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Bullard
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SENATE CS FOR CS FOR HOUSE BILL NO. 137(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES TALERICO, Muñoz, Keller

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of fish and game;
2 establishing an intensive management surcharge; providing for the repeal of the
3 intensive management surcharge; establishing an anadromous sockeye salmon tag for
4 certain rivers; raising certain fees related to sport fishing, hunting, and trapping;
5 relating to the fish and game fund; providing for the repeal of the sport fishing
6 surcharge and sport fishing facility revenue bonds; replacing the permanent sport
7 fishing, hunting, or trapping identification card for certain residents with an
8 identification card valid for three years; relating to hunting and fishing by proxy;
9 relating to fish and game conservation decals; raising the age of eligibility for a sport
10 fishing, hunting, or trapping license exemption for state residents; raising the age at
11 which a state resident is required to obtain a license for sport fishing, hunting, or
12 trapping; and providing for an effective date."

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

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

LEGISLATIVE INTENT. It is the intent of the legislature that educational programs funded by the Department of Fish and Game using funds from the fish and game fund established under AS 16.05.100, as amended by sec. 2 of this Act, shall include a component on the history and principles of the North American Wildlife Conservation Model. The component shall provide how hunters and sport fishermen pay for conservation efforts and the role of hunters and sport fishermen in the modern conservation movement.

* **Sec. 2.** AS 16.05.050(a) is amended by adding a new paragraph to read:

(20) to maintain and improve state-owned land used to access subsistence and personal use dip net fisheries and to maintain and operate sanitary facilities provided for the use of persons dip net fishing.

* **Sec. 3.** AS 16.05.100 is amended to read:

Sec. 16.05.100. Fish and game fund established. There is created a revolving fish and game fund, which shall be used exclusively for the following:

(1) to carry out the purposes and provisions of this title, except AS 16.51 and AS 16.52, or other duties that may be delegated by the legislature to the commissioner or the department; and

(2) [TO PAY THE PRINCIPAL OF AND INTEREST ON REVENUE BONDS ISSUED UNDER AS 37.15.765 - 37.15.799 TO FINANCE THE CONSTRUCTION AND RENOVATION OF FISHERIES REHABILITATION, ENHANCEMENT, AND DEVELOPMENT PROJECTS THAT BENEFIT SPORT FISHING; AND

(3)] to carry out the purposes and objectives within the scope of this title except AS 16.51 and AS 16.52 as may be directed by the donor of any such funds.

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

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the

legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 65 [60] years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) residents under 18 years of age and nonresidents [PERSONS] under 16 years of age to participate in sport fishing;

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

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

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

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and

personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an **onboard** [ON-BOARD] observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

* **Sec. 5.** AS 16.05.340(a)(1) is amended to read:

(1) Resident sport fishing license **\$20** [\$15]

However, the fee is **50** [25] cents for a resident who is blind.

* **Sec. 6.** AS 16.05.340(a)(1), as amended by sec. 5 of this Act, is amended to read:

(1) Resident sport fishing license **\$29** [\$20]

However, the fee is 50 cents for a resident who is blind.

* **Sec. 7.** AS 16.05.340(a)(2) is amended to read:

(2) Resident hunting license **40** [25]

* **Sec. 8.** AS 16.05.340(a)(3) is amended to read:

(3) Resident hunting and trapping license **60** [39]

* **Sec. 9.** AS 16.05.340(a)(4) is amended to read:

(4) Resident trapping license **25** [15]

* **Sec. 10.** AS 16.05.340(a)(5) is amended to read:

(5) Resident hunting and sport fishing license **60** [39]

* **Sec. 11.** AS 16.05.340(a)(5), as amended by sec. 10 of this Act, is amended to read:

(5) Resident hunting and sport fishing license **69** [60]

* **Sec. 12.** AS 16.05.340(a)(6) is amended to read:

(6) Resident hunting, trapping, and sport fishing license **80** [53];

(A) however, the fee is \$5 for an applicant who

(i) IS RECEIVING OR HAS RECEIVED
ASSISTANCE DURING THE PRECEDING SIX MONTHS UNDER
ANY STATE OR FEDERAL WELFARE PROGRAM TO AID THE
INDIGENT; OR

(ii) has an annual family or household [GROSS]
income equal to or [OF] less than the most recent poverty guidelines
for the state set by the United States Department of Health and
Human Services [\$8,200] for the year preceding application;

(B) a person paying \$5 for a resident hunting, trapping, and
sport fishing license must provide proof of eligibility under this paragraph
when requested by the department.

* **Sec. 13.** AS 16.05.340(a)(6), as amended by sec. 12 of this Act, is amended to read:

(6) Resident hunting, trapping, and sport fishing license **89** [80];

(A) however, the fee is \$5 for an applicant who has an annual
family or household income equal to or less than the most recent poverty
guidelines for the state set by the United States Department of Health and
Human Services for the year preceding application;

(B) a person paying \$5 for a resident hunting, trapping, and
sport fishing license must provide proof of eligibility under this paragraph

when requested by the department.

* **Sec. 14.** AS 16.05.340(a)(7) is amended to read:

(7) Nonresident sport fishing license - valid for the period inscribed on the license

(A) For 14-day license 75 [50]

(B) For seven-day license 45 [30]

(C) For three-day license 30 [20]

(D) For one-day license 15 [10]

* **Sec. 15.** AS 16.05.340(a)(7), as amended by sec. 14 of this Act, is amended to read:

(7) Nonresident sport fishing license - valid for the period inscribed on the license

(A) For 14-day license 84 [75]

(B) For seven-day license 54 [45]

(C) For three-day license 39 [30]

(D) For one-day license 24 [15]

* **Sec. 16.** AS 16.05.340(a)(8) is amended to read:

(8) Nonresident annual sport fishing license 150 [100]

* **Sec. 17.** AS 16.05.340(a)(8), as amended by sec. 16 of this Act, is amended to read:

(8) Nonresident annual sport fishing license 159 [150]

* **Sec. 18.** AS 16.05.340(a)(9) is amended to read:

(9) Nonresident hunting license 130 [85]

* **Sec. 19.** AS 16.05.340(a)(11) is amended to read:

(11) Nonresident hunting and trapping license 375 [250]

* **Sec. 20.** AS 16.05.340(a)(15) is amended to read:

(15) Nonresident big game tags

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

| | |
|--|--------------------|
| (A) Bear, black, each | <u>450</u> [225] |
| (B) Bear, brown or grizzly, each | <u>1,000</u> [500] |
| (C) Bison, each | <u>900</u> [450] |
| (D) Caribou, each | <u>650</u> [325] |
| (E) Deer, each | <u>300</u> [150] |
| (F) Elk, each | <u>600</u> [300] |
| (G) Goat, each | <u>600</u> [300] |
| (H) Moose, each | <u>800</u> [400] |
| (I) Sheep, each | <u>850</u> [425] |
| (J) Wolf, each | 30 |

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255(e) [AS 16.05.255] for all or a portion of the game management unit.

(K) Wolverine, each 350 [175]

(L) Musk oxen, each 2,200 [1,100]

* **Sec. 21.** AS 16.05.340(a)(17) is amended to read:

(17) Waterfowl conservation tag 10 [5]

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

(i) qualifies for a \$5 license fee under (6) of this subsection;

(ii) is a resident under the age of 18 [16];

(iii) is 65 [60] years of age or older and is a resident;

(iv) is a disabled veteran eligible for a free license under

AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

* **Sec. 22.** AS 16.05.340(a)(19) is amended to read:

(19) Nonresident small game hunting license **30** [20]

* **Sec. 23.** AS 16.05.340(a)(20) is amended to read:

(20) Nonresident alien hunting license **600** [300]

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

* **Sec. 24.** AS 16.05.340(a)(21) is amended to read:

(21) Nonresident alien big game tags

(A) Bear, black, each **600** [300]

(B) Bear, brown or grizzly, each **1,300** [650]

(C) Bison, each **1,300** [650]

(D) Caribou, each **850** [425]

(E) Deer, each **400** [200]

(F) Elk, each **800** [400]

(G) Goat, each **800** [400]

(H) Moose, each **1,000** [500]

(I) Musk oxen, each **3,000** [1,500]

(J) Sheep, each **1,100** [550]

(K) Wolf, each 50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under **AS 16.05.255(e)** [AS 16.05.255] for all or a portion of the game management unit.

(L) Wolverine, each **500** [250]

* **Sec. 25.** AS 16.05.340(a)(22) is amended to read:

(22) Chitina dip net fishing permit **\$15** [NO FEE]

The members of the family of a person who has obtained a Chitina dip net fishing

permit are not required to have a Chitina dip net fishing permit while they are engaged in dip net fishing at Chitina if they are engaged in fishing in the presence of the person and the person has the Chitina dip net fishing permit in the person's physical possession. In this paragraph, 'family' means persons who are related by blood, marriage, or adoption and who live in the same household on a permanent basis.

* **Sec. 26.** AS 16.05.340(a)(23) is amended to read:

(23) Resident anadromous king salmon tag **15** [10]

A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

(A) qualifies for a **50** [25] cent license fee under (1) of this subsection;

(B) is under the age of **18** [16];

(C) is **65** [60] years of age or older and has been a resident of the state for at least one year;

(D) is a disabled veteran eligible for a free license under AS 16.05.341; or

(E) qualifies for a \$5 license fee under (6) of this subsection.

* **Sec. 27.** AS 16.05.340(a)(24) is amended to read:

(24) Nonresident anadromous king salmon tag - valid for the period inscribed on the tag

(A) for a one-day tag **15** [10]

(B) for a three-day tag **30** [20]

(C) for a seven-day tag **45** [30]

(D) for a 14-day tag **75** [50]

(E) for an annual tag **150** [100]

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain an annual nonresident military anadromous

king salmon tag for \$30 [\$20].

* **Sec. 28.** AS 16.05.340(a) is amended by adding new paragraphs to read:

(27) Resident anadromous sockeye salmon tag for the Kenai and Kasilof rivers 15

A resident may not engage in sport fishing for anadromous sockeye salmon on the Kenai or Kasilof rivers without having the current year's anadromous sockeye salmon tag in the resident's actual possession, unless that person

(A) qualifies for a 50 cent license fee under (1) of this subsection;

(B) is under the age of 18;

(C) is 65 years of age or older and has been a resident of the state for at least one year;

(D) is a disabled veteran eligible for a free license under AS 16.05.341; or

(E) qualifies for a \$5 license fee under (6) of this subsection.

(28) Nonresident anadromous sockeye salmon tag - valid for the period inscribed on the tag

(A) for a one-day tag 15

(B) for a three-day tag 30

(C) for a seven-day tag 45

(D) for a 14-day tag 75

(E) for an annual tag 150

A nonresident may not engage in sport fishing for anadromous sockeye salmon on the Kenai or Kasilof rivers without having a valid anadromous sockeye salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain an annual nonresident military anadromous sockeye salmon tag for \$30.

* **Sec. 29.** AS 16.05.340 is amended by adding a new subsection to read:

(k) In addition to the fees for a hunting license set out in (a) and (d) of this section, each person who purchases a hunting license shall pay an intensive

management surcharge as set out in this subsection for the purpose of providing funding for the intensive management of the state's game populations under AS 16.05.255(e). A person who is eligible for a \$5 resident hunting, trapping, and sport fishing license under (a)(6) of this section or a free license under AS 16.05.341 is exempt from payment of the surcharge imposed under this subsection. The amount of the surcharge attached to each hunting license must be clearly disclosed on the license. Except as otherwise provided by this subsection, the intensive management surcharge for each hunting license available under this section is \$10.

* **Sec. 30.** AS 16.05 is amended by adding a new section to read:

Sec. 16.05.352. Fish and game conservation decal. The department shall annually produce and make available to the public fish and game conservation decals. The department shall, by appropriate means, provide for the selection of designs for fish and game conservation decals and for the production and sale of the decals. The department may produce and sell different decals in quantities that the commissioner considers appropriate. Upon payment of a \$20 fee, a person may purchase a fish and game conservation decal from the department. Subject to appropriation by the legislature, money received under this section may be used by the department to fund programs benefiting fish and wildlife conservation. Those programs may include fish and wildlife viewing, fish and wildlife education, and programs relating to fish and wildlife diversity.

* **Sec. 31.** AS 16.05.400 is amended to read:

Sec. 16.05.400. Persons exempt from annual licensing requirements [LICENSE REQUIREMENT]. (a) A license is not required of a resident under 18 years of age or a nonresident [PERSON] under [THE AGE OF] 16 years of age for sport fishing nor is a license required of a resident under 18 years of age [THE AGE OF 16] for hunting or trapping.

(b) Upon request, and without charge, the commissioner shall issue a sport fishing, hunting, or trapping identification card to [A SPORT FISHING, HUNTING, OR TRAPPING LICENSE IS NOT REQUIRED OF] a resident who is 65 [60] years of age or older. An identification card issued under this subsection is valid for three years [MORE]. The commissioner shall issue an [A PERMANENT]

identification card without charge to a person [PERSONS] who qualifies [QUALIFY] by age and residence and who completes [COMPLETE] the forms required by the commissioner for implementation of this subsection. A person who is eligible for an [ISSUED A PERMANENT] identification card under this subsection may not sport fish, hunt, or trap without having a valid identification card issued under this subsection or the appropriate license [SHALL HAVE IT] in possession [WHILE SPORT FISHING, HUNTING, OR TRAPPING].

* **Sec. 32.** AS 16.05.403(c) is amended to read:

(c) A resident who is 65 years of age or older may obtain from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory proof of age a resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person who is 65 years of age or older. This subsection does not limit the right of a resident person who is 65 years of age or older to obtain an identification card [CLAIM AN EXEMPTION FROM HUNTING OR SPORT FISHING LICENSE REQUIREMENTS] under AS 16.05.400(b).

* **Sec. 33.** AS 16.05.405(b) is amended to read:

(b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting license may take game on behalf of a person who is blind, a person with physical or developmental disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the game is taken, stating that the resident possesses the person's hunting license or [PERMANENT] identification card issued under AS 16.05.400(b) in order to take game on behalf of that person; and

(2) the person's

(A) resident hunting license issued under AS 16.05.403 or [PERMANENT] identification card issued under AS 16.05.400(b); and

(B) harvest ticket, tag, stamp, or other document required by law as a condition of taking the game being hunted.

* **Sec. 34.** AS 16.05.405(c) is amended to read:

(c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing license may take fish on behalf of a person who is blind, a person with physical **or developmental** disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the fish is taken, stating that the resident possesses the person's sport fishing license, subsistence fishing permit, personal use fishing permit, or [PERMANENT] identification card **issued under AS 16.05.400(b)** in order to take fish on behalf of that person;

(2) the person's

(A) resident sport fishing license issued under AS 16.05.403 or [PERMANENT] identification card issued under AS 16.05.400(b);

(B) resident subsistence fishing permit issued under AS 16.05.403; or

(C) resident personal use fishing permit issued under AS 16.05.403; and

(3) all other documents issued to the person that are required by law as a condition of taking the fish being pursued.

* **Sec. 35.** AS 16.05.405(e) is amended to read:

(e) A resident who takes, or attempts to take, fish or game on behalf of a person under this section may also simultaneously engage in fishing or hunting for the resident's use; however, the resident may not take or attempt to take fish or game by proxy for more than one person at a time. For the purposes of this subsection, a resident is engaged in taking, or attempting to take, fish or game by proxy while the resident has possession of

(1) another person's

(A) license, permit, or identification card **issued under AS 16.05.400(b)** and all other documents issued to the person that are required by law as a condition of taking the fish or game being pursued; and

(B) signed document under (b)(1) or (c)(1) of this section; or

(2) fish or game taken on behalf of another person.

* **Sec. 36.** AS 16.05.415(i) is amended to read:

(i) In this section, "license" means a license, tag, permit, stamp, identification card issued under AS 16.05.400(b), or other indicia of permission to engage in an activity subject to AS 16.05.330 - 16.05.430.

* **Sec. 37.** AS 16.05.340(k) is repealed.

* **Sec. 38.** AS 16.05.130(e), 16.05.130(f), 16.05.340(j); AS 37.15.765, 37.15.770, 37.15.773, 37.15.777, 37.15.780, 37.15.783, 37.15.787, 37.15.790, 37.15.793, and 37.15.799 are repealed.

* **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY AND TRANSITION. (a) Notwithstanding the change made to AS 16.05.340(a)(17)(A)(iii) by sec. 21 of this Act, the change made to AS 16.05.340(a)(23)(C) by sec. 26 of this Act, and the changes made to AS 16.05.400(b) by sec. 31 of this Act, a resident who was eligible for a sport fishing, hunting, or trapping license exemption under AS 16.05.400(b), as that subsection read before the effective date of sec. 31 of this Act, shall be eligible for an identification card issued under AS 16.05.400(b), as amended by sec. 31 of this Act, notwithstanding the requirement under that subsection that a resident must be 65 years of age or older to obtain an identification card.

(b) A permanent identification card issued under AS 16.05.400(b), as that subsection read before the effective date of sec. 31 of this Act, shall continue to be recognized as valid for the purposes issued until January 1, 2020. On or after January 1, 2020, a permanent identification card issued under former AS 16.05.400(b) is void.

(c) The Department of Fish and Game shall send a notice to the address provided by a current holder of a permanent identification card issued under AS 16.05.400(b), as that subsection read before the effective date of sec. 31 of this Act, that, notwithstanding the amendment of AS 16.05.400(b) by sec. 31 of this Act, the holder's permanent identification card remains valid until December 31, 2019.

* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to read:

NOTICE TO THE REVISOR OF STATUTES. The commissioner of fish and game shall notify the revisor of statutes in writing of the date that the principal amount of the bonds issued under AS 37.15.765 - 37.15.799, together with the interest on them and any interest

owing on unpaid installments of interest, and all other obligations with respect to the bonds, has been fully met and discharged.

* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. Sections 3, 6, 11, 13, 15, 17, and 38 of this Act take effect the day after the date the commissioner of fish and game notifies the revisor of statutes in writing under sec. 40 of this Act.

* **Sec. 42.** If, under sec. 41 of this Act, secs. 3, 6, 11, 13, 15, 17, and 38 of this Act take effect, they take effect January 1 of the calendar year following the year of notice under sec. 41 of this Act.

* **Sec. 43.** Section 37 of this Act takes effect December 31, 2020.

* **Sec. 44.** Except as provided in secs. 42 and 43 of this Act, this Act takes effect January 1, 2017.