

CS FOR HOUSE BILL NO. 206(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/3/00

Referred: Rules

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, to sport fishing license and**
5 **anadromous king salmon tag fees for residents of Yukon Territory, Canada, and**
6 **to duplicate crewmember licenses; and providing for an effective date."**

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

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

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

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

1 conservation tags purchased by hunters, and anadromous salmon tags purchased by
2 fishermen;

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

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

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

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

10 (6) money from any other source.

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

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

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

29 (17) Migratory game bird hunting

30 (A) Migratory game bird conservation tag \$5

31 (B) Migratory bird harvest information program registration

1 \$5

2 A person may not engage in migratory game bird hunting without having in the

3 person's actual possession either the current year's migratory game bird conservation

4 tag or proof of current registration in the migratory bird harvest information program

5 unless that person is a resident who is under the age of 16 years or who is 60 years

6 of age or older. A person who qualifies for a \$5 license fee under (6) of this

7 subsection or who is a disabled veteran eligible for a free license under AS 16.05.341

8 may obtain the migratory bird harvest information program registration without charge.

9 The Board of Game shall by regulation grant an exemption from the requirement for

10 a migratory game bird conservation tag for migratory game bird hunting in areas of

11 the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

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

13 (25) Nonresident seven-day sport fishing and annual hunting license

14 \$115

15 A nonresident may not take a big game animal without previously purchasing a

16 numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The

17 tag must be affixed to the animal immediately upon capture and must remain affixed

18 until the animal is prepared for storage, consumed, or exported. A tag issued but not

19 used for an animal may be used to satisfy the tagging requirement for an animal of any

20 other species for which the tag fee is of equal or less value. In this paragraph,

21 "nonresident" does not include a nonresident alien.

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

23 (d) Members of the military service on active duty who are permanently

24 stationed in the state, and their dependents, who do not qualify as residents under

25 AS 16.05.415 [AS 16.05.940,] may obtain special nonresident military small game and

26 sport fishing licenses [AT THE RATES FOR RESIDENT HUNTING AND SPORT

27 FISHING LICENSES], but may not take a big game animal without previously

28 purchasing a regular nonresident hunting license and a numbered, nontransferable

29 appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

30 **Fees for the licenses are as follows:**

31 **(1) special nonresident military small game hunting license . \$20**

1 appoint state employees or other persons to take applications, issue licenses, permits,
 2 **registrations**, and tags, and collect fees. The commissioner is not liable for
 3 defalcation or failure to account for the fees collected by any person so appointed, but
 4 the commissioner shall require a bond in an adequate sum, conditioned upon faithfully
 5 accounting for all money collected. However, the commissioner may waive the bond
 6 requirements of an instrumentality of the United States or its agents and employees
 7 when the instrumentality or its agents or employees sell licenses, permits,
 8 **registrations**, or tags primarily to persons in the armed forces. [EACH PERSON,
 9 UPON APPOINTMENT BY THE COMMISSIONER, MAY ADMINISTER OATHS
 10 ON APPLICATIONS FOR LICENSES, PERMITS, AND TAGS.]

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

12 (a) Except as provided in (e) of this section, an agent appointed by the
 13 commissioner under AS 16.05.380 to sell licenses, permits, **registrations**, and tags is
 14 entitled to

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

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

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

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

26 * **Sec. 13.** AS 16.05.390(c) is amended to read:

27 (c) On March 31, June 30, September 30, and December 31 of each year the
 28 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
 29 section, minus the penalties assessed under (g) of this section. If the compensation due
 30 exceeds \$50, the commissioner shall pay the compensation not later than 30 days after
 31 the date for which the compensation was calculated. If the compensation due is \$50

1 or less, the commissioner shall pay the compensation not later than January 30 of the
2 year following the year in which the compensation was earned. The commissioner
3 shall pay compensation only for sales of licenses, permits, **registrations**, or tags for
4 which the commissioner has received the report and proceeds required to be
5 transmitted under (b) of this section.

6 * **Sec. 14.** AS 16.05.390(e) is amended to read:

7 (e) The provisions of (a) of this section do not apply to a state employee
8 appointed by the commissioner under AS 16.05.380 to sell licenses, permits,
9 **registrations**, and tags.

10 * **Sec. 15.** AS 16.05.390(f) is amended to read:

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

15 * **Sec. 16.** AS 16.05.420 is amended to read:

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

20 (b) A person may not make a false statement, or omit a material fact, in an
21 application for a license, tag, **registration**, or permit issued under AS 16.05.330 -
22 16.05.430. A person who without any culpable mental state makes a false statement
23 as to the person's identity or residency in an application for a license, tag, **registration**,
24 or permit issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon
25 conviction is punishable by a fine of not more than \$300. A person who knowingly
26 violates this subsection is guilty of a class A misdemeanor.

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

31 * **Sec. 17.** AS 16.05.450 is amended by adding a new subsection to read:

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

6 * **Sec. 18.** AS 16.05.826(a) is amended to read:

7 (a) The **migratory game bird** [WATERFOWL] conservation tag authorized
 8 in **AS 16.05.340(a)(17)(A)** [AS 16.05.340(a)(17)] shall be produced annually in stamp
 9 form by the department in an amount the commissioner considers appropriate. The
 10 department shall make stamps available for the creation of **migratory game bird**
 11 [WATERFOWL] conservation limited edition prints and shall provide for the sale of
 12 stamps and prints to the public.

13 * **Sec. 19.** AS 16.05.826(b) is amended to read:

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

17 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section
 18 to read:

19 NOTIFICATION BY COMMISSIONER. The commissioner of fish and game shall
 20 inform the revisor of statutes when residents of the State of Alaska are authorized to obtain
 21 licenses for sport fishing, including sport fishing for anadromous king salmon in Yukon
 22 Territory, for the same fees that are charged to residents of Yukon Territory for comparable
 23 sport fishing licenses.

24 * **Sec. 21.** Section 6 of this Act takes effect on the later of

25 (1) the day after sec. 6 of this Act becomes law under AS 01.10.070 if
 26 residents of the State of Alaska are entitled to obtain licenses for sport fishing, including sport
 27 fishing for anadromous king salmon, in Yukon Territory, Canada, for the same fees that are
 28 charged to residents of Yukon Territory for comparable sport fishing licenses; or

29 (2) the effective date of a law or regulation of the appropriate law-making
 30 authority for the Government of Yukon, Yukon Territory, Canada, that authorizes residents
 31 of the State of Alaska to obtain licenses for sport fishing, including sport fishing for

- 1 anadromous king salmon, in Yukon Territory for the same fees that are charged to residents
- 2 of Yukon Territory for comparable sport fishing licenses.