a) of this section do not apply to a state employee
3 appointed by the commissioner under AS 16.05.380 to sell licenses, permits, **stamps,**
4 and tags.

5 * **Sec. 46.** AS 16.05.390(f) is amended to read:

6 (f) Proceeds and reports under (b) of this section shall be transmitted to the
7 commissioner by the last day of the month following the month in which the licenses,
8 permits, **stamps,** and tags are sold, unless an alternative reporting schedule has been
9 established by contract.

10 * **Sec. 47.** AS 16.05.405 is amended by adding new subsections to read:

11 (g) Notwithstanding (a) - (f) of this section and AS 16.05.420(c), a resident
12 who has a valid hunting license to take big game or who is exempt from the hunting
13 license requirement under AS 16.05.400 may take a big game animal on behalf of
14 another resident who has a permit, tag, or other written authorization issued by the
15 department under AS 16.05.346 or under regulations of the department or Board of
16 Game to take the animal, if the resident is physically present in the field with the other
17 resident who has the permit, tag, or other written authorization to take the animal and
18 the other resident has provided written authorization for the resident to take the
19 animal.

20 (h) Notwithstanding (a) - (f) of this section and AS 16.05.420(c), a resident
21 may affix a permit, tag, or other written authorization issued by the department under
22 AS 16.05.346 or under regulations of the department or Board of Game that is
23 required to be affixed to a big game animal when the animal has been taken to a big
24 game animal taken by another resident if the resident is physically present in the field
25 with the other resident and has the permission of the other resident who took the big
26 game animal.

27 * **Sec. 48.** AS 16.05.407(a) is amended to read:

28 (a) **Except as provided under AS 16.05.781, it** [IT] is unlawful for a
29 nonresident to hunt, pursue, or take brown bear, grizzly bear, mountain goat, or sheep
30 in this state, unless personally accompanied by

31 (1) a person who is licensed as

1 (A) a registered guide or a master guide under AS 08.54 and
 2 who is providing big game hunting services to the nonresident under a contract
 3 with the nonresident; or

4 (B) a class-A assistant guide or an assistant guide under
 5 AS 08.54 and who is employed by a registered guide or a master guide who
 6 has a contract to provide big game hunting services to the nonresident; or

7 (2) a resident over 19 years of age who is

8 (A) the spouse of the nonresident; or

9 (B) related to the nonresident, within and including the second
 10 degree of kindred, by marriage or blood.

11 * **Sec. 49.** AS 16.05.408(a) is amended to read:

12 (a) **Except as provided under AS 16.05.781, it** [IT] is a class A misdemeanor
 13 for a nonresident alien to hunt, pursue, or take a big game animal as defined by the
 14 Board of Game unless personally accompanied by

15 (1) a registered guide or a master guide licensed under AS 08.54 who
 16 is providing big game hunting services to the nonresident alien under a contract with
 17 the nonresident alien; or

18 (2) a class-A assistant guide or an assistant guide licensed under
 19 AS 08.54 who is employed by a registered guide or a master guide who has a contract
 20 to provide big game hunting services to the nonresident alien.

21 * **Sec. 50.** AS 16.05.420 is amended to read:

22 **Sec. 16.05.420. License, tag, permit, stamp, and registration violations.**

23 (a) A false statement of a material fact in an application for a license, tag, permit,
 24 **stamp**, and sport fishing vessel registration issued under AS 16.05.330 - 16.05.430
 25 voids the license, tag, permit, **stamp**, or registration for which the application is made.

26 (b) A person may not make a false statement, or omit a material fact, in an
 27 application for a license, tag, permit, **stamp**, or sport fishing vessel registration issued
 28 under AS 16.05.330 - 16.05.430. A person who without any culpable mental state
 29 makes a false statement as to the person's identity or residency in an application for a
 30 license, tag, permit, **stamp**, or sport fishing vessel registration issued under
 31 AS 16.05.330 - 16.05.430 is guilty of a violation and upon conviction is punishable by

1 a fine of not more than \$300. A person who knowingly violates this subsection is
2 guilty of a class A misdemeanor.

3 (c) A person to whom a license, permit, tag, stamp, or sport fishing vessel
4 registration has been issued under this chapter may not alter, change, loan, or transfer
5 the license, permit, tag, stamp, or sport fishing vessel registration. A person may not
6 use a license, permit, tag, stamp, or sport fishing vessel registration that has been
7 issued under this chapter to another person.

8 * **Sec. 51.** AS 16.05 is amended by adding a new section to read:

9 **Sec. 16.05.781. Taking of black bear and brown or grizzly bear.** (a) If,
10 under AS 16.05.255(e) or (f), the Board of Game has identified predation by bear as a
11 cause of the depletion of a big game prey population or reduction of the productivity
12 of a big game population that is a basis for the establishment of an intensive
13 management program in a game management unit or subunit or for the declaration of
14 the biological emergency in a game management unit or subunit, bear may be taken in
15 the game management unit or subunit under (b) - (h) of this section. The department
16 shall provide notice to the public of when and where (b) - (h) of this section are in
17 effect. The taking of bear under this section is subject to provisions of this title,
18 applicable to the taking of bear, and to regulations governing the method, manner,
19 means, bag limit, or other matters adopted by the Board of Game that do not conflict
20 with (b) - (h) of this section.

21 (b) Subject to (a) of this section, a person may take bear with the use of bait
22 without registration and may relocate viscera and nonedible parts of legally taken
23 game or commercially purchased material for use as bait for bear.

24 (c) Subject to (a) of this section, a person who is airborne may assist another
25 person who is not airborne to locate a bear.

26 (d) Subject to (a) of this section, a person may use an electronic predator call
27 device and electronic telecommunications equipment as an aid to take bear.

28 (e) Subject to (a) of this section, a person may take bear on the same day that
29 the person has been airborne.

30 (f) Subject to (a) of this section and notwithstanding AS 16.05.782, a person
31 may take a bear within one-half mile of a solid waste disposal facility.

1 (g) Subject to (a) of this section, there is no closed season on bear.

2 (h) Subject to (a) of this section and notwithstanding AS 16.05.407 and
 3 AS 16.05.408, a nonresident or a nonresident alien who has successfully completed a
 4 big game hunter safety course administered by the department under (i) of this section
 5 may take a bear if the nonresident or nonresident alien is accompanied by a resident
 6 who is over 19 years of age, who has hunted big game in the state during three or more
 7 calendar years, who has successfully completed a big game hunter safety course
 8 administered by the department under (i) of this section, and who does not receive any
 9 remuneration for accompanying the nonresident or nonresident alien to take a bear. A
 10 resident may not accompany more than two nonresidents, regardless of whether they
 11 are aliens or not, during a calendar year to take a bear under this subsection.

12 (i) The department shall provide a big game hunter safety course for
 13 nonresidents and nonresident aliens who intend to hunt for bear under (h) of this
 14 section and for residents who intend to accompany a nonresident or nonresident alien
 15 to take bear under (h) of this section. The big game hunter safety course must include
 16 information on applicable hunting laws and on the hazards of dangerous animals,
 17 rugged terrain, weather, and other conditions found in the state. The department shall
 18 provide the course materials for the course at each of its offices and through the
 19 department's Internet website. The department shall authorize agents to distribute
 20 course materials. The department shall offer the test for completion of the hunter
 21 safety course at each of its offices. The department may also administer the test for
 22 completion of the hunter safety course by mail or through the Internet. The
 23 department shall issue a big game hunter safety certificate to each person who
 24 successfully completes the course. The department may charge a fee not to exceed
 25 \$50 to take the test for completion of the hunter safety course.

26 (j) In this section, "bear" means black bear and brown or grizzly bear.

27 * **Sec. 52.** AS 16.05.810 is amended to read:

28 **Sec. 16.05.810. Burden of proof.** The possession of fish or wildlife [GAME]
 29 or a part of fish or wildlife [GAME], or a nest or egg of a bird during the time the
 30 taking of it is prohibited is prima facie evidence that it was taken, possessed, bought,
 31 or sold or transported in violation of this chapter. The burden of proof is upon the

1 possessor or claimant of it to overcome the presumption of illegal possession and to
 2 establish the fact that it was obtained and is possessed lawfully. This section does not
 3 apply

4 (1) during the first full 10 days after the time when a taking is
 5 prohibited, except as provided in (3) of this section;

6 (2) if the fish or game or part of fish or game is in a preserved
 7 condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

8 (3) with respect to crab aboard a commercial crab fishing vessel,
 9 during the first full three days after the time when a taking is prohibited.

10 * **Sec. 53.** AS 16.05.920(a) is amended to read:

11 (a) Unless permitted by AS 16.05 - AS 16.40, by AS 41.14, or by regulation
 12 adopted under AS 16.05 - AS 16.40 or AS 41.14, a person may not take, possess,
 13 transport, sell, offer to sell, purchase, or offer to purchase fish, wildlife [GAME], or
 14 marine aquatic plants, or any part of fish, wildlife [GAME], or aquatic plants, or a nest
 15 or egg of fish or wildlife [GAME].

16 * **Sec. 54.** AS 16.05.930(a) is amended to read:

17 (a) This chapter does not prevent the collection or exportation of fish and
 18 wildlife [GAME], a part of fish or wildlife [GAME] or a nest or egg of a bird for
 19 scientific or educational purposes, or for propagation or exhibition purposes under a
 20 permit that the department may issue and prescribe the terms thereof.

21 * **Sec. 55.** AS 16.05.930(b) is amended to read:

22 (b) This chapter does not prohibit a person from taking fish or wildlife
 23 [GAME] during the closed season, in case of dire emergency, as defined by regulation
 24 adopted by the appropriate board.

25 * **Sec. 56.** AS 16.05.930 is amended by adding a new subsection to read:

26 (h) This chapter does not prohibit the purchase, sale, resale, barter, or other
 27 transfer for value of a mount, trophy, or part of a lawfully taken fish or game animal.
 28 The commissioner, Board of Fisheries, and Board of Game may not prohibit the
 29 purchase, sale, resale, barter, or other transfer for value, or the advertising for the
 30 purchase, sale, resale, barter, or other transfer for value, of a mount, trophy, or part of
 31 a lawfully taken fish or game animal.

1 * **Sec. 57.** AS 16.05.935 is amended to read:

2 **Sec. 16.05.935. Restrictions on cooperation with federal government.** (a)

3 In recognition of the fact that the state has not assented to federal control of fish and
 4 wildlife [GAME] in Glacier Bay National Park and Preserve or the navigable waters
 5 within or adjoining the park and preserve, that the power to control the management of
 6 fish and wildlife [GAME] within the boundaries of the state is an incident of state
 7 sovereignty, and that the federal government cannot commandeer the lawmaking
 8 processes of the states to compel the state to enact and enforce a federal regulatory
 9 program, an agency, employee, or agent of the state may not expend funds to adopt or
 10 enforce the implementation of the federal regulatory program or a part of the program
 11 for control of fish and wildlife [GAME] in the park and preserve or the navigable
 12 waters within or adjoining the park and preserve that is in conflict with a state statute
 13 or regulation regarding management of fish or wildlife [GAME] within the park or
 14 preserve. This subsection does not prohibit an agency, employee, or agent of the state
 15 from

16 (1) taking action necessary to protect life or property;

17 (2) commenting on proposed federal statutes or regulations;

18 (3) collecting data relating to claims of economic harm arising from
 19 the closure of the park and preserve to commercial fishing; or

20 (4) participating in or cooperating with a federal program established
 21 under 16 U.S.C. 703 - 712 (Migratory Bird Treaty Act); 16 U.S.C. 773 - 773k
 22 (Northern Pacific Halibut Act of 1982); 16 U.S.C. 1361 - 1421h (Marine Mammal
 23 Protection Act); 16 U.S.C. 1531 - 1544 (Endangered Species Act); 16 U.S.C. 1801 -
 24 1883 (Magnuson-Stevens Fishery Conservation and Management Act); 16 U.S.C.
 25 3631 - 3644 (Pacific Salmon Treaty Act of 1985).

26 (b) Nothing in this title authorizes the department or a board to enter into an
 27 agreement with a department or agency of the federal government that cedes state
 28 authority for the management of fish or wildlife [GAME] in the state to the federal
 29 government. In this subsection, "management" means the regulation of the method,
 30 manner, means, time, or place of taking of fish or wildlife [GAME] or the regulation
 31 of the amount of fish or wildlife [GAME] that may be taken.

1 * **Sec. 58.** AS 16.05.940(12) is amended to read:

2 (12) "fish" means any species of aquatic finfish, invertebrate, or
 3 amphibian, in any stage of its life cycle, found in or introduced into the state, **for**
 4 **which the Board of Fisheries has adopted regulations authorizing consumptive**
 5 **use or that the Board of Fisheries has authorized the department to manage;**
 6 **"fish"** [, AND] includes any part of such aquatic finfish, invertebrate, or amphibian;

7 * **Sec. 59.** AS 16.05.940(19) is amended to read:

8 (19) "game" means any species of bird, reptile, **or** [AND] mammal,
 9 including a feral domestic animal, found or introduced in the state, except domestic
 10 birds and mammals, **for which the Board of Game has adopted regulations**
 11 **authorizing consumptive use or that the Board of Game has authorized the**
 12 **department to manage** [; AND GAME MAY BE CLASSIFIED BY REGULATION
 13 AS BIG GAME, SMALL GAME, FUR BEARERS OR OTHER CATEGORIES
 14 CONSIDERED ESSENTIAL FOR CARRYING OUT THE INTENTION AND
 15 PURPOSES OF AS 16.05 - AS 16.40];

16 * **Sec. 60.** AS 16.05.940(34) is amended to read:

17 (34) "take" means taking, pursuing, hunting, fishing, trapping, or in
 18 any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish,
 19 trap, or in any manner capture or kill fish or **wildlife** [GAME];

20 * **Sec. 61.** AS 16.05.940(35) is amended to read:

21 (35) "taxidermy" means tanning, mounting, processing, or other
 22 treatment or preparation of fish or **wildlife** [GAME], or any part of fish or **wildlife**
 23 [GAME], as a trophy, for monetary gain, including the receiving of the fish or **wildlife**
 24 [GAME] or parts of fish or **wildlife** [GAME] for such purposes;

25 * **Sec. 62.** AS 16.05.940 is amended by adding new paragraphs to read:

26 (38) "non-game" means any species of bird, reptile, or mammal that
 27 the Board of Game has authorized the department to manage but for which the Board
 28 of Game has not adopted regulations authorizing consumptive use;

29 (39) "wildlife" means game, non-game, and any other species of bird,
 30 reptile, or mammal, including a feral domestic animal, found or introduced in the state,
 31 except domestic birds and mammals.

1 * **Sec. 63.** AS 16.20.180 is amended to read:

2 **Sec. 16.20.180. Declaration of purpose.** The legislature recognizes that, due
3 to growth and development, certain species or subspecies of fish and wildlife are now
4 and may in the future be **in danger of** [THREATENED WITH] extinction. The
5 purpose of AS 16.20.180 - 16.20.210 is to establish a program for their continued
6 conservation, protection, restoration, and propagation.

7 * **Sec. 64.** AS 16.20.185 is amended to read:

8 **Sec. 16.20.185. Protection of habitat.** On land under their respective
9 jurisdictions, the commissioner of fish and game and the commissioner of natural
10 resources shall take measures to preserve the natural habitat of species or subspecies
11 of fish and wildlife that are recognized as **in danger of** [THREATENED WITH]
12 extinction.

13 * **Sec. 65.** AS 16.20.190 is amended to read:

14 **Sec. 16.20.190. Determining endangered species.** (a) A species or
15 subspecies of fish or wildlife is considered endangered when the **Board of Fisheries**
16 **or the Board of Game, as appropriate,** [COMMISSIONER OF FISH AND GAME]
17 determines that its numbers have decreased to such an extent as to indicate that **the**
18 **species or subspecies is in danger of extinction** [ITS CONTINUED EXISTENCE IS
19 THREATENED]. In making this determination the **board** [COMMISSIONER OF
20 FISH AND GAME] shall consider

21 (1) the destruction, drastic modification, or severe curtailment of its
22 habitat;

23 (2) its overutilization for commercial or sporting purposes;

24 (3) the effect on it of disease or predation;

25 (4) other natural or man-made factors affecting its continued existence.

26 (b) After making a determination under (a) of this section, the **board**
27 [COMMISSIONER OF FISH AND GAME] shall, in accordance with AS 44.62
28 (Administrative Procedure Act), publish a list of the species or subspecies of fish and
29 wildlife that are endangered. The **board** [COMMISSIONER] shall, at least once
30 every two years thereafter, conduct a thorough review of the list to determine what
31 changes have occurred concerning the species or subspecies listed. Consideration of

1 existing species or subspecies of fish and wildlife for listing under this section shall be
2 made on a continuing basis. The review of listed species or subspecies conducted
3 under this section shall be submitted in writing to the governor and the legislature and
4 shall be made available to the public.

5 (c) In making the determination and review under (a) and (b) of this section,
6 the **board** [COMMISSIONER OF FISH AND GAME] shall seek the advice and
7 recommendation of interested persons and organizations [, INCLUDING BUT NOT
8 LIMITED TO ORNITHOLOGISTS, ICHTHYOLOGISTS, ECOLOGISTS, AND
9 ZOOLOGISTS].

10 * **Sec. 66.** AS 16.05.050(a)(1) is repealed.

11 * **Sec. 67.** AS 16.05.340(a)(21) is repealed.

12 * **Sec. 68.** Sections 1, 20 - 37, 39 - 46, 50, and 67 of this Act take effect January 1, 2006.

13 * **Sec. 69.** Except as provided in sec. 68 of this Act, this Act takes effect July 1, 2005.