

Original Sponsor: Rules Committee by
request of the Governor

Offered: 5/13/76
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 527

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17 and need not be published in the Alaska Administrative Code.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

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

29 (d) As used in this section, "excusable neglect" does not

1 include unfamiliarity with or ignorance of applicable laws and regu-
2 lations. In order to show excusable neglect, a person must have
3 demonstrated an intent to harvest fish or game prior to the licensing
4 or registration deadline.

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

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

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

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

22 (b) Money transferred from the general fund under (a) of this
23 section shall be returned to the general fund within 9 months or as soon
24 as sufficient license fee receipts or other reimbursements have been
25 deposited in the Fish and Game Fund, whichever occurs first.

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

27 Sec. 16.05.160. DUTY TO ARREST. Each person designated in sec.
28 150 of this chapter shall arrest a person violating this title
29 [CHAPTER], or any rule or regulation made under this title [CHAPTER],

1 in his presence or view, and shall bring [TAKE] the person [IMMEDIATELY]
2 for examination or trial before an officer or court of competent
3 jurisdiction.

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

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

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

13 Sec. 16.05.241. POWERS EXCLUDED. The boards have regulation-
14 making powers with respect to the general public as set out in this
15 title [CHAPTER], but do not have administrative, budgeting or fiscal
16 powers.

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

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

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

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

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

26 (8) establishing methods, means and harvest levels where
27 necessary to control predation and competition among fish in the state
28 [INVESTIGATING AND DETERMINING THE EXTENT AND EFFECT OF PREDATION AND
29 COMPETITION AMONG FISH IN THE STATE, EXERCISING CONTROL MEASURES CON-

1 SIDERED NECESSARY TO THE RESOURCES OF THE STATE];

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

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

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

10 (13) where necessary for the conservation and protection of
11 fish resources and the preservation of the public welfare, impose
12 limitations on the utilization and disposition of fish;

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

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

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

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

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

22 (6) establishing methods and harvest levels necessary to
23 control predation and competition among game in the state, authorizing
24 the payment of bounties in game management units or parts of them,
25 specifying the amounts of bounties, and prescribing procedures for the
26 collection of bounties [INVESTIGATING AND DETERMINING THE EXTENT AND
27 EFFECT OF PREDATION AND COMPETITION AMONG GAME IN THE STATE, EXERCISING
28 CONTROL MEASURES CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE AND
29 DESIGNATING GAME MANAGEMENT UNITS OR PARTS OF GAME MANAGEMENT UNITS IN

1 WHICH BOUNTIES FOR PREDATORY ANIMALS SHALL BE PAID];

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

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

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

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

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

15 (11) where necessary for the conservation and protection of
16 game resources and the preservation of the public welfare, impose
17 limitations on the utilization and disposition of game;

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

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

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

24 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. (a) For
25 the purpose of administering the powers given it by this title, a board
26 may delegate authority to the commissioner to act on its behalf. The
27 commissioner may obtain a delegation from a board by polling the members
28 of the board by telephone or by mail if a meeting of the board in one
29 location would be impractical or unnecessary.

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

7 (c) With respect to matters affecting the responsibilities of both
8 boards, delegations of authority may be obtained in the manner pre-
9 scribed in this section, except that all procedures and requirements
10 shall be carried out in conjunction with both boards.

11 (d) If there is a conflict between a board and the commissioner on
12 proposed regulations, public hearings shall be held concerning the issues
13 in question. If, after the public hearings, a board and the commissioner
14 continue to disagree, the issue shall be certified in writing by the board
15 and the commissioner to the governor who shall make a decision. The
16 decision of the governor is final.

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

18 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
19 board is entitled to travel expenses and \$100 per diem for each day
20 going to and from and for each day in actual attendance at board meet-
21 ings and other activities [MEETINGS] or conferences authorized by a
22 board.

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

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

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

1 (b) A sport fishing, hunting or trapping license is not required
2 of a resident who is 60 years of age or more and has been a resident for
3 30 consecutive years or more, as long as he remains a resident. The
4 department shall issue an identification card to persons who apply for
5 and receive an exemption under this subsection. Any person receiving an
6 exemption shall be required to have the identification card in actual
7 possession while engaged in fishing, hunting, or trapping.

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

9 Sec. 16.05.510. UNLICENSED VESSEL UNLAWFUL. Operation without a
10 vessel license of any vessel to which secs. 490 - 530 of this chapter
11 apply is unlawful, whether the absence of a vessel license results from
12 initial failure to purchase, [OR] from revocation by the commissioner of
13 fish and game or from failure to have the license in the actual posses-
14 sion of the licensee.

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

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

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

20 (2) to purchase fish from a fisherman who does not possess
21 proper licenses [IS NOT SO LICENSED, IF THE FISHERMAN IS NOT EXEMPT
22 UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT OF SEC. 480
23 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PURCHASE], or

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

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

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

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

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

6 Sec. 16.05.810. BURDEN OF PROOF. (a) The possession of fish or
7 game or a part of fish or game, or a nest or egg of a bird during the
8 time the taking of it is prohibited is prima facie evidence that it was
9 taken, possessed, bought, or sold or transported in violation of this
10 chapter. The burden of proof is upon the possessor or claimant of it to
11 overcome the presumption of illegal possession and to establish the fact
12 that it was obtained and is possessed lawfully. This section does not
13 apply

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

16 (2) if the fish or game or part of fish or game is in a
17 preserved condition whether frozen, smoked, canned, salted, pickled or
18 otherwise preserved, or

19 (3) with respect to crab aboard a commercial crab fishing
20 vessel, during the first full three days after the time when a taking is
21 prohibited.

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

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

25 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS. Reports
26 required by regulations of the department concerning the landings of
27 fish, shellfish or fishery products, and annual statistical reports of
28 buyers and processors required by regulation of the department are
29 confidential. They may be released [AND SHALL NOT BE RELEASED IN THE

1 FORM OF INDIVIDUAL RECORDS BY THE DEPARTMENT EXCEPT] to the Department
2 of Revenue, [AND TO] the Commercial Fisheries Entry Commission, and the
3 Department of Public Safety. They may not be released in the form of
4 individual records by the agencies mentioned in this section to other
5 agencies or to the public except [OR] in conformity with a court order.

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

7 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary
8 of the Interior, the Secretary of Commerce or the Secretary of Agricul-
9 ture of the United States and their authorized agents or other appro-
10 priate federal agencies may conduct fish cultural operations and scien-
11 tific investigations in the state in the manner and at the times jointly
12 considered necessary or proper by the commissioner [BOARD] and the
13 secretary and their authorized agents.

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

15 (a) It is unlawful for a person to waste salmon intentionally,
16 knowingly, or with reckless disregard for the consequences. In this
17 section, "waste" means the failure to utilize the majority of the
18 carcass, excluding viscera and sex parts, of any salmon for [WHICH ARE
19 TO BE]

20 (1) sale [SOLD] to a commercial buyer or processor;

21 (2) [UTILIZED FOR] consumption by humans or domesticated
22 animals; or

23 (3) [UTILIZED FOR] scientific, educational, or display
24 purposes.

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

26 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permitted
27 by this title [CHAPTER] or by regulation made under this title [CHAPTER],
28 it is unlawful for a person to take, possess, transport, sell, offer to
29 sell, purchase, or offer to purchase fish, game or marine aquatic

1 plants, or any part of fish, game or aquatic plants, or a nest or egg of
2 fish or game.

3 (b) No person may knowingly disturb, injure, or destroy a notice,
4 signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia,
5 equipment, building or other improvement or property of the department
6 used in the administration or enforcement of this title [CHAPTER], or a
7 poster or notice to the public concerning the provisions of this title
8 [CHAPTER], or regulation adopted under this title [CHAPTER], or a marker
9 indicating the boundary of an area closed to hunting, trapping, fishing
10 or other special use under this title [CHAPTER]. No person may know-
11 ingly destroy, remove, tamper with, or imitate a seal or tag issued or
12 used by the department or attached under its authority to a skin, por-
13 tion, or specimen of fish or game, or other article for the purpose of
14 identification or authentication in accordance with this title [CHAPTER]
15 or a regulation adopted under this title [CHAPTER].

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

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

18 (1) "a board" means either the Board of Fisheries or the
19 Board of Game;

20 (2) "commercial fisherman" means an individual who fishes
21 commercially for, takes, or attempts to take fish, shellfish, or other
22 fishery resources of the state by any means, and includes every indi-
23 vidual aboard a boat operated for fishing purposes who participates
24 directly or indirectly in the taking of these raw fishery products,
25 whether participation is on shares or as an employee or otherwise;
26 however, this definition does not apply to anyone aboard a licensed
27 vessel as a visitor or guest who does not directly or indirectly parti-
28 cipate in the taking, or to the spouse of a commercial fisherman who
29 does not receive income separate and distinct from that of the commercial

1 fisherman spouse as a result of the spouse's participation; and the term
2 "commercial fisherman" includes the crews of tenders or other floating
3 craft used in transporting fish;

4 (3) "commercial fishing" means the taking, fishing for, or
5 possession of fish, shellfish, or other fishery resources with the
6 intent of disposing of them for profit, or by sale, barter, trade, or in
7 commercial channels; the failure to have a valid subsistence permit in
8 possession, if required by statute or regulation, is considered prima
9 facie evidence of commercial fishing if commercial fishing gear as
10 specified by regulation is involved in the taking, fishing for, or
11 possession of fish, shellfish or other fish resources;

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

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

16 (6) "fish" means any species of aquatic fin fish, inverte-
17 brates and amphibians, in any stage of their life cycle, found in or in-
18 troduced into the state or any part of a fish, invertebrate or amphib-
19 ian;

20 (7) "fish or game farming" means the business of propagating,
21 breeding, raising, or producing fish or game in captivity for the purpose
22 of marketing the fish or game or their products, and "captivity" means
23 having the fish or game under positive control, as in a pen, pond, or an
24 area of land or water which is completely enclosed by a generally
25 escape-proof barrier;

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

1 use;

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

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

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

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

11 (13) "operator" means the individual by law made responsible
12 for the operation of the vessel;

13 (14) "resident" means a person who for the preceding 12
14 consecutive months has maintained his or her [A] permanent and principal
15 place of abode in the state [AND WHO HAS CONTINUALLY MAINTAINED HIS
16 VOTING RESIDENCE IN THE STATE]; and in the case of a partnership,
17 association, joint stock company, trust, or corporation, "resident"
18 means one that has its main office or headquarters in the state; how-
19 ever, a member of the military service who has been stationed in the
20 state for the preceding 12 consecutive months is a resident for the
21 purposes of this title [CHAPTER], and the dependent of a resident
22 member of the military service, who has maintained his or her permanent
23 and principal place of abode [BEEN LIVING] in the state for the pre-
24 ceding 12 consecutive months [YEAR] is a resident for the purposes of
25 this title [CHAPTER], and a person who is an alien but who for the
26 preceding 12 consecutive months [ONE YEAR] has maintained his or her [A]
27 permanent and principal place of abode in the state is a resident for
28 the purposes of this title [CHAPTER];

29 (15) "seizure" means the actual or constructive taking or

1 possession of real or personal property subject to seizure under this
2 chapter by an enforcement or investigative officer charged with enforce-
3 ment of the fish and game laws of the state;

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

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

14 (18) "take" means taking, pursuing, hunting, fishing, trap-
15 ping, or in any manner disturbing, capturing, or killing or attempting
16 to take, pursue, hunt, fish, trap, or in any manner capture or kill fish
17 or game;

18 (19) "taxidermy" means tanning, mounting, processing, or
19 other treatment or preparation of fish or game, or any part of fish or
20 game, as a trophy, for monetary gain, including the receiving of the
21 fish or game or parts of fish or game for such purposes;

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

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

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

29 (23) "aquatic plant" means any species of plant, excluding

1 the rushes, sedges and true grasses, growing in a marine aquatic or
2 intertidal habitat;

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

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

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

12 Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PRO-
13 CESSORS. In an area where a price dispute exists between at least one-
14 third of the registered commercial fishermen for that area, as estimated
15 [CERTIFIED] by the Department of Fish and Game, on the basis of informa-
16 tion available, and fish processors on the price to be paid for salmon,
17 and no agreement has been reached up to 30 days before the opening of
18 the salmon fishing season in that area, a representative from the Depart-
19 ment of Labor shall intervene as mediator of the dispute upon request of
20 either party.

21 * Sec. 35. AS 16.20 is amended by adding a new section to read:

22 Sec. 16.20.175. PENALTY. (a) A person who fails to notify the
23 commissioner when required by sec. 50 of this chapter, or who fails to
24 provide necessary information to the commissioner when required by sec.
25 60 of this chapter, or who fails to receive the approval of the commis-
26 sioner when required by sec. 60 of this chapter, or who deviates materi-
27 ally from plans and specifications approved by the commissioner under
28 sec. 60 of this chapter without first notifying and receiving the approval
29 of the commissioner, is guilty of a misdemeanor and, upon conviction, is

1 punishable by a fine of not more than \$5,000, or by imprisonment for not
2 more than six months, or by both.

3 (b) A person who violates limitations imposed by the commissioner
4 of fish and game and the commissioner of natural resources under secs.
5 130 and 170 of this chapter is guilty of a misdemeanor and, upon convic-
6 tion, is punishable by a fine of not more than \$5,000, or by imprisonment
7 for not more than six months, or by both.

8 * Sec. 36. AS 16.20.260 is amended to read:

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

19 * Sec. 37. AS 16.20 is amended by adding new sections to read:

20 Sec. 16.20.265. PENALTY. A person who fails to notify the commis-
21 sioner when required by sec. 250 of this chapter, or who fails to provide
22 necessary information to the commissioner when required by sec. 260 of
23 this chapter, or who fails to receive the approval of the commissioner
24 when required by sec. 260 of this chapter, or who deviates materially
25 from plans and specifications approved by the commissioner under sec.
26 260 of this chapter without first notifying and receiving the approval
27 of the commissioner, is guilty of a misdemeanor and, upon conviction, is
28 punishable by a fine of not more than \$5,000, or by imprisonment for not
29 more than six months, or by both.

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

5 * Sec. 38. AS 16.35.200 is amended to read:

6 Sec. 16.35.200. USE OF POISON BY DEPARTMENTS AND OTHER STATE
7 AGENCIES. No person or state agency [DEPARTMENT, OTHER STATE AGENCY OR
8 PERSON] may use poison for the purpose of killing [TO KILL PREDATORY]
9 animals unless authorized by regulation [WITHOUT FIRST OBTAINING THE
10 WRITTEN CONSENT] of the appropriate board. This section does not apply
11 to poisons deployed within buildings or to kill rats or mice at dumps or
12 landfills operating in compliance with municipal law.

13 * Sec. 39. AS 16.05.280, 16.05.450(c), AS 16.15 and AS 16.35.010 - 16.35.
14 180 are repealed.

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