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Referred: Resources and
Judiciary

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Advisory Board of Fish and
7 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. The commissioner shall be a qualified executive
13 with knowledge of the requirements for the protection, management,
14 conservation, and restoration of the fish and game resources of the
15 state. The commissioner serves at the pleasure of the governor [SHALL
16 BE APPOINTED FOR A TERM OF FIVE YEARS].

17 * Sec. 2. AS 16.05.050 is amended to read:

18 Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commis-
19 sioner or his designee has, but not by way of limitation, the following
20 powers and duties:

21 (1) assist the United States Fish and Wildlife Service in
22 the enforcement of federal laws and regulations pertaining to fish and
23 game;

24 (2) through the appropriate state agency, acquire by gift,
25 purchase, or lease, or other lawful means, lands, buildings, water,
26 rights-of-way, or other necessary or proper real or personal property
27 when the acquisition is in the interest of furthering an objective or
28 purpose of the department and the state;

29 (3) design and construct hatcheries, pipe lines, rearing

1 ponds, fishways, and other projects beneficial for the fish and game
2 resources of the state;

3 (4) accept money from any person under conditions requiring
4 the use of the money for specific purposes in the furtherance of the
5 protection, rehabilitation, propagation, preservation, or investiga-
6 tion of the fish and game resources of the state or in settlement of
7 claims for damages to fish or game resources;

8 (5) collect, classify, and disseminate statistics, data
9 and information as in his discretion will tend to promote the objects
10 of this chapter;

11 (6) capture, propagate, transport, buy, sell, or exchange
12 fish or game or eggs for propagating, scientific or stocking purposes;

13 (7) procure insurance, in addition to workmen's compensation
14 insurance, for employees of the department against injury or death
15 occasioned by special hazards in connection with their duties;

16 (8) provide public facilities where necessary or proper to
17 facilitate the taking of fish or game, and enter into cooperative
18 agreements with any person to effect them;

19 (9) administrative, budgeting, and fiscal powers;

20 (10) the supervision and maintenance, including construction
21 and operation, of vessels used by the Department of Fish and Game;

22 (11) adopt regulations necessary to carry out the purposes
23 of sec. 250 of this chapter.

24 * Sec. 3. AS 16.05.080 is amended to read:

25 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
26 authorizes the department [OR THE BOARD] to change the amount of fees
27 or licenses.

28 * Sec. 4. AS 16.05.220 is amended to read:

29 Sec. 16.05.220. THE ADVISORY BOARD OF FISH AND GAME. There is

1 created the Advisory [A] Board of Fish and Game composed of 10 members
2 having a general knowledge of the fish and game resources of the
3 state and selected without regard to political affiliation or special
4 interest. Each member of the board shall be a United States citizen
5 and a resident of the state. Members of the board are appointed by
6 the governor and serve at the pleasure of the governor [, SUBJECT TO
7 CONFIRMATION BY A MAJORITY OF THE MEMBERS OF THE LEGISLATURE IN JOINT
8 SESSION].

9 * Sec. 5. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.222. DUTIES OF THE BOARD. The board shall advise
11 the department on matters of fish and game including, but not limited
12 to, those matters covered in sec. 250 of this chapter.

13 * Sec. 6. AS 16.05.230 is amended to read:

14 Sec. 16.05.230. TERM OF OFFICE. The term of office for members
15 of the board is four years. The first members appointed serve as
16 follows: two members shall serve for one year, two for two years,
17 two for three years, and two for four years, respectively. The ninth
18 and tenth members appointed shall serve terms of two and four years,
19 respectively. Initial terms date from the first of February immedi-
20 ately preceding appointment. If a vacancy occurs, the governor shall
21 fill it by appointment for the unexpired term. [THE APPOINTMENT
22 SHALL BE SUBMITTED TO THE LEGISLATURE FOR CONFIRMATION AT THE NEXT
23 REGULAR OR SPECIAL SESSION.]

24 * Sec. 7. AS 16.05.290 is amended to read:

25 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
26 the board is entitled to travel expenses and per diem allowed by
27 law for other boards and commissions [EACH DAY GOING TO AND FROM AND
28 FOR EACH DAY IN ACTUAL ATTENDANCE AT BOARD MEETINGS AND OTHER MEETINGS
29 OR CONFERENCES AUTHORIZED BY THE BOARD].

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

2 Sec. 16.05.320. QUORUM. A majority of the members of the board
3 constitutes a quorum for the transaction of business, for the perfor-
4 mance of any duty, and for the exercise of any power. However, a
5 majority of the full board membership of 10 members is required to
6 carry all motions [, REGULATIONS] and resolutions.

7 * Sec. 9. AS 16.05.800 is amended to read:

8 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
9 device, contrivance, and material while in use, had and maintained for
10 the purpose of catching, taking, killing, attracting, or decoying
11 fish or game, contrary to law or rule or regulation of the department
12 [BOARD OR THE COMMISSIONER], is a public nuisance and is subject to
13 abatement.

14 * Sec. 10. AS 16.05.940(1) is amended to read:

15 (1) "board" means the Advisory Board of Fish and Game;

16 * Sec. 11. AS 16.20.080 is amended by adding a new paragraph to read:

17 (3) "department" means the Department of Fish and Game.

18 * Sec. 12. AS 16.50.010 is repealed and re-enacted to read:

19 Sec. 16.50.010. GUIDE LICENSING AND CONTROL BOARD. There is
20 created, within the Department of Fish and Game, a Guide Licensing
21 and Control Board composed of five members selected without regard
22 to political affiliation. The term of office for members of the
23 board is five years. Members of the board are appointed by the
24 governor, subject to confirmation by a majority of the members of the
25 legislature in joint session.

26 * Sec. 13. AS 16.50 is amended by adding new sections to read:

27 Sec. 16.50.012. COMPENSATION OF BOARD MEMBERS. Each member of
28 the board is entitled to travel expenses and per diem allowed by law
29 for each day going to and from and for each day in actual attendance

1 at board meetings and other meetings or conferences authorized by the
2 board.

3 Sec. 16.50.014. BOARD MEETINGS. The board shall hold at least
4 one meeting a year and as many other meetings as it considers necessary.
5 The board shall select the time and place in the state for the trans-
6 action of business. The board shall maintain its office at the
7 principal office of the department.

8 Sec. 16.50.016. SPECIAL BOARD MEETINGS. The board may meet at
9 any time upon the call of the commissioner or upon the request of two
10 board members.

11 Sec. 16.50.018. QUORUM. A majority of the members of the board
12 constitutes a quorum for the transaction of business, for the perfor-
13 mance of any duty, and for the exercise of any power. However, a
14 majority of the full board membership of five members is required to
15 carry all motions, regulations and resolutions.

16 * Sec. 14. AS 16.50.420(1) is amended to read:

17 (1) "board" means the Guide Licensing and Control Board
18 [BOARD OF FISH AND GAME];

19 * Sec. 15. AS 39.05.060 is amended to read:

20 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
21 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
22 member of the Local Boundary Commission, Alcoholic Beverage Control
23 Board, Employment Security Advisory Council, Alaska State Housing
24 Authority, Advisory Board of Fish and Game, Guide Licensing and Control
25 Board, and the Commission for Northern Operations of Rail Transporta-
26 tion and Highways, shall be a citizen of the United States. The
27 governor shall appoint each member on the basis of interest in public
28 affairs, good judgment, knowledge and ability in the field of action
29 of the department for which appointed, and with a view to providing

1 diversity of interest and points of view in the membership. Appoint-
2 ments are subject to confirmation by a majority of the members of the
3 legislature in joint session. Initial appointments of members are
4 as follows: (1) in the case of three-member boards, for one, two
5 and three years; (2) in the case of five-member boards, for one, two,
6 three, four and five years; (3) in the case of six-member boards,
7 two members serve for one year, two for two years, and two for three
8 years; (4) in the case of eight-member boards, two members serve
9 for one year, two for two years, two for three years, and two for
10 four years; (5) and in the case of 10-member boards, two members
11 serve for one year, two for two years, two for three years, two for
12 four years, and two for five years. Initial terms date from February 1
13 before appointment. A vacancy occurring during a term of office is
14 filled in the same manner as the original appointment is made and for
15 the balance of the unexpired term. Each member holds office at the
16 pleasure of the governor notwithstanding the member's term.

17 * Sec. 16. AS 44.39.030 is amended to read:

18 Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.
19 The governor shall appoint the commissioner of fish and game [FROM A
20 LIST OF QUALIFIED PERSONS NOMINATED BY THE BOARD OF FISH AND GAME,
21 SUBJECT TO THE RIGHT OF THE GOVERNOR TO REQUEST ADDITIONAL NOMINATIONS].
22 The appointment shall be confirmed by a majority of the members of
23 the legislature in joint session. The commissioner of fish and game
24 serves at the pleasure of the governor [FOR A TERM OF FIVE YEARS].

25 * Sec. 17. AS 44.39.050 is amended to read:

26 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Advisory 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

1 board an opportunity to be heard.
2 * Sec. 18. AS 44.62.330(31) is amended to read:
3 (31) Department [BOARD] of Fish and Game
4 * Sec. 19. AS 44.62.330 is amended by adding a new paragraph to read:
5 (34) Guide Licensing and Control Board
6 * Sec. 20. In AS 16.05.070, AS 16.05.250 - 16.05.260, AS 16.05.536(a),
7 AS 16.05.820, AS 16.05.930(c), AS 16.05.940(17), AS 16.10.190 - 16.10.210,
8 AS 16.20.030 - 16.20.040, AS 16.20.120 and AS 16.35.200, when the word
9 "board" appears it shall be read as "department".
10 * Sec. 21. AS 16.05.030, AS 16.05.240, AS 16.05.250(11), AS 16.05.270 -
11 16.05.280, and AS 16.20.080(1) are repealed.
12 * Sec. 22. All regulations in effect on the effective date of this Act
13 and all regulations adopted by the board before the effective date of this
14 Act remain valid until amended or revoked by the department.
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