

Introduced: 2/2/70
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Boards of Fisheries and Game."

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

8 * Section 1. The following laws are repealed: AS 16.05.030; AS
9 16.05.220 - 16.05.260; AS 44.39.030; AS 44.62.330(31); and AS 44.39.050.

10 * Sec. 2. AS 16.05 is amended by adding new sections to read:

11 ARTICLE 2. BOARDS OF FISHERIES AND GAME.

12 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
13 of the conservation and development of the fishery resources of the
14 state, there is created the Board of Fisheries composed of seven members
15 appointed by the governor. The appointed members shall be residents
16 of the state and shall be appointed without regard to political
17 affiliation or geographical location of residence. The deputy
18 commissioner of fisheries is not a member of the Board of Fisheries,
19 but shall be ex officio secretary. He may cast tie-breaking votes.

20 (b) For purposes of the conservation and development of the
21 game resources of the state, there is created a Board of Game
22 composed of five members appointed by the governor. The appointed
23 members shall be residents of the state, and shall be appointed
24 without regard to political affiliation or geographical location of
25 residence. The deputy commissioner of game is not a member of the
26 Board of Game, but shall be ex officio secretary. He may cast tie-
27 breaking votes.

28 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-
29 making powers as set out in this chapter, but do not have

1 administrative, budgeting or fiscal powers.

2 Sec. 16.05.251. REGULATIONS OF THE BOARD OF FISHERIES. The
3 Board of Fisheries may make regulations it considers advisable in
4 accordance with the Administrative Procedure Act (AS 44.62) for

5 (1) establishment of open and closed seasons and areas for
6 the taking of fish;

7 (2) establishment of the means and methods employed in the
8 pursuit, capture and transport of fish;

9 (3) setting quotas and bag limits on the taking of fish;

10 (4) establishment of marking and identification requirements
11 for means used in the pursuit, capture and transport of fish.

12 Sec. 16.05.255. REGULATIONS OF THE BOARD OF GAME. The Board of
13 Game may make regulations it considers advisable in accordance with the
14 Administrative Procedure Act (AS 44.62) for

15 (1) setting apart game reserve areas, refuges and
16 sanctuaries in the waters or on the lands of the state;

17 (2) establishment of open and closed seasons and areas for
18 the taking of game;

19 (3) establishment of the means and methods employed in the
20 pursuit, capture and transport of game;

21 (4) setting quotas and bag limits on the taking of game;

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

24 (6) investigating and determining the extent and effect of
25 predation and competition among game in the state, exercising control
26 measures considered necessary to the resources of the state and
27 designating game management units or parts of game management units in
28 which bounties for predatory animals shall be paid.

29 * Sec. 3. AS 16.05.270 is amended to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Sec. 16.05. ~~20~~. DELEGATION OF AUTHORITY TO COMMISSIONER. For the purpose of administering secs. 251 and 255 [250 AND 260] of this chapter, each [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.]

* Sec. 4. AS 16.05. ~~290~~ is amended to read:

Sec. 16.05. ~~290~~. COMPENSATION OF BOARD MEMBERS. Each member of a [THE] board is entitled to travel expenses and per diem allowed by law for each day going to and from and for each day in actual attendance at board meetings and other meetings or conferences authorized by a [THE] board.

* Sec. 5. AS 16.05. ~~300~~ is amended to read:

Sec. 16.05. ~~300~~. BOARD MEETINGS. Each [THE] board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each [THE] board shall select the time and place in the state for the transaction of business. Each [THE] board shall maintain its office at the principal office of the department.

* Sec. 6. AS 16.05. ~~310~~ is amended to read:

Sec. 16.05. ~~310~~. SPECIAL BOARD MEETINGS. A [THE] board may meet at any time upon the call of the commissioner or upon the request of two board members.

* Sec. 7. AS 16.05 is amended by adding a new section to read:

Sec. 16.05. ~~315~~. JOINT BOARD MEETINGS. The Boards of Fisheries and Game may hold a joint meeting upon the call of the commissioner

1 or a board to resolve any conflicts in regulations of the boards and
2 to consider matters, as determined by the commissioner or a board,
3 which require the consideration of both boards.

4 * Sec. 8. AS 16.05.320 is amended to read:

5 Sec. 16.05.320. QUORUM. A majority of the members of a [THE]
6 board constitutes a quorum for the transaction of business, for the
7 performance of any duty, and for the exercise of any power. However,
8 a majority of the full board membership [OF 10 MEMBERS] is required
9 to carry all motions, regulations and resolutions. A majority of the
10 members of the Boards of Fisheries and Game constitutes a quorum for
11 the transaction of business in a joint board meeting. A majority of
12 the membership of the boards is required to carry all joint motions,
13 regulations and resolutions of the boards.

14 * Sec 9. AS 16.05.070 is amended to read:

15 Sec. 16.05.070. [RULES AND] REGULATIONS AS EVIDENCE. Regulations
16 [RULES AND REGULATIONS] of the Boards of Fisheries and Game [BOARD]
17 and of the commissioner, including emergency openings and closures,
18 are admissible as evidence in the courts of the state in accordance
19 with the Administrative Procedure Act (AS 44.62).

20 * Sec. 10. AS 16.05.080 is amended to read:

21 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
22 authorizes the department or the Boards of Fisheries and Game [BOARD]
23 to change the amount of fees or licenses.

24 * Sec. 11. AS 16.05.800 is amended to read:

25 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
26 device, contrivance, and material while in use, had and maintained for
27 the purpose of catching, taking, killing, attracting, or decoying fish
28 or game, contrary to law or rule or regulation of a [THE] board or the
29 commissioner, is a public nuisance and is subject to abatement.

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

2 (1) "a board" means either the Board of Fisheries [FISH] or
3 [AND] the Board of Game;

4 * Sec. 13. AS 44.62.330 is amended by adding new subsections to read:

5 (33) Board of Fisheries

6 (34) Board of Game.

7 * Sec. 14. AS 39.05.060 is amended to read:

8 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
9 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
10 member of the Local Boundary Commission, Alcoholic Beverage Control
11 Board, Employment Security Advisory Council, Alaska State Housing
12 Authority, Board of Fisheries, Board of Game [FISH AND GAME], and the
13 Commission for Northern Operations of Rail Transportation and Highways,
14 shall be a citizen of the United States. The governor shall appoint
15 each member on the basis of interest in public affairs, good judgment,
16 knowledge and ability in the field of action of the department for
17 which appointed, and with a view to providing diversity of interest
18 and points of view in the membership. Appointments are subject to
19 confirmation by a majority of the members of the legislature in joint
20 session. Initial appointments of members are as follows: (1) in the
21 case of three-member boards, for one, two and three years; (2) in the
22 case of five-member boards, for one, two, three, four and five years;
23 (3) in the case of six-member boards, two members serve for one year,
24 two for two years, and two for three years; (4) in the case of eight-
25 member boards, two members serve for one year, two for two years, two
26 for three years, and two for four years; (5) and in the case of 10-
27 member boards, two members serve for one year, two for two years, two
28 for three years, two for four years, and two for five years. Initial
29 terms date from February 1 before appointment. A vacancy occurring

1 during a term of office is filled in the same manner as the original
2 appointment is made and for the balance of the unexpired term. Each
3 member holds office at the pleasure of the governor notwithstanding
4 the member's term.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29