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Referred: Resources and  
Finance

1 IN THE HOUSE

BY GARDINER

2 SPONSOR SUBSTITUTE FOR 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 regional fish and game boards; and  
7 providing for an effective date."

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

9 \* Section 1. AS 11.40.510 is amended to read:

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

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

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

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

26 (1) Southeast Alaska: The Southeast Alaska mainland and  
27 islands northward and westward from Dixon Entrance to Cape Suckling, and  
28 the adjacent coastal water seaward to the limit of the state's juris-  
29 diction.

1 (2) Southcentral Alaska: The area drained by water flowing  
2 into the Gulf of Alaska, Prince William Sound, Cook Inlet, and Shelikof  
3 Strait from Cape Suckling westward to Portage Bay on the Alaska Penin-  
4 sula, including Trinity Islands and all coastal islands north of Trinity  
5 Islands and the adjacent coastal water to the limit of the state's  
6 jurisdiction, and the area lying south of the rim of the Alaska Range  
7 and Wrangell Mountains.

8 (3) Western Alaska: The Alaska Peninsula westward from  
9 Portage Bay; Chirikof and Shumagin Islands, and all other adjacent  
10 offshore islands; the Aleutian Islands and the Pribilof Islands; the  
11 area northward and northwestward from the King Salmon River drainage,  
12 including all land drained by water flowing into Bristol Bay and the  
13 land within the boundaries of the Calista Regional Corporation; Nunivak  
14 and St. Matthew Islands, and all other islands along the coast; and the  
15 adjacent coastal water seaward to the limit of the state's jurisdiction.

16 (4) Northwestern Alaska: The area drained by all streams  
17 flowing into the Arctic Ocean, Kotzebue Sound, Bering Strait, and Norton  
18 Sound from Cape Lisburne to, but not including, the Pastolik River  
19 drainage on the south; King, Little Diomedea, St. Lawrence, Sledge,  
20 Stuart, and adjacent islands; and the adjacent coastal water seaward to  
21 the limit of the state's jurisdiction.

22 (5) Arctic Alaska: The area drained by all streams and  
23 rivers flowing into the Arctic Ocean between Cape Lisburne and the  
24 Alaska-Canada boundary; the Firth River drainage lying within Alaska;  
25 and the adjacent coastal water seaward to the limit of the state's  
26 jurisdiction.

27 (6) Interior Alaska: The land encompassing the drainages of  
28 the Yukon and Kuskokwim Rivers northward from the boundary of the South-  
29 central Region, eastward from the boundary of the Western Region, east-

1 ward and southward from the boundaries of the Arctic Region and North-  
2 western Region, and extending to the United States-Canada border.

3 Sec. 16.05.235. MASTER BOARD OF FISH AND GAME. There is estab-  
4 lished within the Department of Fish and Game the Master Board of Fish  
5 and Game.

6 Sec. 16.05.245. MEMBERSHIP. (a) Each regional board consists of  
7 seven members appointed by the governor and confirmed by a majority of  
8 the membership of the legislature meeting in joint session. Each  
9 regional board member shall be well informed about the fish and game  
10 resources of the region to which he is appointed.

11 (b) The governor shall designate the chairmen of the regional  
12 boards.

13 (c) The master board consists of the chairmen of the regional  
14 boards. The master board shall elect a chairman from its members.

15 (d) The advisory committees established under AS 16.05.260 and  
16 other interested parties may submit lists of nominees for appointments  
17 to regional boards.

18 Sec. 16.05.248. TERMS. (a) Members of regional boards serve for  
19 four-year terms except that, of the initial appointments to each  
20 regional board, two members shall serve for four years, two members  
21 shall serve for three years, two members shall serve for two years, and  
22 one member shall serve for one year.

23 (b) A member of the master board serves on the master board for  
24 the duration of his tenure as chairman of a regional board.

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; the classifications may be made on a  
7 regional basis, and fish or game may be classified in more than one  
8 category;

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

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

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

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

23 (6) setting apart fish and game reserve areas, refuges and  
24 sanctuaries in the water or land of the state over which it has juris-  
25 diction, subject to the approval of the legislature;

26 (7) establishment of the times and dates during which the  
27 issuance of fish and game licenses, permits and registrations, and the  
28 transfer of permits and registrations between registration areas, game  
29 management units or subunits is allowed; however, this paragraph does

1 not apply to permits issued or transferred under AS 16.43;

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

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

6 (10) other purposes provided by law.

7 (b) In addition to the authority to adopt regulations specified  
8 in (a) of this section, the master board, or its own motion or upon  
9 appeal by an interested person, may amend or veto regional board regula-  
10 tions if

11 (1) compelling conservation reasons clearly establish the  
12 necessity for amendment or veto;

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

18 (3) in the opinion of the master board, a regulation of a  
19 regional board exceeds the authority of the regional board or is other-  
20 wise not in accordance with (c) - (e) of this section.

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

24 (1) establishment of open and closed seasons and areas for  
25 the taking of fish and game;

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

28 (3) setting quotas and bag limits on the taking of fish and  
29 game;

1 (4) establishing seasons, areas, quotas, and methods of  
2 harvest for aquatic plants;

3 (5) other purposes provided by law.

4 (d) A regional board may not adopt regulations governing the  
5 taking of game on state game refuges, sanctuaries, or in critical habi-  
6 tat areas.

7 (e) Each regional board shall adopt regulations in accordance with  
8 the Administrative Procedure Act (AS 44.62) permitting the taking of  
9 fish and game for subsistence uses unless a regional board determines,  
10 in accordance with the Administrative Procedure Act, that adoption of  
11 such regulations for the region it represents will jeopardize or inter-  
12 fere with the maintenance of fish stocks or game resources on a  
13 sustained-yield basis. Whenever it is necessary to restrict the taking  
14 of fish or game to assure the maintenance of fish stocks or game  
15 resources on a sustained-yield basis, or to assure the continuation of  
16 subsistence uses of such resources or stocks, subsistence use shall be  
17 the priority use. If further restriction is necessary, the regional  
18 board shall establish restrictions and limitations on and priorities for  
19 these consumptive uses on the basis of the following criteria:

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

22 (2) local residency; and

23 (3) availability of alternative resources.

24 (f) The master board shall provide written findings of fact and a  
25 written statement of reasons for any action taken by the master board  
26 under (b) of this section.

27 (g) A regional board shall, in consultation with the department,  
28 its local advisory committees and appropriate federal agencies, develop  
29 plans for the development, utilization and management of the fish and

1 game resources within its region; if the plans would affect fish and  
2 game resources in more than one region, the regional boards represent-  
3 ing each region shall participate jointly in the development of the  
4 plans.

5 (h) Two or more regional boards may adopt joint and uniform regula-  
6 tions relating to fish or game populations which migrate between or  
7 among the regions represented by the regional boards.

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

11 \* Sec. 3. AS 16.05.070 is amended to read:

12 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the  
13 regional boards, of the master boards, [FISHERIES AND GAME] and of the  
14 commissioner, including emergency openings and closures, are admissible  
15 as evidence in the courts of the state in accordance with the Adminis-  
16 trative Procedure Act (AS 44.62).

17 \* Sec. 4. AS 16.05.080 is amended to read:

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

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

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

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

27 (6) make recommendations to the master board and the regional  
28 boards [BOARD OF GAME AND THE BOARD OF FISHERIES] regarding adoption,  
29 amendment and repeal of regulations affecting subsistence hunting and

1 fishing;

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

3 (a) Each regional board [THE BOARD OF GAME, AT ITS REGULARLY  
4 SCHEDULED ANNUAL MEETING AND OTHER MEETINGS HELD UNDER AUTHORITY OF AS  
5 16.05.300(a),] shall consider and may adopt regulations providing for  
6 subsistence hunting in a game management unit or subunit or a portion of  
7 a unit or subunit within the area the board represents upon

8 (1) recommendation of the department, based on biological  
9 evidence;

10 (2) the recommendation of the active local advisory com-  
11 mittees for that game management unit or subunit or a portion of a unit  
12 or subunit;

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

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

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

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

22 (1) holds public hearings, after reasonable notice, at least  
23 30 days before the meeting at which the regulation is to be adopted,  
24 with at least one of the hearings being held in close proximity to the  
25 area potentially affected;

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

28 (3) makes the information provided for in (e) of this section  
29 available to the appropriate advisory committees and to petitioners if

1 consideration of adoption of regulations was prompted by petitions under  
2 (a)(3) or (4) of this section; comments shall be received by the board  
3 until 10 days before any adoption of regulations.

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

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

8 (1) the recommendation of the department, based on biological  
9 evidence;

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

12 (3) the majority vote of the active local advisory committees  
13 for that area.

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

15 (1) "subsistence hunting" means the taking of game animals by  
16 a state resident for subsistence uses by means defined by a regional  
17 board of fish and game [THE BOARD OF GAME];

18 \* Sec. 11. AS 16.05.257(i) is amended to read:

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

23 \* Sec. 12. AS 16.05.260 is amended to read:

24 Sec. 16.05.260. ADVISORY COMMITTEES. A regional board [THE BOARD  
25 OF FISHERIES AND THE BOARD OF GAME] may make regulations it considers  
26 [THEY CONSIDER] advisable in accordance with the Administrative Proce-  
27 dure Act (AS 44.62) establishing, within the region represented by the  
28 board [AT PLACES IN THE STATE DESIGNATED BY THE INDIVIDUAL BOARDS],  
29 advisory committees to be composed of persons well informed on the fish

1 or game resources of the locality. The regional boards shall set the  
2 number and terms of each of the members of the advisory committees,  
3 shall delegate one member of each committee as chairman, and shall give  
4 him authority to hold public hearings on fish or game matters. Recom-  
5 mendations from the advisory committees shall be forwarded to the  
6 appropriate regional boards [BOARD] for their consideration but if  
7 a regional board [THE BOARD OF FISHERIES OR THE BOARD OF GAME] chooses  
8 not to follow the recommendations of a [THE] local advisory committee  
9 the [APPROPRIATE] board shall inform the [APPROPRIATE] advisory commit-  
10 tee of this action and state the reasons for not following the recom-  
11 mendations. The commissioner shall delegate authority to advisory  
12 committees for emergency closures during established seasons. The  
13 commissioner is empowered to set aside and make null and void only  
14 opening of seasons set by the advisory committees under this section.  
15 The appropriate regional board shall promulgate the necessary regula-  
16 tions governing these closures.

17 \* Sec. 13. AS 16.05.270 is amended to read:

18 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the  
19 purpose of administering AS 16.05.256, the master board and each re-  
20 gional board [AS 16.05.251 AND 16.05.255, EACH BOARD] may delegate  
21 authority to the commissioner to act in its behalf. If there is a  
22 conflict between the master board and the commissioner on [OF] proposed  
23 regulations, public hearings shall be held concerning the issues in  
24 question. If, after the public hearings, the master board and the  
25 commissioner continue to disagree, the issue shall be certified in  
26 writing by the master board and the commissioner to the governor who  
27 shall make a decision. The decision of the governor is final.

28 \* Sec. 14. AS 16.05.280 is amended to read:

29 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may remove

1 a master board member or a regional board member for inefficiency,  
2 neglect of duty, or misconduct in office by delivering to him a written  
3 copy of the charges and giving him an opportunity to be heard in person  
4 or through counsel at a public hearing before the governor or his desig-  
5 nee upon at least 10 days' notice by registered mail. The member has  
6 the right to confrontation by and cross-examination of all witnesses  
7 against him. Upon removal, the governor or his designee shall file a  
8 complete statement of all charges made against the member and the find-  
9 ings in the proper state office.

10 \* Sec. 15. AS 16.05.290 is amended to read:

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

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

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

22 (b) The master board, after consulting with the regional boards,  
23 shall establish a meeting schedule to insure that a maximum of coordi-  
24 nation exists in the adoption of regional board regulations so that the  
25 master board can fully and timely review all regional board regulations  
26 under AS 16.05.256(b) before their publication under AS 44.62.190.

27 \* Sec. 17. AS 16.05.305 is amended to read:

28 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The master board  
29 and each regional board [BOARD OF FISHERIES AND THE BOARD OF GAME] are

1 authorized to hire and set the compensation for one clerical assistant  
2 for each board.

3 \* Sec. 18. AS 16.05.315 is amended to read:

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

10 \* Sec. 19. AS 16.05.320 is amended to read:

11 Sec. 16.05.320. QUORUM. A majority of the members of a regional  
12 board or of the master board constitutes a quorum for the transaction of  
13 business, for the performance of any duty, and for the exercise of any  
14 power. However, a majority of the full board membership is required to  
15 carry all motions, regulations and resolutions. [A MAJORITY OF THE  
16 MEMBERS OF THE BOARDS OF FISHERIES AND GAME CONSTITUTE A QUORUM FOR THE  
17 TRANSACTION OF BUSINESS IN A JOINT BOARD MEETING. A MAJORITY OF THE  
18 MEMBERSHIP OF THE BOARDS IS REQUIRED TO CARRY ALL JOINT MOTIONS, REGULA-  
19 TIONS AND RESOLUTIONS OF THE BOARDS.]

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

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

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

27 (c) The term "registered under the laws of the state", as used in  
28 this section, shall be defined by the master board [BOARD OF FISHERIES]  
29 through the adoption of regulations under the Administrative Procedure

1 Act (AS 44.62). The definition may include any existing requirements  
2 regarding registration, licenses, permits, and similar matters imposed  
3 by law or regulation together with modifications of them and with any  
4 additional requirements the board finds necessary to maximize the  
5 authority of the state to apply and enforce fisheries regulations under  
6 the Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90  
7 Stat. 331, 16 U.S.C. 1801 et seq.).

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

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

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

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

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

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

22 \* Sec. 25. AS 16.05.800 is amended to read:

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

28 \* Sec. 26. AS 16.05.820 is amended to read:

29 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary

1 of the Interior, the Secretary of Commerce or the Secretary of Agricul-  
2 ture of the United States and their authorized agents or other appro-  
3 priate federal agencies may conduct fish cultural operations and  
4 scientific investigations in the state in the manner and at the times  
5 jointly considered necessary or proper by the master board [BOARD OF  
6 FISHERIES] and the secretary and their authorized agents.

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

8 (a) In addition to any other program for the stocking or propa-  
9 gation of game birds that the department has as of July 23, 1974, the  
10 department shall establish a special program for the raising, mainte-  
11 nance, and release of upland game birds in the state. Birds raised  
12 under this program may be released in an appropriate area of the state,  
13 at any time, but may be harvested only during regular hunting seasons,  
14 as specified by the regional boards [BOARD] under AS 16.05.256(c)(1) [AS  
15 16.05.255(2)]. The regional boards [BOARD] shall promulgate regulations  
16 necessary to implement this section.

17 \* Sec. 28. AS 16.05.865 is amended to read:

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

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

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

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

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

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

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

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

9 (17) "subsistence fishing" means the taking, fishing for, or  
10 possession of fish, shellfish, or other fishery resources for subsis-  
11 tence uses with gill net, seine, fish wheel, long line, or other means  
12 defined by the regional boards [BOARD OF FISHERIES];

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

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

15 \* Sec. 34. AS 16.10.125 is amended to read:

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

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

24 (d) Each regional board of fish and game [THE BOARD OF FISHERIES]  
25 may adopt regulations under the Administrative Procedure Act (AS 44.62)  
26 it considers necessary for implementation of this section. The board  
27 may delegate its authority under this section to the commissioner.

28 \* Sec. 36. AS 16.10.190 is amended to read:

29 Sec. 16.10.190. REGULATIONS. The Master Board of Fish and Game

1 [BOARD OF FISHERIES] may promulgate regulations to carry out the pur-  
2 poses of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas,  
3 migratory fish and migratory shellfish and to make coastal fishery  
4 regulations governing the manner, means, conditions and time for the  
5 taking of migratory fish and migratory shellfish applicable in desig-  
6 nated adjacent high sea areas.

7 \* Sec. 37. AS 16.10.200 is amended to read:

8 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for a  
9 person taking migratory fish and migratory shellfish in high sea areas  
10 designated by the Master Board of Fish and Game [BOARD OF FISHERIES] or  
11 in violation of the regulations promulgated by the board [BOARD OF  
12 FISHERIES] governing the taking of migratory fish and migratory shell-  
13 fish in the designated areas to possess, sell, offer to sell, barter,  
14 offer to barter, give or transport in the state, including the waters of  
15 the state, migratory fish or migratory shellfish.

16 \* Sec. 38. AS 16.10.210 is amended to read:

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

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

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

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

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

1 \* Sec. 41. AS 16.20.240 is amended to read:

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

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

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

13 \* Sec. 43. AS 16.43.350 is amended to read:

14           Sec. 16.43.350. APPLICATIONS OF REGULATIONS OF BOARDS OF FISH AND  
15 GAME [BOARD OF FISHERIES]. Nothing in this chapter limits the powers of  
16 the Master Board of Fish and Game or of the regional boards of fish  
17 and game [BOARD OF FISHERIES], including the power to determine legal  
18 types of gear and the power to establish size limitations or other uni-  
19 form restrictions applying to a certain type of gear. Holders of  
20 interim-use permits or entry permits issued under this chapter are  
21 subject to all regulations adopted by the master board or by the re-  
22 gional boards [BOARD OF FISHERIES].

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

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

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

27           (J) Master Board of Fish and Game (AS 16.05.235) and  
28 the regional boards of fish and game (AS 16.05.225) [(AS 16.05.-  
29 220)];

1 \* Sec. 46. AS 41.99.010 is amended to read:

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

6 \* Sec. 47. AS 44.39.030 is amended to read:

7           Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.  
8 The governor shall appoint the commissioner of fish and game from a list  
9 of qualified persons nominated by the Master Board of Fish and Game  
10 [BOARD OF FISHERIES AND THE BOARD OF GAME MEETING IN JOINT SESSION],  
11 subject to the right of the governor to request additional nominations.  
12 The appointment shall be confirmed by a majority of the members of the  
13 legislature in joint session. The commissioner of fish and game serves  
14 for a term of five years.

15 \* Sec. 48. AS 44.39.050 is amended to read:

16           Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Master Board of  
17 Fish and Game [BOARD OF FISHERIES OR THE BOARD OF GAME] may submit a  
18 resolution to the governor requesting the removal of the commissioner.  
19 The resolution shall set out the grounds for the request and the  
20 governor shall give the commissioner and the board [BOTH BOARDS] an  
21 opportunity to be heard. The final decision to remove or retain the  
22 commissioner shall be made by the governor.

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

24           (40) Master Board of Fish and Game [BOARD OF FISHERIES]

25           (41) regional boards of fish and game established under  
26 AS 16.05.225 [BOARD OF GAME]

27 \* Sec. 50. The governor shall make initial appointments to the regional  
28 boards established in AS 16.05.225 and shall designate the chairmen of the  
29 regional boards within 90 days after the effective date of this Act.

1 \* Sec. 51. The Master Board of Fish and Game shall adopt regulations in  
2 accordance with the Administrative Procedure Act (AS 44.62) establishing  
3 specific boundaries for the areas described in AS 16.05.225 within six months  
4 after the completion of initial appointments to the regional boards in  
5 accordance with sec. 50 of this Act.

6 \* Sec. 52. Regulations of the Board of Fisheries and of the Board of Game  
7 in effect on the effective date of this Act remain in effect until amendment  
8 or repeal by a regional board of fish and game established in AS 16.05.225 or  
9 by the Master Board of Fish and Game established in AS 16.05.235.

10 \* Sec. 53. The following laws are repealed: AS 16.05.221, 16.05.251,  
11 16.05.255, and AS 39.05.060(a)(5).

12 \* Sec. 54. This Act takes effect immediately in accordance with AS 01.10.-  
13 070(c).

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