

CS FOR HOUSE BILL NO. 390(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 3/13/96

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVE ELTON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the nonresident anadromous king salmon tag and the
2 anadromous king salmon stamp; and providing for an effective date."

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

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

1 generate revenue for the fish and game fund that can be used to protect king salmon habitat
2 and conduct beneficial biological and management research on king salmon.

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

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

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

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

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

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

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

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

26 (e) This section does not apply to a nonresident who is under the age of 16
27 years.

28 (f) The commissioner shall adopt regulations necessary to implement this
29 section.

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

31 Sec. 16.05.110. COMPOSITION OF FUND. The fish and game fund shall be

1 made up of the following money and other money the legislature appropriates, which
2 shall be deposited and retained in the fund until expended:

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

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

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

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

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

13 (6) money from any other source.

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

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

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

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

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

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

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

- 1 (2) hunting, trapping, or fur dealing;
- 2 (3) the farming of fish, fur, or game; or
- 3 (4) taxidermy.

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

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

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

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

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

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

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

28 (23) Resident anadromous king salmon **stamp** [TAG] 10
29 A resident may not engage in sport fishing for anadromous king salmon without
30 having the current year's anadromous king salmon **stamp** [TAG] in the resident's
31 actual possession, unless that person

- 1 (A) qualifies for a 25 cent license fee under (1) of this
- 2 subsection;
- 3 (B) is under the age of 16 years;
- 4 (C) is 60 years of age or older and has been a resident of the
- 5 state for at least one year;
- 6 (D) is a disabled veteran eligible for a free license under
- 7 AS 16.05.341; or
- 8 (E) qualifies for a \$5 license fee under (6) of this subsection.

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

- 10 (24) Nonresident anadromous king salmon stamp [TAG] - valid for the
- 11 period inscribed on the tag
- 12 (A) for a one-day stamp [TAG] \$10
- 13 (B) for a three-day stamp [TAG] 15
- 14 (C) for a 14-day or annual stamp [TAG] 35.

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

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

- 22 (25) Nonresident anadromous king salmon tag
- 23 (A) first anadromous king salmon tag no charge
- 24 (B) second anadromous king salmon tag \$ 50
- 25 (C) third anadromous king salmon tag 200
- 26 (D) fourth anadromous king salmon tag 300
- 27 (E) fifth anadromous king salmon tag 400
- 28 (F) sixth and each subsequent anadromous king salmon tag
- 29 500

30 Members of the military service on active duty who are permanently stationed in the
 31 state, and their dependents, who do not qualify as residents under AS 16.05.940, may

1 obtain an anadromous king salmon tag for one-half of the fee set out in this paragraph.

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

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

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

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

16 (b) Biennial licenses expire after December 31 of the year following the year
17 of issuance.

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

20 (d) The waterfowl conservation tag expires at the close of January 31 of the
21 year following the year of issue of the tag.

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

23 Sec. 16.05.380. COMMISSIONER MAY APPOINT AGENTS. The
24 commissioner may appoint state employees or other persons to take applications, issue
25 licenses, stamps, and tags, and collect fees. The commissioner is not liable for
26 defalcation or failure to account for the fees collected by a [ANY] person so
27 appointed, but the commissioner shall require a bond in an adequate sum, conditioned
28 upon faithfully accounting for all money collected. However, the commissioner may
29 waive the bond requirements of an instrumentality of the United States or its agents
30 and employees, when the instrumentality or its agents or employees sell licenses,
31 stamps, and tags primarily to persons in the armed forces. Each person, upon

1 appointment by the commissioner, may administer oaths on applications for licenses,
2 stamps, and tags.

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

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

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

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

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

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

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

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

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

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

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

31 (f) Proceeds and reports under (b) of this section shall be transmitted to the

1 commissioner by the last day of the month following the month in which the licenses,
2 stamps, and tags are sold, unless an alternative reporting schedule has been established
3 by contract.

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

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

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

13 (2) the person's

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

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

19 (C) resident personal use fishing permit issued under
20 AS 16.05.403.

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

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

28 (1) another person's

29 (A) license, permit, or identification card;

30 (B) **resident anadromous king salmon stamp, if appropriate;**

31 and

1 (C) [THE OTHER PERSON’S] signed document under (b)(1)
2 or (c)(1) of this section; or
3 (2) fish or game taken on behalf of another person.

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

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

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

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

12 (3) **until the fish or game is delivered to the person on whose behalf**
13 **the fish or game was taken,** retain the **person’s**

14 (A) license or permit; **and if appropriate the person’s**
15 **resident anadromous king salmon stamp;** and

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

20 * **Sec. 24.** AS 16.05.420 is amended to read:

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

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

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

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

1 person.

2 * **Sec. 25.** This Act takes effect January 1, 1997.