

1 IN THE SENATE

BY RADER, RAY AND ZIEGLER

2 SENATE BILL NO. 105

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH 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 AS 16.05.220 is repealed and re-enacted to read: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 five members having a
16 general knowledge of the fish and game resources of the state and
17 selected without regard to political affiliation or special interest.
18 One board shall be entitled the Southeastern Alaska Board of Fish and
19 Game, with geographical jurisdiction extending to all lands and waters
20 of the state south and east of a line running 225 degrees true through
21 Cape St. Elias. The other board shall be entitled the Western Alaska
22 Board of Fish and Game, with geographical jurisdiction over those areas
23 of Alaska not covered by the Southeastern Alaska Board.

24 * Sec. 3. AS 16.05.230 is amended to read:

25 Sec. 16.05.230. TERM OF OFFICE. The term of office for members of
26 each [THE] board is four years. The first members appointed serve as
27 follows: one member [TWO MEMBERS] shall serve for one year, one [TWO]
28 for two years, one [TWO] for three years, and two for four years,
29 respectively. [THE NINTH AND TENTH MEMBERS APPOINTED SHALL SERVE TERMS

1 OF TWO AND FOUR YEARS, RESPECTIVELY.] Initial terms date from the
2 first of February immediately preceding appointment. If a vacancy
3 occurs, the governor shall fill it by appointment for the unexpired
4 term. The appointment shall be submitted to the legislature for con-
5 firmation at the next regular or special session.

6 * Sec. 4. AS 16.05.240 is repealed and re-enacted to read:

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

11 (b) All regulations in effect as of the effective date of this
12 Act shall remain valid until amended or revoked by the separate board
13 of fish and game for the appropriate geographical area.

14 * Sec. 5. AS 16.05.300 is repealed and re-enacted to read:

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

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

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

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

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

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

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

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

6 (b) For separate board meetings, [HOWEVER,] a majority of the full
7 [BOARD] membership of a board of five [10] members is required to
8 carry all motions, regulations and resolutions.

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

10 * Sec. 9. AS 16.20.040 is amended to read:

11 Sec. 16.20.040. REGULATIONS. Each [THE] board shall, under ch. 5
12 of this title, establish regulations it considers advisable for con-
13 servaion and protection purposes governing the taking of game on
14 state game refuges within its jurisdiction [IT CONSIDERS ADVISABLE FOR
15 CONSERVATION AND PROTECTION PURPOSES].

16 * Sec. 10. AS 16.20.120 is amended to read:

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

23 * Sec. 11. AS 16.35.200 is amended to read:

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

29 * Sec. 12. AS 16.50.010 is amended to read:

1 Sec. 16.50.010. DESIGNATION OF BOARD. In addition to their
2 [ITS] other duties, the boards [BOARD] of fish and game shall each
3 serve as a [THE] Guide Licensing and Control Board for the geographical
4 area of its jurisdiction.

5 * Sec. 13. AS 16.50.420(1) is amended to read:

6 (1) "board" means the Guide Licensing and Control Board
7 [OF FISH AND GAME].

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

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

1 three years, two for four years and two for five years. Initial terms
2 date from February 1 before appointment. A vacancy occurring during
3 a term of office is filled in the same manner as the original appoint-
4 ment is made and for the balance of the unexpired term. Each member
5 holds office at the pleasure of the governor notwithstanding the
6 member's term.

7 * Sec. 15. AS 44.39.050 is amended to read:

8 Sec. 44.39.050. REMOVAL OF COMMISSIONER. Either [THE] Board of
9 Fish and Game may submit a resolution to the governor requesting the
10 removal of the commissioner. The resolution shall set out the grounds
11 for the request and the governor shall give the commissioner and the
12 board an opportunity to be heard.

13 * Sec. 16. AS 44.62.330(a)(31) is amended to read:

14 (31) Southeastern Alaska Board of Fish and Game

15 * Sec. 17. AS 44.62.330(a) is amended by adding a new paragraph to read:

16 (34) Western Alaska Board of Fish and Game

17 * Sec. 18. In AS 16.05.070, 16.05.250 - 16.05.270, 16.05.290, 16.05.800,
18 16.05.940(1); 16.10.190 - 16.10.210; AS 16.20.080(1) and AS 44.39.030 a
19 reference made to a singular board of fish and game shall be a reference
20 to both boards of fish and game as set out in AS 16.05.220.
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