

Original sponsor: Rules Committee by
request of the Governor

Offered: 6/12/78
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 147 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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 game;

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

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

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

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

21 (13) employ substances, procedures, and techniques necessary
22 to control or eradicate diseases of fish or game (including quarantine
23 and sterilization of facilities and equipment), and to reduce competi-
24 tion among fish or game;

25 (14) enter into cooperative agreements with agencies of the
26 federal government, educational institutions, or other agencies or
27 organizations when in the public interest, except that when cooperative
28 agreements with the federal government require assent to the applica-
29 bility of federal laws or regulations in the state, that assent shall be

1 undertaken by the appropriate board;

2 (15) enter into contracts with, and make grants to, agencies,
3 organizations, and individuals under procedures established by the
4 commissioner to insure that such grants and contracts are consistent
5 with the overall public interest;

6 (16) any other powers necessary to implement the responsibil-
7 ities of the commissioner set out in sec. 20 of this chapter.

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

9 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter
10 does not limit the power of the commissioner or his authorized designee,
11 when necessary for the protection of fish and game or the promotion of
12 the general welfare [WHEN CIRCUMSTANCES REQUIRE], to summarily open or
13 close seasons or areas wholly or partially, or to change weekly closed
14 periods on fish or game by means of emergency orders. The commissioner
15 may also implement regulations of the Boards of Fisheries and Game by
16 emergency order when authorized by a board. An emergency order has the
17 force and effect of law after field announcement by the commissioner or
18 his authorized designee. An emergency order adopted under this section
19 is not subject to the Administrative Procedure Act (AS 44.62), and need
20 not be published in the Alaska Administrative Code. An emergency order
21 must contain a description of and a justification for the action under-
22 taken, the effective date, the text of amended regulations, and the
23 signature of the commissioner or his authorized designee. Field
24 announcement must be made before the time of effectiveness in a manner
25 calculated to reach interested persons, such as by publication, tele-
26 graph, broadcast, distribution, posting or other effective means. A
27 copy of the emergency order must be deposited in the lieutenant gover-
28 nor's office within 20 days after the effective date of the emergency
29 order. The commissioner's announcements, when authorized by a board,

1 shall be adopted in a manner identical to that required for emergency
2 orders.

3 * Sec. 5. AS 16.05.090 is amended by adding a new subsection to read:

4 (c) There is established in the Department of Fish and Game a
5 division of subsistence hunting and fishing.

6 * Sec. 6. AS 16.05. is amended by adding a new section to read:

7 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
8 FISHING. The division of subsistence hunting and fishing shall

9 (1) compile existing data and conduct studies to gather in-
10 formation, including data from subsistence users, on all aspects of the
11 role of subsistence hunting and fishing in the lives of the residents of
12 the state;

13 (2) quantify the amount, nutritional value, and the extent of
14 dependence on food acquired through subsistence hunting and fishing;

15 (3) make information gathered available to the public,
16 appropriate agencies, and other organized bodies;

17 (4) assist the department, the Board of Fisheries, and the
18 Board of Game in determining what uses of fish and game, as well as
19 which users and methods, should be termed subsistence uses, users, and
20 methods;

21 (5) evaluate the impact of state and federal laws and regula-
22 tions on subsistence hunting and fishing and, when corrective action is
23 indicated, make recommendations to the department;

24 (6) make recommendations to the Board of Game and the Board
25 of Fisheries regarding adoption, amendment and repeal of regulations
26 affecting subsistence hunting and fishing;

27 (7) participate with other divisions in the preparation of
28 statewide and regional management plans so that those plans reorganize
29 and incorporate the needs of subsistence users of fish and game.

1 * Sec. 7. AS 16.05.251(3) is amended to read:

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

4 * Sec. 8. AS 16.05.251(7) is amended to read:

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

9 * Sec. 9. AS 16.05.251(8) is repealed and re-enacted to read:

10 (8) establishing methods, means and harvest levels where
11 necessary to control predation and competition among fish in the state;

12 * Sec. 10. AS 16.05.251(9) is repealed and re-enacted to read:

13 (9) assenting to the applicability of federal regulations
14 where necessary to effectuate cooperative agreements or other arrange-
15 ments with the federal government;

16 * Sec. 11. AS 16.05.251 is amended by adding new paragraphs to read:

17 (13) imposing limitations on the use and disposition of fish
18 when necessary for the conservation and protection of fish resources and
19 the preservation of the public welfare;

20 (14) improving or facilitating conservation and protection of
21 fish; and

22 (15) authorizing the commissioner to carry out a regulatory
23 program under terms and conditions prescribed by the commissioner.

24 * Sec. 12. AS 16.05.255(4) is amended to read:

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

27 * Sec. 13. AS 16.05.255(6) is repealed and re-enacted to read:

28 (6) establishing methods and harvest levels necessary to
29 control predation and competition among game in the state, authorizing

1 the payment of bounties in game management units or parts of them,
2 specifying the amounts of bounties, and prescribing procedures for the
3 collection of bounties;

4 * Sec. 14. AS 16.05.255(7) is amended to read:

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

9 * Sec. 15. AS 16.05.255(8) is repealed and re-enacted to read:

10 (8) assenting to the applicability of federal regulations
11 when necessary to effectuate cooperative agreements or other arrange-
12 ments with the federal government;

13 * Sec. 16. AS 16.05.255 is amended by adding new paragraphs to read:

14 (11) imposing limitations on the use and disposition of game
15 when necessary for the conservation and protection of game resources and
16 the preservation of the public welfare;

17 (12) improving or facilitating conservation and protection of
18 game; and

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

21 * Sec. 17. AS 16.05.940(6) is amended to read:

22 (6) "fish" means any species of aquatic fin fish, inverte-
23 brates and amphibians, in any stage of their life cycle, found in or
24 introduced into the state or any part of a fish, invertebrate or amphib-
25 ian;

26 * Sec. 18. AS 16.05.940(11) is amended to read:

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

1 * Sec. 19. AS 16.05.940(14) is amended to read:

2 (14) "resident" means a person who for the preceding 12 con-
3 secutive months has maintained his [A] permanent and principal place of
4 abode in the state [AND WHO HAS CONTINUALLY MAINTAINED HIS VOTING RESI-
5 DENCE IN THE STATE]; and in the case of a partnership, association,
6 joint stock company, trust, or corporation, "resident" means one that
7 has its main office or headquarters in the state; however, a member of
8 the military service who has been stationed in the state for the pre-
9 ceding 12 consecutive months is a resident for the purposes of this
10 title [CHAPTER], and the dependent of a resident member of the military
11 service, who has maintained his permanent and principal place of abode
12 in the state for the preceding 12 consecutive months [BEEN LIVING IN THE
13 STATE FOR THE PRECEDING YEAR] is a resident for the purposes of this
14 title [CHAPTER], and a person who is an alien but who for the preceding
15 12 consecutive months [ONE YEAR] has maintained his [A] permanent
16 and principal place of abode in the state is a resident for the purposes
17 of this title [CHAPTER];

18 * Sec. 20. AS 16.05.940(15) is amended to read:

19 (15) "seizure" means the actual or constructive taking or
20 possession of real or personal property subject to seizure under this
21 title [CHAPTER] by an enforcement or investigative officer charged with
22 enforcement of the fish and game laws of the state;

23 * Sec. 21. AS 16.05.940(16) is repealed and re-enacted to read:

24 (16) "sport fishing" means the taking, attempted taking, or
25 possession of fish or shellfish, for personal use and not for sale, by
26 hook and line or by other means defined by the Board of Fisheries;

27 * Sec. 22. AS 16.05.940 is amended by adding a new subsection to read:

28 (b) Except as otherwise provided, the appropriate board may adopt
29 regulations under the Administrative Procedure Act (AS 44.62) to imple-

1 ment, apply, or make specific the definitions in (a) of this section.

2 * Sec. 23. AS 16.20 is amended by adding new sections to read:

3 Sec. 16.20.075. PENALTY. A person who fails to notify the com-
4 missioner when required by sec. 50 of this chapter, or who fails to
5 provide necessary information to the commissioner when required by sec.
6 60 of this chapter, or who fails to obtain the approval of the commis-
7 sioner when required by sec. 60 of this chapter, or who deviates mater-
8 ially from plans and specifications approved by the commissioner under
9 sec. 60 of this chapter, without first notifying and obtaining the
10 approval of the commissioner, is guilty of a misdemeanor and, upon
11 conviction, is punishable by a fine of not more than \$5,000, or by
12 imprisonment for not more than six months, or by both.

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

19 * Sec. 24. AS 16.20.260 is amended to read:

20 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When the
21 commissioner considers it advisable [A BOARD SO DETERMINES], he [IT]
22 shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment, [TO]
23 require the person or governmental agency to submit full plans for the
24 anticipated use, full plans and specifications of proposed construction
25 work, complete plans and specifications for the proper protection of
26 fish and game, and the approximate date when the construction, [OR]
27 work, or activity is to commence, and shall require the person or
28 governmental agency to obtain the written approval of the commissioner
29 as to the sufficiency of the plans or specifications before construction

1 is commenced.

2 * Sec. 25. AS 16.20 is amended by adding new sections to read:

3 Sec. 16.20.265. PENALTY. A person who fails to notify the com-
4 missioner when required by sec. 250 of this chapter, or who fails to
5 provide necessary information to the commissioner when required by sec.
6 260 of this chapter, or who fails to obtain the approval of the commis-
7 sioner when required by sec. 260 of this chapter, or who deviates
8 materially from plans and specifications approved by the commissioner
9 under sec. 260 of this chapter, without first notifying and obtaining
10 the approval of the commissioner, is guilty of a misdemeanor and, upon
11 conviction, is punishable by a fine of not more than \$5,000, or by
12 imprisonment for not more than six months, or by both.

13 ARTICLE 6. GENERAL PROVISIONS.

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

19 * Sec. 26. It is the intent of the legislature that the provisions of
20 secs. 5 and 6 of this Act prevail over the provisions in House Bill No. 960,
21 amending AS 16.05.090 by adding a new subsection (c) and amending AS 16.05
22 by adding a new section 094, in the event of passage by the legislature of
23 both Acts.