

MEMORANDUM

State of Alaska Department of Law

TO: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

DATE: October 19, 2017

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

SUBJECT: Corrections to the Alaska
Administrative Code (AAC):
5 AAC 92.085(3)(D), (8)(D)

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher the corrections to the Alaska Administrative Code (AAC) described below. These revisions correct manifest errors and update an editor's note to reflect the changes. The regulation to be revised is 5 AAC 92.085; the editor's note to be revised follows that regulation. The revisions to the regulation and editor's note should appear in the January 2018 register.

Please make the following revisions to 5 AAC 92.085:

5 AAC 92.085(3)(D)

Delete "repealed 7/1/2015;" and insert "hunter has successfully completed a department-approved bowhunter education course for any restricted weapons hunt that authorizes taking by bow and arrow;"

5 AAC 92.085(8)(D)

Delete "taking caribou from January 1 through April 15, in Unit 22 if the hunter is at least 300 feet from the airplane at the time of taking;" and insert "repealed 7/1/2015;"

In addition, in the editor's note following 5 AAC 92.085, please add a new paragraph at the end to read as follows:

As of Register 224 (January 2018), and acting under AS 44.62.125(b)(6), the regulations attorney corrected 5 AAC 92.085(3)(D) and (8)(D) to properly reflect the Board of Game action in March 2015 on what the board was presented in Record Copy (RC) 76.

The above changes are necessary to properly reflect a Board of Game action in March 2015 on Record Copy (RC) 76, where the board adopted a proposal to repeal 5 AAC 92.085(8)(D). The inadvertent appearance of the "repealed" notation at 5 AAC 92.085(3)(D)

rather than 5 AAC 92.085(8)(D), is due to a typographical error in the final document submitted to the Office of the Lieutenant Governor for filing, leads to a nonsensical result by not putting in final regulation the Board of Game's action, and by appearing to repeal provisions on bowhunter education despite no other changes being made in 5 AAC 92.085(3) relating to bowhunting. In short, 5 AAC 92.085(3)(D) was inadvertently repealed; the paragraph to be repealed instead is 5 AAC 92.085(8)(D). Amendments to 5 AAC 92.085 made in 2016 and published in Register 218 (July 2016) do not affect the two revised subparagraphs above; nor do the 2016 Board of Game actions affect the March 2015 action on RC 76. Thank you for your assistance, and please contact me if you have additional questions.

cc: Frances Leach, Regulations Contact
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