

Introduced: 1/31/79
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 92

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 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
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 research which is necessary or
20 advisable for the protection, conservation, and management of the fish
21 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 cooperative
29 agreements with the federal government require assent to the applica-

1 bility of federal laws or regulations in the state, that assent shall
2 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 or game or the promotion of
13 the general welfare [CIRCUMSTANCES REQUIRE], to summarily open or
14 close seasons or areas wholly or partially, or to change weekly closed
15 periods on fish or game by means of emergency orders. The commissioner
16 may also implement regulations of the Boards of Fisheries and Game by
17 emergency order when authorized by a board. An emergency order has
18 the force and effect of law after field announcement by the commissioner
19 or his authorized designee. An emergency order adopted under this
20 section is not subject to the Administrative Procedure Act (AS 44.62),
21 and need not be published in the Alaska Administrative Code. An
22 emergency order must contain a description of and a justification for
23 the action undertaken, the effective date, the text of amended regula-
24 tions, and the signature of the commissioner or his authorized designee.
25 Field announcement must be made before the time of effectiveness in a
26 manner calculated to reach interested persons, such as by publication,
27 telegraph, broadcast, distribution, posting or other effective means.
28 A copy of the emergency order must be deposited in the lieutenant
29 governor's office within 20 days after the effective date of the

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

4 * Sec. 5. AS 16.05.251(3) is amended to read:

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

7 * Sec. 6. AS 16.05.251(7) is amended to read:

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

12 * Sec. 7. AS 16.05.251(8) is repealed and re-enacted to read:

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

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

17 (9) assenting to the applicability of federal regulations
18 where necessary to effectuate cooperative agreements or other arrange-
19 ments with the federal government;

20 * Sec. 9. AS 16.05.251 is amended by adding new paragraphs to read:

21 (13) imposing limitations on the use and disposition of
22 fish when necessary for the conservation and protection of fish
23 resources and the preservation of the public welfare;

24 (14) improving or facilitating conservation and protection
25 of fish; and

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

28 * Sec. 10. AS 16.05.255(4) is amended to read:

29 (4) setting quotas, [AND] bag limits, harvest levels, and

1 sex, age and size limitations on the taking of game;

2 * Sec. 11. AS 16.05.255(6) is repealed and re-enacted to read:

3 (6) establishing methods and harvest levels necessary to
4 control predation and competition among game in the state, authorizing
5 the payment of bounties in game management units or parts of them,
6 specifying the amounts of bounties, and prescribing procedures for the
7 collection of bounties;

8 * Sec. 12. AS 16.05.255(7) is amended to read:

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

13 * Sec. 13. AS 16.05.255(8) is repealed and re-enacted to read:

14 (8) assenting to the applicability of federal regulations
15 when necessary to effectuate cooperative agreements or other arrange-
16 ments with the federal government;

17 * Sec. 14. AS 16.05.255 is amended by adding new paragraphs to read:

18 (11) imposing limitations on the use and disposition of
19 game when necessary for the conservation and protection of game
20 resources and the preservation of the public welfare;

21 (12) improving or facilitating conservation and protection
22 of game; and

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

25 * Sec. 15. AS 16.05.940(6) is amended to read:

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, amphibian, or inverte-
29 brate;

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

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

18 * Sec. 17. AS 16.05.940 is amended by adding a new subsection to read:

19 (b) Except as otherwise provided, the appropriate board may
20 adopt regulations under the Administrative Procedure Act (AS 44.62) to
21 implement, apply, or make specific the definitions in (a) of this
22 section. The definitions in (a) of this section apply to all chapters
23 of this title unless the context otherwise requires.

24 * Sec. 18. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.075. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 50 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 60 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 60 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 60 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

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

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

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

24 * Sec. 20. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.265. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 250 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 260 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 260 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 260 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

6 ARTICLE 6. GENERAL PROVISIONS.

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