

Introduced: 2/1/84  
Referred: House Special Committee on  
Fisheries, Resources and Finance

1 IN THE HOUSE

BY WENDTE

2

HOUSE BILL NO. 563

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to master and regional fisheries

7

boards; and providing for an effective date."

8

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

9

\* Section 1. AS 16.05 is amended by adding new sections to read:

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Sec. 16.05.222. REGIONAL BOARDS OF FISHERIES. There is estab-

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lished within the Department of Fish and Game a regional board of

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fisheries for each of the following general areas:

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(1) Southeast Alaska: The Southeast Alaska mainland and

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islands northward and westward from Dixon Entrance to Cape Suckling,

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and the adjacent coastal water seaward to the limit of the state's

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jurisdiction.

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(2) Southcentral Alaska: The area drained by water flowing

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into the Gulf of Alaska, Prince William Sound, Cook Inlet, and

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Kamishak Bay from Cape Suckling westward to the Northern boundary of

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Katmai National Monument on the Alaska Peninsula, and the adjacent

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coastal water to the limit of the state's jurisdiction, and the area

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lying south of the rim of the Alaska Range and Wrangell Mountains.

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(3) Southwestern Alaska: Kodiak Island and adjacent

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islands south of Kennedy Entrance; the Alaska Peninsula south and west

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of the northern boundary of Katmai National Monument; Chirikof and

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Shumagin Islands, and all other adjacent offshore islands; the

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Aleutian Islands and the Pribilof Islands; land surrounding Iliamna

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Lake and Lake Clark west of the Chigmit Mountains and the Aleutian

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Range; all land drained by water flowing into Bristol Bay; and the

1 adjacent islands and coastal waters seaward to the limit of the  
2 state's jurisdiction.

3 (4) Northern Alaska: All land and water of Alaska not  
4 included in the Southeast, Southcentral, and Southwest regions.

5 Sec. 16.05.223. MASTER BOARD OF FISHERIES. There is established  
6 within the Department of Fish and Game the Master Board of Fisheries.

7 Sec. 16.05.224. MEMBERSHIP. (a) Each regional board consists  
8 of five members appointed by the governor and confirmed by a majority  
9 of the membership of the legislature meeting in joint session. Each  
10 regional board member shall be well informed about the fish resources  
11 of the region to which the member is appointed.

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

14 (c) The master board consists of the chairmen of the regional  
15 boards and the commissioner of fish and game. The commissioner serves  
16 as chairman of the master board.

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

20 Sec. 16.05.225. TERMS. (a) Members of regional boards serve  
21 for four-year staggered terms among the initial appointments to each  
22 regional board, two members shall serve for four years, two members  
23 shall serve for three years, and one member shall serve for two years.

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

26 Sec. 16.05.226. VACANCIES. Vacancies on a regional board shall  
27 be filled in the same manner as original appointments. A member  
28 appointed to fill a vacancy serves for the remainder of the term.

29 \* Sec. 2. AS 16.05.251 is amended to read:

1           Sec. 16.05.251. REGULATIONS OF THE REGIONAL BOARDS OF FISHERIES  
2 [BOARD OF FISHERIES]. (a) A regional board of fisheries [THE BOARD  
3 OF FISHERIES] may adopt regulations it considers advisable for the  
4 area within its jurisdiction in accordance with the Administrative  
5 Procedure Act (AS 44.62) for

6           (1) setting apart fish reserve areas, refuges and sanctu-  
7 aries in the waters of the state over which it has jurisdiction,  
8 subject to the approval of the legislature;

9           (2) establishing open and closed seasons and areas for the  
10 taking of fish;

11           (3) setting quotas and bag limits on the taking of fish;

12           (4) establishing the means and methods employed in the  
13 pursuit, capture and transport of fish;

14           (5) establishing marking and identification requirements  
15 for means used in pursuit, capture and transport of fish;

16           (6) classifying as commercial fish, sport fish or predators  
17 or other categories essential for regulatory purposes;

18           (7) engaging in biological research, watershed and habitat  
19 improvement, fish management, protection, propagation and stocking;

20           (8) investigating and determining the extent and effect of  
21 disease, predation, and competition among fish in the state, exercis-  
22 ing control measures considered necessary to the resources of the  
23 state;

24           [(9) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL  
25 INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE FISH  
26 RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO TRAIN PERSONS  
27 FOR FISH MANAGEMENT;]

28           (9) [(10)] prohibiting and regulating the live capture,  
29 possession, transport, or release of native or exotic fish or their

1 eggs;

2 (10) [(11)] establishing seasons, areas, quotas and methods  
3 of harvest for aquatic plants; and

4 (11) as provided under AS 16.10.173(d)

5 [(12) ESTABLISHING THE TIMES AND DATES DURING WHICH THE  
6 ISSUANCE OF FISHING LICENSES, PERMITS AND REGISTRATIONS AND THE TRANS-  
7 FER OF PERMITS AND REGISTRATIONS BETWEEN REGISTRATION AREAS IS AL-  
8 LOWED; HOWEVER, THIS PARAGRAPH DOES NOT APPLY TO PERMITS ISSUED OR  
9 TRANSERRED UNDER AS 16.43].

10 (b) Each regional board of fisheries [THE BOARD OF FISHERIES]  
11 shall adopt regulations for the area within its jurisdiction in accor-  
12 dance with the Administrative Procedure Act (AS 44.62) permitting the  
13 taking of fish for subsistence uses unless the board determines, in  
14 accordance with the Administrative Procedure Act, that adoption of the  
15 regulations will jeopardize or interfere with the maintenance of fish  
16 stocks on a sustained-yield basis. Whenever it is necessary to re-  
17 strict the taking of fish to assure the maintenance of fish stocks on  
18 a sustained-yield basis, or to assure the continuation of subsistence  
19 uses of such resources, subsistence use shall be the priority use. If  
20 further restriction is necessary, the board shall establish restric-  
21 tions and limitations on and priorities for these consumptive uses on  
22 the basis of the following criteria:

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

25 (2) local residency; and

26 (3) availability of alternative resources.

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

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

5 (d) Two or more regional boards of fisheries may adopt joint and  
6 uniform regulations relating to fish populations that migrate between  
7 or among the regions represented by the regional boards.

8 \* Sec. 3. AS 16.05 is amended by adding a new section to read:

9 Sec. 16.05.252. REGULATIONS OF THE MASTER BOARD OF FISHERIES.

10 (a) The Master Board of Fisheries may adopt regulations it consider  
11 advisable in accordance with the Administrative Procedure Act  
12 (AS 44.62)

13 (1) establishing the times and dates during which the  
14 issuance of fishing licenses, permits and registrations and the trans-  
15 fer of permits and registrations between registration areas is al-  
16 lowed; however, this paragraph does not apply to permits issued or  
17 transferred under AS 16.43;

18 (2) for entering into cooperative agreements with educa-  
19 tional institutions and state, federal, or other agencies to promote  
20 fish research, management, education and information and to train  
21 persons for fish management; and

22 (3) as provided under AS 16.10.125, 16.10.190, 16.10.-  
23 440(b); AS 16.20.240; and AS 41.21.616.

24 (b) The Master Board of Fisheries may amend or veto regulations  
25 adopted by a regional board if

26 (1) two or more regional boards are unable to agree on  
27 uniform regulations relating to a fish population that migrates be-  
28 tween or among regions represented by the regional boards, in which  
29 case the master board may amend or veto regulations of any of the

1 regional boards involved in order to establish uniformity in the  
2 regulations; or

3 (2) in the opinion of the master board, a regulation of a  
4 regional board exceeds the authority of the regional board or is  
5 otherwise not in accordance with AS 16.05.251.

6 (c) The Master Board of Fisheries shall provide written findings  
7 of fact and a written statement of reasons for any action taken by the  
8 master board under (b) of this section.

9 \* Sec. 4. AS 16.05 is amended by adding a new section to read:

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

13 \* Sec. 5. AS 16.05.070 is amended to read:

14 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the  
15 regional boards of fisheries, the Master Board of Fisheries, the Board  
16 of Game [AND GAME] and [OF] the commissioner, including emergency  
17 openings and closures, are admissible as evidence in the courts of the  
18 state in accordance with the Administrative Procedure Act (AS 44.62).

19 \* Sec. 6. AS 16.05.080 is amended to read:

20 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter  
21 authorizes the department or the master or regional boards of fisher-  
22 ies, or the Board of Game [AND GAME] to change the amount of fees or  
23 licenses.

24 \* Sec. 7. AS 16.05.094 is amended to read:

25 Sec. 16.05.094. DUTIES OF SECTION OF SUBSISTENCE HUNTING AND  
26 FISHING. The section of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather  
28 information, including data from subsistence users, on all aspects of  
29 the role of subsistence hunting and fishing in the lives of the

1 residents of the state;

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

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

6 (4) assist the department, the master and regional boards  
7 of fisheries [BOARD OF FISHERIES], and the Board of Game in determin-  
8 ing what uses of fish and game, as well as which users and what  
9 methods, should be termed subsistence uses, users, and methods;

10 (5) evaluate the impact of state and federal laws and  
11 regulations on subsistence hunting and fishing and, when corrective  
12 action is indicated, make recommendations to the department;

13 (6) make recommendations to the Board of Game and the  
14 master and regional boards of fisheries [BOARD OF FISHERIES] regarding  
15 adoption, amendment and repeal of regulations affecting subsistence  
16 hunting and fishing;

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

20 \* Sec. 8. AS 16.05.253 is amended to read:

21 Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. (a) A  
22 regional board of fisheries or the Master [THE] Board of Fisheries may  
23 require a person who holds a limited entry permit or an interim-use  
24 permit under AS 16.43 to be physically present at a beach or riparian  
25 fishing site during the operation of net gear or other stationary  
26 fishing gear at the site, except when the permit holder is at or  
27 traveling to or from the location of

28 (1) a sale of fish caught in the gear; or

29 (2) other stationary gear of the permit holder.

1 (b) For purposes of this section, "fishing site" means fishing  
2 site as defined by the Master Board of Fisheries or a regional board  
3 of fisheries and includes any structure used for providing shelter in  
4 support of the operation of the net gear or other stationary fishing  
5 gear.

6 \* Sec. 9. AS 16.05.260 is amended to read:

7 Sec. 16.05.260. ADVISORY COMMITTEES. The regional boards of  
8 fisheries [THE BOARD OF FISHERIES] and the Board of Game may adopt  
9 regulations they consider advisable in accordance with the  
10 Administrative Procedure Act (AS 44.62) establishing, within the  
11 region represented by a regional board or at places in the state  
12 designated by the Board of Game [INDIVIDUAL BOARDS], advisory  
13 committees to be composed of persons well informed on the fish or game  
14 resources of the locality. The boards shall set the number and terms  
15 of each of the members of the advisory committees, shall delegate one  
16 member of each committee as chairman, and shall give the chairman  
17 authority to hold public hearings on fish or game matters. Recom-  
18 mendations from the advisory committees shall be forwarded to the  
19 appropriate board for [THEIR] consideration but if a regional board of  
20 fisheries [THE BOARD OF FISHERIES] or the Board of Game chooses not to  
21 follow the recommendations of the local advisory committee the approp-  
22 riate board shall inform the appropriate advisory committee of this  
23 action and state the reasons for not following the recommendations.  
24 The commissioner shall delegate authority to advisory committees for  
25 emergency closures during established seasons. The commissioner is  
26 empowered to set aside and make null and void only opening of seasons  
27 set by the advisory committees under this section. The appropriate  
28 board shall adopt the necessary regulations governing these closures.

29 \* Sec. 10. AS 16.05.270 is amended to read:

1           Sec. 16.05.270, DELEGATION OF AUTHORITY TO COMMISSIONER. For  
2 the purpose of administering AS 16.05.251, 16.05.252, and 16.05.255,  
3 each board may delegate authority to the commissioner to act in its  
4 behalf. If there is a conflict between the board and the commissioner  
5 on proposed regulations, public hearings shall be held concerning the  
6 issues in question. If, after the public hearings, the board and the  
7 commissioner continue to disagree, the issue shall be certified in  
8 writing by the board and the commissioner to the governor who shall  
9 make a decision. The decision of the governor is final.

10 \* Sec. 11. AS 16.05.300 is repealed and reenacted to read:

11           Sec. 16.05.300. BOARD MEETINGS. (a) The Board of Game shall  
12 hold at least one meeting a year and as many other meetings as it  
13 considers necessary. The Board of Game shall select the time and  
14 place in the state for the transaction of business. The Board of Game  
15 shall maintain its office at the principal office of the department.

16           (b) The Master Board of Fisheries and each regional board of  
17 fisheries shall hold at least two meetings each year and as many other  
18 meetings as it considers necessary. Meetings may be called by the  
19 chairman or by a majority of the members of the board.

20           (c) The Master Board of Fisheries, after consulting with the  
21 regional boards, shall establish a meeting schedule to ensure maximum  
22 coordination in the adoption of regional board regulations so that the  
23 master board can make a full and timely review of all regional board  
24 regulations under AS 16.05.252(b) before publication under AS 44.62.-  
25 190.

26 \* Sec. 12. AS 16.05.305 is amended to read:

27           Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The master  
28 board and each regional board of fisheries, [BOARD OF FISHERIES] and  
29 the Board of Game are authorized to hire and set the compensation for

1 one clerical assistant for each board.

2 \* Sec. 13. AS 16.05.315 is amended to read:

3 Sec. 16.05.315. JOINT BOARD MEETINGS. The Master Board of  
4 Fisheries and the Board of Game may hold a joint meeting upon the call  
5 of the commissioner or a board to resolve any conflicts in regulations  
6 of the boards and to consider matters, as determined by the  
7 commissioner or a board, which require the consideration of both  
8 boards.

9 \* Sec. 14. AS 16.05.320 is amended to read:

10 Sec. 16.05.320. QUORUM. A majority of the members of a board  
11 constitutes a quorum for the transaction of business, for the perfor-  
12 mance of any duty, and for the exercise of any power. However, a  
13 majority of the full board membership is required to carry all  
14 motions, regulations and resolutions. A majority of the members of  
15 the Master Board [BOARDS] of Fisheries [FISHERIES] and the Board of  
16 Game [GAME] constitute a quorum for the transaction of business in a  
17 joint board meeting. A majority of the membership of the boards is  
18 required to carry all joint motions, regulations and resolutions of  
19 the boards.

20 \* Sec. 15. 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 of Fisheries through the adoption of regulations  
23 under the Administrative Procedure Act (AS 44.62). The definition may  
24 include any activities involving the use or navigation of fishing  
25 vessels.

26 \* Sec. 16. AS 16.05.475(c) is amended to read:

27 (c) The term "registered under the laws of the state", as used  
28 in this section, shall be defined by the Master 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  
6 under 16 U.S.C. secs. 1801 - 1882 (the Fishery Conservation and  
7 Management Act of 1976) [(P.L. 94-265, 90 STAT. 331, 16 U.S.C. 1801  
8 ET SEQ.)].

9 \* Sec. 17. AS 16.05.632(d) is amended to read:

10 (d) For the purposes of this section

11 (1) "board" means the appropriate regional board of fisher-  
12 ies [BOARD OF FISHERIES];

13 (2) "registration tags" means any tag, tape, or other  
14 identification device or method determined to be appropriate by the  
15 board.

16 \* Sec. 18. AS 16.05.685(c) is amended to read:

17 (c) In this section,

18 (1) "process" means to butcher, cook, chill, or freeze crab  
19 for commercial use;

20 (2) "registration area" means a specific king crab regis-  
21 tration area as designated by regulation of the appropriate regional  
22 board of fisheries [BOARD OF FISHERIES] and includes the Bering Sea  
23 shellfish area and the western Aleutian Islands king crab area.

24 \* Sec. 19. AS 16.05.785 is amended to read:

25 Sec. 16.05.785. FAILURE TO REMOVE MARKERS. If the Master Board  
26 of Fisheries or a regional board of fisheries by regulation uses  
27 Department of Fish and Game markers to establish waters closed to  
28 commercial fishing and the state fails to remove the old markers when  
29 new markers are posted to establish waters closed to commercial

1 fishing, commercial fishing is expressly permitted in the waters  
2 between the new markers and the old markers until the old markers are  
3 removed.

4 \* Sec. 20. AS 16.05.820 is amended to read:

5 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secre-  
6 tary of the Interior, the Secretary of Commerce or the Secretary of  
7 Agriculture of the United States and their authorized agents or other  
8 appropriate federal agencies may conduct fish cultural operations and  
9 scientific investigations in the state in the manner and at the times  
10 jointly considered necessary or proper by the Master Board of Fisher-  
11 ies and the secretary and their authorized agents.

12 \* Sec. 21. AS 16.05.940(3) is amended to read:

13 (3) "a board" means [EITHER] the Master Board of Fisheries,  
14 a regional board of fisheries, or the Board of Game;

15 \* Sec. 22. AS 16.05.940(21) is amended to read:

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

22 \* Sec. 23. AS 16.05.940(22) is amended to read:

23 (22) "subsistence fishing" means the taking, fishing for, or  
24 possession of fish, shellfish, or other fisheries resources for sub-  
25 sistence uses with gill net, seine, fish wheel, long line, or other  
26 means defined by the regional boards of fisheries [BOARD OF  
27 FISHERIES];

28 \* Sec. 24. AS 16.05.940 is amended by adding new paragraphs to read:

29 (29) "master board" means the Master Board of Fisheries;

1 (30) "regional board" means a regional board of fisheries.

2 \* Sec. 25. AS 16.10.125 is amended to read:

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

10 \* Sec. 26. AS 16.10.173(d) is amended to read:

11 (d) Each regional board of fisheries [THE BOARD OF FISHERIES]  
12 may adopt regulations under the Administrative Procedure Act (AS  
13 44.62) it considers necessary for implementation of this section. A  
14 [THE] board may delegate its authority under this section to the  
15 commissioner.

16 \* Sec. 27. AS 16.10.190 is amended to read:

17 Sec. 16.10.190. REGULATIONS. The Master Board of Fisheries may  
18 adopt regulations to carry out the purposes of AS 16.10.180 - 16.10.-  
19 230 defining the adjacent high sea areas, migratory fish and migratory  
20 shellfish and to make coastal fishery regulations governing the  
21 manner, means, conditions and time for the taking of migratory fish  
22 and migratory shellfish applicable in designated adjacent high sea  
23 areas.

24 \* Sec. 28. AS 16.10.200 is amended to read:

25 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. A person taking  
26 migratory fish and migratory shellfish in high sea areas designated by  
27 the Master Board of Fisheries or in violation of the regulations  
28 adopted by the Master Board of Fisheries governing the taking of  
29 migratory fish and migratory shellfish in the designated areas may not

1 possess, sell, offer to sell, barter, offer to barter, give or trans-  
2 port in the state, including the waters of the state, migratory fish  
3 or migratory shellfish.

4 \* Sec. 29. AS 16.10.210 is amended to read:

5 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. A person may  
6 not possess, purchase, offer to purchase, sell, or offer to sell in  
7 the state migratory fish or migratory shellfish taken on the high seas  
8 knowing that they were taken in violation of a regulation adopted by  
9 the Master Board of Fisheries governing the taking of migratory fish  
10 or migratory shellfish in certain areas designated by the Master Board  
11 of Fisheries or the commissioner.

12 \* Sec. 30. AS 16.10.440(b) is amended to read:

13 (b) The Master Board of Fisheries may, after the issuance of a  
14 permit by the commissioner, amend by regulation adopted in accordance  
15 with the Administrative Procedure Act (AS 44.62), the terms of the  
16 permit relating to the source and number of salmon eggs, the harvest  
17 of fish by hatchery operators, and the specific locations designated  
18 by the department for harvest. The Master Board of Fisheries may not  
19 adopt any regulations or take any action regarding the issuance or  
20 denial of any permits required in AS 16.10.400 - 16.10.470.

21 \* Sec. 31. AS 16.20.240 is amended to read:

22 Sec. 16.20.240. REGULATIONS. The Master Board of Fisheries and  
23 the Board of Game, where appropriate, may [SHALL] adopt regulations  
24 they consider advisable for conservation and protection purposes  
25 governing the taking of fish and game in state fish and game critical  
26 habitat areas.

27 \* Sec. 32. AS 16.43.200(a) is amended to read:

28 (a) The commission shall establish administrative areas suitable  
29 for regulating and controlling entry into the commercial fisheries.

1 The commission shall make the administrative areas reasonably compati-  
2 ble with the geographic areas for which specific commercial fishing  
3 regulations are adopted by the Master Board of Fisheries and the  
4 regional board of fisheries.

5 \* Sec. 33. AS 16.43.381 is amended to read:

6 (a) Use privileges granted under AS 16.43.340 - 16.43.390 are  
7 subject to the regulations of the master and regional boards of fish-  
8 eries [BOARD OF FISHERIES] which may adopt regulations exclusively  
9 applicable to the use of educational entry permits.

10 \* Sec. 34. AS 16.43.430 is amended to read:

11 Sec. 16.43.430. AUTHORIZED GEAR. For the purposes of harvesting  
12 salmon, a special harvest area entry permit holder may employ any  
13 fishing gear designated as legal gear in the applicable special har-  
14 vest area by the Master Board of Fisheries or a regional board of  
15 fisheries.

16 \* Sec. 35. AS 16.43.440(a) is amended to read:

17 (a) Use privileges granted under AS 16.43.400 - 16.43.440 are  
18 subject to the regulations of the Master Board of Fisheries and the  
19 regional boards of fisheries.

20 \* Sec. 36. AS 16.43.950 is amended to read:

21 Sec. 16.43.950. APPLICATIONS OF REGULATIONS OF BOARDS [BOARD] OF  
22 FISHERIES. Nothing in this chapter limits the powers of the master or  
23 regional boards of fisheries [BOARD OF FISHERIES], including the power  
24 to determine legal types of gear and the power to establish size  
25 limitations or other uniform restrictions applying to a certain type  
26 of gear. Holders of interim-use permits or entry permits issued under  
27 this chapter are subject to all regulations adopted by the master  
28 board or by the regional boards [BOARD OF FISHERIES].

29 \* Sec. 37. AS 16.43.990(8) is amended to read:

1 (8) "type of gear" means a customary and identifiable  
2 classification of gear and shall include:

3 (A) those classifications for which separate regula-  
4 tions are adopted by the Master Board of Fisheries or a regional  
5 board of fisheries and for which separate gear licenses are  
6 required by AS 16.05.550 - 16.05.630; and

7 (B) distinct subclassifications of gear such as  
8 "power" troll gear and "hand" troll gear;

9 \* Sec. 38. AS 16.43.990(9) is amended to read:

10 (9) "unit of gear" means the maximum amount of a specific  
11 type of gear which can be fished under a single gear license subject  
12 to regulations established by the Master Board of Fisheries or a  
13 regional board of fisheries defining the legal requirements for that  
14 type of gear.

15 \* Sec. 39. AS 39.05.060(a) is amended to read:

16 (a) Each member of the following shall be a citizen of the  
17 United States:

18 (1) Local Boundary Commission;

19 (2) Alcoholic Beverage Control Board;

20 (3) Employment Security Advisory Council;

21 (4) Alaska State Housing Authority;

22 (5) master and regional boards of fisheries [BOARD OF  
23 FISHERIES];

24 (6) Board of Tourism;

25 [(7) Repealed;

26 (8) Repealed;]

27 (7) [(9)] the Governor's Commission on the Involvement of  
28 Young People in Government;

29 (8) [(10)] Board of Game.

1 \* Sec. 40. AS 39.50.200(b)(40) is amended to read:

2 (40) The Master Board of Fisheries (AS 16.05.223) or a  
3 regional board of fisheries (AS 16.05.222) [(AS 16.05.221(a))];

4 \* Sec. 41. AS 41.21.302(d) is amended to read:

5 (d) The commissioner of natural resources may not restrict the  
6 exercise of fishing, hunting, or trapping rights permitted under law  
7 or under a regulation of the Master Board of Fisheries, a regional  
8 board of fisheries, or the Board of Game within a marine park unit of  
9 the Alaska state park system.

10 \* Sec. 42. AS 41.21.616 is amended to read:

11 Sec. 41.21.616. REGULATIONS. The department shall consult with  
12 the Department of Fish and Game, the United States Fish and Wildlife  
13 Service, a local governing body of a municipality, any local fish and  
14 game advisory committees, and the Alaska Chilkat Bald Eagle Preserve  
15 Advisory Council established by AS 41.21.625 before adoption of rea-  
16 sonable regulations governing public use and protection of the Alaska  
17 Chilkat Bald Eagle Preserve. The Department of Fish and Game shall  
18 consult with the department and the Alaska Chilkat Bald Eagle Preserve  
19 Advisory Council in proposing regulations governing fish and game  
20 management in the Alaska Chilkat Bald Eagle Preserve for adoption by  
21 the Master Board of Fisheries or the Board of Game. The Department of  
22 Fish and Game and the department shall cooperate with the United  
23 States Fish and Wildlife Service in its administration of federal law  
24 governing the conservation of bald eagles.

25 \* Sec. 43. AS 41.99.010 is amended to read:

26 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in  
27 this title denies the Department of Fish and Game or the Board of  
28 [FISH AND] Game or the master and regional boards of fisheries their  
29 management and enforcement responsibilities related to the fish and

1 game of this state.

2 \* Sec. 44. AS 44.39.030 is amended to read:

3 Sec. 44.39.030, APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.  
4 The governor shall appoint the commissioner of fish and game from a  
5 list of qualified persons nominated by the Master Board of Fisheries  
6 and the Board of Game meeting in joint session, subject to the right  
7 of the governor to request additional nominations. The appointment  
8 shall be confirmed by a majority of the members of the legislature in  
9 joint session. The commissioner of fish and game serves for a term of  
10 five years.

11 \* Sec. 45. AS 44.39.050 is amended to read:

12 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Master Board of  
13 Fisheries or the Board of Game may submit a resolution to the governor  
14 requesting the removal of the commissioner. The resolution shall set  
15 out the grounds for the request and the governor shall give the com-  
16 missioner and both boards an opportunity to be heard. The final  
17 decision to remove or retain the commissioner shall be made by the  
18 governor.

19 \* Sec. 46. AS 44.62.330(40) is amended to read:

20 (40) master and regional boards of fisheries [BOARD OF  
21 FISHERIES]

22 \* Sec. 47. The governor shall make initial appointments to the regional  
23 boards established in AS 16.05.222 and shall designate the chairmen of the  
24 regional boards within 90 days after the effective date of this Act.

25 \* Sec. 48. The Master Board of Fisheries shall adopt regulations in  
26 accordance with the Administrative Procedure Act (AS 44.62) establishing  
27 specific boundaries for the areas described in AS 16.05.222 within six  
28 months after the completion of initial appointments to the regional boards  
29 in accordance with sec. 47 of this Act.

1     \* Sec. 49. Regulations of the Board of Fisheries in effect on the  
2 effective date of this Act remain in effect until amendment or repeal by a  
3 regional board of fisheries established in AS 16.05.222 or by the Master  
4 Board of Fisheries established in AS 16.05.223.

5     \* Sec. 50. AS 16.05.221(a) is repealed.

6     \* Sec. 51. This Act takes effect immediately in accordance with AS 01.-  
7 10.070(c).