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BY GARDINER, BRANSON, DUNCAN,
ELIASON, MEEKINS, MILLER, MOSS,
PARKER AND ROGERS

1 IN THE HOUSE

2 HOUSE BILL NO. 193

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game."

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

8 * Section 1. AS 11.40.510 is amended to read:

9 Sec. 11.40.510. USE OF LIVE BIRDS AS TARGETS. A person who (1)
10 uses a live pigeon, fowl or other bird as a target, or to be shot at
11 either for amusement or as a test of skill in marksmanship; or (2)
12 shoots at a bird used as a target, for amusement or as a test of skill
13 in marksmanship, or is a party to a shooting; or (3) leases a building,
14 room, field or premises, or knowingly permits the use of them for a
15 shooting, is guilty of a misdemeanor, and upon conviction is punishable
16 by a fine of not more than \$50. This section does not apply to shooting
17 of game for food or prohibit recreational hunting of game birds on game
18 hunting preserves authorized by the appropriate regional board of fish
19 and game [FISH AND GAME BOARD] under AS 16.05.930(c).

20 * Sec. 2. AS 16.05 is amended by adding new sections to read:

21 ARTICLE 2. BOARDS OF FISH [FISHERIES] AND GAME.

22 Sec. 16.05.225. REGIONAL BOARDS OF FISH AND GAME. (a) There is
23 established within the Department of Fish and Game a regional board of
24 fish and game for each of the following general areas:

- 25 (1) Alaska Peninsula, Aleutian Chain, Kodiak;
26 (2) Arctic, Norton Sound, Seward Peninsula, Kotzebue Sound,
27 Yukon;
28 (3) Bristol Bay, Kuskokwim;
29 (4) Southcentral;

- 1 (5) Interior;
2 (6) North Slope;
3 (7) Southeastern.

4 (b) No later than six months after the initial appointment of all
5 of the regional board members in accordance with AS 16.05.245(a), the
6 Master Board of Fish and Game shall adopt regulations in accordance with
7 the Administrative Procedure Act (AS 44.62) establishing specific bound-
8 aries for the general areas described in (a) of this section.

9 Sec. 16.05.235. MASTER BOARD OF FISH AND GAME. There is estab-
10 lished within the Department of Fish and Game the Master Board of Fish
11 and Game.

12 Sec. 16.05.245. MEMBERSHIP. (a) Each regional board consists of
13 five members appointed by the governor and confirmed by a majority of
14 the membership of the legislature meeting in joint session. Each
15 regional board member shall be well informed about the fish and game
16 resources of the region to which he is appointed.

17 (b) The master board consists of the chairmen of the regional
18 boards.

19 (c) The master board and each regional board shall elect a chair-
20 man from among themselves.

21 Sec. 16.05.248. TERMS. Members of regional boards serve for
22 two-year terms except that, of the initial appointments to each regional
23 board, three members shall serve for two years and two members shall
24 serve for one year.

25 Sec. 16.05.252. VACANCIES. Vacancies on a regional board shall be
26 filled in the same manner as original appointments. A member appointed
27 to fill a vacancy serves for the unexpired portion of the term of the
28 member he succeeds.

29 Sec. 16.05.256. REGULATIONS. (a) The master board may adopt

1 regulations it considers advisable in accordance with the Administrative
2 Procedure Act (AS 44.62) for

3 (1) classifying fish and game as commercial fish, sport fish,
4 subsistence fish, game birds, song birds, big game animals, subsistence
5 animals, fur bearing animals, predators, vermin, or other categories
6 essential for regulatory purposes;

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

10 (3) investigating and determining the extent and effect of
11 predation and competition among fish and game in the state, exercising
12 predation control measures considered necessary to the resources of the
13 state, and designating game management units or parts of game management
14 units in which bounties for predatory animals shall be paid;

15 (4) entering into cooperative agreements with educational
16 institutions and state, federal, or other agencies to promote fish and
17 game research, management, education and information, and to train
18 people for fish and game management;

19 (5) prohibiting the live capture, possession, transport or
20 release of native or exotic fish or game or their eggs;

21 (6) establishing additional qualifications relating to the
22 eligibility requirements for gear licenses;

23 (7) establishment of the times and dates during which the
24 issuance of fish and game licenses, permits and registrations, and the
25 transfer of permits and registrations between registration areas, game
26 management units or subunits is allowed;

27 (8) the taking of game on state game refuges, sanctuaries,
28 and critical habitat areas;

29 (9) altering the boundaries of regions described in AS 16.-

1 05.225 if the master board determines the alteration is necessary for
2 proper fish and game management.

3 (b) In addition to the authority to adopt regulations specified in
4 (a) of this section, the master board may amend or veto regional board
5 regulations if

6 (1) compelling conservation reasons clearly establish the
7 necessity for amendment or veto;

8 (2) two or more regional boards are unable to agree on uni-
9 form regulations relating to a fish or game population which migrates
10 among the regions represented by the regional boards, in which case the
11 master board may amend or veto regulations of any of the regional boards
12 involved in order to establish uniformity in the regulations; or

13 (3) in the opinion of the master board, a regulation of a
14 regional board exceeds the authority of the regional board or is other-
15 wise not in accordance with (c) - (e) of this section, in which case the
16 master board may amend or veto that regulation.

17 (c) A regional board may adopt regulations it considers advisable
18 for the area it represents in accordance with the Administrative Pro-
19 cedure Act (AS 44.62) for

20 (1) establishment of open and closed seasons and areas for
21 fish and game;

22 (2) establishment of the means and methods employed in the
23 pursuit, capture, and transport of fish and game;

24 (3) setting quotas and bag limits on the taking of fish and
25 game;

26 (4) establishing seasons, areas, quotas, and methods of
27 harvest for aquatic plants.

28 (d) A regional board may not adopt regulations governing the
29 taking of game on state game refuges, sanctuaries, or in critical habi-

1 tat areas.

2 (e) The regional boards shall adopt regulations in accordance with
3 the Administrative Procedure Act (AS 44.62) permitting the taking of
4 fish and game for subsistence uses unless the board determines, in ac-
5 cordance with the Administrative Procedure Act, that adoption of such
6 regulations will jeopardize or interfere with the maintenance of fish
7 stocks or game resources on a sustained-yield basis. Whenever it is
8 necessary to restrict the taking of fish or game to assure the mainte-
9 nance of fish stocks or game resources on a sustained-yield basis, or to
10 assure the continuation of subsistence uses of such resources or stocks,
11 subsistence use shall be the priority use. If further restriction is
12 necessary, the board shall establish restrictions and limitations on and
13 priorities for these consumptive uses on the basis of the following
14 criteria:

15 (1) customary and direct dependence upon the resource as the
16 mainstay of one's livelihood;

17 (2) local residency; and

18 (3) availability of alternative resources.

19 Sec. 16.05.322. LEGAL ASSISTANCE. The Department of Law shall
20 provide all legal services for the master board and the regional boards,
21 unless otherwise provided by law.

22 Sec. 16.05.325. CONFLICTS. Conflicts between or among regional
23 boards relating to proposed regulations shall be submitted to the master
24 board for final determination.

25 * Sec. 3. AS 16.05.070 is amended to read:

26 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the
27 regional boards, of the master boards, [FISHERIES AND GAME] and of the
28 commissioner, including emergency openings and closures, are admissible
29 as evidence in the courts of the state in accordance with the Adminis-

1 trative Procedure Act (AS 44.62).

2 * Sec. 4. AS 16.05.080 is amended to read:

3 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
4 authorizes the department or the master or regional boards [OF FISHERIES
5 AND GAME] to change the amount of fees or licenses.

6 * Sec. 5. AS 16.05.094(4) is amended to read:

7 (4) assist the department, the master board, and the re-
8 gional boards [BOARD OF FISHERIES, AND THE BOARD OF GAME] in determining
9 what uses of fish and game, as well as which users and what methods,
10 should be termed subsistence uses, users, and methods;

11 * Sec. 6. AS 16.05.094(6) is amended to read:

12 (6) make recommendations to the master board and the regional
13 boards [BOARD OF GAME AND THE BOARD OF FISHERIES] regarding adoption,
14 amendment and repeal of regulations affecting subsistence hunting and
15 fishing;

16 * Sec. 7. AS 16.05.257(a) is amended to read:

17 (a) Each regional board [THE BOARD OF GAME, AT ITS REGULARLY
18 SCHEDULED ANNUAL MEETING AND OTHER MEETINGS HELD UNDER AUTHORITY OF AS
19 16.05.300(a),] shall consider and may adopt regulations providing for
20 subsistence hunting in a game management unit or subunit or a portion of
21 a unit or subunit within the area the board represents upon

22 (1) recommendation of the department, based on biological
23 evidence;

24 (2) the recommendation of the active local advisory com-
25 mittees for that game management unit or subunit or a portion of a unit
26 or subunit;

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

29 (4) the written petition of not less than 25 interested

1 residents of an area which is requested for establishment as a sub-
2 sistence area within a game management unit or subunit.

3 * Sec. 8. AS 16.05.257(c) is amended to read:

4 (c) No regulations may be adopted by a regional board [THE BOARD
5 OF GAME] under (a), (b) or (f) of this section unless, in addition to
6 the requirements of AS 44.62.180 - 44.62.290, the department

7 (1) holds public hearings, after reasonable notice, at least
8 30 days before the meeting at which the regulation is to be adopted,
9 with at least one of the hearings being held in close proximity to the
10 area potentially affected;

11 (2) presents at the hearings the information provided for in
12 (e) of this section;

13 (3) makes the information provided for in (e) of this section
14 available to the appropriate advisory committees and to petitioners if
15 consideration of adoption of regulations was prompted by petitions under
16 (a)(3) or (4) of this section; comments shall be received by the board
17 until 10 days before any adoption of regulations.

18 * Sec. 9. AS 16.05.257(f) is amended to read:

19 (f) The regional board [BOARD OF GAME] at any time may review and
20 change the boundaries of a subsistence area established by regulation
21 of the board upon

22 (1) the recommendation of the department, based on biological
23 evidence;

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

26 (3) the majority vote of the active local advisory committees
27 for that area.

28 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

29 (1) "subsistence hunting" means the taking of game animals by

1 a state resident for subsistence uses by means defined by a regional
2 board of fish and game [THE BOARD OF GAME];

3 * Sec. 11. AS 16.05.257(1) is amended to read:

4 (1) A regional board [THE BOARD OF GAME] may make no decision
5 denying, creating or changing a subsistence hunting area unless based on
6 specific written findings of fact regarding all the information provided
7 in accordance with (e) of this section.

8 * Sec. 12. AS 16.05.260 is amended to read:

9 Sec. 16.05.260. ADVISORY COMMITTEES. The regional boards [BOARD
10 OF FISHERIES AND THE BOARD OF GAME] may make regulations they consider
11 advisable in accordance with the Administrative Procedure Act (AS 44.62)
12 establishing, at places in the state designated by the individual
13 boards, advisory committees to be composed of persons well informed on
14 the fish or game resources of the locality. The boards shall set the
15 number and terms of each of the members of the advisory committees,
16 shall delegate one member of each committee as chairman, and shall give
17 him authority to hold public hearings on fish or game matters. Recom-
18 mendations from the advisory committees shall be forwarded to the
19 appropriate regional boards [BOARD] for their consideration but if
20 a regional board [THE BOARD OF FISHERIES OR THE BOARD OF GAME] chooses
21 not to follow the recommendations of a [THE] local advisory committee
22 the [APPROPRIATE] board shall inform the [APPROPRIATE] advisory commit-
23 tee of this action and state the reasons for not following the recom-
24 mendations. 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
29 governing these closures.

1 * Sec. 13. AS 16.05.270 is amended to read:

2 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the
3 purpose of administering AS 16.05.256, the master board and each re-
4 gional board [AS 16.05.251 AND 16.05.255, EACH BOARD] may delegate
5 authority to the commissioner to act in its behalf. If there is a
6 conflict between the master board and the commissioner of proposed
7 regulations, public hearings shall be held concerning the issues in
8 question. If, after the public hearings, the master board and the
9 commissioner continue to disagree, the issue shall be certified in
10 writing by the master board and the commissioner to the governor who
11 shall make a decision. The decision of the governor is final.

12 * Sec. 14. AS 16.05.280 is amended to read:

13 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may remove
14 a master board member or a regional board member for inefficiency,
15 neglect of duty, or misconduct in office by delivering to him a written
16 copy of the charges and giving him an opportunity to be heard in person
17 or through counsel at a public hearing before the governor or his desig-
18 nee upon at least 10 days' notice by registered mail. The member has
19 the right to confrontation by and cross-examination of all witnesses
20 against him. Upon removal, the governor or his designee shall file a
21 complete statement of all charges made against the member and the find-
22 ings in the proper state office.

23 * Sec. 15. AS 16.05.290 is amended to read:

24 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Members of the
25 master board and of the regional boards receive no salary; however, each
26 [EACH] member of a board is entitled to travel expenses and \$100 per
27 diem for each day going to and from and for each day in actual atten-
28 dance at board meetings and other meetings or conferences authorized by
29 a board.

1 * Sec. 16. AS 16.05.300 is repealed and re-enacted to read:

2 Sec. 16.05.300. BOARD MEETINGS. (a) The master board and each
3 regional board shall hold at least two meetings each year and as many
4 other meetings as it considers necessary. Meetings may be called by the
5 chairman or by a majority of the members of the board.

6 (b) The master board, after consulting with the regional boards,
7 shall establish a meeting schedule to insure that a maximum of coordi-
8 nation exists in the adoption of regional board regulations so that the
9 master board can fully and timely consider all regional board regula-
10 tions before their publication under AS 44.62.190.

11 * Sec. 17. AS 16.05.305 is amended to read:

12 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The master board
13 and each regional board [BOARD OF FISHERIES AND THE BOARD OF GAME] are
14 authorized to hire and set the compensation for one clerical assistant
15 for each board.

16 * Sec. 18. AS 16.05.315 is amended to read:

17 Sec. 16.05.315. JOINT BOARD MEETINGS. The master board and some
18 or all of the regional boards [OF FISHERIES AND GAME] may hold a joint
19 meeting upon the call of the commissioner or a board to resolve any
20 conflicts in regulations of the boards and to consider matters, as
21 determined by the commissioner or a board, which require the considera-
22 tion of more than one board [BOTH BOARDS].

23 * Sec. 19. AS 16.05.320 is amended to read:

24 Sec. 16.05.320. QUORUM. A majority of the members of a regional
25 board or of the master board constitutes a quorum for the transaction of
26 business, for the performance of any duty, and for the exercise of any
27 power. However, a majority of the full board membership is required to
28 carry all motions, regulations and resolutions. [A MAJORITY OF THE
29 MEMBERS OF THE BOARDS OF FISHERIES AND GAME CONSTITUTE A QUORUM FOR THE

1 TRANSACTION OF BUSINESS IN A JOINT BOARD MEETING. A MAJORITY OF THE
2 MEMBERSHIP OF THE BOARDS IS REQUIRED TO CARRY ALL JOINT MOTIONS, REGULA-
3 TIONS AND RESOLUTIONS OF THE BOARDS.]

4 * Sec. 20. AS 16.05.475(b) is amended to read:

5 (b) The term "employ", as used in this section, shall be defined
6 by the master board [BOARD OF FISHERIES] through the adoption of regu-
7 lations under the Administrative Procedure Act (AS 44.62). The defi-
8 nition may include any activities involving the use or navigation of
9 fishing vessels.

10 * Sec. 21. AS 16.05.475(c) is amended to read:

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

21 * Sec. 22. AS 16.05.632(d)(1) is amended to read:

22 (1) "board" means the appropriate regional board of fish
23 and game [BOARD OF FISHERIES];

24 * Sec. 23. AS 16.05.685(c)(2) is amended to read:

25 (2) "registration area" means a specific king crab regis-
26 tration area as designated by regulation of the appropriate regional
27 board of fish and game [BOARD OF FISHERIES] and includes the Bering Sea
28 shellfish area and the western Aleutian Islands king crab area.

29 * Sec. 24. AS 16.05.780(b) is amended to read:

1 (b) Pursuant to (a) of this section the appropriate regional
2 board of game [BOARD], in a [ITS] regularly scheduled [ANNUAL GAME
3 BOARD] meeting may adopt regulations for the taking of antlerless moose
4 in any game management unit or subunit within its jurisdiction in any
5 year.

6 * Sec. 25. AS 16.05.800 is amended to read:

7 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
8 device, contrivance, and material while in use, had and maintained for
9 the purpose of catching, taking, killing, attracting, or decoying fish
10 or game, contrary to law or regulation of a regional board [OR THE COM-
11 MISSIONER], is a public nuisance and is subject to abatement.

12 * Sec. 26. AS 16.05.820 is amended to read:

13 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary
14 of the Interior, the Secretary of Commerce or the Secretary of Agricul-
15 ture of the United States and their authorized agents or other appro-
16 priate federal agencies may conduct fish cultural operations and
17 scientific investigations in the state in the manner and at the times
18 jointly considered necessary or proper by the master board [BOARD OF
19 FISHERIES] and the secretary and their authorized agents.

20 * Sec. 27. AS 16.05.825(a) is amended to read:

21 (a) In addition to any other program for the stocking or propa-
22 gation of game birds that the department has as of July 23, 1974, the
23 department shall establish a special program for the raising, mainte-
24 nance, and release of upland game birds in the state. Birds raised
25 under this program may be released in an appropriate area of the state,
26 at any time, but may be harvested only during regular hunting seasons,
27 as specified by the regional boards [BOARD] under AS 16.05.256(c)(1) [AS
28 16.05.255(2)]. The regional boards [BOARD] shall promulgate regulations
29 necessary to implement this section.

1 * Sec. 28. AS 16.05.865 is amended to read:

2 Sec. 16.05.865. TRANSPLANTING OF MUSK OXEN. The master board
3 [BOARD] may transplant surplus musk oxen from Nunivak Island to appro-
4 priate areas on the mainland of the state, when good management prac-
5 tices dictate the action. The board shall determine which transplant
6 sites are appropriate and whether a surplus of animals exists.

7 * Sec. 29. AS 16.05.903(g) is amended to read:

8 (g) The commissioner may propose regulations for adoption by the
9 master board under the Administrative Procedure Act (AS 44.62) to im-
10 plement the provisions of this section.

11 * Sec. 30. AS 16.05.940(1) is amended to read:

12 (1) "master [A] board" means the Master Board of Fish and
13 Game [BOARD OF FISHERIES OR THE BOARD OF GAME];

14 * Sec. 31. AS 16.05.940(16) is amended to read:

15 (16) "sport fishing" means the taking of or attempting to take
16 for personal use, and not for sale or barter, any fresh water, marine,
17 or anadromous fish by hook and line held in the hand, or by hook and
18 line with the line attached to a pole or rod which is held in the hand
19 or closely attended, or by other means defined by the regional boards
20 [BOARD OF FISHERIES];

21 * Sec. 32. AS 16.05.940(17) is amended to read:

22 (17) "subsistence fishing" means the taking, fishing for, or
23 possession of fish, shellfish, or other fishery resources for subsis-
24 tence uses [PERSONAL USE AND NOT FOR SALE OR BARTER], with gill net,
25 seine, fish wheel, long line, or other means defined by the regional
26 boards [BOARD OF FISHERIES];

27 * Sec. 33. AS 16.05.940 is amended by adding a new paragraph to read:

28 (28) "regional board" means a regional board of fish and game.

29 * Sec. 34. AS 16.10.125 is amended to read:

1 Sec. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM
2 FISH POT REQUIRED. The Master Board of Fish and Game [BOARD OF FISHER-
3 IES] shall, by regulation, prescribe a termination device or devices for
4 all shellfish and bottom fish pots. In this section "termination de-
5 vice" means a biodegradable seam or panel or other device which renders
6 the pot incapable of holding shellfish or bottom fish for more than six
7 months when it is continuously immersed in sea water.

8 * Sec. 35. AS 16.10.173(d) is amended to read:

9 (d) The Master Board of Fish and Game [BOARD OF FISHERIES] may
10 adopt regulations under the Administrative Procedure Act (AS 44.62) it
11 considers necessary for implementation of this section. The board may
12 delegate its authority under this section to the commissioner.

13 * Sec. 36. AS 16.10.190 is amended to read:

14 Sec. 16.10.190. REGULATIONS. The Master Board of Fish and Game
15 [BOARD OF FISHERIES] may promulgate regulations to carry out the pur-
16 poses of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas,
17 migratory fish and migratory shellfish and to make coastal fishery
18 regulations governing the manner, means, conditions and time for the
19 taking of migratory fish and migratory shellfish applicable in desig-
20 nated adjacent high sea areas.

21 * Sec. 37. AS 16.10.200 is amended to read:

22 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for a
23 person taking migratory fish and migratory shellfish in high sea areas
24 designated by the Master Board of Fish and Game [BOARD OF FISHERIES] or
25 in violation of the regulations promulgated by the board [BOARD OF
26 FISHERIES] governing the taking of migratory fish and migratory shell-
27 fish in the designated areas to possess, sell, offer to sell, barter,
28 offer to barter, give or transport in the state, including the waters of
29 the state, migratory fish or migratory shellfish.

1 * Sec. 38. AS 16.10.210 is amended to read:

2 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. It is unlawful
3 for a person to possess, purchase, offer to purchase, sell, or offer to
4 sell in the state migratory fish or migratory shellfish taken on the
5 high seas knowing that they were taken in violation of a regulation
6 promulgated by the Master Board of Fish and Game [BOARD OF FISHERIES]
7 governing the taking of migratory fish or migratory shellfish in certain
8 areas designated by the board [BOARD OF FISHERIES] or the commissioner.

9 * Sec. 39. AS 16.10.440(b) is amended to read:

10 (b) The Master Board of Fish and Game [BOARD OF FISHERIES] may
11 promulgate regulations necessary to implement AS 16.10.400 - 16.10.470.

12 * Sec. 40. AS 16.20.080(1) is amended to read:

13 (1) "board" means the Master Board of Fish and Game [ANY
14 BOARD OF GAME];

15 * Sec. 41. AS 16.20.240 is amended to read:

16 Sec. 16.20.240. REGULATIONS. The Master Board of Fish and Game
17 [BOARD OF FISHERIES AND THE BOARD OF GAME], where appropriate, shall
18 promulgate regulations it considers [THEY CONSIDER] advisable for con-
19 servation and protection purposes governing the taking of fish and game
20 in state fish and game critical habitat areas.

21 * Sec. 42. AS 16.43.283(a) is amended to read:

22 (a) Use privileges granted under AS 16.43.275 - 16.43.285 are
23 subject to the regulations of the Master Board of Fish and Game and of
24 the regional boards of fish and game [BOARD OF FISHERIES] which may
25 adopt regulations exclusively applicable to the use of educational entry
26 permits.

27 * Sec. 43. AS 16.43.350 is amended to read:

28 Sec. 16.43.350. APPLICATIONS OF REGULATIONS OF BOARDS OF FISH AND
29 GAME [BOARD OF FISHERIES]. Nothing in this chapter limits the powers of

1 the Master Board of Fish and Game or of the regional boards of fish
2 and game [BOARD OF FISHERIES], including the power to determine legal
3 types of gear and the power to establish size limitations or other uni-
4 form restrictions applying to a certain type of gear. Holders of
5 interim-use permits or entry permits issued under this chapter are
6 subject to all regulations adopted by the master board or by the re-
7 gional boards [BOARD OF FISHERIES].

8 * Sec. 44. AS 39.05.060(a)(10) is amended to read:

9 (10) Master Board of Fish and Game and the regional boards of
10 fish and game.

11 * Sec. 45. AS 39.50.200(9)(J) is amended to read:

12 (J) Master Board of Fish and Game (AS 16.05.235) and
13 the regional boards of fish and game (AS 16.05.225) [(AS 16.05.-
14 220)];

15 * Sec. 46. AS 41.99.010 is amended to read:

16 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this
17 title denies the Department of Fish and Game or the Master Board of Fish
18 and Game or the regional boards of fish and game their management and
19 enforcement responsibilities related to the fish and game of this state.

20 * Sec. 47. AS 44.39.030 is amended to read:

21 Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.
22 The governor shall appoint the commissioner of fish and game from a list
23 of qualified persons nominated by the Master Board of Fish and Game
24 [BOARD OF FISHERIES AND THE BOARD OF GAME MEETING IN JOINT SESSION],
25 subject to the right of the governor to request additional nominations.
26 The appointment shall be confirmed by a majority of the members of the
27 legislature in joint session. The commissioner of fish and game serves
28 for a term of five years.

29 * Sec. 48. AS 44.39.050 is amended to read:

1 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Master Board of
2 Fish and Game [BOARD OF FISHERIES OR THE BOARD OF GAME] may submit a
3 resolution to the governor requesting the removal of the commissioner.
4 The resolution shall set out the grounds for the request and the
5 governor shall give the commissioner and the board [BOTH BOARDS] an
6 opportunity to be heard. The final decision to remove or retain the
7 commissioner shall be made by the governor.

8 * Sec. 49. AS 44.62.330(40) and (41) are amended to read:

- 9 (40) Master Board of Fish and Game [BOARD OF FISHERIES]
- 10 (41) regional boards of fish and game established under
11 AS 16.05.225 [BOARD OF GAME]

12 * Sec. 50. The following laws are repealed: AS 16.05.221, 16.05.251,
13 16.05.255, and AS 39.05.060(a)(5).

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