

Introduced: 1/24/78
Referred: The Special Committee
on Subsistence and Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Interim
Committee on Subsistence
Hunting and Fishing)

1 IN THE HOUSE

2 CS HOUSE BILL NO. 674

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regionalizing the Board of Fisheries and the
7 Board of Game."

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

9 * Section 1. AS 16.05.221 is repealed and re-enacted to read:

10 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
11 of the conservation and development of the fishery resources of the
12 state, there are created 12 boards of fisheries, each with jurisdiction
13 over the area of a regional corporation established under the Alaska
14 Native Claims Settlement Act. Each board of fisheries is composed of
15 seven members appointed by the governor, subject to confirmation by a
16 majority of the members of the legislature in joint session. Each
17 member appointed must be a resident of that area of the state over which
18 the board to which he is appointed exercises jurisdiction. Each member
19 appointed shall be appointed without regard to political affiliation.
20 The commissioner is not a member of any board of fisheries, but he or
21 his designee is ex officio secretary to each board.

22 (b) For purposes of the conservation and development of the game
23 resources of the state, there are created 12 boards of game, each with
24 jurisdiction over the area of a regional corporation established under
25 the Alaska Native Claims Settlement Act. Each board of game is composed
26 of seven members appointed by the governor, subject to confirmation by a
27 majority of the members of the legislature in joint session. Each
28 member appointed must be a resident of that area of the state over which
29 the board to which he is appointed exercises jurisdiction. Each member

1 appointed shall be appointed without regard to political affiliation.
2 The commissioner is not a member of any board of game, but he or his
3 designee is ex officio secretary to each board.

4 * Sec. 2. AS 16.05.251 is amended to read:

5 Sec. 16.05.251. REGULATIONS OF THE BOARDS OF FISHERIES. Each
6 board of fisheries [BOARD OF FISHERIES. THE BOARD OF FISHERIES] may for
7 the area over which the board has jurisdiction make regulations it
8 considers advisable in accordance with the Administrative Procedure Act
9 (AS 44.62) for

10 (1) setting apart fish reserve areas, refuges and sanctuaries
11 in the waters of the state over which it has jurisdiction, subject to
12 the approval of the legislature;

13 (2) establishment of open and closed seasons and areas for
14 the taking of fish;

15 (3) setting quotas and bag limits on the taking of fish;

16 (4) establishment of the means and methods employed in the
17 pursuit, capture and transport of fish;

18 (5) establishment of marking and identification requirements
19 for means used in pursuit, capture and transport of fish;

20 (6) classifying fish as commercial fish, sport fish or
21 predators or other categories essential for regulatory purposes;

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

24 (8) investigating and determining the extent and effect of
25 predation and competition among fish in the state, exercising control
26 measures considered necessary to the resources of the state;

27 (9) entering into cooperative agreements with educational
28 institutions and state, federal, or other agencies to promote fish
29 research, management, education and information and to train persons

1 [MEN] for fish management;

2 (10) prohibiting the live capture, possession, transport, or
3 release of native or exotic fish or their eggs;

4 (11) establishing seasons, areas, quotas and methods of har-
5 vest for aquatic plants;

6 (12) establishment of the times and dates during which the
7 issuance of fishing licenses, permits and registrations and the transfer
8 of permits and registrations between registration areas is allowed; how-
9 ever, this paragraph does not apply to permits issued or transferred
10 under ch. 43 of this title.

11 * Sec. 3. AS 16.05.255 is amended to read:

12 Sec. 16.05.255. REGULATIONS OF THE BOARDS OF GAME. Each board of
13 game [BOARD OF GAME. THE BOARD OF GAME] may for the area over which the
14 board has jurisdiction make regulations it considers advisable in
15 accordance with the Administrative Procedure Act (AS 44.62) for

16 (1) setting apart game reserve areas, refuges and sanctuaries
17 in the waters or on the lands of the state over which it has jurisdic-
18 tion, subject to the approval of the legislature;

19 (2) establishment of open and closed seasons and areas for
20 the taking of game;

21 (3) establishment of the means and methods employed in the
22 pursuit, capture and transport of game;

23 (4) setting quotas and bag limits on the taking of game;

24 (5) classifying game as game birds, song birds, big game
25 animals, fur bearing animals, predators or other categories;

26 (6) investigating and determining the extent and effect of
27 predation and competition among game in the state, exercising control
28 measures considered necessary to the resources of the state and desig-
29 nating game management units or parts of game management units in

1 which bounties for predatory animals shall be paid;

2 (7) engaging in biological research, watershed and habitat
3 improvement, and game management, protection, propagation and stocking;

4 (8) entering into cooperative agreements with educational
5 institutions and state, federal, or other agencies to promote game
6 research, management, education, and information and to train persons
7 [MEN] for game management;

8 (9) prohibiting the live capture, possession, transport, or
9 release of native or exotic game or their eggs;

10 (10) establishing the times and dates during which the issu-
11 ance of game licenses, permits and registrations and the transfer of
12 permits and registrations between registration areas and game management
13 units or subunits is allowed.

14 * Sec. 4. AS 16.05.257(a) is amended to read:

15 (a) Each board of game [THE BOARD OF GAME], at its regularly
16 scheduled annual meeting, may adopt regulations providing for subsistence
17 hunting in a game management unit or subunit or a portion of a unit or
18 subunit in the area over which the board exercises jurisdiction upon

19 (1) recommendation of the department, based on biological
20 evidence;

21 (2) the majority vote of the active local advisory committees
22 for that game management unit or subunit;

23 (3) the written petition of not less than 100 interested
24 residents of that game management unit or subunit; or

25 (4) the written petition of not less than 25 interested
26 residents of an area which is requested for establishment as a sub-
27 sistence area within a game management unit or subunit.

28 * Sec. 5. AS 16.05.257(f) is amended to read:

29 (f) Each board of game [THE BOARD OF GAME] at any time may review

1 and change the boundaries of a subsistence area upon

2 (1) the recommendation of the department, based on biological
3 evidence;

4 (2) the written petition of not less than 25 interested
5 residents of that area; or

6 (3) the majority vote of the active local advisory committees
7 for that area.

8 * Sec. 6. AS 16.05.260 is amended to read:

9 Sec. 16.05.260. ADVISORY COMMITTEES. Each board of fisheries [THE
10 BOARD OF FISHERIES] and each board of game [THE BOARD OF GAME] may make
11 regulations it considers [THEY CONSIDER] advisable in accordance with
12 the Administrative Procedure Act (AS 44.62) establishing, at places in
13 the state designated by the individual boards, advisory committees to be
14 composed of persons well informed on the fish or game resources of the
15 locality. The boards shall set the number and terms of each of the
16 members of the advisory committees, shall delegate one member of each
17 committee as chairman, and shall give him authority to hold public
18 hearings on fish or game matters. Recommendations from the advisory
19 committees shall be forwarded to the appropriate board for its [THEIR]
20 consideration but if the boards choose [BOARD OF FISHERIES OR THE BOARD
21 OF GAME CHOOSES] not to follow the recommendations of the local advisory
22 committee the appropriate board shall inform the appropriate advisory
23 committee of this action and state the reasons for not following the
24 recommendations. The commissioner shall delegate authority to advisory
25 committees for emergency closures during established seasons. The
26 commissioner is empowered to set aside and make null and void only
27 opening of seasons set by the advisory committees under this section.
28 The appropriate board shall promulgate the necessary regulations govern-
29 ing these closures.

1 * Sec. 7. AS 16.05.305 is amended to read:

2 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. Each board of
3 fisheries [THE BOARD OF FISHERIES] and each board of game is [THE BOARD
4 OF GAME ARE] authorized to hire and set the compensation for one clerical
5 assistant for each board.

6 * Sec. 8. AS 16.05.930(d) is amended to read:

7 (d) No nondomestic animals of any species may be transferred or
8 transported from the state under (a) of this section unless approved by
9 the appropriate board of game [BOARD OF GAME] in regular or special
10 meeting. Animals transferred or transported under (a) of this section
11 shall be animals that are certified by the department to be surplus and
12 unnecessary to the sustained yield management of the resource. Each
13 application for a permit under (a) of this section shall be accompanied
14 by a statement prepared by the Department of Fish and Game examining the
15 probable environmental impact of the action.

16 * Sec. 9. AS 16.05.940(1) is amended to read:

17 (1) "a board" or "the board" means either a board of fisheries
18 [THE BOARD OF FISHERIES] or a board of game [THE BOARD OF GAME];

19 * Sec. 10. AS 41.99.010 is amended to read:

20 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this
21 title denies the Department of Fish and Game or the boards of fisheries
22 and game [BOARD OF FISH AND GAME] their management and enforcement
23 responsibilities related to the fish and game of this state.

24 * Sec. 11. AS 16.05.300(b) is repealed.
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