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1 IN THE SENATE

BY PALMER, SACKETT AND HENSLEY

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SENATE BILL NO. 103

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2  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game; and providing for  
7 an effective date."

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

9 \* Section 1. INTENT. It is the intent of this Act to provide authority  
10 for increased local participation in the regulation of fish and game by the  
11 formation of regional boards, and by sec. 10 of this Act, to institute a  
12 pilot regional board program in the first year and to allow for further  
13 legislative scrutiny before the statewide program becomes operative on July 1,  
14 1974.

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

16 ARTICLE 2. THE MASTER BOARD OF FISH AND GAME.

17 Sec. 16.05.225. CREATION. There is created within the Department  
18 of Fish and Game the Master Board of Fish and Game consisting of 13  
19 members, all of whom shall be citizens of the United States.

20 Sec. 16.05.235. APPOINTMENT OF MEMBERS. (a) The 13 members of  
21 the board shall be appointed by the governor within 30 days from the  
22 date the regional boundaries are established by the department under  
23 sec. 322(b) of this chapter. A member shall be appointed who is a  
24 resident from each regional area specified in sec. 322(a) of this  
25 chapter and one member shall be appointed from the state at large.  
26 Each member is subject to confirmation by a majority of the members of  
27 the legislature in joint session. Members of the board shall possess  
28 an ability in management and an interest in and knowledge of the fish  
29 and game resources of the state.

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1 (b) The 13 members are entitled to the expenses, travel, and per  
2 diem allowances provided by law.

3 (c) A member may act and receive compensation from his appointment  
4 before his confirmation or rejection by the legislature.

5 Sec. 16.05.245. TERM OF OFFICE. The members of the board shall  
6 be appointed for overlapping four-year terms. The first members  
7 appointed serve as follows: three members shall serve for one year,  
8 three for two years, three for three years, and three for four years,  
9 respectively. The 13th member appointed shall serve a term of four  
10 years. Initial terms date from February 1 immediately preceding  
11 appointment. If a vacancy occurs, the governor shall fill it by  
12 appointment for the unexpired term. The appointment shall be submitted  
13 to the legislature for confirmation at the next regular or special  
14 session.

15 Sec. 16.05.253. MASTER BOARD REGULATIONS. (a) The master board  
16 may make regulations it considers advisable in accordance with the  
17 Administrative Procedure Act (AS 44.62) for

18 (1) classifying fish and game as commercial fish, sport  
19 fish, game birds, song birds, big game animals, fur-bearing animals,  
20 predators, vermin, or other categories essential for regulatory purposes;

21 (2) engaging in biological research, watershed and habitat  
22 improvement, fish and game management, protection, propagation and  
23 stocking;

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

29 (4) entering into cooperative agreements with educational

1 institutions and state, federal, or other agencies to promote fish and  
2 game research, management, education and information, and to train  
3 men for fish and game management;

4 (5) prohibiting the live capture, possession, transport or  
5 release of native or exotic fish or game or their eggs;

6 (6) establishing additional qualifications relating to the  
7 eligibility requirements for gear licenses;

8 (7) establishment of the times and dates during which the  
9 issuance of fish and game licenses, permits and registrations, and the  
10 transfer of permits and registrations between registration areas, game  
11 management units or subunits is allowed;

12 (8) the taking of game on state game refuges, sanctuaries,  
13 and critical habitat areas.

14 (b) In addition to the regulation-making authority specified in  
15 (a) of this section, the master board may veto regional board regula-  
16 tions as specified in sec. 323(b) of this chapter.

17 (c) Before the regional boards specified in sec. 322(a)(1) and  
18 (a)(3) - (12) of this chapter are in operation, the master board may  
19 promulgate regulations dealing with any subject authorized in sec.  
20 323(a)(1) - (4) of this chapter for the areas covered by the regional  
21 boards.

22 Sec. 16.05.255. QUORUM AND CHAIRMAN. (a) Seven members consti-  
23 tute a quorum; however, a majority vote of the full board membership  
24 is required to pass substantive measures.

25 (b) The board shall elect one member of the board as the chairman  
26 and he shall serve as a chairman of the board at the pleasure of the  
27 board.

28 Sec. 16.05.275. MEETINGS. The master board shall meet at least  
29 once a year. Meetings may be called by the chairman by a majority of

1 the members of the board. The board shall determine the time and place  
2 of meetings, but the master board, in conjunction with all established  
3 regional boards, shall establish a meeting schedule to insure that a  
4 maximum of coordination exists in the promulgation of regional board  
5 regulations so that the master board can fully and timely consider all  
6 regional board regulations before their publication under AS 44.62.190.

7 Sec. 16.05.285. LEGAL ASSISTANCE. The Department of Law shall  
8 provide all legal services for the master board and the regional boards,  
9 unless otherwise provided by law.

10 ARTICLE 2-A. REGIONAL BOARDS AND ADVISORY COMMITTEES.

11 Sec. 16.05.322. CREATION OF REGIONAL BOARDS AND ADVISORY COMMIT-  
12 TEES. (a) There are created 12 regional boards of fish and game in  
13 the state, one for each of the following areas:

- 14 (1) Alaska Peninsula - Aleutian,
- 15 (2) Anchorage - Susitna Basin,
- 16 (3) Arctic,
- 17 (4) Bristol Bay,
- 18 (5) Cook Inlet - Kenai Peninsula,
- 19 (6) Interior,
- 20 (7) Kodiak,
- 21 (8) Kuskokwim,
- 22 (9) Norton Sound - Seward Peninsula - Kotzebue Sound,
- 23 (10) Prince William Sound - Copper River Basin,
- 24 (11) Southeastern,
- 25 (12) Yukon.

26 (b) After 15 days of statewide public notice, the department shall  
27 hold at least one public hearing in the major population center of  
28 each of the regions specified in (a) of this section. Within 30 days  
29 after the hearings have been concluded, the boundaries of the regional

1 boards shall be established by the department, based on a consideration  
2 of fish and game areas, geographic areas, and other resource considera-  
3 tions.

4 (c) The department shall divide the total area established for  
5 each regional board into five areas, with as nearly equal representa-  
6 tion as possible based on a consideration of fish and game areas, geo-  
7 graphic areas, and other resource considerations. An advisory  
8 committee may be established and organized by interested residents of  
9 the area for each of the five areas within a regional board's jurisdic-  
10 tion. Each advisory committee at its initial organizational meeting  
11 shall elect a steering committee consisting of three members, one of  
12 whom shall be designated chairman. The department shall give public  
13 notice of the initial organizational meeting at least two weeks before  
14 the date of the meeting. Public notice of subsequent meetings shall be  
15 given by the chairman of the local advisory committees. All residents  
16 of an area qualified to vote under AS 15.05.010 in attendance shall have  
17 voting privileges at their respective local area advisory committee  
18 meetings. The chairman may require satisfactory proof of area residency  
19 before a person may exercise his voting privileges. In the case of  
20 competing or conflicting advisory committees within one area the master  
21 board shall attempt to achieve a voluntary consolidation of the groups  
22 into one group. If a consolidation cannot be achieved, the master  
23 board shall designate the official advisory committee for the area.  
24 Recommendations for regulations from the advisory committees shall be  
25 forwarded to the regional board having jurisdiction over the area for  
26 its consideration. The commissioner may delegate authority to advisory  
27 committees for emergency closures during established seasons. The  
28 commissioner may countermand and make null and void any authority  
29 delegated or order issued under this subsection. The master board shall

1 establish the necessary rules governing such closures.

2 Sec. 16.05.323. REGIONAL BOARD REGULATIONS. (a) Subject to (b)  
3 of this section and the period of inoperation specified by sec. 10 of  
4 this Act, a regional board may make rules and regulations it considers  
5 advisable for the area it represents in accordance with the Administra-  
6 tive Procedure Act (AS 44.62) for

7 (1) establishment of open and closed seasons and areas for  
8 fish and game;

9 (2) establishment of the means and methods employed in the  
10 pursuit, capture, and transport of fish and game;

11 (3) setting quotas and bag limits on the taking of fish and  
12 game;

13 (4) establishing seasons, areas, quotas, and methods of  
14 harvest for aquatic plants.

15 (b) A regulation promulgated under (a) of this section may be  
16 vetoed by the master board if, in the view of a majority of the members  
17 of the master board, compelling conservation reasons, as documented by  
18 the department or broad public interest, clearly establish the necessity  
19 of veto action.

20 (c) No regional board may make regulations under (a)(1) - (3) of  
21 this section governing the taking of game on state game refuges,  
22 sanctuaries, or critical habitat areas.

23 Sec. 16.05.324. REGIONAL BOARD MEMBERSHIP. (a) A regional board  
24 shall consist of five members. Within the boundaries of the areas  
25 designated by the department in sec. 322(c) of this chapter, each  
26 local advisory committee established under sec. 322(c) of this chapter  
27 shall elect one of its members for that area to serve on the regional  
28 board.

29 (b) If less than five local advisory committees exist in an area

1 designated by the department in sec. 322(c) of this chapter, the  
2 remaining regional board members shall be elected by the committees  
3 that do exist, and the members may be elected from among the committee  
4 members or from among noncommittee members. The commissioner shall  
5 establish an equitable election procedure to achieve this purpose.

6 (c) The term of office for members of a regional board is two  
7 years. Initial terms shall be as follows: three members for two years  
8 and two members for one year. If a vacancy occurs, the advisory  
9 committee shall fill it by election of a new member for the unexpired  
10 term. The initial determination of which members shall serve for three  
11 years and which shall serve for two years shall be made by the advisory  
12 committees within the region drawing lots.

13 Sec. 16.05.325. COMPENSATION AND MEETINGS OF REGIONAL BOARD  
14 MEMBERS. (a) Each member of a regional board is entitled to travel  
15 expenses allowed by law for going to and from two regional board  
16 meetings a year in a community within its area as created in sec. 322(c)  
17 of this chapter. Per diem is allowed for each day in actual attendance  
18 at a regional board meeting, but no per diem is allowed for more than  
19 eight days a year.

20 (b) A regional board shall hold at least two meetings a year in  
21 conformity with the schedule established in sec. 275 of this chapter.

22 Sec. 16.05.326. ATTENDANCE OF REGIONAL BOARD MEMBERS AT MASTER  
23 BOARD MEETINGS. One member of each regional board is entitled to  
24 travel expenses and per diem for each day of travel to and attendance  
25 at each master board meeting.

26 Sec. 16.05.327. CONFLICT BETWEEN BOARDS. If there is a conflict  
27 between regional boards on proposed regulations, the conflict shall be  
28 submitted to the master board which shall make the final decision.

29 Sec. 16.05.328. QUORUM AND CHAIRMAN. (a) Two members of a

1 regional board constitute a quorum; however, a majority vote of a  
2 full regional board membership is required to pass substantive measures.

3 (b) A regional board shall elect one member of the regional board  
4 as the chairman and he shall serve as a chairman of the regional board  
5 at the pleasure of the regional board.

6 \* Sec. 3. AS 16.05.070 is amended to read:

7 Sec. 16.05.070. RULES AND REGULATIONS AS EVIDENCE. Rules and  
8 regulations promulgated under this chapter [OF THE BOARD AND OF THE  
9 COMMISSIONER], including emergency openings and closures, are admissible  
10 as evidence in the courts of the state in accordance with the Adminis-  
11 trative Procedure Act (AS 44.62).

12 \* Sec. 4. AS 16.05.270 is amended to read:

13 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For  
14 the purpose of administering sec. 253 [SECS. 250 AND 260] of this  
15 chapter, the board may delegate authority to the commissioner to act in  
16 its behalf. For the purpose of administering sec. 323(a) of this  
17 chapter, a regional board may delegate authority to the commissioner  
18 to act in its behalf. [IF THERE IS A CONFLICT BETWEEN THE BOARD AND  
19 THE COMMISSIONER ON PROPOSED RULES AND REGULATIONS, PUBLIC HEARINGS  
20 SHALL BE HELD CONCERNING THE ISSUES IN QUESTION. IF, AFTER THE PUBLIC  
21 HEARINGS, THE BOARD AND THE COMMISSIONER CONTINUE TO DISAGREE, THE ISSUE  
22 SHALL BE CERTIFIED IN WRITING BY THE BOARD AND THE COMMISSIONER TO THE  
23 GOVERNOR WHO SHALL MAKE A DECISION. THE DECISION OF THE GOVERNOR IS  
24 FINAL.]

25 \* Sec. 5. AS 16.05.280 is amended to read:

26 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may remove  
27 a master board member or a regional board member for inefficiency,  
28 neglect of duty, or misconduct in office by delivering to him a written  
29 copy of the charges and giving him an opportunity to be heard in person

1 or through counsel at a public hearing before the governor or his  
2 designee upon at least 10 days' notice by registered mail. The member  
3 has the right to confrontation by and cross-examination of all wit-  
4 nesses against him. Upon removal, the governor or his designee shall  
5 file a complete statement of all charges made against the member and the  
6 findings in the proper state office.

7 \* Sec. 6. 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 fish  
11 or game, contrary to law or rule or regulation of a regional [THE]  
12 board [OR THE COMMISSIONER], is a public nuisance and is subject to  
13 abatement.

14 \* Sec. 7. AS 16.05.940(1) is amended to read:

15 (1) "board" or "Board of Fish and Game" means the Master  
16 Board of Fish and Game unless otherwise specified;

17 \* Sec. 8. AS 16.05.220, 16.05.230, 16.05.250 - 16.05.260, 16.05.290 -  
18 16.05.320; and AS 39.05.060(5) are repealed.

19 \* Sec. 9. A regulation promulgated by the Board of Fish and Game under  
20 AS 16.05.250 in effect before the effective date of this Act remains in  
21 effect after the effective date of this Act until revoked or modified by the  
22 master board, in the case of regulations promulgated under AS 16.05.253, or  
23 until revoked or modified by a regional board, in the case of regulations  
24 promulgated under AS 16.05.323. However, the master board may revoke or  
25 modify regulations as authorized in AS 16.05.253(c).

26 \* Sec. 10. AS 16.05.322(a)(1) and (3) - (12) take effect July 1, 1974,  
27 insofar as the operation of regional boards in those areas, and AS 16.05.-  
28 322(a)(2) and (b) and all other provisions of this Act take effect July 1,  
29 1973.