

CS FOR HOUSE BILL NO. 266(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/5/16

Referred: Finance

Sponsor(s): REPRESENTATIVE WILSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority of the Board of Game to adopt, amend, or repeal**
2 **certain regulations."**

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

4 *** Section 1.** AS 16.05.255(a) is amended to read:

5 (a) The Board of Game may, **subject to (l) of this section,** adopt regulations it
6 considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

7 (1) setting apart game reserve areas, refuges, and sanctuaries in the
8 water or on the land [OF THE STATE] over which it has jurisdiction, subject to the
9 approval of the legislature;

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

12 (3) establishing the means and methods employed in the pursuit,
13 capture, taking, and transport of game, including regulations, consistent with resource
14 conservation and development goals, establishing means and methods that may be

1 employed by persons with physical disabilities;

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

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

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

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

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

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

15 (10) regulating [SPORT HUNTING AND SUBSISTENCE] hunting as
16 needed for the conservation, development, and utilization of game;

17 (11) taking game to ensure public safety;

18 (12) regulating the activities of persons licensed to control nuisance
19 wild birds and nuisance wild small mammals;

20 (13) promoting hunting and trapping and preserving the heritage of
21 hunting and trapping in the state.

22 * **Sec. 2.** AS 16.05.255(c) is amended to read:

23 (c) **At least once a year, the Board of Game shall solicit proposals to**
24 **amend, adopt, or repeal regulations. The department shall review a proposal and**
25 **provide notice of the proposal to advisory committees established under**
26 **AS 16.05.260 and to interested persons. The department shall make a copy of the**
27 **proposal available at department offices and on the Internet website of the board.**

28 If the **board** [BOARD OF GAME] denies a petition or proposal to amend, adopt, or
29 repeal a regulation, the board, upon receiving a written request from the sponsor of the
30 petition or proposal, shall, in addition to the requirements of AS 44.62.230, provide a
31 written explanation for the denial to the sponsor not later than 30 days after the board

1 has officially met and denied the sponsor's petition or proposal, or 30 days after
2 receiving the request for an explanation, whichever is later.

3 * **Sec. 3.** AS 16.05.255 is amended by adding new subsections to read:

4 (l) The department shall provide notice of a proposal made by a member of the
5 Board of Game to amend, adopt, or repeal a regulation in the same manner as notice is
6 provided under (c) of this section except that the department shall provide at least 60
7 days' notice before the board considers the proposal. However, the 60-day notice
8 requirement does not apply if

9 (1) at least three members of the board support the proposal and the
10 board

11 (A) provides advisory committees and interested persons the
12 opportunity to make recommendations or comment on the proposal; and

13 (B) makes written findings that

14 (i) the proposal requires the board's expedited
15 consideration because of conservation concerns or significant
16 regulatory problems;

17 (ii) the subject matter of the proposal would not be
18 before the board during the current period in which the board is
19 considering proposals solicited under (c) of this section, but for the
20 board member's proposal; and

21 (iii) the proposal is in the best interests of the public; or

22 (2) the proposal is to

23 (A) adopt an emergency regulation or order under
24 AS 44.62.250; or

25 (B) adopt, amend, or repeal a regulation that the board finds in
26 writing is necessitated by a court ruling or order.

27 (m) Nothing in (l) of this section restricts the board's ability to amend
28 language to clarify a proposal noticed under (c) of this section.