

HOUSE BILL NO. 265

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HAWKER

Introduced: 4/8/05

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an annual wildlife conservation tag; relating to bond requirements**
2 **for vendors of fish and game licenses, permits, and tags; and providing for an effective**
3 **date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS AND INTENT. (a) The legislature finds that

8 (1) the State of Alaska expends significant financial resources each year for
9 the purpose of fish and wildlife management;

10 (2) existing law requires hunters, fishermen, and other consumptive users of
11 fish and wildlife to obtain the appropriate licenses and to pay the associated fees;

12 (3) existing law does not assess a fee for nonconsumptive uses of fish and
13 wildlife such as fish or wildlife viewing;

14 (4) the opportunity to view fish and wildlife is a significant component of the

1 experience enjoyed by many Alaskans and visitors through the use of commercial guides,
 2 outfitters, tour operators, and providers of transportation in settings where fish and wildlife
 3 are present;

4 (5) persons who employ a commercial provider for an opportunity to view fish
 5 and wildlife, but do not possess a hunting or fishing license, should bear their fair share of the
 6 cost of fish and wildlife management in this state;

7 (6) a wildlife conservation tag will provide new revenue that may be used to
 8 support fish and wildlife management programs.

9 (b) It is the intent of the Alaska State Legislature that the revenue generated by the
 10 wildlife conservation tag be used to pay part of the costs of the state in providing services to
 11 resident and nonresident travelers and tourists to enhance the opportunity to view and
 12 experience the abundance of fish and wildlife in the state and to pay the costs of enhancing
 13 the safety and efficiency of interstate and foreign commerce in the state.

14 * **Sec. 2.** AS 16.05.110 is amended by adding a new subsection to read:

15 (c) There is established in the fish and game fund the wildlife conservation
 16 account. The proceeds from the wildlife conservation tag shall be deposited into the
 17 account. The money deposited into the account may be appropriated for the purpose
 18 of fish and wildlife management programs that benefit purchasers of the wildlife
 19 conservation tag.

20 * **Sec. 3.** AS 16.05.350(a) is amended to read:

21 (a) Licenses, permits, [AND] tags, **and the wildlife conservation tag** required
 22 under AS 16.05.330 - 16.05.430, except biennial licenses, triennial licenses, the
 23 nonresident sport fishing licenses, the resident trapping license, the nonresident
 24 anadromous king salmon tags, the waterfowl conservation tag, and permits having a
 25 different specified expiration date, expire at the close of December 31 following
 26 issuance.

27 * **Sec. 4.** AS 16.05.360(a) is amended to read:

28 (a) The commissioner or an authorized deputy shall issue each license, [AND]
 29 tag, **and wildlife conservation tag** to a qualified person under written application
 30 containing such reasonable information as required by the commissioner. The
 31 commissioner shall designate the license, [AND] tag, **and wildlife conservation tag**

1 form or type. **For purposes of the issuance of licenses and tags, the** [THE] form or
 2 type must be sufficient to identify and locate the applicant and establish the applicant's
 3 status as to residency and citizenship. Each application shall be subscribed by the
 4 applicant.

5 * **Sec. 5.** AS 16.05.380 is amended to read:

6 **Sec. 16.05.380. Commissioner may appoint agents.** The commissioner may
 7 appoint state employees or other persons to take applications, issue licenses, permits,
 8 [AND] tags, **and the wildlife conservation tag,** and collect fees. The commissioner
 9 is not liable for defalcation or failure to account for the fees collected by any person so
 10 appointed, but the commissioner shall require a bond in an adequate sum, conditioned
 11 upon faithfully accounting for all money collected. However, the commissioner may
 12 waive the bond requirements **for the Alaska marine highway system and the**
 13 **Alaska Railroad Corporation or for** [OF] an instrumentality of the United States or
 14 its agents and employees when the instrumentality or its agents or employees sell
 15 licenses, permits, [OR] tags, **or the wildlife conservation tag** primarily to persons in
 16 the armed forces. Each person, upon appointment by the commissioner, may
 17 administer oaths on applications for licenses, permits, [AND] tags, **and the wildlife**
 18 **conservation tag.**

19 * **Sec. 6.** AS 16.05.390(a) is amended to read:

20 (a) Except as provided in (e) of this section, an agent appointed by the
 21 commissioner under AS 16.05.380 to sell licenses, permits, [AND] tags, **and the**
 22 **wildlife conservation tag** is entitled to

- 23 (1) retain five percent of the fee that is charged for a license, permit, or
 24 tag or 25 cents for each license, permit, or tag sold, whichever is greater; and
 25 (2) compensation of \$50 per year or \$1 for each license, permit, [OR]
 26 tag, **or wildlife conservation tag** sold during the year, whichever is greater.

27 * **Sec. 7.** AS 16.05.390(b) is amended to read:

28 (b) Each agent appointed to sell licenses, permits, [OR] tags, **or the wildlife**
 29 **conservation tag** under AS 16.05.380 shall, as directed by the commissioner, transmit
 30 the proceeds from the sales of licenses, permits, [AND] tags, **and the wildlife**
 31 **conservation tag,** except the amount authorized to be retained under (a)(1) of this

1 section, together with a report of the sales, to the commissioner for deposit in the fish
2 and game fund or the general fund.

3 * **Sec. 8.** AS 16.05.390(c) is amended to read:

4 (c) On March 31, June 30, September 30, and December 31 of each year the
5 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
6 section, minus the penalties assessed under (g) of this section. If the compensation
7 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
8 after the date for which the compensation was calculated. If the compensation due is
9 \$50 or less, the commissioner shall pay the compensation not later than January 30 of
10 the year following the year in which the compensation was earned. The commissioner
11 shall pay compensation only for sales of licenses, permits, [OR] tags, or the wildlife
12 conservation tag for which the commissioner has received the report and proceeds
13 required to be transmitted under (b) of this section.

14 * **Sec. 9.** AS 16.05.390(e) is amended to read:

15 (e) The provisions of (a) of this section do not apply to a state employee
16 appointed by the commissioner under AS 16.05.380 to sell licenses, permits, [AND]
17 tags, and the wildlife conservation tag.

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

19 (f) Proceeds and reports under (b) of this section shall be transmitted to the
20 commissioner by the last day of the month following the month in which the licenses,
21 permits, [AND] tags, and the wildlife conservation tag are sold, unless an alternative
22 reporting schedule has been established by contract.

23 * **Sec. 11.** AS 16.05 is amended by adding a new section to read:

24 **Sec. 16.05.417. Wildlife conservation tag.** (a) Without having a valid
25 wildlife conservation tag in actual possession, a person may not use the services of a
26 commercial provider for an opportunity to view public wildlife in this state.

27 (b) The fee for a wildlife conservation tag is \$5.

28 (c) A wildlife conservation tag is not required of

29 (1) a person under the age of 16 years;

30 (2) a resident who is 60 years of age or older and possesses a
31 permanent identification card issued under AS 16.05.400(b);

1 (3) a person who possesses a valid, current year sport fishing license,
2 hunting license, or trapping license issued to the person by the department under this
3 title;

4 (4) a person who possesses a valid, current year commercial fishing
5 license or commercial fishing entry permit or interim-use permit;

6 (5) a resident who is a disabled veteran qualified to receive a free
7 hunting and sport fishing license under AS 16.05.341;

8 (6) a person who is currently employed, and has verifiable proof of
9 employment, in the commercial provider or transportation industry and provides direct
10 services to tourists in Alaska;

11 (7) a person who is blind;

12 (8) a resident who is traveling to or from the resident's home
13 community by railroad or by the Alaska marine highway system.

14 (d) A commercial provider for an opportunity to view public wildlife may not
15 provide service, equipment, or facilities to a person who

16 (1) is required to possess a wildlife conservation tag under this section;
17 and

18 (2) does not have a valid wildlife conservation tag in actual possession.

19 (e) In this section,

20 (1) "commercial provider for an opportunity to view public wildlife"
21 means a person engaged in the commercial provider industry or transportation industry
22 that provides to an individual, for compensation or with the intent to receive
23 compensation, touring or recreational service, equipment, or facilities in the field
24 primarily or incidentally for the purpose of viewing fish or wildlife, or transportation
25 to or in the field; "commercial provider for an opportunity to view public wildlife"
26 includes a person who provides outfitting, guiding, sightseeing, flightseeing, rafting,
27 kayaking, touring, biking, accompanied hiking, bus and motorcoach service, ferry,
28 cruise ship, or charter service, railroad transportation, or a similar opportunity for
29 viewing public wildlife;

30 (2) "commercial provider industry" means those businesses that
31 provide services, equipment, and facilities as a commercial provider for an opportunity

1 to view public wildlife;

2 (3) "field" means

3 (A) an area in this state outside of

4 (i) established year-round dwellings, businesses, or
5 other developments usually associated with a city, town, or village;

6 (ii) permanent hotels or roadhouses on the state road
7 system or state or federally maintained airports;

8 (B) an area in this state used for public wildlife viewing within
9 or near a city, town, village, or year-round dwellings; and

10 (C) the territorial sea and internal waters of this state;

11 (4) "public wildlife" means fish and game;

12 (5) "transportation industry" means those businesses that provide
13 services for the carriage of persons by railroad, automobile, bus, motorcoach, boat,
14 ferry, cruise ship, air taxi, aircraft, or another mode of transport; "transportation
15 industry" does not include a business when the business provides services for

16 (A) carriage of persons by aircraft on nonstop flights between
17 airports listed in the Alaska supplement to the Airmen's Guide published by the
18 Federal Aviation Administration;

19 (B) carriage of persons by a method of transportation
20 determined by the commissioner by regulation not to have a significant
21 opportunity for viewing of public wildlife; or

22 (C) rental of passenger vehicles; "passenger vehicle" has the
23 meaning given in AS 43.52.099.

24 * **Sec. 12.** AS 16.05.420 is amended to read:

25 **Sec. 16.05.420. License, tag, permit, [AND] registration, and wildlife**
26 **conservation tag violations.** (a) A false statement of a material fact in an application
27 for a license, tag, permit, [AND] sport fishing vessel registration, **or wildlife**
28 **conservation tag** issued under AS 16.05.330 - 16.05.430 voids the license, tag,
29 permit, [OR] registration, **or wildlife conservation tag** for which the application is
30 made.

31 (b) A person may not make a false statement, or omit a material fact, in an

1 application for a license, tag, permit, [OR] sport fishing vessel registration, **or wildlife**
2 **conservation tag** issued under AS 16.05.330 - 16.05.430. A person who without any
3 culpable mental state makes a false statement as to the person's identity or residency in
4 an application for a license, tag, permit, [OR] sport fishing vessel registration, **or**
5 **wildlife conservation tag** issued under AS 16.05.330 - 16.05.430 is guilty of a
6 violation and upon conviction is punishable by a fine of not more than \$300. A person
7 who knowingly violates this subsection is guilty of a class A misdemeanor.

8 (c) A person to whom a license, tag, [OR] sport fishing vessel registration, **or**
9 **wildlife conservation tag** has been issued under this chapter may not alter, change,
10 loan, or transfer the license, tag, [OR] sport fishing vessel registration, **or wildlife**
11 **conservation tag**. A person may not use a license, tag, [OR] sport fishing vessel
12 registration, **or wildlife conservation tag** that has been issued under this chapter to
13 another person.

14 * **Sec. 13.** This Act takes effect January 1, 2006.