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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 establishing an intensive management surcharge; providing for the repeal of
2 the intensive management surcharge; establishing an anadromous sockeye salmon tag
3 for certain watersheds; establishing a separate sustainable wildlife account in the fish
4 and game fund; 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; relating to the Chitina dip net fishery; and providing for an effective date."

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

* **Section 1.** AS 16.05.130 is amended by adding a new subsection to read:

(g) Money accruing to the state from the intensive management surcharge imposed under AS 16.05.340(k) shall be deposited in a separate account known as the sustainable wildlife account in the fish and game fund. Money in the sustainable wildlife account shall be allocated to intensive management programs intended to sustain and enhance big game prey populations under AS 16.05.255(e).

* **Sec. 2.** 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;

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

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

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

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

12 (12) regulating commercial, sport, guided sport, subsistence, and
13 personal use fishing as needed for the conservation, development, and utilization of
14 fisheries;

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

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

21 (B) will not unduly disrupt the fishery;

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

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

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

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

31 (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. 3.** 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. 4.** AS 16.05.340(a)(2) is amended to read:

(2) Resident hunting license **35** [25]

* **Sec. 5.** AS 16.05.340(a)(3) is amended to read:

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

* **Sec. 6.** AS 16.05.340(a)(4) is amended to read:

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

* **Sec. 7.** AS 16.05.340(a)(5) is amended to read:

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

* **Sec. 8.** 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. 9.** 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. 10.** AS 16.05.340(a)(8) is amended to read:

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

* **Sec. 11.** AS 16.05.340(a)(9) is amended to read:

(9) Nonresident hunting license **130** [85]

* **Sec. 12.** AS 16.05.340(a)(11) is amended to read:

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

* **Sec. 13.** 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 **450** [225]
- (B) Bear, brown or grizzly, each **1,000** [500]
- (C) Bison, each **900** [450]
- (D) Caribou, each **650** [325]
- (E) Deer, each **300** [150]
- (F) Elk, each **600** [300]
- (G) Goat, each **600** [300]
- (H) Moose, each **800** [400]
- (I) Sheep, each **850** [425]
- (J) Wolf, each 30

A nonresident is not required to have a nonresident wolf tag to take a wolf in a

1 game management unit if the Board of Game has adopted an intensive
2 management program under AS 16.05.255(e) [AS 16.05.255] for all or a
3 portion of the game management unit.

4 (K) Wolverine, each 350 [175]

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

6 * **Sec. 14.** AS 16.05.340(a)(17) is amended to read:

7 (17) Waterfowl conservation tag 10 [5]

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

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

13 (ii) is a resident under 18 years of age [THE AGE OF
14 16];

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

16 (iv) is a disabled veteran eligible for a free license under
17 AS 16.05.341.

18 (B) The Board of Game shall by regulation exempt the
19 requirement of a waterfowl conservation tag for waterfowl hunting in areas of
20 the state not likely to benefit from programs described in AS 16.05.130(b)(2) -
21 (4).

22 * **Sec. 15.** AS 16.05.340(a)(19) is amended to read:

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

24 * **Sec. 16.** AS 16.05.340(a)(20) is amended to read:

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

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

* **Sec. 17.** 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. 18.** 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. 19.** 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

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- (A) qualifies for a 50 [25] cent license fee under (1) of this subsection;
- (B) is under 18 years of age [THE AGE OF 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. 20.** 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 years of age. 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. 21.** 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' watersheds 15

A resident may not engage in sport fishing for anadromous sockeye salmon within the Kenai or Kasilof rivers' watersheds 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;

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(B) is under 18 years of age;

(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 for the watersheds of the Kenai and Kasilof rivers - 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 within the watersheds of the Kenai or Kasilof rivers without having a valid anadromous sockeye salmon tag in the person's actual possession, unless that person is under 16 years of age. 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. 22.** AS 16.05.340(i) is amended to read:

(i) If the commissioner determines that residents of the state are entitled to obtain licenses for sport fishing, including sport fishing for anadromous king salmon, in Yukon, Canada, for the same fees that are charged to residents of Yukon for comparable sport fishing licenses, the commissioner may adopt regulations authorizing residents of Yukon to receive

(1) nonresident annual sport fishing licenses for the fees charged to residents under (a) [AND (j)] of this section for a resident sport fishing license; and

(2) nonresident anadromous king salmon annual tags for the fee charged to residents under (a) of this section for a resident anadromous king salmon tag.

1 * **Sec. 23.** AS 16.05.340 is amended by adding a new subsection to read:

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

12 (1) resident hunting license available under this section is \$10; and

13 (2) nonresident hunting license available under this section is \$30.

14 * **Sec. 24.** AS 16.05 is amended by adding a new section to read:

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

26 * **Sec. 25.** AS 16.05.400 is amended to read:

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

1 (b) **Upon request, and without charge, the commissioner shall issue a**
 2 **sport fishing, hunting, or trapping identification card to** [A SPORT FISHING,
 3 HUNTING, OR TRAPPING LICENSE IS NOT REQUIRED OF] a resident who is
 4 **65** [60] years of age or **older. An identification card issued under this subsection is**
 5 **valid for three years** [MORE]. The commissioner shall issue **an** [A PERMANENT]
 6 identification card without charge to **a person** [PERSONS] who **qualifies**
 7 [QUALIFY] by age and residence and who **completes** [COMPLETE] the forms
 8 required by the commissioner for implementation of this subsection. A person who is
 9 **eligible for an** [ISSUED A PERMANENT] identification card under this subsection
 10 **may not sport fish, hunt, or trap without having a valid identification card issued**
 11 **under this subsection or the appropriate license** [SHALL HAVE IT] in possession
 12 [WHILE SPORT FISHING, HUNTING, OR TRAPPING].

13 * **Sec. 26.** AS 16.05.403(c) is amended to read:

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

22 * **Sec. 27.** AS 16.05.405(b) is amended to read:

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

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

31 (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. 28.** 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. 29.** 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

1 **AS 16.05.400(b)** and all other documents issued to the person that are required
2 by law as a condition of taking the fish or game being pursued; and

3 (B) signed document under (b)(1) or (c)(1) of this section; or
4 (2) fish or game taken on behalf of another person.

5 * **Sec. 30.** AS 16.05.415(i) is amended to read:

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

9 * **Sec. 31.** AS 16.10.570 is amended to read:

10 **Sec. 16.10.570. [ACCESS TO THE] Chitina dip net fishery.** The
11 department, with the cooperation of the Department of Transportation and Public
12 Facilities and the Department of Natural Resources, shall

13 **(1) maintain and improve state-owned land used to access the**
14 **Chitina dip net fishery;**

15 **(2) maintain and operate sanitary facilities provided for the use of**
16 **persons participating in the Chitina dip net fishery; and**

17 **(3)** prepare a publication showing public access routes to fishing sites
18 on public land for the Chitina dip net fishery; **the** [. THE] department shall distribute
19 the publication to persons who obtain a Chitina dip net fishing permit and to the
20 public.

21 * **Sec. 32.** AS 16.05.130(g) and 16.05.340(k) are repealed.

22 * **Sec. 33.** AS 16.05.100(2), 16.05.130(e), 16.05.130(f), 16.05.340(j); AS 37.15.765,
23 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
24 37.15.799 are repealed.

25 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 APPLICABILITY AND TRANSITION. (a) Notwithstanding the change made to
28 AS 16.05.340(a)(17)(A)(iii) by sec. 14 of this Act, the change made to
29 AS 16.05.340(a)(23)(C) by sec. 19 of this Act, and the changes made to AS 16.05.400(b) by
30 sec. 25 of this Act, a resident who was eligible for a sport fishing, hunting, or trapping license
31 exemption under AS 16.05.400(b), as that subsection read before the effective date of sec. 25

1 of this Act, shall be eligible for an identification card issued under AS 16.05.400(b), as
2 amended by sec. 25 of this Act, notwithstanding the requirement under that subsection that a
3 resident must be 65 years of age or older to obtain an identification card.

4 (b) A permanent identification card issued under AS 16.05.400(b), as that subsection
5 read before the effective date of sec. 25 of this Act, shall continue to be recognized as valid
6 for the purposes issued until January 1, 2020. On or after January 1, 2020, a permanent
7 identification card issued under former AS 16.05.400(b) is void.

8 (c) The Department of Fish and Game shall send a notice to the address provided by a
9 current holder of a permanent identification card issued under AS 16.05.400(b), as that
10 subsection read before the effective date of sec. 25 of this Act, that, notwithstanding the
11 amendment of AS 16.05.400(b) by sec. 25 of this Act, the holder's permanent identification
12 card remains valid until December 31, 2019.

13 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **CONDITIONAL EFFECT; NOTIFICATION.** (a) Sections 22 and 33 of this Act take
16 effect only if the commissioner of fish and game notifies the revisor of statutes in writing as
17 required under (b) of this section.

18 (b) The commissioner of fish and game shall notify the revisor of statutes in writing
19 of the date that the principal amount of the bonds issued under AS 37.15.765 - 37.15.799,
20 together with the interest on them and any interest owing on unpaid installments of interest,
21 and all other obligations with respect to the bonds, has been fully met and discharged.

22 * **Sec. 36.** If, under sec. 35 of this Act, secs. 22 and 33 of this Act take effect, they take
23 effect January 1 of the calendar year following the year of notice under sec. 35 of this Act.

24 * **Sec. 37.** Section 32 of this Act takes effect December 31, 2022.

25 * **Sec. 38.** Except as provided in secs. 36 and 37 of this Act, this Act takes effect January 1,
26 2017.