

Introduced: 2/3/78
Referred: The Special Committee on
Subsistence, Resources and Finance

1 IN THE HOUSE

BY THE SPECIAL COMMITTEE
ON SUBSISTENCE

2 HOUSE BILL NO. 725

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 and unifying the Board of
7 Fisheries and the 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 AS 16.05.221 is repealed and re-enacted to read: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 and game resources of
12 the state, there are created 12 boards of fisheries and game, each with
13 jurisdiction over the area of a regional corporation established under
14 the Alaska Native Claims Settlement Act. Each board of fisheries and
15 game is composed of seven members appointed by the governor, subject to
16 confirmation by a majority of the members of the legislature in joint
17 session. Each member appointed must be a resident of that area of the
18 state over which the board to which he is appointed exercises jurisdic-
19 tion. Each member appointed shall be appointed without regard to politi-
20 cal affiliation. The commissioner is not a member of any board of
21 fisheries and game, but he or his designee is ex officio secretary to
22 each board.

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

24 Sec. 16.05.251. REGULATIONS OF THE BOARDS OF FISHERIES AND GAME.
25 Each board of fisheries and game [BOARD OF FISHERIES. THE BOARD OF
26 FISHERIES] may for the area over which the board has jurisdiction make
27 regulations it considers advisable in accordance with the Administrative
28 Procedure Act (AS 44.62) for
29 (1) setting apart fish or game reserve areas, refuges and

1 sanctuaries in the waters or the land of the state over which it has
2 jurisdiction, subject to the approval of the legislature;

3 (2) establishment of open and closed seasons and areas for
4 the taking of fish and game;

5 (3) setting quotas and bag limits on the taking of fish
6 and game;

7 (4) establishment of the means and methods employed in the
8 pursuit, capture and transport of fish and game;

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

11 (6) classifying fish as commercial fish, sport fish or preda-
12 tors or other categories essential for regulatory purposes;

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

15 (8) investigating and determining the extent and effect of
16 predation and competition among fish in the state, exercising control
17 measures considered necessary to the resources of the state and designat-
18 ing game management units and parts of game management units in which
19 bounties for predatory animals shall be paid;

20 (9) entering into cooperative agreements with educational
21 institutions and state, federal, or other agencies to promote fish
22 and game research, management, education and information and to train
23 persons [MEN] for fish and game management;

24 (10) prohibiting the live capture, possession, transport, or
25 release of native or exotic fish and game or their eggs;

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

28 (12) establishment of the times and dates during which the
29 issuance of fishing licenses, permits and registrations and the transfer

1 of permits and registrations between registration areas and game manage-
2 ment units and subunits is allowed; however, this paragraph does not
3 apply to permits issued or transferred under ch. 43 of this title;

4 (13) classifying game as game birds, song birds, big game
5 animals, fur bearing animals, predators or other categories.

6 * Sec. 3. AS 16.05.257(a) is amended to read:

7 (a) Each board of fisheries and game [THE BOARD OF GAME], at its
8 regularly scheduled annual meeting, may adopt regulations providing for
9 subsistence hunting in a game management unit or subunit or a portion of
10 a unit or subunit in the area over which the board exercises jurisdic-
11 tion upon

12 (1) recommendation of the department, based on biological
13 evidence;

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

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

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

21 * Sec. 4. AS 16.05.257(f) is amended to read:

22 (f) Each board of fisheries and game [THE BOARD OF GAME] at any time
23 may review and change the boundaries of a subsistence area upon

24 (1) the recommendation of the department, based on biological
25 evidence;

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

28 (3) the majority vote of the active local advisory committees
29 for that area.

1 * Sec. 5. AS 16.05.260 is amended to read:

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

23 * Sec. 6. AS 16.05.305 is amended to read:

24 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. Each board of
25 fisheries and game is [THE BOARD OF FISHERIES AND THE BOARD OF GAME ARE]
26 authorized to hire and set the compensation for one clerical assistant
27 for each board.

28 * Sec. 7. AS 16.05.930(d) is amended to read:

29 (d) No nondomestic animals of any species may be transferred or

1 transported from the state under (a) of this section unless approved by
2 the board of fisheries and game having jurisdiction over the area from
3 which the animal is to be transported [BOARD OF GAME] in regular or
4 special meeting. Animals transferred or transported under (a) of this
5 section shall be animals that are certified by the department to be
6 surplus and unnecessary to the sustained yield management of the re-
7 source. Each application for a permit under (a) of this section shall
8 be accompanied by a statement prepared by the Department of Fish and
9 Game examining the probable environmental impact of the action.

10 * Sec. 8. AS 16.05.940(1) is amended to read:

11 (1) "a board" or "the board" means a board of fisheries and
12 game [EITHER THE BOARD OF FISHERIES OR THE BOARD OF GAME];

13 * Sec. 9. AS 41.99.010 is amended to read:

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

18 * Sec. 10. AS 16.05.255 and 16.05.300(b) are repealed.
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