

29-LS0625\Q
Kirsch/Bullard
5/5/16

CONFERENCE CS FOR HOUSE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered:

Sponsor(s): REPRESENTATIVES TALERICO, Muñoz, Keller

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the commissioner of fish and game; establishing an**
2 **intensive management surcharge; providing for the repeal of the intensive management**
3 **surcharge; establishing certain special hunting and fishing licenses and permits for**
4 **residents with developmental disabilities; establishing a separate sustainable wildlife**
5 **account in the fish and game fund; raising certain fees related to sport fishing, hunting,**
6 **and trapping; relating to the fish and game fund; providing for the repeal of the sport**
7 **fishing surcharge and sport fishing facility revenue bonds; relating to hunting and**
8 **fishing by proxy; relating to fish and game conservation decals; raising the age at which**
9 **a state resident is required to obtain a license for sport fishing, hunting, or trapping;**
10 **relating to the Chitina dip net fishery; and providing for an effective date."**

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

12 *** Section 1.** AS 16.05.050(b) is amended to read:

(b) The commissioner shall annually submit a report to the

(1) Board of Game regarding the department's implementation during the preceding three years of intensive management programs that have been established by the board under AS 16.05.255 for identified big game prey populations;

(2) legislature regarding the Board of Game's allocation of big game hunting opportunities in the preceding calendar year; the commissioner shall file the report with the senate secretary and the chief clerk of the house of representatives on or before February 1 and notify the legislature that the report is available; the report must include

(A) a summary description of the big game hunting opportunities provided to residents and nonresidents;

(B) a detailed description of how big game hunting opportunities for each big game species were allocated

(i) to residents, guided nonresidents, nonprofit organizations for auction under AS 16.05.343(a) and (c), and, if applicable, nonguided nonresidents;

(ii) by hunt type;

(iii) within each game management unit; and

(C) other information and data relevant to allocation of big game hunting opportunities in the state by the Board of Game.

* **Sec. 2.** 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. 3.** 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 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. 4.** 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. 5.** AS 16.05.340(a)(2) is amended to read:

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

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

(3) Resident hunting and trapping license **55** [39]

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

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

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

(5) Resident hunting and sport fishing license **50** [39]

* **Sec. 9.** AS 16.05.340(a)(6) is amended to read:

(6) Resident hunting, trapping, and sport fishing license **75** [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. 10.** 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. 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 **before leaving the kill site** [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 **60** [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. 14.** 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 **18 years of age** [THE AGE OF

16];

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

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

* **Sec. 16.** 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 **before leaving the kill site** [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. 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 **100** [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 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 **18 years of age** [THE AGE OF 16];

(C) is 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 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(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.

* **Sec. 22.** 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

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

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

* **Sec. 23.** 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.

* **Sec. 24.** 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 60 years of age or older [MORE]. The commissioner shall issue 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 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].

1 * **Sec. 25.** AS 16.05.403(c) is amended to read:

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

11 * **Sec. 26.** AS 16.05.403 is amended by adding a new subsection to read:

12 (d) A resident who is a person with developmental disabilities may obtain from
13 the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and
14 upon submission of satisfactory proof of developmental disabilities a resident hunting
15 license, a resident sport fishing license, a resident subsistence fishing permit, or a
16 resident personal use fishing permit indicating that the purchaser is a person with
17 developmental disabilities. This subsection does not require the department to issue a
18 license or permit to a person with a developmental disability who is prohibited from
19 possessing a firearm or ammunition under 18 U.S.C. 922 as a result of an involuntary
20 commitment or an adjudication of mental illness or mental incompetence.

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

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

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

30 (2) the person's

31 (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 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. 30.** 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. 31.** AS 16.05.940 is amended by adding a new paragraph to read:

(38) "person with developmental disabilities" means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;

(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others;
and

(G) and that the person does not suffer from a mental illness; in this subparagraph, "mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on a person's ability to exercise conscious control of the person's actions or ability to perceive reality or to reason or understand.

1 * **Sec. 32.** AS 16.10.570 is amended to read:

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

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

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

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

13 * **Sec. 33.** AS 16.05.130(g) and 16.05.340(k) are repealed December 31, 2022.

14 * **Sec. 34.** AS 16.05.100(2), 16.05.130(e), 16.05.130(f), 16.05.340(j); AS 37.15.765,
15 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
16 37.15.799 are repealed.

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

19 **CONDITIONAL EFFECT; NOTIFICATION.** (a) Sections 21 and 34 of this Act take
20 effect only if the commissioner of fish and game notifies the revisor of statutes in writing as
21 required under (b) of this section.

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

26 * **Sec. 36.** If, under sec. 35 of this Act, secs. 21 and 34 of this Act take effect, they take
27 effect January 1 of the calendar year following the year of notice under sec. 35 of this Act.

28 * **Sec. 37.** Except as provided in sec. 36 of this Act, this Act takes effect January 1, 2017.