

HOUSE BILL NO. 390

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ELTON

Introduced: 1/5/96

Referred: State Affairs, House Special Committee on Fisheries, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the nonresident anadromous king salmon tag and the
2 anadromous king salmon stamp; requiring nonresident alien sport fishermen to be
3 accompanied by a sport fishing guide; and providing for an effective date."

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

5 * **Section 1. PURPOSE.** It is the purpose of this Act to implement a management program
6 for anadromous king salmon that recognizes the limited availability of anadromous king
7 salmon and preserves the opportunity to harvest this special resource by as many people as
8 possible by encouraging nonresident sport anglers to recognize anadromous king salmon as
9 a trophy fish and to take fewer anadromous king salmon. Anadromous king salmon is a
10 premier fish species targeted by nonresident sport anglers in the same manner as nonresident
11 hunters target Alaska trophy game animals that are subject to state imposed tag requirements.
12 The take of anadromous king salmon is limited by the unique habitat requirements of king
13 salmon, increased fishing effort by nonresident sport anglers, the needs of resident sport
14 anglers, allocations of anadromous king salmon among different users by the Alaska Board

1 of Fisheries, and the mandates of international treaties. It is also the purpose of this Act to
2 generate revenue for the fish and game fund that can be used to protect king salmon habitat
3 and conduct beneficial biological and management research on king salmon.

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

5 Sec. 16.05.348. ANADROMOUS KING SALMON TAG. (a) A nonresident
6 may not

7 (1) engage in sport fishing for anadromous king salmon without having
8 a valid unused anadromous king salmon tag in the person's actual possession;

9 (2) possess a king salmon that does not bear a securely attached
10 anadromous king salmon tag; or

11 (3) reuse or attempt to reuse an anadromous king salmon tag.

12 (b) A nonresident king salmon tag entitles a nonresident to take one
13 anadromous king salmon in accordance with applicable law and is not transferrable to
14 another person.

15 (c) A nonresident shall receive one anadromous king salmon tag for no charge
16 when the nonresident obtains the nonresident's first nonresident anadromous king
17 salmon stamp during a calendar year. Subsequent tags obtained during a calendar year
18 may be obtained only upon payment of the fee set out under AS 16.05.340(a).

19 (d) Each anadromous king salmon tag must be uniquely numbered and consist
20 of two parts. Upon taking an anadromous king salmon, a nonresident shall
21 immediately and securely attach one part of the tag to the king salmon. The tag must
22 remain attached to the king salmon until the king salmon is processed, consumed, or
23 removed from the state. The nonresident shall immediately complete the information
24 requested on the second part of the tag. The second part of the tag must be returned
25 to the department within 30 days after the king salmon is taken. The department shall
26 determine what relevant information is requested on the second part of the tag.

27 (e) If a person obtains three or more anadromous king salmon tags during a
28 calendar year, the person may return the third and subsequent tags, if the tags are
29 unused, for a refund of the fee paid for the tags. In order to receive a refund, an
30 unused tag must be returned to the department by December 31 of the calendar year
31 in which the tag was purchased. The department may charge a fee, set by regulation,

1 for processing the request for a refund of the purchase price of an unused tag.

2 (f) This section does not apply to a nonresident who is under the age of 16
3 years.

4 * **Sec. 3.** AS 16.05.110 is amended to read:

5 Sec. 16.05.110. COMPOSITION OF FUND. The fish and game fund shall be
6 made up of the following money and other money the legislature appropriates, which
7 shall be deposited and retained in the fund until expended:

8 (1) money received from the sale of state sport fishing, hunting, and
9 trapping licenses, special permits, **anadromous king salmon stamps, anadromous**
10 **king salmon tags**, and waterfowl conservation tags purchased by hunters;

11 (2) proceeds received from the sale of furs, skins, and specimens taken
12 by predator hunters and other employees;

13 (3) money received in settlement of a claim or loss caused by damage
14 to the fish and game resources of the state;

15 (4) money received from federal, state, or other governmental unit, or
16 from a private donor for fish and game purposes;

17 (5) interest earned upon money in the fund;

18 (6) money from any other source.

19 * **Sec. 4.** AS 16.05.130(a) is amended to read:

20 (a) Except as provided in (c) of this section, money accruing to the state from
21 sport fishing, hunting, and trapping licenses or **stamp, tag, or** permit fees may not be
22 diverted to a purpose other than the protection, propagation, investigation, and
23 restoration of sport fish and game resources and the expenses of administering the
24 sport fish and game divisions of the department.

25 * **Sec. 5.** AS 16.05.130(d) is amended to read:

26 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,
27 **stamps**, and tags together with the federal matching funds from Pittman - Robertson,
28 Dingell - Johnson/Wallop - Breaux programs shall be allocated by the department to
29 programs intended to directly benefit license purchasers of general hunting, trapping,
30 and fishing licenses. The department shall prepare an annual report by project of
31 expenditures from the fish and game fund and notify the legislature that the report is

1 available.

2 * **Sec. 6.** AS 16.05.330(a) is amended to read:

3 (a) Except as otherwise permitted in this chapter, without having the
4 appropriate license, stamp, or tag in actual possession a person may not engage in

5 (1) sport fishing, including the taking of razor clams;

6 (2) hunting, trapping, or fur dealing;

7 (3) the farming of fish, fur, or game; or

8 (4) taxidermy.

9 * **Sec. 7.** AS 16.05.330(b) is amended to read:

10 (b) When obtaining the appropriate license, stamp, or tag in (a) of this section,
11 an applicant who asserts residency in the state shall provide the license vendor with
12 the proof of residence that the department requires by regulation.

13 * **Sec. 8.** AS 16.05.330(d) is amended to read:

14 (d) A person may not receive a sport fishing, hunting, or trapping license or
15 other permit, stamp, or tag issued under AS 16.05.330 - 16.05.430, if the person's
16 right to obtain, or exercise the privileges granted by, a sport fishing, hunting, or
17 trapping license is suspended or revoked in another state. A person who applies for
18 a sport fishing, hunting, or trapping license or other permit, stamp, or tag issued under
19 AS 16.05.330 - 16.05.430 shall sign a statement that the person's right to obtain, or
20 exercise the privileges granted by, a sport fishing, hunting, or trapping license is not
21 suspended or revoked in another state.

22 * **Sec. 9.** AS 16.05.335 is amended to read:

23 Sec. 16.05.335. COMPLIMENTARY LICENSES. The commissioner shall
24 annually, at the request of the governor, provide the governor with not more than 50
25 complimentary fishing and hunting licenses and appropriate big game tags and sport
26 fish stamps and tags that [WHICH] the governor may distribute to distinguished
27 visitors to the state for their use in any one season during their visits to the state. The
28 complimentary license for sport fishing or hunting or both shall be inscribed by the
29 governor with the inclusive dates for its authorized use. The governor shall advise the
30 department on any complimentary issuances, which information shall be available to
31 the public.

1 * **Sec. 10.** AS 16.05.340(a)(23) is amended to read:

2 (23) Resident anadromous king salmon stamp [TAG] 10

3 A resident may not engage in sport fishing for anadromous king salmon without
4 having the current year’s anadromous king salmon stamp [TAG] in the resident’s
5 actual possession, unless that person

6 (A) qualifies for a 25 cent license fee under (1) of this
7 subsection;

8 (B) is under the age of 16 years;

9 (C) is 60 years of age or older and has been a resident of the
10 state for at least one year;

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

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

14 * **Sec. 11.** AS 16.05.340(a)(24) is amended to read:

15 (24) Nonresident anadromous king salmon stamp [TAG] - valid for the
16 period inscribed on the tag

17 (A) for a one-day stamp [TAG] \$10

18 (B) for a three-day stamp [TAG] 15

19 (C) for a 14-day or annual stamp [TAG] 35.

20 A nonresident may not engage in sport fishing for anadromous king salmon without
21 having a valid anadromous king salmon stamp [TAG] in the person’s actual
22 possession, unless that person is under the age of 16 years. However, members of the
23 military service on active duty who are permanently stationed in the state, and their
24 dependents, who do not qualify as residents under AS 16.05.940, may obtain an annual
25 nonresident military anadromous king salmon stamp [TAG] for \$20.

26 * **Sec. 12.** AS 16.05.340(a) is amended by adding a new paragraph to read:

27 (25) Nonresident anadromous king salmon tag

28 (A) first anadromous king salmon tag no charge

29 (B) second anadromous king salmon tag \$100

30 (C) third anadromous king salmon tag 200

31 (D) fourth anadromous king salmon tag 300

1 (E) fifth anadromous king salmon tag 400
2 (F) sixth and each subsequent anadromous king salmon tag
3 500

4 Members of the military service on active duty who are permanently stationed in the
5 state, and their dependents, who do not qualify as residents under AS 16.05.940, may
6 obtain an anadromous king salmon tag for one-half of the fee set out in this paragraph.

7 * **Sec. 13.** AS 16.05.340(c) is amended to read:

8 (c) The commissioner may issue a duplicate license, **duplicate stamp**, or a
9 duplicate tag as a replacement for a license, **stamp**, or tag issued under (a) of this
10 section. A fee of \$5 shall be charged for each duplicate license, **stamp**, or tag;
11 however, a fee of \$2 shall be charged for each duplicate of reduced fee license issued
12 to an indigent or low income person under (a)(6) of this section. The duplicate
13 license, **stamp**, or tag may not be issued unless the commissioner or a delegate is
14 satisfied that the original has been lost or destroyed.

15 * **Sec. 14.** AS 16.05.350 is amended to read:

16 Sec. 16.05.350. EXPIRATION OF LICENSES, **STAMPS**, AND TAGS. **(a)**
17 Licenses, **stamps**, and tags required under AS 16.05.330 - 16.05.430, except biennial
18 licenses, the nonresident special sport fishing license, the resident trapping license, the
19 one, three, or 14-day nonresident anadromous king salmon **stamp** [TAG], and the
20 waterfowl conservation tag, expire at the close of December 31 following issuance.

21 **(b)** Biennial licenses expire after December 31 of the year following the year
22 of issuance.

23 **(c)** The resident trapping license expires at the close of September 30 of the
24 year following the year in which the license is issued.

25 **(d)** The waterfowl conservation tag expires at the close of January 31 of the
26 year following the year of issue of the tag.

27 * **Sec. 15.** AS 16.05.380 is amended to read:

28 Sec. 16.05.380. COMMISSIONER MAY APPOINT AGENTS. The
29 commissioner may appoint state employees or other persons to take applications, issue
30 licenses, **stamps**, and tags, and collect fees. The commissioner is not liable for
31 defalcation or failure to account for the fees collected by **a** [ANY] person so

1 appointed, but the commissioner shall require a bond in an adequate sum, conditioned
2 upon faithfully accounting for all money collected. However, the commissioner may
3 waive the bond requirements of an instrumentality of the United States or its agents
4 and employees, when the instrumentality or its agents or employees sell licenses,
5 stamps, and tags primarily to persons in the armed forces. Each person, upon
6 appointment by the commissioner, may administer oaths on applications for licenses,
7 stamps, and tags.

8 * **Sec. 16.** AS 16.05.390(a) is amended to read:

9 (a) Except as provided in (e) of this section, an agent appointed by the
10 commissioner under AS 16.05.380 to sell licenses, stamps, and tags is entitled to

11 (1) retain five percent of the fee that is charged for a license, stamp,
12 or tag or 25 cents for each license or tag sold, whichever is greater; and

13 (2) compensation of \$50 per year or \$1 for each license, stamp, or tag
14 sold during the year, whichever is greater.

15 * **Sec. 17.** AS 16.05.390(b) is amended to read:

16 (b) Each agent appointed to sell licenses, stamps, or tags under AS 16.05.380
17 shall, as directed by the commissioner, transmit the proceeds from the sales of licenses,
18 stamps, and tags, except the amount authorized to be retained under (a)(1) of this
19 section, together with a report of the sales, to the commissioner for deposit in the fish
20 and game fund or the general fund.

21 * **Sec. 18.** AS 16.05.390(c) is amended to read:

22 (c) On March 31, June 30, September 30, and December 31 of each year the
23 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
24 section, minus the penalties assessed under (g) of this section. If the compensation due
25 exceeds \$50, the commissioner shall pay the compensation not later than 30 days after
26 the date for which the compensation was calculated. If the compensation due is \$50
27 or less, the commissioner shall pay the compensation not later than January 30 of the
28 year following the year in which the compensation was earned. The commissioner
29 shall pay compensation only for sales of licenses, stamps, or tags for which the
30 commissioner has received the report and proceeds required to be transmitted under
31 (b) of this section.

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

2 (e) The provisions of (a) of this section do not apply to a state employee
3 appointed by the commissioner under AS 16.05.380 to sell licenses, stamps, and tags.

4 * **Sec. 20.** AS 16.05.390(f) is amended to read:

5 (f) Proceeds and reports under (b) of this section shall be transmitted to the
6 commissioner by the last day of the month following the month in which the licenses,
7 stamps, and tags are sold, unless an alternative reporting schedule has been established
8 by contract.

9 * **Sec. 21.** AS 16.05.405(c) is amended to read:

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

14 (1) a document signed by the person on whose behalf the fish is taken,
15 stating that the resident possesses the person's sport fishing license, subsistence fishing
16 permit, personal use fishing permit, or permanent identification card in order to take
17 fish on behalf of that person; and

18 (2) the person's

19 (A) resident sport fishing license issued under AS 16.05.403 or
20 permanent identification card issued under AS 16.05.400(b); **and the person's**
21 **resident anadromous king salmon stamp, if appropriate;**

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

24 (C) resident personal use fishing permit issued under
25 AS 16.05.403.

26 * **Sec. 22.** AS 16.05.405(e) is amended to read:

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

1 resident has possession of
2 (1) another person's
3 (A) license, permit, or identification card;
4 (B) resident anadromous king salmon stamp, if appropriate;
5 and
6 (C) [THE OTHER PERSON'S] signed document under (b)(1)
7 or (c)(1) of this section; or
8 (2) fish or game taken on behalf of another person.

9 * **Sec. 23.** AS 16.05.405(f) is amended to read:

10 (f) A resident who takes fish or game on behalf of another person under this
11 section shall

12 (1) complete reports relating to the taking of the fish or game as
13 required by the commissioner of fish and game under AS 16.05.370;

14 (2) deliver all parts of fish and game removed from the field to the
15 person on whose behalf the fish or game was taken within a reasonable time after the
16 fish or game is taken;

17 (3) until the fish or game is delivered to the person on whose behalf
18 the fish or game was taken, retain the person's

19 (A) license or permit; and if appropriate the person's
20 resident anadromous king salmon stamp; and

21 (B) [THE] signed document required under (b)(1) or (c)(1) of
22 this section [OF THE PERSON ON WHOSE BEHALF THE FISH OR GAME
23 IS TAKEN UNTIL THE FISH OR GAME IS DELIVERED TO THAT
24 PERSON].

25 * **Sec. 24.** AS 16.05.408(a) is amended to read:

26 (a) It is a class A misdemeanor for a nonresident alien to

27 (1) [TO] hunt, pursue, or take marine mammals unless personally
28 accompanied by a licensed marine mammal guide-outfitter; [OR]

29 (2) [TO] hunt, pursue, or take a big game animal as defined by the
30 Board of Game unless personally accompanied by a guide-outfitter, a class-A assistant
31 guide-outfitter, or an assistant guide-outfitter licensed under AS 08.54; or

1 (3) take anadromous king salmon in a sport fishery unless
2 personally accompanied by the owner or employee of a sport fishing guide
3 business that is registered with the department under regulations adopted by the
4 Board of Fisheries.

5 * **Sec. 25.** AS 16.05.420 is amended to read:

6 Sec. 16.05.420. LICENSE, **STAMP**, TAG, AND PERMIT VIOLATIONS.

7 (a) A false statement of a material fact in an application for a license, **stamp**, tag, or
8 permit issued under AS 16.05.330 - 16.05.430 voids the license, **stamp**, tag, or permit
9 for which the application is made.

10 (b) Except as provided in AS 16.05.408(b), a person who knowingly makes
11 a false statement, or knowingly omits a material fact, in an application for a license,
12 **stamp**, tag, or permit issued under AS 16.05.330 - 16.05.430 is guilty of unsworn
13 falsification under AS 11.56.210.

14 (c) A person to whom a license, **stamp**, or tag has been issued under this
15 chapter may not alter, change, loan, or transfer the license, **stamp**, or tag. A person
16 may not use a license, **stamp**, or tag that has been issued under this chapter to another
17 person.

18 * **Sec. 26.** This Act takes effect January 1, 1997.