

Introduced: 2/11/77
Referred: Judiciary, Resources
and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS SENATE BILL NO. 147 AM H
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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 necessary
23 to control or eradicate diseases of fish or game (including quarantine
24 and sterilization of facilities and equipment), and to reduce competi-
25 tion 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 when in the public interest, except that when 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) enter into contracts with, and make grants to, agencies,
4 organizations, and individuals under procedures established by the
5 commissioner to insure that such grants and contracts are consistent
6 with the overall public interest;

7 (16) any other powers necessary to implement the responsi-
8 bilities of the commissioner set out in sec. 20 of this chapter.

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

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21 cedure Act (AS 44.62), and need not be published in the Alaska Admini-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

1 date of the emergency order. The commissioner's announcements, when
2 authorized by a board, shall be adopted in a manner identical to that
3 required for emergency orders.

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

5 (d) As used in this section, "excusable neglect" does not
6 include unfamiliarity with or ignorance of applicable laws and regula-
7 tions. In order to show excusable neglect, a person must have demon-
8 strated, before the licensing or registration deadline, an intent to
9 harvest fish or game.

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

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

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

18 Sec. 16.05.075. PREREQUISITES FOR ADMINISTRATIVE ACTIONS.

19 Unless expressly required by this title, an action by the commissioner
20 does not necessitate a public hearing or a formal finding. When a
21 finding is required, either a document to that effect or records or
22 documents demonstrating a basis for the finding will be sufficient.

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

24 Sec. 16.05.160. DUTY TO ARREST. Each person designated in sec.
25 150 of this chapter shall arrest a person violating this title [CHAPTER]
26 or any rule or regulation made under this title [CHAPTER], in his
27 presence or view, and shall bring [TAKE] the person [IMMEDIATELY] for
28 examination or trial before an officer or court of competent juris-
29 diction.

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

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

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

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

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

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

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

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

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

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

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

29 (9) assent to the applicability of federal regulations

1 where necessary to effectuate cooperative agreements or other arrange-
2 ments with the federal government [ENTERING INTO COOPERATIVE AGREEMENTS
3 WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO
4 PROMOTE FISH RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO
5 TRAIN MEN FOR FISH MANAGEMENT];

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

7 (13) when necessary for the conservation and protection of
8 fish resources and the preservation of the public welfare, impose
9 limitations on the use and disposition of fish;

10 (14) improve or facilitate conservation and protection of
11 fish, and impose limitations on routes of access or modes of transporta-
12 tion in areas of the state; and

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

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

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

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

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

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

29 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and

1 habitat protection [IMPROVEMENT], and game management, conservation,
2 protection, disposition, and propagation in the interest of the economy
3 or general welfare of the state [AND STOCKING];

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

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

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

12 (11) when necessary for the conservation and protection of
13 game resources and the preservation of the public welfare, impose
14 limitations on the use and disposition of game;

15 (12) improve or facilitate conservation and protection of
16 game, and impose limitations on routes of access or modes of transpor-
17 tation in areas of the state; and

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

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

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

27 (b) A delegation of authority under (a) of this section is not
28 required for the commissioner to adopt, in accordance with the Admini-
29 strative Procedure Act (AS 44.62), regulations of a technical nature

1 designed to correct existing regulations of a board which are incom-
2 plete, unclear, or inconsistent. These regulations shall be consistent
3 with all expressions of board intent.

4 (c) With respect to matters affecting the responsibilities of
5 both boards, delegations of authority may be obtained in the manner
6 prescribed in this section, except that all procedures and requirements
7 shall be carried out in conjunction with both boards.

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

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

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

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

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

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

27 (b) A sport fishing, hunting or trapping license is not required
28 of a resident who is 60 years of age or more and has been a resident
29 for 30 consecutive years or more, as long as he remains a resident.

1 The department shall issue an identification card to persons who apply
2 for and receive an exemption under this subsection. Any person re-
3 ceiving an exemption is required to have the identification card in
4 actual possession while engaged in fishing, hunting, or trapping.

5 * Sec. 25. AS 16.05 is amended by adding a new section to read:

6 Sec. 16.05.475. REGISTRATION OF FISHING VESSELS. (a) It is
7 unlawful for any person to employ a fishing vessel in the water of
8 Alaska unless it is registered under the laws of the state. Vessels
9 registered under the laws of another state, and persons residing in
10 another state, are not excused from this provision.

11 (b) The term "employ", as used in this section, shall be defined
12 by the board of fisheries through the adoption of regulations under
13 the Administrative Procedure Act (AS 44.62). The definition may in-
14 clude any activities involving the use or navigation of fishing vessels.

15 (c) The term "registered under the laws of the state", as used
16 in this section, shall be defined by the board of fisheries through
17 the adoption of regulations under the Administrative Procedure Act (AS
18 44.62). The definition may include any existing requirements regarding
19 registration, licenses, permits, and similar matters imposed by law or
20 regulation together with modifications of them and with any additional
21 requirements the board finds necessary to maximize the authority of
22 the state to apply and enforce fisheries regulations under the Fishery
23 Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331, 16
24 U.S.C. 1801 et seq.).

25 (d) The term "fishing vessel", as used in this section, means any
26 vessel, boat, ship, or other craft which is used for, equipped to be
27 used for, or of a type which is normally used for (1) fishing, or (2)
28 aiding or assisting one or more vessels at sea in the performance of
29 any activity relating to fishing, including, but not limited to,

1 preparation, supply, storage, refrigeration, transportation, or pro-
2 cessing.

3 * Sec. 26. AS 16.05.510 is amended to read:

4 Sec. 16.05.510. UNLICENSED VESSEL UNLAWFUL. Operation without
5 a vessel license of any vessel to which secs. 490 - 530 of this
6 chapter apply is unlawful, whether the absence of a vessel license
7 results from initial failure to purchase, [OR] from revocation by the
8 commissioner of fish and game, or from failure to have the license in
9 the actual possession of the licensee.

10 * Sec. 27. AS 16.05.680 is amended to read:

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

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

15 (2) to purchase fish from a fisherman who does not possess
16 proper licenses [IS NOT SO LICENSED, IF THE FISHERMAN IS NOT EXEMPT
17 UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT OF SEC.
18 480 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PURCHASE], or

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

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

25 * Sec. 28. AS 16.05.685(c)(2) is amended to read:

26 (2) "registration area" means a specific king crab registra-
27 tion area as designated by regulation of the board of fisheries [AND
28 INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN ISLANDS
29 KING CRAB AREA].

1 * Sec. 29. AS 16.05.780(a)(2) is amended to read:

2 (2) a majority of active local advisory committees in [FOR]
3 that unit or subunit have recommended an opening for that year, after
4 each has taken a vote and a majority of the members of those committees
5 have voted in the affirmative; if no active advisory committee exists
6 within the unit or subunit, the recommendation of a committee in any
7 contiguous unit or subunit will be sufficient.

8 * Sec. 30. AS 16.05.810 is amended by adding a new subsection to read:

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

11 * Sec. 31. AS 16.05.815 is repealed and re-enacted to read:

12 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN RECORDS. Reports
13 required by regulations of the department concerning the landing of
14 fish, shellfish, or fishery products, and annual statistical reports
15 of buyers and processors required by regulations of the department,
16 insofar as they are in the form of individual records, are confidential.
17 They may be released to the Department of Revenue, the Department of
18 Public Safety, and the Commercial Fisheries Entry Commission to assist
19 them in carrying out their statutory responsibilities. They may also
20 be released to the North Pacific Fisheries Management Council, the
21 University of Alaska, and the Department of Commerce and Economic
22 Development in conjunction with research and statistics projects.
23 However, the commissioner may not release a report if he determines
24 that to do so would abuse the intent of this section, and he may limit
25 or condition any release to insure that proper confidentiality is
26 maintained. Confidential reports held by the department, or received
27 from the department by the agencies and organizations mentioned in
28 this section, may not be communicated or distributed in the form of
29 individual records to any other agency, organization, or individual

1 unless required by a court order.

2 * Sec. 32. AS 16.05.820 is amended to read:

3 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secre-
4 tary of the Interior, the Secretary of Commerce or the Secretary of
5 Agriculture of the United States and their authorized agents or other
6 appropriate federal agencies may conduct fish cultural operations and
7 scientific investigations in the state in the manner and at the times
8 jointly considered necessary or proper by the commissioner [BOARD OF
9 FISHERIES] and the secretary and their authorized agents.

10 * Sec. 33. AS 16.05.831(a) is amended to read:

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

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

17 (2) [UTILIZED FOR] consumption by humans or domesticated
18 animals; or

19 (3) [UTILIZED FOR] scientific, educational, or display
20 purposes.

21 * Sec. 34. AS 16.05.920 is amended to read:

22 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless per-
23 mitted by this title [CHAPTER] or by regulation adopted [MADE] under
24 this title [CHAPTER], it is unlawful for a person to take, possess,
25 transport, sell, offer to sell, purchase, or offer to purchase fish,
26 game or marine aquatic plants, or any part of fish, game or aquatic
27 plants, or a nest or egg of fish or game.

28 (b) No person may knowingly disturb, injure, or destroy a notice,
29 signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia,

1 equipment, building or other improvement or property of the department
2 used in the administration or enforcement of this title [CHAPTER], or a
3 poster or notice to the public concerning the provisions of this title
4 [CHAPTER], or regulation adopted under this title [CHAPTER], or a
5 marker indicating the boundary of an area closed to hunting, trapping,
6 fishing or other special use under this title [CHAPTER]. No person
7 may knowingly destroy, remove, tamper with, or imitate a seal or tag
8 issued or used by the department or attached under its authority to a
9 skin, portion, or specimen of fish or game, or other article for the
10 purpose of identification or authentication in accordance with this
11 title [CHAPTER] or a regulation adopted under this title [CHAPTER].

12 * Sec. 35. AS 16.05.930(d) is amended to read:

13 (d) No nondomestic birds or mammals [ANIMALS] of any species may
14 be transferred or transported from the state under (a) of this section
15 unless that action would be consistent with the management system of
16 the board of game for that species and expressions of board policy with
17 regard to that system. Birds and mammals [APPROVED BY THE BOARD OF
18 GAME IN REGULAR OR SPECIAL MEETINGS. ANIMALS] transferred or transported
19 under (a) of this section shall be animals that are certified by the
20 department to be surplus and unnecessary to the sustained yield manage-
21 ment of the resource. Each application for a permit under (a) of this
22 section shall be accompanied by a statement prepared by the Department
23 of Fish and Game examining the probable environmental impact of the
24 action or a statement by the commissioner that no significant environ-
25 mental impact is expected.

26 * Sec. 36. AS 16.05.940 is amended to read:

27 Sec. 16.05.940. DEFINITIONS. (a) In this title [CHAPTER]

28 (1) "a board" means either the Board of Fisheries or the
29 Board of Game;

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

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

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

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

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

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

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

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

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

19 (11) "hunting" means the taking of game under this title
20 [CHAPTER] and the [RULES AND] regulations adopted [PROMULGATED] under
21 it;

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

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

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

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

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

16 (16) "sport fishing" means the taking, attempted taking, or
17 possession of fish or shellfish for personal use and not for sale or
18 barter [OF OR ATTEMPTING TO TAKE FOR PERSONAL USE, AND NOT FOR SALE OR
19 BARTER, ANY FRESH WATER, MARINE, OR ANADROMOUS FISH] by hook and line
20 [HELD IN THE HAND, OR BY HOOK AND LINE WITH THE LINE ATTACHED TO A
21 POLE OR ROD WHICH IS HELD IN THE HAND OR CLOSELY ATTENDED,] or by
22 other means defined by the board of fisheries;

23 (17) "subsistence fishing" means the taking, attempted
24 taking [FISHING FOR], or possession of fish or [,] shellfish [, OR
25 OTHER FISHERY RESOURCES] for personal use and not for sale or barter
26 by any [, WITH GILL NET, SEINE, FISH WHEEL, LONG LINE, OR OTHER] means
27 defined by the board of fisheries; however, hook and line may not be
28 used unless being fished through an opening in the ice in areas
29 designated by the board;

1 (18) "take" means taking, pursuing, hunting, fishing,
2 trapping, or in any manner disturbing, capturing, or killing or attempt-
3 ing to take, pursue, hunt, fish, trap, or in any manner capture or
4 kill fish or game;

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

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

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

14 (22) "visitor" means a nonresident or alien temporarily
15 sojourning in the state as a visitor or tourist; [.]

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

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

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

27 (26) "hook and line" means a hook and line held in the
28 hand, or a hook and line with the line attached to a pole or rod which
29 is held in the hand or closely attended.

1 (b) The appropriate board may adopt regulations under the
2 Administrative Procedure Act (AS 44.62) to implement, apply, or make
3 specific the definitions in (a) of this section.

4 * Sec. 37. AS 16.10.280 is amended to read:

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

14 * Sec. 38. AS 16.20.036(a)(8) is amended to read:

15 (8) Township 14 North, Range 4 West, Seward Meridian
16 Sections: Lots 1 - 6, SE1/4NW1/4, W1/2NE1/4NW1/4,
17 SE1/4NE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, SE1/4SE1/4, W1/2SW1/
18 4NE1/4, SE1/4SW1/4NE1/4, S1/2NE1/4SW1/4NE1/4 of Section 31 [6].

19 * Sec. 39. AS 16.20 is amended by adding new sections to read:

20 Sec. 16.20.075. PENALTY. A person who fails to notify the
21 commissioner when required by sec. 50 of this chapter, or who fails to
22 provide necessary information to the commissioner when required by
23 sec. 60 of this chapter, or who fails to obtain the approval of the
24 commissioner when required by sec. 60 of this chapter, or who deviates
25 materially from plans and specifications approved by the commissioner
26 under sec. 60 of this chapter without first notifying and obtaining
27 the approval of the commissioner, is guilty of a misdemeanor and, upon
28 conviction, is punishable by a fine of not more than \$5,000, or by
29 imprisonment for not more than six months, or by both.

1 Sec. 16.20.135. PENALTY. A person who violates sec. 140 of this
2 chapter or a limitation imposed by the commissioner of fish and game
3 and the commissioner of natural resources under sec. 130 of this
4 chapter is guilty of a misdemeanor and, upon conviction, is punishable
5 by a fine of not more than \$5,000, or by imprisonment for not more
6 than six months, or by both.

7 * Sec. 40. AS 16.20.260 is amended to read:

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

19 * Sec. 41. AS 16.20 is amended by adding new sections to read:

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

1 ARTICLE 6. GENERAL PROVISIONS.

2 Sec. 16.20.900. PENALTY FOR VIOLATION OF REGULATION. A person
3 who violates a regulation adopted by a board under this chapter is
4 guilty of a misdemeanor and, upon conviction, is punishable by a fine
5 of not more than \$5,000, or by imprisonment for not more than six
6 months, or by both.

7 * Sec. 42. AS 16.35.200 is amended to read:

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

15 * Sec. 43. AS 16.45.010 is amended to read:

16 Sec. 16.45.010. GOVERNOR'S POWER TO EXECUTE OR WITHDRAW FROM
17 COMPACT. The governor may execute a compact in behalf of the state to
18 cooperate in the Pacific Marine Fisheries Commission. The governor
19 may terminate the participation of the state in the commission by
20 giving the requisite notice to the other party states as provided in
21 the terms of the compact.

22 * Sec. 44. AS 16.05.190, 16.05.280, 16.05.450(c), AS 16.15.010 - 16.-
23 15.090, and AS 16.35.010 - 16.35.180 are repealed.

24 * Sec. 45. Section 43 of this Act is retroactive to July 1, 1976.

25 * Sec. 46. Sections 25 and 45 of this Act take effect immediately in
26 accordance with AS 01.10.070(c).
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29