

Introduced: 3/5/69
Referred: Resources and
State Affairs

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 256

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the qualifications and functions
7 of the commissioner and the board of fish and game."

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

9 * Section 1. AS 16.05.010 is amended to read:

10 Sec. 16.05.010. COMMISSIONER OF THE DEPARTMENT OF FISH AND GAME.

11 The commissioner is the principal executive officer of the Department
12 of Fish and Game. Minimum qualifications for the commissioner include
13 a bachelor of science, or equivalent degree, in a biological science
14 such as zoology or oceanography, and a minimum of 10 years professional
15 experience with an agency responsible for the management of renewable
16 resources. Qualifying experience consists of progressive advancement
17 through the various levels of responsibility within a resource manage-
18 ment agency. Education resulting in an advanced degree, such as
19 master of science, doctor of science, or doctor of philosophy, may be
20 substituted for up to three years of experience on a year for year basis.

21 THE COMMISSIONER SHALL BE A QUALIFIED EXECUTIVE WITH KNOWLEDGE OF THE
22 REQUIREMENTS FOR THE PROTECTION, MANAGEMENT, CONSERVATION, AND RESTORA-
23 TION OF THE FISH AND GAME RESOURCES OF THE STATE.] The commissioner
24 shall be appointed for a term of five years. If the commissioner is
25 removed, other than for cause as defined by the state personnel regula-
26 tions, before serving a full term and after satisfactorily completing
27 one full year, the state shall reimburse him for the balance of the
28 term.

29 * Sec. 2. AS 16.05.020(1) is amended to read:

1 (1) supervise and control the department, and he may appoint
2 and employ a deputy commissioner for management operations (including
3 sport fish, game, and commercial fish), a deputy commissioner for
4 service operations (including administration, vessels, and engineering).
5 division heads, enforcement agents, and the technical, clerical, and
6 other assistants necessary for the general administration of the
7 department;

8 * Sec. 3. AS 16.05.030 is amended to read:

9 Sec. 16.05.030. STATUS OF COMMISSIONER. The commissioner is not
10 a member of the board, but shall be ex officio secretary. [HE MAY CAST
11 TIE-BREAKING VOTES.]

12 * Sec. 4. AS 16.05.060 is amended to read:

13 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter
14 does not limit the power of the chairman of the board [COMMISSIONER] or
15 his authorized designee, when circumstances require, to summarily
16 open or close seasons or areas or to change weekly closed periods on
17 fish or game by means of emergency orders. An emergency order has the
18 force and effect of law after field announcement by the chairman of
19 the board [COMMISSIONER] or his authorized designee. An emergency order
20 adopted under this section is not subject to the Administrative Procedure
21 Act (AS 44.62).

22 * Sec. 5. AS 16.05.220 is amended to read:

23 Sec. 16.05.220. THE BOARD OF FISH AND GAME. There is created a
24 Board of Fish and Game composed of 10 members having a general knowledge
25 of the fish and game resources of the state [AND SELECTED WITHOUT REGARD
26 TO POLITICAL AFFILIATION OR SPECIAL INTEREST]. Not more than five
27 members may be from the same political party. Each member of the
28 board shall be a United States citizen and a resident of the state.
29 Members of the board are appointed by the governor, subject to

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confirmation by a majority of the members of the legislature in joint session.

* Sec. 6. AS 16.05.270 is amended to read:

Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the purpose of administering secs. 250 and 260 of this chapter, the board may delegate authority to the commissioner to act in its behalf. [IF THERE IS A CONFLICT BETWEEN THE BOARD AND THE COMMISSIONER ON PROPOSED RULES AND REGULATIONS, PUBLIC HEARINGS SHALL BE HELD CONCERNING THE ISSUES IN QUESTION. IF, AFTER THE PUBLIC HEARINGS, THE BOARD AND THE COMMISSIONER CONTINUE TO DISAGREE, THE ISSUE SHALL BE CERTIFIED IN WRITING BY THE BOARD AND THE COMMISSIONER TO THE GOVERNOR WHO SHALL MAKE A DECISION. THE DECISION OF THE GOVERNOR IS FINAL.]