

CS FOR HOUSE BILL NO. 206(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/23/00
Referred: Finance

Sponsor(s): REPRESENTATIVE HARRIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to migratory game bird hunting; to a nonresident combined
2 sport fishing and hunting license, to the nonresident military small game and
3 sport fishing license, to applications for certain licenses, tags, registrations, and
4 permits issued by the Department of Fish and Game, and to duplicate
5 crewmember licenses."

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

7 * **Section 1.** AS 16.05.110(a) is amended to read:

8 (a) The fish and game fund shall be made up of the following money and
9 other money the legislature appropriates, which shall be deposited and retained in the
10 fund until expended:

11 (1) money received from the sale of state sport fishing, hunting, and
12 trapping licenses, tags, and special permits, migratory game bird [WATERFOWL]
13 conservation tags purchased by hunters, and anadromous salmon tags purchased by

1 fishermen;

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

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

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

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

9 (6) money from any other source.

10 * **Sec. 2.** AS 16.05.130(b) is amended to read:

11 (b) Money accruing to the state from migratory game bird [WATERFOWL]
12 conservation tag fees from hunters may not be diverted to a purpose other than (1) the
13 conservation and enhancement of migratory game birds [WATERFOWL]; (2) the
14 acquisition, by lease or otherwise, of wetlands that are important for migratory game
15 birds [WATERFOWL] and public use of migratory game birds [WATERFOWL] in
16 the state; (3) migratory game bird [WATERFOWL] related projects approved by the
17 commissioner; (4) the administration of the migratory game bird [WATERFOWL]
18 conservation program; and (5) emergencies in the state as determined by the governor.
19 The department shall maintain a state migratory game bird conservation
20 [WATERFOWL] tag fee account within the fish and game fund to permit separate
21 accounting records for the receipt and expenditure of money derived from the sale of
22 migratory game bird conservation [WATERFOWL] tags. The department shall
23 prepare a report before April 15 of each even-numbered year for the public and the
24 legislature on the use of money derived from migratory game bird [WATERFOWL]
25 conservation tags and limited edition prints. The department shall notify the legislature
26 that the report is available.

27 * **Sec. 3.** AS 16.05.340(a)(17) is repealed and reenacted to read:

- 28 (17) Migratory game bird hunting
 - 29 (A) Migratory game bird conservation tag \$5
 - 30 (B) Migratory bird harvest information program registration
 - 31 \$5

1 A person may not engage in migratory game bird hunting without having in the
 2 person's actual possession either the current year's migratory game bird conservation
 3 tag or proof of current registration in the migratory bird harvest information program
 4 unless that person is a resident who is under the age of 16 years or who is 60 years
 5 of age or older. A person who qualifies for a \$5 license fee under (6) of this
 6 subsection or who is a disabled veteran eligible for a free license under AS 16.05.341
 7 may obtain the migratory bird harvest information program registration without charge.
 8 The Board of Game shall by regulation grant an exemption from the requirement for
 9 a migratory game bird conservation tag for migratory game bird hunting in areas of
 10 the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

11 * **Sec. 4.** AS 16.05.340(a) is amended by adding a new paragraph to read:

12 (25) Nonresident seven-day sport fishing and hunting license . . \$115

13 A nonresident may not take a big game animal without previously purchasing a
 14 numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The
 15 tag must be affixed to the animal immediately upon capture and must remain affixed
 16 until the animal is prepared for storage, consumed, or exported. A tag issued but not
 17 used for an animal may be used to satisfy the tagging requirement for an animal of any
 18 other species for which the tag fee is of equal or less value. In this paragraph,
 19 "nonresident" does not include a nonresident alien.

20 * **Sec. 5.** AS 16.05.340(d) is amended to read:

21 (d) Members of the military service on active duty who are permanently
 22 stationed in the state, and their dependents, who do not qualify as residents under
 23 AS 16.05.415 [AS 16.05.940,] may obtain special nonresident military small game and
 24 sport fishing licenses at the **lower of the** rates for **the respective** resident **or**
 25 **nonresident** hunting **or** [AND] sport fishing licenses, but may not take a big game
 26 animal without previously purchasing a regular nonresident hunting license and a
 27 numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate,
 28 under (a)(15) of this section.

29 * **Sec. 6.** AS 16.05.350(a) is amended to read:

30 (a) Licenses, permits, **registrations**, and tags required under AS 16.05.330 -
 31 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing

1 licenses, the resident trapping license, the nonresident anadromous king salmon tags,
 2 the migratory game bird [WATERFOWL] conservation tag, a migratory bird
 3 harvest information program registration, and permits having a different specified
 4 expiration date, expire at the close of December 31 following issuance.

5 * **Sec. 7.** AS 16.05.350(e) is amended to read:

6 (e) The migratory game bird [WATERFOWL] conservation tag expires at
 7 the close of January 31 of the year following the year of issue of the tag. A
 8 registration in the migratory bird harvest information program expires at the
 9 close of January 31 of the year following the year in which registration occurred.

10 * **Sec. 8.** AS 16.05.360(a) is amended to read:

11 (a) The commissioner or an authorized deputy shall issue each license,
 12 registration, and tag to a qualified person under written application containing such
 13 reasonable information as required by the commissioner. The commissioner shall
 14 designate the license, registration, and tag form or type. The form or type must be
 15 sufficient to identify and locate the applicant, establish the applicant's status as to
 16 residency and citizenship, and supply the person's social security number if required
 17 by this chapter. Each application must contain a notice that a false statement or
 18 material omission made by the applicant may be punishable under AS 11.56.210
 19 or AS 16.05.420 [SHALL BE SUBSCRIBED AND SWORN TO BY THE
 20 APPLICANT BEFORE AN OFFICER AUTHORIZED TO ADMINISTER OATHS IN
 21 THE STATE].

22 * **Sec. 9.** AS 16.05.380 is amended to read:

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

1 UPON APPOINTMENT BY THE COMMISSIONER, MAY ADMINISTER OATHS
2 ON APPLICATIONS FOR LICENSES, PERMITS, AND TAGS.]

3 * **Sec. 10.** 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, permits, **registrations**, and tags is
6 entitled to

7 (1) retain five percent of the fee that is charged for a license, permit,
8 **registration**, or tag or 25 cents for each license, permit, **registration**, or tag sold,
9 whichever is greater; and

10 (2) compensation of \$50 per year or \$1 for each license, permit,
11 **registration**, or tag sold during the year, whichever is greater.

12 * **Sec. 11.** AS 16.05.390(b) is amended to read:

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

18 * **Sec. 12.** AS 16.05.390(c) is amended to read:

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

29 * **Sec. 13.** AS 16.05.390(e) is amended to read:

30 (e) The provisions of (a) of this section do not apply to a state employee
31 appointed by the commissioner under AS 16.05.380 to sell licenses, permits,

1 registrations, and tags.

2 * **Sec. 14.** AS 16.05.390(f) is amended to read:

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

7 * **Sec. 15.** AS 16.05.420 is amended to read:

8 **Sec. 16.05.420. License, tag, registration, and permit violations.** (a) A false
9 statement of a material fact in an application for a license, tag, registration, or permit
10 issued under AS 16.05.330 - 16.05.430 voids the license, tag, registration, or permit
11 for which the application is made.

12 (b) A person may not make a false statement, or omit a material fact, in an
13 application for a license, tag, registration, or permit issued under AS 16.05.330 -
14 16.05.430. A person who without any culpable mental state makes a false statement
15 as to the person's identity or residency in an application for a license, tag, registration,
16 or permit issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon
17 conviction is punishable by a fine of not more than \$300. A person who knowingly
18 violates this subsection is guilty of a class A misdemeanor.

19 (c) A person to whom a license, registration, or tag has been issued under this
20 chapter may not alter, change, loan, or transfer the license, registration, or tag. A
21 person may not use a license, registration, or tag that has been issued under this
22 chapter to another person.

23 * **Sec. 16.** AS 16.05.450 is amended by adding a new subsection to read:

24 (e) The commissioner or an authorized agent may issue a duplicate
25 crewmember license as a replacement for a crewmember license issued under
26 AS 16.05.480 if the commissioner or authorized agent is satisfied that the original has
27 been lost or destroyed. A fee of \$5 shall be charged for each duplicate crewmember
28 license.

29 * **Sec. 17.** AS 16.05.826(a) is amended to read:

30 (a) The migratory game bird [WATERFOWL] conservation tag authorized
31 in AS 16.05.340(a)(17)(A) [AS 16.05.340(a)(17)] shall be produced annually in stamp

1 form by the department in an amount the commissioner considers appropriate. The
2 department shall make stamps available for the creation of **migratory game bird**
3 [WATERFOWL] conservation limited edition prints and shall provide for the sale of
4 stamps and prints to the public.

5 * **Sec. 18.** AS 16.05.826(b) is amended to read:

6 (b) The department shall provide by appropriate means for the selection of the
7 design of the annual **migratory game bird** [WATERFOWL] conservation stamp and
8 for the production and sale of the stamps.