

HOUSE BILL NO. 163

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/5/03

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an annual wildlife conservation pass and the fee for that pass;**
2 **relating to nonresident and nonresident alien big game tag fees; and providing for an**
3 **effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS. The legislature finds that

8 (1) the opportunity to view wildlife is a unique and deeply valued part of the
9 experience of living and traveling in this state;

10 (2) the State of Alaska appropriates significant financial resources each year
11 for the purposes of wildlife management;

12 (3) existing law requires most hunters, fishers, and other consumptive users of
13 state wildlife to obtain hunting and fishing licenses and to pay the associated fees;

14 (4) existing law does not assess a fee on nonconsumptive uses of wildlife such

1 as wildlife viewing;

2 (5) the opportunity to view wildlife is a significant component of the
 3 experience enjoyed by many Alaskans and visitors through the use of commercial guides,
 4 outfitters, tour operators, and providers of transportation in settings where wildlife is present;

5 (6) individuals who do not obtain a hunting or fishing license and employ a
 6 commercial provider for an opportunity to view wildlife should bear a portion of the cost of
 7 wildlife management in this state.

8 * **Sec. 2.** AS 16.05 is amended by adding a new section to read:

9 **Sec. 16.05.115. Separate accounting for wildlife conservation pass fees.**

10 Fees received for annual wildlife conservation passes shall be deposited into a separate
 11 account in the general fund. The annual balance in the account may be appropriated
 12 by the legislature for the purpose of fish and wildlife management, viewing, and
 13 education programs.

14 * **Sec. 3.** AS 16.05.340(a)(15) is amended to read:

15 (15) Nonresident big game tags

16 A nonresident may not take a big game animal without previously purchasing a
 17 numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must
 18 be affixed to the animal immediately upon capture and must remain affixed until the
 19 animal is prepared for storage, consumed, or exported. A tag issued but not used for
 20 an animal may be used to satisfy the tagging requirement for an animal of any other
 21 species for which the tag fee is of equal or less value.

22	(A) Bear, black, each	\$225
23	(B) Bear, brown or grizzly, each	500
24	(C) Bison, each	450
25	(D) Caribou, each	400 [325]
26	(E) Deer, each	150
27	(F) Elk, each	300
28	(G) Goat, each	400 [300]
29	(H) Moose, each	450 [400]
30	(I) Sheep, each	500 [425]
31	(J) Wolf, each	30

1 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
 2 game management unit if the Board of Game has adopted an intensive
 3 management program under AS 16.05.255 for all or a portion of the game
 4 management unit.

5 (K) Wolverine, each 175

6 (L) Musk oxen, each 1,100

7 * **Sec. 4.** AS 16.05.340(a)(21) is amended to read:

8 (21) Nonresident alien big game tags

9 (A) Bear, black, each \$300

10 (B) Bear, brown or grizzly, each 650

11 (C) Bison, each 650

12 (D) Caribou, each **500** [425]

13 (E) Deer, each 200

14 (F) Elk, each 400

15 (G) Goat, each **500** [400]

16 (H) Moose, each **550** [500]

17 (I) Musk oxen, each 1,500

18 (J) Sheep, each **625** [550]

19 (K) Wolf, each 50

20 A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf
 21 in a game management unit if the Board of Game has adopted an intensive
 22 management program under AS 16.05.255 for all or a portion of the game
 23 management unit.

24 (L) Wolverine, each 250

25 * **Sec. 5.** AS 16.05.350(a) is amended to read:

26 (a) Licenses, permits, **annual wildlife conservation passes**, and tags required
 27 under AS 16.05.330 - 16.05.430, except biennial licenses, triennial licenses, the
 28 nonresident sport fishing licenses, the resident trapping license, the nonresident
 29 anadromous king salmon tags, the waterfowl conservation tag, and permits having a
 30 different specified expiration date, expire at the close of December 31 following
 31 issuance.

1 * **Sec. 6.** AS 16.05.360(a) is amended to read:

2 (a) The commissioner or an authorized deputy shall issue each license, [AND]
3 tag, and annual wildlife conservation pass to a qualified person under written
4 application containing such reasonable information as required by the commissioner.
5 The commissioner shall designate the license, [AND] tag, and annual wildlife
6 conservation pass form or type. **For purposes of the issuance of licenses and tags,**
7 **the** [THE] form or type must be sufficient to identify and locate the applicant and
8 establish the applicant's status as to residency and citizenship. Each application shall
9 be subscribed by the applicant.

10 * **Sec. 7.** AS 16.05.380 is amended to read:

11 **Sec. 16.05.380. Commissioner may appoint agents.** The commissioner may
12 appoint state employees or other persons to take applications, issue licenses, permits,
13 annual wildlife conservation passes, and tags, and collect fees. The commissioner is
14 not liable for defalcation or failure to account for the fees collected by any person so
15 appointed, but the commissioner shall require a bond in an adequate sum, conditioned
16 upon faithfully accounting for all money collected. However, the commissioner may
17 waive the bond requirements of an instrumentality of the United States or its agents
18 and employees when the instrumentality or its agents or employees sell licenses,
19 permits, annual wildlife conservation passes, or tags primarily to persons in the
20 armed forces. Each person, upon appointment by the commissioner, may administer
21 oaths on applications for licenses, permits, annual wildlife conservation passes, and
22 tags.

23 * **Sec. 8.** AS 16.05.390(a) is amended to read:

24 (a) Except as provided in (e) of this section, an agent appointed by the
25 commissioner under AS 16.05.380 to sell licenses, permits, annual wildlife
26 conservation passes, and tags is entitled to

27 (1) retain five percent of the fee that is charged for a license, permit,
28 annual wildlife conservation pass, or tag or 25 cents for each license, permit, annual
29 wildlife conservation pass, or tag sold, whichever is greater; and

30 (2) compensation of \$50 per year or \$1 for each license, permit,
31 annual wildlife conservation pass, or tag sold during the year, whichever is greater.

1 * **Sec. 9.** AS 16.05.390(b) is amended to read:

2 (b) Each agent appointed to sell licenses, permits, **annual wildlife**
 3 **conservation passes,** or tags under AS 16.05.380 shall, as directed by the
 4 commissioner, transmit the proceeds from the sales of licenses, permits, **annual**
 5 **wildlife conservation passes,** and tags, except the amount authorized to be retained
 6 under (a)(1) of this section, together with a report of the sales, to the commissioner for
 7 deposit in the fish and game fund or the general fund.

8 * **Sec. 10.** AS 16.05.390(c) is amended to read:

9 (c) On March 31, June 30, September 30, and December 31 of each year the
 10 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
 11 section, minus the penalties assessed under (g) of this section. If the compensation
 12 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
 13 after the date for which the compensation was calculated. If the compensation due is
 14 \$50 or less, the commissioner shall pay the compensation not later than January 30 of
 15 the year following the year in which the compensation was earned. The commissioner
 16 shall pay compensation only for sales of licenses, permits, **annual wildlife**
 17 **conservation passes,** or tags for which the commissioner has received the report and
 18 proceeds required to be transmitted under (b) of this section.

19 * **Sec. 11.** AS 16.05.390(e) is amended to read:

20 (e) The provisions of (a) of this section do not apply to a state employee
 21 appointed by the commissioner under AS 16.05.380 to sell licenses, permits, **annual**
 22 **wildlife conservation passes,** and tags.

23 * **Sec. 12.** AS 16.05.390(f) is amended to read:

24 (f) Proceeds and reports under (b) of this section shall be transmitted to the
 25 commissioner by the last day of the month following the month in which the licenses,
 26 permits, **annual wildlife conservation passes,** and tags are sold, unless an alternative
 27 reporting schedule has been established by contract.

28 * **Sec. 13.** AS 16.05 is amended by adding a new section to read:

29 **Sec. 16.05.417. Annual wildlife conservation pass.** (a) Without having a
 30 valid annual wildlife conservation pass in actual possession, a person may not use the
 31 services of a commercial provider for an opportunity to view public wildlife in this

1 state.

2 (b) The fee for an annual wildlife conservation pass is \$15.

3 (c) An annual wildlife conservation pass is not required of

4 (1) a person under the age of 16 years;

5 (2) a resident who is 60 years of age or more and possesses a
6 permanent identification card issued under AS 16.05.400(b);

7 (3) a resident who possesses a permanent state identification card
8 issued under AS 18.65.310 or a resident who possesses a voter registration card issued
9 under AS 15.07.070, to the extent allowed by law;

10 (4) a person who possesses a valid, current year sport fishing license,
11 hunting license, trapping license, or a combination sport fishing, hunting, or trapping
12 license;

13 (5) a person who possesses a valid commercial fishing license or
14 commercial fishing entry permit or interim-use permit;

15 (6) a person who is a disabled veteran qualified to receive a free
16 hunting and sport fishing license under AS 16.05.341;

17 (7) a person traveling on a vessel of the Alaska marine highway
18 system.

19 (d) A commercial provider for an opportunity to view public wildlife may not
20 provide service, equipment, or facilities to a person who

21 (1) does not have a valid annual wildlife conservation pass in actual
22 possession; and

23 (2) is required to possess an annual wildlife conservation pass under
24 this section.

25 (e) In this section,

26 (1) "commercial provider for an opportunity to view public wildlife"
27 means a person, company, or organization that provides to a person, for compensation
28 or with the intent to receive compensation, touring or recreational service, equipment,
29 or facilities in the field, or transportation to or in the field related to tourism or
30 recreation, and includes persons, companies, and organizations that provide to a
31 person outfitting, guiding, sightseeing, flightseeing, rafting, kayaking, touring,

1 accompanied hiking, bus and motorcoach service, cruise ship or charter service, and
2 railroad transportation, or any other opportunity for viewing public wildlife;

3 (2) "field" means

4 (A) an area in this state outside of established year-round
5 dwellings, businesses, or other developments usually associated with a city,
6 town, or village, but does not include permanent hotels or roadhouses on the
7 state road system or state or federally maintained airports;

8 (B) areas in this state within or near a city, town, village or
9 year-round dwellings used for public wildlife viewing; and

10 (C) the marine and inland waters of this state;

11 (3) "public wildlife" means wild or feral fish and game; in this
12 paragraph,

13 (A) "fish" has the meaning given in AS 16.05.940;

14 (B) "game" has the meaning given in AS 16.05.940;

15 (4) "transportation" means the carriage of persons on a railroad,
16 automobile, bus, motorcoach, taxi, boat, snowmobile, cruise ship, air taxi, aircraft, or
17 any other mode of transport; "transportation" does not include

18 (A) carriage by aircraft on nonstop flights listed in the Alaska
19 Supplement to the Airmen's Guide published by the Federal Aviation
20 Administration;

21 (B) a method of transportation determined by the commissioner
22 by regulation not to have a significant opportunity for public wildlife viewing.

23 * **Sec. 14.** AS 16.05.420 is amended to read:

24 **Sec. 16.05.420. License, pass, tag, and permit violations.** (a) A false
25 statement of a material fact in an application for a license, **annual wildlife**
26 **conservation pass**, tag, or permit issued under AS 16.05.330 - 16.05.430 voids the
27 license, **annual wildlife conservation pass**, tag, or permit for which the application is
28 made.

29 (b) A person may not make a false statement, or omit a material fact, in an
30 application for a license, **annual wildlife conservation pass**, tag, or permit issued
31 under AS 16.05.330 - 16.05.430. A person who without any culpable mental state

1 makes a false statement as to the person's identity or residency in an application for a
2 license, annual wildlife conservation pass, tag, or permit issued under
3 AS 16.05.330 - 16.05.430 is guilty of a violation and upon conviction is punishable by
4 a fine of not more than \$300. A person who knowingly violates this subsection is
5 guilty of a class A misdemeanor.

6 (c) A person to whom a license, annual wildlife conservation pass, or tag has
7 been issued under this chapter may not alter, change, loan, or transfer the license or
8 tag. A person may not use a license, annual wildlife conservation pass, or tag that
9 has been issued under this chapter to another person.

10 * **Sec. 15.** Sections 3 and 4 of this Act take effect January 1, 2004.

11 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2003.