

CS FOR HOUSE BILL NO. 137(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/15/15

Offered: 4/13/15

Sponsor(s): REPRESENTATIVES TALERICO, Muñoz, Keller

A BILL

FOR AN ACT ENTITLED

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

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

11 * **Section 1.** AS 16.05.100 is amended to read:

12 **Sec. 16.05.100. Fish and game fund established.** There is created a revolving

1 fish and game fund, which shall be used exclusively for the following:

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

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

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

12 * **Sec. 2.** AS 16.05.251(a) is amended to read:

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

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

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

21 (A) persons **62** [60] years of age and older to participate in
22 sport, personal use, or subsistence fishing; or

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

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

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

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

31 (6) classifying as commercial fish, sport fish, guided sport fish,

1 personal use fish, subsistence fish, or predators or other categories essential for
2 regulatory purposes;

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

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

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

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

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

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

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

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

25 (B) will not unduly disrupt the fishery;

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

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

31 (14) establishing nonexclusive, exclusive, and superexclusive

1 registration and use areas for regulating commercial fishing;

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

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

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

10 * **Sec. 3.** AS 16.05.340(a)(1) is amended to read:

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

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

13 * **Sec. 4.** AS 16.05.340(a)(1), as amended by sec. 3 of this Act, is amended to read:

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

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

16 * **Sec. 5.** AS 16.05.340(a)(2) is amended to read:

17 (2) Resident hunting license **30** [25]

18 * **Sec. 6.** AS 16.05.340(a)(3) is amended to read:

19 (3) Resident hunting and trapping license **45** [39]

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

21 (4) Resident trapping license **20** [15]

22 * **Sec. 8.** AS 16.05.340(a)(5) is amended to read:

23 (5) Resident hunting and sport fishing license **45** [39]

24 * **Sec. 9.** AS 16.05.340(a)(5), as amended by sec. 8 of this Act, is amended to read:

25 (5) Resident hunting and sport fishing license **54** [45]

26 * **Sec. 10.** AS 16.05.340(a)(6) is amended to read:

27 (6) Resident hunting, trapping, and sport fishing license **60** [53];

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

29 [(i) IS RECEIVING OR HAS RECEIVED
30 ASSISTANCE DURING THE PRECEDING SIX MONTHS UNDER
31 ANY STATE OR FEDERAL WELFARE PROGRAM TO AID THE

1 INDIGENT; OR

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

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

9 * **Sec. 11.** AS 16.05.340(a)(6), as amended by sec. 10 of this Act, is amended to read:

10 (6) Resident hunting, trapping, and sport fishing license **69** [60];

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

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

18 * **Sec. 12.** AS 16.05.340(a)(7) is amended to read:

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

21 (A) For 14-day license **60** [50]

22 (B) For seven-day license **40** [30]

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

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

25 * **Sec. 13.** AS 16.05.340(a)(7), as amended by sec. 12 of this Act, is amended to read:

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

28 (A) For 14-day license **69** [60]

29 (B) For seven-day license **49** [40]

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

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

* **Sec. 14.** AS 16.05.340(a)(8) is amended to read:

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

* **Sec. 15.** AS 16.05.340(a)(8), as amended by sec. 14 of this Act, is amended to read:

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

* **Sec. 16.** AS 16.05.340(a)(9) is amended to read:

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

* **Sec. 17.** AS 16.05.340(a)(11) is amended to read:

(11) Nonresident hunting and trapping license **350** [250]

* **Sec. 18.** 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 **600** [225]

(B) Bear, brown or grizzly, each **1,200** [500]

(C) Bison, each **900** [450]

(D) Caribou, each **650** [325]

(E) Deer, each **275** [150]

(F) Elk, each **575** [300]

(G) Goat, each **575** [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 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 **325** [175]

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

* **Sec. 19.** 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 62 [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. 20.** AS 16.05.340(a)(19) is amended to read:

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

* **Sec. 21.** 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. 22.** 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]

1	(D) Caribou, each	850 [425]
2	(E) Deer, each	400 [200]
3	(F) Elk, each	800 [400]
4	(G) Goat, each	800 [400]
5	(H) Moose, each	1,000 [500]
6	(I) Musk oxen, each	3,000 [1,500]
7	(J) Sheep, each	1,100 [550]
8	(K) Wolf, each	50

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

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

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

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

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

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

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

22 (C) is **62** [60] years of age or older and has been a resident of
 23 the state for at least one year;

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

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

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

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

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

31 (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. 25.** 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. 26.** 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

1 **62** [60] years of age or **older. An identification card issued under this subsection is**
 2 **valid for three years** [MORE]. The commissioner shall issue **an** [A PERMANENT]
 3 identification card without charge to **a person** [PERSONS] who **qualifies**
 4 [QUALIFY] by age and residence and who **completes** [COMPLETE] the forms
 5 required by the commissioner for implementation of this subsection. A person who is
 6 **eligible for an** [ISSUED A PERMANENT] identification card under this subsection
 7 **may not sport fish, hunt, or trap without having a valid identification card issued**
 8 **under this subsection or the appropriate license** [SHALL HAVE IT] in possession
 9 [WHILE SPORT FISHING, HUNTING, OR TRAPPING].

10 * **Sec. 27.** AS 16.05.403(c) is amended to read:

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

19 * **Sec. 28.** AS 16.05.405(b) is amended to read:

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

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

28 (2) the person's

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

31 (B) harvest ticket, tag, stamp, or other document required by

1 law as a condition of taking the game being hunted.

2 * **Sec. 29.** AS 16.05.405(c) is amended to read:

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

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

11 (2) the person's

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

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

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

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

20 * **Sec. 30.** AS 16.05.405(e) is amended to read:

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

27 (1) another person's

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

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

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

* **Sec. 31.** 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. 32.** 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. 33.** 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. 19 of this Act, the change made to AS 16.05.340(a)(23)(C) by sec. 23 of this Act, and the changes made to AS 16.05.400(b) by sec. 26 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. 26 of this Act, shall be eligible for an identification card issued under AS 16.05.400(b), as amended by sec. 26 of this Act, notwithstanding the requirement under that subsection that a resident must be 62 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. 26 of this Act, shall continue to be recognized as valid for the purposes issued until January 1, 2019. On or after January 1, 2019, 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. 26 of this Act, that, notwithstanding the amendment of AS 16.05.400(b) by sec. 26 of this Act, the holder's permanent identification card remains valid until December 31, 2018.

* **Sec. 34.** 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 of the date that the principal amount of the bonds issued

1 under AS 37.15.765 - 37.15.799, together with the interest on them and any interest owing on
2 unpaid installments of interest, and all other obligations with respect to the bonds, has been
3 fully met and discharged.

4 * **Sec. 35.** The uncoded law of the State of Alaska is amended by adding a new section to
5 read:

6 CONDITIONAL EFFECT. Sections 1, 4, 9, 11, 13, 15, and 32 of this Act take effect
7 only if the commissioner of fish and game, under sec. 34 of this Act, notifies the revisor of
8 statutes that the bonds issued under AS 37.15.765 - 37.15.799, and all obligations with respect
9 to the bonds, are fully met and discharged.

10 * **Sec. 36.** If, under sec. 35 of this Act, secs. 1, 4, 9, 11, 13, 15, and 32 of this Act take
11 effect, they take effect January 1 of the calendar year following the year of notice under sec.
12 35 of this Act.

13 * **Sec. 37.** Except as provided in sec. 36 of this Act, this Act takes effect January 1, 2016.