

Introduced: 1/19/76
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS SENATE BILL NO. 527 *am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the efficient administration of
7 fish and game."

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

9 * Section 1. AS 16.05.050(1) is amended to read:

10 (1) assist the United States Fish and Wildlife Service, the
11 National Marine Fisheries Service, and any other federal agency in the
12 enforcement of federal laws and regulations pertaining to fish and
13 game;

14 * Sec. 2. AS 16.05.050(5) is amended to read:

15 (5) collect, classify, and disseminate statistics, data and
16 information as in his discretion will tend to promote the objects of
17 this title [CHAPTER];

18 * Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

19 (12) initiate or perform such research as may be necessary
20 or advisable for the protection, conservation, and management of the
21 fish and game resources of the state;

22 (13) employ substances, procedures, and techniques where
23 necessary to control or eradicate diseases of fish or game (including
24 quarantine and sterilization of facilities and equipment), and to
25 reduce predation or competition among fish or game;

26 (14) enter into cooperative agreements with agencies of the
27 federal government, educational institutions, or other agencies or
28 organizations where in the public interest, except that where coopera-
29 tive agreements with the federal government require assent to the

1 applicability of federal laws or regulations in the state, that assent
2 shall be undertaken by the appropriate board;

3 (15) any other powers necessary to implement the responsi-
4 bilities of the commissioner set forth in sec. 20 of this chapter.

5 * Sec. 4. AS 16.05.060 is amended to read:

6 Sec. 16.05.060. EMERGENCY POWERS OF THE COMMISSIONER [OPENINGS
7 AND CLOSURES]. This chapter does not limit the power of the commis-
8 sioner or his authorized designee, when necessary for the protection
9 of fish and game or the promotion of the general welfare [WHEN CIRCUM-
10 STANCES REQUIRE], to summarily (1) open or close seasons or areas
11 (wholly or partially), [OR TO] (2) change weekly closed periods on
12 fish or game, or (3) change quotas, bag limits, or harvest levels on
13 fish or game, by means of emergency orders. The commissioner may also
14 implement regulations of the Boards of Fisheries and Game by emergency
15 order where authorized by the board. An emergency order has the force
16 and effect of law after field announcement by the commissioner or his
17 authorized designee. An emergency order adopted under this section is
18 not subject to the Administrative Procedure Act (AS 44.62), and need
19 not be published in the Alaska Administrative Code. An emergency
20 order must contain a description of and a justification for the action
21 undertaken, the effective date, the text of amended regulations, and
22 the signature of the commissioner or his authorized designee. Field
23 announcement must be made before the time of effectiveness in a manner
24 calculated to reach interested persons, such as by publication,
25 telegraph, broadcast, distribution, posting or other effective means.
26 A copy of the emergency order must be deposited in the lieutenant
27 governor's office within 20 days after the effective date of the
28 emergency order. The commissioner's announcements, where authorized
29 by a board, shall be promulgated in a manner identical to that required

1 for emergency orders.

2 * Sec. 5. AS 16.05.065 is amended by adding a new subsection to read:

3 (d) As used in this section, "excusable neglect" does not
4 include unfamiliarity with or ignorance of applicable laws and regu-
5 lations. In order to show excusable neglect, a person must have
6 demonstrated an intent to harvest fish or game prior to the licensing
7 or registration deadline.

8 * Sec. 6. AS 16.05.070 is amended to read:

9 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the
10 boards of fisheries and game, emergency orders, regulations, and
11 announcements of the commissioner, and reports required by sec. 690 of
12 this chapter [AND OF THE COMMISSIONER, INCLUDING EMERGENCY OPENINGS
13 AND CLOSURES,] are admissible as evidence in the courts of the state
14 in accordance with the Administrative Procedure Act (AS 44.62).

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

16 Sec. 16.05.125. LOANS TO FISH AND GAME FUND. (a) When a
17 temporary cash deficiency in the Fish and Game Fund results from dis-
18 bursement of funds in advance of reimbursement, the commissioner of
19 administration may temporarily transfer money from the general fund to
20 the Fish and Game Fund. Such temporary transfers shall be contingent
21 upon certification by the commissioner of fish and game to the com-
22 missioner of administration that valid unpaid claims equivalent to the
23 amount of the temporary loan have been processed for reimbursement to
24 the Fish and Game Fund.

25 (b) Money transferred from the general fund under (a) of this
26 section shall be immediately returned to the general fund as soon as
27 sufficient license fee receipts or other reimbursements have been
28 deposited in the Fish and Game Fund.

29 * Sec. 8. AS 16.05.160 is amended to read:

1 Sec. 16.05.160. DUTY TO ARREST. Each person designated in sec.
2 150 of this chapter shall arrest a person violating this title
3 [CHAPTER], or any rule or regulation made under this title [CHAPTER],
4 in his presence or view, and shall bring [TAKE] the person [IMMEDIATELY]
5 for examination or trial before an officer or court of competent
6 jurisdiction.

7 * Sec. 9. AS 16.05.170 is amended to read:

8 Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each person designated
9 in sec. 150 of this chapter may execute a warrant or other process
10 issued by an officer or court of competent jurisdiction for the
11 enforcement of this title [CHAPTER], and may, with a search warrant,
12 search any place at any time. The judge of a court having jurisdiction
13 may, upon proper oath or affirmation showing probable cause, issue a
14 warrant in all cases.

15 * Sec. 10. AS 16.05.241 is amended to read:

16 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-
17 making powers as set out in this title [CHAPTER], but do not have
18 administrative, budgeting or fiscal powers. Regulations of the boards
19 shall not apply to the commissioner or employees of the department
20 where performing official duties authorized by this title.

21 * Sec. 11. AS 16.05.251(3) is amended to read:

22 (3) setting quotas, [AND] bag limits, harvest levels, sex
23 and size limitations on the taking of fish;

24 * Sec. 12. AS 16.05.251(7) is amended to read:

25 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and
26 habitat protection [IMPROVEMENT], fish management, conservation,
27 protection, disposition, and propagation in the interest of the economy
28 or general welfare of the state [AND STOCKING];

29 * Sec. 13. AS 16.05.251(8) is amended to read:

1 (8) establishing methods, means and harvest levels where
2 necessary to control predation and competition among fish in the state
3 [INVESTIGATING AND DETERMINING THE EXTENT AND EFFECT OF PREDATION AND
4 COMPETITION AMONG FISH IN THE STATE, EXERCISING CONTROL MEASURES
5 CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE];

6 * Sec. 14. AS 16.05.251(9) is amended to read:

7 (9) assent to the applicability of federal regulations
8 where necessary to effectuate cooperative agreements or other arrange-
9 ments with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS
10 WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO
11 PROMOTE FISH RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO
12 TRAIN MEN FOR FISH MANAGEMENT];

13 * Sec. 15. AS 16.05.251 is amended by adding new paragraphs to read:

14 (13) where necessary for the conservation and protection of
15 fish resources and the preservation of the public welfare, impose
16 limitations on the utilization and disposition of fish;

17 (14) improve or facilitate conservation and protection of
18 fish, and impose limitations on routes of access or modes of trans-
19 portation in areas of the state; and

20 (15) authorize the commissioner to carry out a regulatory
21 program under terms and conditions prescribed by the commissioner.

22 * Sec. 16. AS 16.05.255(4) is amended to read:

23 (4) setting quotas, [AND] bag limits, harvest levels, sex,
24 age and size limitations on the taking of game;

25 * Sec. 17. AS 16.05.255(6) is amended to read:

26 (6) establishing methods and harvest levels necessary to
27 control predation and competition among game in the state, authorizing
28 the payment of bounties in game management units or parts of them,
29 specifying the amounts of bounties, and prescribing procedures for

1 the collection of bounties [INVESTIGATING AND DETERMINING THE EXTENT
2 AND EFFECT OF PREDATION AND COMPETITION AMONG GAME IN THE STATE,
3 EXERCISING CONTROL MEASURES CONSIDERED NECESSARY TO THE RESOURCES OF
4 THE STATE AND DESIGNATING GAME MANAGEMENT UNITS OR PARTS OF GAME
5 MANAGEMENT UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS SHALL BE
6 PAID];

7 * Sec. 18. AS 16.05.255(7) is amended to read:

8 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and
9 habitat protection [IMPROVEMENT], and game management, conservation,
10 protection, disposition, and propagation in the interest of the
11 economy or general welfare of the state [AND STOCKING];

12 * Sec. 19. AS 16.05.255(8) is amended to read:

13 (8) assent to the applicability of federal regulations
14 where necessary to effectuate cooperative agreements or other arrange-
15 ments with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS
16 WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO
17 PROMOTE GAME RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO
18 TRAIN MEN FOR GAME MANAGEMENT];

19 * Sec. 20. AS 16.05.255 is amended by adding new paragraphs to read:

20 (11) where necessary for the conservation and protection of
21 game resources and the preservation of the public welfare, impose
22 limitations on the utilization and disposition of game;

23 (12) improve or facilitate conservation and protection of
24 game, and impose limitations on routes of access or modes of trans-
25 portation in areas of the state; and

26 (13) authorize the commissioner to carry out a regulatory
27 program under terms and conditions prescribed by the commissioner.

28 * Sec. 21. AS 16.05.270 is repealed and re-enacted to read:

29 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. (a)

1 For the purpose of administering the powers given it by this title, a
2 board may delegate authority to the commissioner to act on its behalf.
3 The commissioner may obtain a delegation from a board by polling the
4 members of the board by telephone or by mail if a meeting of the board
5 in one location would be impractical or unnecessary.

6 (b) A delegation of authority under (a) of this section is not
7 required for the commissioner to adopt, in accordance with the Admini-
8 strative Procedure Act (AS 44.62), regulations of a technical nature
9 designed to correct existing regulations of a board which are incom-
10 plete, unclear, or inconsistent. These regulations shall be consistent
11 with all expressions of board intent.

12 (c) A delegation of authority under (a) of this section is not
13 required for the commissioner to adopt regulations in accordance with
14 the Administrative Procedure Act (AS 44.62) when they are immediately
15 necessary to protect the fish or game resources of the state. These
16 regulations shall, to the fullest extent possible, be consistent with
17 all expressions of board intent. The commissioner may utilize the
18 powers in this subsection only if he is unable to contact a quorum of
19 board members to obtain a delegation of authority under (a) of this
20 section within the time available.

21 (d) With respect to matters affecting the responsibilities of
22 both boards, delegations of authority may be obtained in the manner
23 prescribed in this section, except that all procedures and requirements
24 shall be carried out in conjunction with both boards.

25 * Sec. 22. AS 16.05.290 is amended to read:

26 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
27 a board is entitled to travel expenses and \$100 per diem for each day
28 going to and from and for each day in actual attendance at board
29 meetings and other activities [MEETINGS] or conferences authorized by

1 a board.

2 * Sec. 23. AS 16.05.330(b) is amended to read:

3 (b) In obtaining the appropriate license or tag in (a) of this
4 section it shall be incumbent on the applicant, if he asserts residency
5 in the state, to provide the license vendor with whatever proof of
6 residence may be required by the commissioner [THE PROOF OF HIS RESI-
7 DENCE WHICH THE DEPARTMENT REQUIRES BY REGULATION].

8 * Sec. 24. AS 16.05.400(b) is amended to read:

9 (b) A sport fishing, hunting or trapping license is not required
10 of a resident who is 60 years of age or more and has been a resident
11 for 30 consecutive years or more, as long as he remains a resident.
12 The department shall issue an identification card to persons who apply
13 for and receive an exemption under this subsection. Any person
14 receiving an exemption shall be required to have the identification
15 card in actual possession while engaged in fishing, hunting, or
16 trapping.

17 * Sec. 25. AS 16.05.510 is amended to read:

18 Sec. 16.05.510. UNLICENSED VESSEL UNLAWFUL. Operation without
19 a vessel license of any vessel to which secs. 490 - 530 of this chapter
20 apply is unlawful, whether the absence of a vessel license results
21 from initial failure to purchase, [OR] from revocation by the commis-
22 sioner of fish and game or from failure to have the license in the
23 actual possession of the licensee.

24 * Sec. 26. AS 16.05.680 is amended to read:

25 Sec. 16.05.680. UNLAWFUL PURCHASES. (a) It is unlawful for a
26 person, his agent, or his representative

27 (1) to have in his employ a fisherman who does not possess
28 proper licenses [IS NOT LICENSED UNDER SEC. 480 OF THIS CHAPTER],

29 (2) to purchase fish from a fisherman who does not possess

1 proper licenses [IS NOT SO LICENSED, IF THE FISHERMAN IS NOT EXEMPT
2 UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT OF SEC.
3 480 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PURCHASE], or

4 (3) to purchase fish from an association which is not
5 exempt under sec. 662 of this chapter.

6 (b) As used in this section, "proper licenses" means limited
7 entry permits, interim use permits, and vessel, gear, and personal
8 commercial fishing licenses to the extent they are required by this
9 title.

10 * Sec. 27. AS 16.05.685(c)(2) is amended to read:

11 (2) "registration area" means a specific king crab registra-
12 tion area as designated by regulation of the Board of Fisheries [AND
13 INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN ISLANDS
14 KING CRAB AREA].

15 * Sec. 28. AS 16.05.810 is amended to read:

16 Sec. 16.05.810. BURDEN OF PROOF. (a) The possession of fish or
17 game or a part of fish or game, or a nest or egg of a bird during the
18 time the taking of it is prohibited is prima facie evidence that it
19 was taken, possessed, bought, or sold or transported in violation of
20 this chapter. The burden of proof is upon the possessor or claimant
21 of it to overcome the presumption of illegal possession and to estab-
22 lish the fact that it was obtained and is possessed lawfully. This
23 section does not apply

24 (1) during the first full 10 days after the time when a
25 taking is prohibited, except as provided in (3) of this section,

26 (2) if the fish or game or part of fish or game is in a
27 preserved condition whether frozen, smoked, canned, salted, pickled or
28 otherwise preserved, or

29 (3) with respect to crab aboard a commercial crab fishing

1 vessel, during the first full three days after the time when a taking
2 is prohibited.

3 (b) Nothing in this section authorizes possession of fish or
4 game when possession is prohibited by applicable law or regulation.

5 * Sec. 29. AS 16.05.815 is amended to read:

6 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS. Reports
7 required by regulations of the department concerning the landings of
8 fish, shellfish or fishery products, and annual statistical reports of
9 buyers and processors required by regulation of the department are
10 confidential. They may be released [AND SHALL NOT BE RELEASED IN THE
11 FORM OF INDIVIDUAL RECORDS BY THE DEPARTMENT EXCEPT] to the Department
12 of Revenue, [AND TO] the Commercial Fisheries Entry Commission, and
13 the Department of Public Safety. They may not be released in the form
14 of individual records by the agencies mentioned in this section to
15 other agencies or to the public except [OR] in conformity with a court
16 order.

17 * Sec. 30. AS 16.05.820 is amended to read:

18 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secre-
19 tary of the Interior, the Secretary of Commerce or the Secretary of
20 Agriculture of the United States and their authorized agents or other
21 appropriate federal agencies may conduct fish cultural operations and
22 scientific investigations in the state in the manner and at the times
23 jointly considered necessary or proper by the commissioner [BOARD] and
24 the secretary and their authorized agents.

25 * Sec. 31. AS 16.05.831(a) is amended to read:

26 (a) It is unlawful for a person to waste salmon intentionally,
27 knowingly, or with reckless disregard for the consequences. In this
28 section, "waste" means the failure to utilize the majority of the
29 carcass, excluding viscera and sex parts, of any salmon for [WHICH ARE

1 TO BE]

- 2 (1) sale [SOLD] to a commercial buyer or processor;
- 3 (2) [UTILIZED FOR] consumption by humans or domesticated
- 4 animals; or
- 5 (3) [UTILIZED FOR] scientific, educational, or display
- 6 purposes.

7 * Sec. 32. AS 16.05.920 is amended to read:

8 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permitted

9 by this title [CHAPTER] or by regulation made under this title [CHAPTER],

10 it is unlawful for a person to take, possess, transport, sell, offer

11 to sell, purchase, or offer to purchase fish, game or marine aquatic

12 plants, or any part of fish, game or aquatic plants, or a nest or egg

13 of fish or game.

14 (b) No person may knowingly disturb, injure, or destroy a notice,

15 signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia,

16 equipment, building or other improvement or property of the department

17 used in the administration or enforcement of this title [CHAPTER], or

18 a poster or notice to the public concerning the provisions of this

19 title [CHAPTER], or regulation adopted under this title [CHAPTER], or

20 a marker indicating the boundary of an area closed to hunting, trapping,

21 fishing or other special use under this title [CHAPTER]. No person

22 may knowingly destroy, remove, tamper with, or imitate a seal or tag

23 issued or used by the department or attached under its authority to a

24 skin, portion, or specimen of fish or game, or other article for the

25 purpose of identification or authentication in accordance with this

26 title [CHAPTER] or a regulation adopted under this title [CHAPTER].

27 * Sec. 33. AS 16.05.940 is amended to read:

28 Sec. 16.05.940. DEFINITIONS. In this title [CHAPTER]

- 29 (1) "a board" means either the Board of Fisheries or the

1 Board of Game;

2 (2) "commercial fisherman" means an individual who fishes
3 commercially for, takes, or attempts to take fish, shellfish, or other
4 fishery resources of the state by any means, and includes every
5 individual aboard a boat operated for fishing purposes who participates
6 directly or indirectly in the taking of these raw fishery products,
7 whether participation is on shares or as an employee or otherwise;
8 however, this definition does not apply to anyone aboard a licensed
9 vessel as a visitor or guest who does not directly or indirectly
10 participate in the taking, or to the spouse of a commercial fisherman
11 who does not receive income separate and distinct from that of the
12 commercial fisherman spouse as a result of the spouse's participation;
13 and the term "commercial fisherman" includes the crews of tenders or
14 other floating craft used in transporting fish;

15 (3) "commercial fishing" means the taking, fishing for, or
16 possession of fish, shellfish, or other fishery resources with the
17 intent of disposing of them for profit, or by sale, barter, trade, or
18 in commercial channels; the failure to have a valid subsistence
19 permit in possession, if required by statute or regulation, is con-
20 sidered prima facie evidence of commercial fishing if commercial
21 fishing gear as specified by regulation is involved in the taking,
22 fishing for, or possession of fish, shellfish or other fish resources;

23 (4) "commissioner" means the commissioner of fish and game
24 unless specifically provided otherwise;

25 (5) "department" means the Department of Fish and Game
26 unless specifically provided otherwise;

27 (6) "fish" means any species of aquatic fin fish, inverte-
28 brates and amphibians, in any stage of their life cycle, found in or
29 introduced into the state or any part of a fish, invertebrate or

1 amphibian;

2 (7) "fish or game farming" means the business of propa-
3 gating, breeding, raising, or producing fish or game in captivity for
4 the purpose of marketing the fish or game or their products, and "cap-
5 tivity" means having the fish or game under positive control, as in a
6 pen, pond, or an area of land or water which is completely enclosed by
7 a generally escape-proof barrier;

8 (8) "fur dealing" means engaging in the business of buying,
9 selling, or trading in animal skins. The term does not apply to a
10 hunter or trapper selling the animal skins he has legally taken, or to
11 a person, other than a fur dealer, purchasing animal skins for his own
12 use;

13 (9) "game" means any species of bird and mammal, including
14 a feral domestic animal, found or introduced in the state, except
15 domestic birds and mammals; and game may be classified by regulation
16 as big game, small game, fur bearers or other categories considered
17 essential for carrying out the intention and purposes of this chapter;

18 (10) Repealed by sec. 2 ch 32 SLA 1968;

19 (11) "hunting" means the taking of game under this chapter
20 and the rules and regulations promulgated under it;

21 (12) "nonresident" means a person who is not a resident;

22 (13) "operator" means the individual by law made responsi-
23 ble for the operation of the vessel;

24 (14) "resident" means a person who for the preceding 12
25 consecutive months has maintained his or her [A] permanent and principal
26 place of abode in the state [AND WHO HAS CONTINUALLY MAINTAINED HIS
27 VOTING RESIDENCE IN THE STATE]; and in the case of a partnership,
28 association, joint stock company, trust, or corporation, "resident"
29 means one that has its main office or headquarters in the state;

1 however, a member of the military service who has been stationed in
2 the state for the preceding 12 consecutive months is a resident for
3 the purposes of this title [CHAPTER], and the dependent of a resident
4 member of the military service, who has maintained his or her permanent
5 and principal place of abode [BEEN LIVING] in the state for the pre-
6 ceding 12 consecutive months [YEAR] is a resident for the purposes of
7 this title [CHAPTER], and a person who is an alien but who for the
8 preceding 12 consecutive months [ONE YEAR] has maintained his or her
9 [A] permanent and principal place of abode in the state is a resident
10 for the purposes of this title [CHAPTER];

11 (15) "seizure" means the actual or constructive taking or
12 possession of real or personal property subject to seizure under this
13 chapter by an enforcement or investigative officer charged with
14 enforcement of the fish and game laws of the state;

15 (16) "sport fishing" means the taking of or attempting to
16 take for personal use, and not for sale or barter, any fresh water,
17 marine, or anadromous fish by hook and line held in the hand, or by
18 hook and line with the line attached to a pole or rod which is held in
19 the hand or closely attended, or by other means defined by the Board
20 of Fisheries;

21 (17) "subsistence fishing" means the taking, fishing for,
22 or possession of fish, shellfish, or other fishery resources for
23 personal use and not for sale or barter, with gill net, seine, fish
24 wheel, long line, or other means defined by the Board of Fisheries;

25 (18) "take" means taking, pursuing, hunting, fishing,
26 trapping, or in any manner disturbing, capturing, or killing or
27 attempting to take, pursue, hunt, fish, trap, or in any manner capture
28 or kill fish or game;

29 (19) "taxidermy" means tanning, mounting, processing, or

1 other treatment or preparation of fish or game, or any part of fish or
2 game, as a trophy, for monetary gain, including the receiving of the
3 fish or game or parts of fish or game for such purposes;

4 (20) "trapping" means the taking of mammals declared by
5 regulation to be fur bearers;

6 (21) "vessel" means a floating craft powered, towed,
7 rowed, or otherwise propelled, which is used for delivering, landing,
8 or taking fish within the jurisdiction of the state;

9 (22) "visitor" means a nonresident or alien temporarily
10 sojourning in the state as a visitor or tourist;

11 (23) "aquatic plant" means any species of plant, excluding
12 the rushes, sedges and true grasses, growing in a marine aquatic or
13 intertidal habitat;

14 (24) "fish derby" means a contest in which prizes are
15 awarded for catching fish;

16 (25) "fishing derby association" means a civic, service or
17 charitable organization in the state, not for pecuniary profit, whose
18 primary purpose is to promote interest in fishing for recreational
19 purposes and which has been in existence for five years before applying
20 for a permit under this chapter, but does not include an organization
21 formed or operated for gaming or gambling purposes.

22 * Sec. 34. AS 16.10.280 is amended to read:

23 Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH
24 PROCESSORS. In an area where a price dispute exists between at least
25 one-third of the registered commercial fishermen for that area, as
26 estimated [CERTIFIED] by the Department of Fish and Game, on the basis
27 of information available, and fish processors on the price to be paid
28 for salmon, and no agreement has been reached up to 30 days before the
29 opening of the salmon fishing season in that area, a representative

1 from the Department of Labor shall intervene as mediator of the dispute
2 upon request of either party.

3 * Sec. 35. AS 16.10.450 is amended to read:

4 Sec. 16.10.450. SALE OF SALMON AND SALMON EGGS BY HATCHERY. A
5 hatchery operator who sells salmon returning from the natural waters
6 of the state, or sells salmon eggs to another hatchery operator under
7 secs. 400 -- 470 of this chapter, after utilizing the funds for
8 reasonable operating costs, including debt retirement, or expanding
9 its facilities, shall expend the remaining funds on fisheries research,
10 salmon rehabilitation projects, or other fisheries activities as may
11 be approved by the department. Fish sold by hatcheries for human
12 consumption shall be, to the extent possible, of comparable quality to
13 fish harvested by commercial fisheries in the area, and shall be sold,
14 to the extent possible, at prices commensurate with the current market.

15 * Sec. 36. AS 16.20 is amended by adding a new section to read:

16 Sec. 16.20.175. PENALTY. (a) A person who fails to notify the
17 commissioner when required by sec. 50 of this chapter, or who fails to
18 provide necessary information to the commissioner when required by
19 sec. 60 of this chapter, or who fails to receive the approval of the
20 commissioner when required by sec. 60 of this chapter, or who deviates
21 materially from plans and specifications approved by the commissioner
22 under sec. 60 of this chapter without first notifying and receiving
23 the approval of the commissioner, is guilty of a misdemeanor and, upon
24 conviction, is punishable by a fine of not more than \$5,000, or by
25 imprisonment for not more than six months, or by both.

26 (b) A person who violates limitations imposed by the commis-
27 sioner of fish and game and the commissioner of natural resources
28 under secs. 130 and 170 of this chapter is guilty of a misdemeanor
29 and, upon conviction, is punishable by a fine of not more than \$5,000,

1 or by imprisonment for not more than six months, or by both.

2 * Sec. 37. AS 16.20.260 is amended to read:

3 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When
4 the commissioner considers it advisable [A BOARD SO DETERMINES], he
5 [IT] shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment,
6 [TO] require the person or governmental agency to submit full plans
7 for the anticipated use, full plans and specifications of proposed
8 construction work, complete plans and specifications for the proper
9 protection of fish and game, and the approximate date when the con-
10 struction or work is to commence, and shall require the person or
11 governmental agency to obtain the written approval of the commissioner
12 as to the sufficiency of the plans or specifications before construc-
13 tion is commenced.

14 * Sec. 38. AS 16.20 is amended by adding new sections to read:

15 Sec. 16.20.265. PENALTY. A person who fails to notify the
16 commissioner when required by sec. 250 of this chapter, or who fails
17 to provide necessary information to the commissioner when required by
18 sec. 260 of this chapter, or who fails to receive the approval of the
19 commissioner when required by sec. 260 of this chapter, or who deviates
20 materially from plans and specifications approved by the commissioner
21 under sec. 260 of this chapter without first notifying and receiving
22 the approval of the commissioner, is guilty of a misdemeanor and, upon
23 conviction, is punishable by a fine of not more than \$5,000, or by
24 imprisonment for not more than six months, or by both.

25 Sec. 16.20.300. PENALTY. A person who violates any regulation
26 adopted by a board under this chapter is guilty of a misdemeanor and,
27 upon conviction, is punishable by a fine of not more than \$5,000, or
28 by imprisonment for not more than six months, or by both.

29 * Sec. 39. AS 16.35.200 is amended to read:

1 Sec. 16.35.200. USE OF POISON BY DEPARTMENTS AND OTHER STATE
2 AGENCIES. No person or state agency [DEPARTMENT, OTHER STATE AGENCY
3 OR PERSON] may use poison for the purpose of killing [TO KILL PREDA-
4 TORY] animals without first obtaining the written consent of the
5 commissioner [APPROPRIATE BOARD]. This section does not apply to
6 poisons deployed within buildings or to kill rats or mice at dumps or
7 landfills operating in compliance with municipal law.

8 * Sec. 40. AS 16.05.210, 16.05.280, 16.05.450(c), 16.15 and 16.35.010

9 -- 16.35.080 are repealed.