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IN THE HOUSE

BY MESSRS. HAMMOND, HANSEN, DITMAN,
JENSEN, BLODGETT, BAGGEN AND BAKER.

HOUSE BILL NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the powers of the Board, Commissioner, and Department of Fish and Game; amending Chs. 64 and 94, SLA 1959; and providing for an effective date."

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

Section 1. Sec. 17, Ch. 64, SLA 1959 is amended to read:

Sec. 17. DEPARTMENT OF FISH AND GAME. There shall be a board at the head of the Department of Fish and Game to be known as the Board of Fish and Game. There shall be a principal executive officer of the Department of Fish and Game to be known as the Commissioner of Fish and Game.

The Department of Fish and Game is hereby vested with the duties, powers, and responsibilities involved in the administration of the entire state program for the conservation and development of the State's commercial fisheries, sport fish, birds, game and fur-bearing animals. The functions and authority heretofore performed and exercised by the Alaska Department of Fish and Game, the Alaska Fish and Game Commission, the Director of the Alaska Department of Fish and Game, the Fisheries Experimental Commission, and the Treasurer with respect to bounty programs are hereby transferred to the Department of Fish and Game.

There is hereby created a Board of Fish and Game consisting of eight members, appointed for overlapping four-year

1 terms. The principal executive officer shall not be a member
2 of the Board but shall be ex-officio secretary and have the
3 right to cast tie-breaking votes only. The Board members
4 shall be appointed by the Governor and confirmed by the
5 Legislature without regard to political affiliation.

6 The Board [GOVERNOR] shall appoint the Commissioner of
7 Fish and Game [FROM A LIST OF QUALIFIED PERSONS NOMINATED BY
8 THE BOARD OF FISH AND GAME, SUBJECT TO THE RIGHT OF THE
9 GOVERNOR TO REQUEST ADDITIONAL NOMINATIONS]. The appointment
10 shall be subject to the approval of the Governor [CONFIRMA-
11 TION BY A MAJORITY OF THE MEMBERS OF THE LEGISLATURE IN JOINT
12 SESSION]. The Commissioner of Fish and Game shall serve for
13 a term of 5 years. In the event of a vacancy in the office
14 of Commissioner of Fish and Game a successor shall be ap-
15 pointed, in the manner provided for the regular appointment,
16 to fill the unexpired term. The Commissioner shall serve at
17 the pleasure of the Board of Fish and Game.

18 [THE BOARD MAY SUBMIT A RESOLUTION TO THE GOVERNOR RE-
19 QUESTING THE REMOVAL OF THE COMMISSIONER. THE RESOLUTION
20 SHALL SET FORTH THE GROUNDS FOR THE REQUEST AND THE GOVERNOR
21 SHALL AFFORD THE COMMISSIONER AND THE BOARD AN OPPORTUNITY TO
22 BE HEARD.]

23 The Board of Fish and Game shall have rule-making powers,
24 as hereinafter provided, and [BUT SHALL NOT HAVE] adminis-
25 trative, budgeting, and [OR] fiscal powers [AND SUCH ADMINIS-
26 TRATIVE, BUDGETING AND FISCAL POWER SHALL RESIDE IN THE COM-
27 MISSIONER OF FISH AND GAME]. The Board may meet at any time
28 on the call of the Commissioner or at request of any two of
29 the members.

1 The Board of Fish and Game shall have the authority to
2 make such rules and regulations as it deems advisable for
3 (1) the setting apart of fish and game reserve areas, refuges
4 and sanctuaries in any of the waters or on any of the lands
5 of Alaska over which it has jurisdiction, subject to approval
6 by the Legislature; (2) establishing open and closed seasons
7 and areas for fish and game; (3) establishing the means and
8 methods employed in the pursuit, capture, and transport of
9 fish and game; and (4) setting quotas and bag limits on the
10 taking of fish and game. In the event of a conflict between
11 the Board and the Commissioner on proposed rules and regula-
12 tions, public hearings shall be held concerning the issues in
13 question. If, subsequent to the public hearings, the Board
14 and the Commissioner continue to disagree, the issue shall be
15 certified in writing by the Board and the Commissioner to the
16 Governor who shall make a decision, which decision shall be
17 final.

18 The Board shall authorize the Commissioner to promulgate
19 during such times as the Board is not in session, emergency
20 rules or regulations as may be necessary and within the scope
21 of authority of the Board.

22 Sec. 2. Sec. 4, Art. I, Ch. 94, SLA 1959 is amended to read:

23 Sec. 4. COMMISSIONER OF THE ALASKA DEPARTMENT OF FISH
24 AND GAME. There shall be a principal executive officer of
25 the Department to be known as the Commissioner of Fish and
26 Game and to be appointed by the Board of Fish and Game sub-
27 ject to the approval of the Governor. The Commissioner shall
28 be a qualified executive with knowledge of the requirements
29 for the protection, management, conservation, and restoration

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of the fish and game resources of Alaska. The Commissioner shall be appointed for a term of five years. Under the direction of the Board, he [HE] shall have general supervision and control over the Department and may appoint and employ division heads, enforcement agents, and such technical, clerical, and other assistants as may be necessary for the general administration of the Department. Under the direction of the Board, he [HE] shall be charged with the duty of managing, protecting, maintaining, improving, and extending the fish and game resources of Alaska in the interest of the economy and general well-being of Alaska, and, except as hereinafter provided, shall have all necessary power to accomplish the foregoing including, but not limited to, the power to delegate authority to subordinate officers and employees of the Department.

The Commissioner shall not be a member of the Board of Fish and Game, but shall be ex-officio secretary and have the right to cast tie-breaking votes only.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.