

Introduced: 3/26/69
Referred: Resources and
Finance

1 IN THE HOUSE

BY ELIASON AND MOSES

2 HOUSE BILL NO. 337

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating separate boards of fish and game for
7 Western and Southeastern Alaska."

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

9 * Section 1. AS 16.05.030 is amended to read:

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

13 * Sec. 2. AS 16.05.220 is repealed and re-enacted to read:

14 Sec. 16.05.220. FISH AND GAME BOARDS. There are created two
15 boards of fish and game, each composed of six members having a general
16 knowledge of the fish and game resources of the state and selected
17 without regard to political affiliation or special interest. One board
18 shall be entitled the Southeastern Alaska Board of Fish and Game, with
19 geographical jurisdiction extending to all lands and waters of the state
20 south and east of a line running 225 degrees true through Cape St. Elias.
21 The other board shall be entitled the Western Alaska Board of Fish and
22 Game, with geographical jurisdiction over those areas of Alaska not
23 covered by the Southeastern Alaska Board.

24 * Sec. 3. AS 16.05.240 is repealed and re-enacted to read:

25 Sec. 16.05.240. POWERS. (a) Each board of fish and game within
26 its geographical jurisdiction has the authority to promulgate regula-
27 tions as set out in this chapter, but does not have administrative,
28 budgeting, or fiscal powers.

29 (b) All regulations in effect as of the effective date of this Act

1 shall remain valid until amended or revoked by the separate board of
2 fish and game for the appropriate geographical area.

3 * Sec. 4. AS 16.05.300 is repealed and re-enacted to read:

4 Sec. 16.05.300. BOARD MEETINGS. Each board shall select the
5 time and place in the state for the transaction of business.

6 * Sec. 5. AS 16.05.310 is amended to read:

7 Sec. 16.05.310. SPECIAL BOARD MEETINGS. Each [THE] board may meet
8 at any time upon the call of the commissioner or upon the request of
9 two board members of either board.

10 * Sec. 6. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.315. JOINT BOARD MEETINGS. (a) The two boards shall
12 meet jointly at least once a year so that a maximum of coordination
13 exists in the promulgation of regulations and other necessary action
14 can be taken for the orderly statewide regulation of the subject matter
15 within the jurisdiction of the respective boards.

16 (b) The action taken by the boards in joint session shall be
17 binding on each board in its area of jurisdiction until amended or re-
18 voked in a subsequent joint session.

19 * Sec. 7. AS 16.05.320 is amended to read:

20 Sec. 16.05.320. QUORUM FOR BOARD MEETINGS. (a) A majority of the
21 combined members of the boards [BOARD] constitutes a quorum for the
22 transaction of business, for the performance of any duty, and for the
23 exercise of any power in a joint board meeting.

24 (b) For separate board meetings, [HOWEVER,] a majority of the full
25 [BOARD] membership of a board of six [10] members is required to carry
26 all motions, regulations and resolutions.

27 (c) The commissioner may cast tie-breaking votes.

28 * Sec. 8. AS 16.20.040 is amended to read:

29 Sec. 16.20.040. REGULATIONS. Each [THE] board shall, under ch. 5

1 of this title, establish regulations it considers advisable for con-
2 servaion and protection purposes governing the taking of game on state
3 game refuges within its jurisdiction [IT CONSIDERS ADVISABLE FOR
4 CONSERVATION AND PROTECTION PURPOSES].

5 * Sec. 9. AS 16.20.120 is amended to read:

6 Sec. 16.20.120. AUTHORITY TO ADMINISTER. The Western Alaska
7 board may adopt regulations governing entry, development, construction,
8 hunting, fishing, and all other uses or activities not in conflict with
9 secs. 130 and 140 of this chapter for the purpose of preserving the
10 natural habitat and the fish and game of the Walrus Islands State Game
11 Sanctuary.

12 * Sec. 10. AS 16.35.200 is amended to read:

13 Sec. 16.35.200. USE OF POISON BY DEPARTMENTS AND OTHER STATE
14 AGENCIES. No department, other state agency or person may use poison
15 to kill predatory animals without first obtaining the written consent
16 of the Board of Fish and Game for the area in which the animal is to be
17 killed.

18 * Sec. 11. AS 16.50.010 is amended to read:

19 Sec. 16.50.010. DESIGNATION OF BOARD. In addition to their
20 [ITS] other duties, the boards of fish and game [BOARD OF FISH AND GAME]
21 shall each serve as a [THE] Guide Licensing and Control Board for the
22 geographical area of its jurisdiction.

23 * Sec. 12. AS 16.50.420(1) is amended to read:

24 (1) "board" means the Guide Licensing and Control Board
25 [BOARD OF FISH AND GAME].

26 * Sec. 13. AS 39.05.060 is amended to read:

27 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
28 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
29 member of the Local Boundary Commission, Alcoholic Beverage Control

1 Board, Employment Security Advisory Council, Alaska State Housing
2 Authority, Southeastern Alaska Board of Fish and Game, Western Alaska
3 Board of Fish and Game, Board of Tourism and the Commission for
4 Northern Operations of Rail Transportation and Highways, shall be a
5 citizen of the United States. The governor shall appoint each member
6 on the basis of interest in public affairs, good judgment, knowledge
7 and ability in the field of action of the department for which ap-
8 pointed, and with a view to providing diversity of interest and points
9 of view in the membership. Appointments are subject to confirmation
10 by a majority of the members of the legislature in joint session.
11 Initial appointments of members are as follows: (1) in the case of
12 three-member boards, for one, two and three years; (2) in the case of
13 five-member boards, for one, two, three, four and five years; (3) in the
14 case of six-member boards, two members serve for one year, two for two
15 years, and two for three years; (4) and in the case of eight-member
16 boards, two members serve for one year, two for two years, two for
17 three years, and two for four years; (5) and in the case of 10-member
18 boards, two members serve for one year, two for two years, two for
19 three years, two for four years, and two for five years. Initial terms
20 date from February 1 before appointment. A vacancy occurring during a
21 term of office is filled in the same manner as the original appointment
22 is made and for the balance of the unexpired term. Each member holds
23 office at the pleasure of the governor notwithstanding the member's
24 term.

25 * Sec. 14. AS 44.39.050 is amended to read:

26 Sec. 44.39.050. REMOVAL OF COMMISSIONER. Either [THE] Board of
27 Fish and Game may submit a resolution to the governor requesting the
28 removal of the commissioner. The resolution shall set out the grounds
29 for the request and the governor shall give the commissioner and the

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board an opportunity to be heard.

* Sec. 15. AS 44.62.330(a)(31) is amended to read:

(31) Southeastern Alaska Board of Fish and Game

* Sec. 16. AS 44.62.330(a) is amended by adding a new paragraph to read:

(32) Western Alaska Board of Fish and Game

* Sec. 17. In AS 16.05.070, 16.05.230, 16.05.250 - 16.05.270, 16.05.290, 16.05.800, 16.05.940(1); AS 16.10.150(b), 16.10.190 - 16.10.210; AS 16.20.-080(1) and AS 44.39.030 a reference made to a singular board of fish and game shall be a reference to both boards of fish and game as set out in AS 16.05.220.