

SENATE CS FOR CS FOR HOUSE BILL NO. 137(FIN) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/17/16

Offered: 4/16/16

Sponsor(s): REPRESENTATIVES TALERICO, Muñoz, Keller

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing an intensive management surcharge; providing for the repeal of**
2 **the intensive management surcharge; establishing certain special hunting and fishing**
3 **licenses and permits for residents with developmental disabilities; establishing a**
4 **separate sustainable wildlife account in the fish and game fund; raising certain fees**
5 **related to sport fishing, hunting, and trapping; relating to the fish and game fund;**
6 **providing for the repeal of the sport fishing surcharge and sport fishing facility revenue**
7 **bonds; relating to the regulation of nonresident hunters; relating to hunting and fishing**
8 **by proxy; relating to fish and game conservation decals; raising the age at which a state**
9 **resident is required to obtain a license for sport fishing, hunting, or trapping; relating to**
10 **the Chitina dip net fishery; and providing for an effective date."**

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

12 *** Section 1.** AS 16.05.130 is amended by adding a new subsection to read:

1 (g) Money accruing to the state from the intensive management surcharge
 2 imposed under AS 16.05.340(k) shall be deposited in a separate account known as the
 3 sustainable wildlife account in the fish and game fund. Money in the sustainable
 4 wildlife account shall be allocated to intensive management programs intended to
 5 sustain and enhance big game prey populations under AS 16.05.255(e).

6 * **Sec. 2.** AS 16.05.251(a) is amended to read:

7 (a) The Board of Fisheries may adopt regulations it considers advisable in
 8 accordance with AS 44.62 (Administrative Procedure Act) for

9 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
 10 waters of the state over which it has jurisdiction, subject to the approval of the
 11 legislature;

12 (2) establishing open and closed seasons and areas for the taking of
 13 fish; if consistent with resource conservation and development goals, the board may
 14 adopt regulations establishing restricted seasons and areas necessary for

15 (A) persons 60 years of age and older to participate in sport,
 16 personal use, or subsistence fishing; or

17 (B) **residents under 18 years of age and nonresidents**
 18 [PERSONS] under 16 years of age to participate in sport fishing;

19 (3) setting quotas, bag limits, harvest levels, and sex and size
 20 limitations on the taking of fish;

21 (4) establishing the means and methods employed in the pursuit,
 22 capture, and transport of fish;

23 (5) establishing marking and identification requirements for means
 24 used in pursuit, capture, and transport of fish;

25 (6) classifying as commercial fish, sport fish, guided sport fish,
 26 personal use fish, subsistence fish, or predators or other categories essential for
 27 regulatory purposes;

28 (7) watershed and habitat improvement, and management,
 29 conservation, protection, use, disposal, propagation, and stocking of fish;

30 (8) investigating and determining the extent and effect of disease,
 31 predation, and competition among fish in the state, exercising control measures

1 considered necessary to the resources of the state;

2 (9) prohibiting and regulating the live capture, possession, transport, or
3 release of native or exotic fish or their eggs;

4 (10) establishing seasons, areas, quotas, and methods of harvest for
5 aquatic plants;

6 (11) establishing the times and dates during which the issuance of
7 fishing licenses, permits, and registrations and the transfer of permits and registrations
8 between registration areas is allowed; however, this paragraph does not apply to
9 permits issued or transferred under AS 16.43;

10 (12) regulating commercial, sport, guided sport, subsistence, and
11 personal use fishing as needed for the conservation, development, and utilization of
12 fisheries;

13 (13) requiring, in a fishery, observers on board fishing vessels, as
14 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
15 in AS 16.05.475(c), after making a written determination that an **onboard** [ON-
16 BOARD] observer program

17 (A) is the only practical data-gathering or enforcement
18 mechanism for that fishery;

19 (B) will not unduly disrupt the fishery;

20 (C) can be conducted at a reasonable cost; and

21 (D) can be coordinated with observer programs of other
22 agencies, including the National Marine Fisheries Service, North Pacific
23 Fishery Management Council, and the International Pacific Halibut
24 Commission;

25 (14) establishing nonexclusive, exclusive, and superexclusive
26 registration and use areas for regulating commercial fishing;

27 (15) regulating resident or nonresident sport fishermen as needed for
28 the conservation, development, and utilization of fishery resources;

29 (16) requiring unlicensed fishing vessels present in or transiting the
30 waters of the state to report to the department the quantity, species, and origin of fish
31 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is

1 not licensed under AS 16.05.490 - 16.05.530;

2 (17) promoting fishing and preserving the heritage of fishing in the
3 state.

4 * **Sec. 3.** AS 16.05.340(a)(1) is amended to read:

5 (1) Resident sport fishing license **\$20** [\$15]

6 However, the fee is **50** [25] cents for a resident who is blind.

7 * **Sec. 4.** AS 16.05.340(a)(2) is amended to read:

8 (2) Resident hunting license **35** [25]

9 * **Sec. 5.** AS 16.05.340(a)(3) is amended to read:

10 (3) Resident hunting and trapping license **55** [39]

11 * **Sec. 6.** AS 16.05.340(a)(4) is amended to read:

12 (4) Resident trapping license **25** [15]

13 * **Sec. 7.** AS 16.05.340(a)(5) is amended to read:

14 (5) Resident hunting and sport fishing license **50** [39]

15 * **Sec. 8.** AS 16.05.340(a)(6) is amended to read:

16 (6) Resident hunting, trapping, and sport fishing license **75** [53];

17 (A) however, the fee is \$5 for an applicant who

18 [(i) IS RECEIVING OR HAS RECEIVED
19 ASSISTANCE DURING THE PRECEDING SIX MONTHS UNDER
20 ANY STATE OR FEDERAL WELFARE PROGRAM TO AID THE
21 INDIGENT; OR

22 (ii)] has an annual family **or household** [GROSS]
23 income **equal to or** [OF] less than **the most recent poverty guidelines**
24 **for the state set by the United States Department of Health and**
25 **Human Services** [\$8,200] for the year preceding application;

26 (B) a person paying \$5 for a resident hunting, trapping, and
27 sport fishing license must provide proof of eligibility under this paragraph
28 when requested by the department.

29 * **Sec. 9.** AS 16.05.340(a)(7) is amended to read:

30 (7) Nonresident sport fishing license - valid for the period inscribed on
31 the license

- 1 (A) For 14-day license **75** [50]
- 2 (B) For seven-day license **45** [30]
- 3 (C) For three-day license **30** [20]
- 4 (D) For one-day license **15** [10]

5 * **Sec. 10.** AS 16.05.340(a)(9) is amended to read:

- 6 (9) Nonresident hunting license **130** [85]

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

- 8 (11) Nonresident hunting and trapping license **375** [250]

9 * **Sec. 12.** AS 16.05.340(a)(15) is amended to read:

- 10 (15) Nonresident big game tags

11 A nonresident may not take a big game animal without previously purchasing a
 12 numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must
 13 be affixed to the animal **before leaving the kill site** [IMMEDIATELY UPON
 14 CAPTURE] and must remain affixed until the animal is prepared for storage,
 15 consumed, or exported. A tag issued but not used for an animal may be used to satisfy
 16 the tagging requirement for an animal of any other species for which the tag fee is of
 17 equal or less value.

- 18 (A) Bear, black, each **450** [225]
- 19 (B) Bear, brown or grizzly, each **1,000** [500]
- 20 (C) Bison, each **900** [450]
- 21 (D) Caribou, each **650** [325]
- 22 (E) Deer, each **300** [150]
- 23 (F) Elk, each **600** [300]
- 24 (G) Goat, each **600** [300]
- 25 (H) Moose, each **800** [400]
- 26 (I) Sheep, each **850** [425]
- 27 (J) Wolf, each **60** [30]

28 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
 29 game management unit if the Board of Game has adopted an intensive
 30 management program under **AS 16.05.255(e)** [AS 16.05.255] for all or a
 31 portion of the game management unit.

1 (K) Wolverine, each **350** [175]

2 (L) Musk oxen, each **2,200** [1,100]

3 * **Sec. 13.** AS 16.05.340(a)(17) is amended to read:

4 (17) Waterfowl conservation tag **10** [5]

5 (A) A person may not engage in waterfowl hunting without
6 having the current year's waterfowl tag in the person's actual possession, unless
7 that person

8 (i) qualifies for a \$5 license fee under (6) of this
9 subsection;

10 (ii) is a resident under **18 years of age** [THE AGE OF
11 16];

12 (iii) is 60 years of age or older and is a resident;

13 (iv) is a disabled veteran eligible for a free license under
14 AS 16.05.341.

15 (B) The Board of Game shall by regulation exempt the
16 requirement of a waterfowl conservation tag for waterfowl hunting in areas of
17 the state not likely to benefit from programs described in AS 16.05.130(b)(2) -
18 (4).

19 * **Sec. 14.** AS 16.05.340(a)(19) is amended to read:

20 (19) Nonresident small game hunting license **30** [20]

21 * **Sec. 15.** AS 16.05.340(a)(20) is amended to read:

22 (20) Nonresident alien hunting license **600** [300]

23 A nonresident alien may not take a big game animal without previously purchasing a
24 numbered, nontransferable, appropriate tag, issued under (21) of this subsection. The
25 tag must be affixed to the animal **before leaving the kill site** [IMMEDIATELY
26 UPON CAPTURE] and must remain affixed until the animal is prepared for storage,
27 consumed, or exported. A tag issued but not used for an animal may be used to satisfy
28 the tagging requirement for an animal of any other species for which the tag fee is of
29 equal or less value.

30 * **Sec. 16.** AS 16.05.340(a)(21) is amended to read:

31 (21) Nonresident alien big game tags

- 1 (A) Bear, black, each **600** [300]
- 2 (B) Bear, brown or grizzly, each **1,300** [650]
- 3 (C) Bison, each **1,300** [650]
- 4 (D) Caribou, each **850** [425]
- 5 (E) Deer, each **400** [200]
- 6 (F) Elk, each **800** [400]
- 7 (G) Goat, each **800** [400]
- 8 (H) Moose, each **1,000** [500]
- 9 (I) Musk oxen, each **3,000** [1,500]
- 10 (J) Sheep, each **1,100** [550]
- 11 (K) Wolf, each **100** [50]

12 A nonresident alien is not required to have a nonresident alien wolf tag to take
 13 a wolf in a game management unit if the Board of Game has adopted an
 14 intensive management program under **AS 16.05.255(e)** [AS 16.05.255] for all
 15 or a portion of the game management unit.

- 16 (L) Wolverine, each **500** [250]

17 * **Sec. 17.** AS 16.05.340(a)(22) is amended to read:

- 18 (22) Chitina dip net fishing permit **\$15** [NO FEE]

19 The members of the family of a person who has obtained a Chitina dip net fishing
 20 permit are not required to have a Chitina dip net fishing permit while they are engaged
 21 in dip net fishing at Chitina if they are engaged in fishing in the presence of the person
 22 and the person has the Chitina dip net fishing permit in the person's physical
 23 possession. In this paragraph, 'family' means persons who are related by blood,
 24 marriage, or adoption and who live in the same household on a permanent basis.

25 * **Sec. 18.** AS 16.05.340(a)(23) is amended to read:

- 26 (23) Resident anadromous king salmon tag 10

27 A resident may not engage in sport fishing for anadromous king salmon without
 28 having the current year's anadromous king salmon tag in the resident's actual
 29 possession, unless that person

- 30 (A) qualifies for a **50** [25] cent license fee under (1) of this
 31 subsection;

(B) is under **18 years of age** [THE AGE OF 16];

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

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

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

* **Sec. 19.** AS 16.05.340(a)(24) is amended to read:

(24) Nonresident anadromous king salmon tag - valid for the period inscribed on the tag

(A) for a one-day tag **15** [10]

(B) for a three-day tag **30** [20]

(C) for a seven-day tag **45** [30]

(D) for a 14-day tag **75** [50]

(E) for an annual tag 100

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under [THE AGE OF] 16 **years of age**. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain an annual nonresident military anadromous king salmon tag for **\$30** [\$20].

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

(i) If the commissioner determines that residents of the state are entitled to obtain licenses for sport fishing, including sport fishing for anadromous king salmon, in Yukon, Canada, for the same fees that are charged to residents of Yukon for comparable sport fishing licenses, the commissioner may adopt regulations authorizing residents of Yukon to receive

(1) nonresident annual sport fishing licenses for the fees charged to residents under (a) [AND (j)] of this section for a resident sport fishing license; and

(2) nonresident anadromous king salmon annual tags for the fee charged to residents under (a) of this section for a resident anadromous king salmon

1 tag.

2 * **Sec. 21.** AS 16.05.340 is amended by adding a new subsection to read:

3 (k) In addition to the fees for a hunting license set out in (a) and (d) of this
 4 section, each person who purchases a hunting license shall pay an intensive
 5 management surcharge as set out in this subsection for the purpose of providing
 6 funding for the intensive management of the state's game populations under
 7 AS 16.05.255(e). A person who is eligible for a \$5 resident hunting, trapping, and
 8 sport fishing license under (a)(6) of this section or a free license under AS 16.05.341 is
 9 exempt from payment of the surcharge imposed under this subsection. The amount of
 10 the surcharge attached to each hunting license must be clearly disclosed on the license.
 11 Except as otherwise provided by this subsection, the intensive management surcharge
 12 for each

13 (1) resident hunting license available under this section is \$10; and

14 (2) nonresident hunting license available under this section is \$30.

15 * **Sec. 22.** AS 16.05 is amended by adding a new section to read:

16 **Sec. 16.05.352. Fish and game conservation decal.** The department shall
 17 annually produce and make available to the public fish and game conservation decals.
 18 The department shall, by appropriate means, provide for the selection of designs for
 19 fish and game conservation decals and for the production and sale of the decals. The
 20 department may produce and sell different decals in quantities that the commissioner
 21 considers appropriate. Upon payment of a \$20 fee, a person may purchase a fish and
 22 game conservation decal from the department. Subject to appropriation by the
 23 legislature, money received under this section may be used by the department to fund
 24 programs benefiting fish and wildlife conservation.

25 * **Sec. 23.** AS 16.05.400 is amended to read:

26 **Sec. 16.05.400. Persons exempt from annual licensing requirements**
 27 **[LICENSE REQUIREMENT].** (a) A license is not required of a resident **under 18**
 28 **years of age** or **a** nonresident [PERSON] under [THE AGE OF] 16 years **of age** for
 29 sport fishing nor is a license required of a resident under **18 years of age** [THE AGE
 30 OF 16] for hunting or trapping.

31 (b) **Upon request, and without charge, the commissioner shall issue a**

1 **sport fishing, hunting, or trapping identification card to** [A SPORT FISHING,
 2 HUNTING, OR TRAPPING LICENSE IS NOT REQUIRED OF] a resident who is
 3 60 years of age or **older** [MORE]. The commissioner shall issue a permanent
 4 identification card without charge to **a person** [PERSONS] who **qualifies**
 5 [QUALIFY] by age and residence and who **completes** [COMPLETE] the forms
 6 required by the commissioner for implementation of this subsection. A person who is
 7 issued a permanent identification card under this subsection **may not sport fish, hunt,**
 8 **or trap without having a valid identification card issued under this subsection or**
 9 **the appropriate license** [SHALL HAVE IT] in possession [WHILE SPORT
 10 FISHING, HUNTING, OR TRAPPING].

11 * **Sec. 24.** AS 16.05.403(c) is amended to read:

12 (c) A resident who is 65 years of age or older may obtain from the department
 13 upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission
 14 of satisfactory proof of age a resident hunting license, a resident sport fishing license,
 15 a resident subsistence fishing permit, or a resident personal use fishing permit
 16 indicating that the purchaser is a person who is 65 years of age or older. This
 17 subsection does not limit the right of a resident person who is 65 years of age or older
 18 to **obtain a permanent identification card** [CLAIM AN EXEMPTION FROM
 19 HUNTING OR SPORT FISHING LICENSE REQUIREMENTS] under
 20 AS 16.05.400(b).

21 * **Sec. 25.** AS 16.05.403 is amended by adding a new subsection to read:

22 (d) A resident who is a person with developmental disabilities may obtain from
 23 the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and
 24 upon submission of satisfactory proof of developmental disabilities a resident hunting
 25 license, a resident sport fishing license, a resident subsistence fishing permit, or a
 26 resident personal use fishing permit indicating that the purchaser is a person with
 27 developmental disabilities. This subsection does not require the department to issue a
 28 license or permit to a person with a developmental disability who is prohibited from
 29 possessing a firearm or ammunition under 18 U.S.C. 922 as a result of an involuntary
 30 commitment or an adjudication of mental illness or mental incompetence.

31 * **Sec. 26.** AS 16.05.405(b) is amended to read:

1 (b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident
 2 hunting license may take game on behalf of a person who is blind, a person with
 3 physical **or developmental** disabilities, or a person who is 65 years of age or older if
 4 the resident possesses on the resident's person

5 (1) a document signed by the person on whose behalf the game is
 6 taken, stating that the resident possesses the person's hunting license or permanent
 7 identification card **issued under AS 16.05.400(b)** in order to take game on behalf of
 8 that person; and

9 (2) the person's

10 (A) resident hunting license issued under AS 16.05.403 or
 11 permanent identification card issued under AS 16.05.400(b); and

12 (B) harvest ticket, tag, stamp, or other document required by
 13 law as a condition of taking the game being hunted.

14 * **Sec. 27.** AS 16.05.405(c) is amended to read:

15 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid
 16 noncommercial fishing license may take fish on behalf of a person who is blind, a
 17 person with physical **or developmental** disabilities, or a person who is 65 years of age
 18 or older if the resident possesses on the resident's person

19 (1) a document signed by the person on whose behalf the fish is taken,
 20 stating that the resident possesses the person's sport fishing license, subsistence fishing
 21 permit, personal use fishing permit, or permanent identification card **issued under**
 22 **AS 16.05.400(b)** in order to take fish on behalf of that person;

23 (2) the person's

24 (A) resident sport fishing license issued under AS 16.05.403 or
 25 permanent identification card issued under AS 16.05.400(b);

26 (B) resident subsistence fishing permit issued under
 27 AS 16.05.403; or

28 (C) resident personal use fishing permit issued under
 29 AS 16.05.403; and

30 (3) all other documents issued to the person that are required by law as
 31 a condition of taking the fish being pursued.

1 * **Sec. 28.** AS 16.05.405(e) is amended to read:

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

8 (1) another person's

9 (A) license, permit, or identification card **issued under**
10 **AS 16.05.400(b)** and all other documents issued to the person that are required
11 by law as a condition of taking the fish or game being pursued; and

12 (B) signed document under (b)(1) or (c)(1) of this section; or

13 (2) fish or game taken on behalf of another person.

14 * **Sec. 29.** AS 16.05.407 is amended by adding a new subsection to read:

15 (g) Regulations adopted by the department or Board of Game to implement (a)
16 of this section may not apply restrictions to nonresidents under (a)(2) of this section
17 that are not applied to nonresidents under (a)(1) of this section.

18 * **Sec. 30.** AS 16.05.415(i) is amended to read:

19 (i) In this section, "license" means a license, tag, permit, stamp, identification
20 card **issued under AS 16.05.400(b)**, or other indicia of permission to engage in an
21 activity subject to AS 16.05.330 - 16.05.430.

22 * **Sec. 31.** AS 16.05.940 is amended by adding a new paragraph to read:

23 (38) "person with developmental disabilities" means a person who
24 presents to the department an affidavit signed by a physician licensed to practice
25 medicine in the state stating that the person is experiencing a severe, chronic disability

26 (A) attributable to a mental or physical impairment or a
27 combination of mental and physical impairments;

28 (B) that is manifested before the person reaches 18 years of
29 age;

30 (C) that is likely to continue indefinitely;

31 (D) that results in substantial functional limitations in three or

1 more of the following areas of major life activity: self-care, receptive and
 2 expressive language, learning, mobility, self-direction, capacity for
 3 independent living, and economic self-sufficiency;

4 (E) that reflects the person's need for a combination and
 5 sequence of special, interdisciplinary, or generic care, treatment, or other
 6 services that are of lifelong or extended duration and are individually planned
 7 and coordinated;

8 (F) and that the person is not a danger to themselves or others;
 9 and

10 (G) and that the person does not suffer from a mental illness; in
 11 this subparagraph, "mental illness" means an organic, mental, or emotional
 12 impairment that has substantial adverse effects on a person's ability to exercise
 13 conscious control of the person's actions or ability to perceive reality or to
 14 reason or understand.

15 * **Sec. 32.** AS 16.10.570 is amended to read:

16 **Sec. 16.10.570. [ACCESS TO THE] Chitina dip net fishery.** The
 17 department, with the cooperation of the Department of Transportation and Public
 18 Facilities and the Department of Natural Resources, shall

19 **(1) maintain and improve state-owned land used to access the**
 20 **Chitina dip net fishery;**

21 **(2) maintain and operate sanitary facilities provided for the use of**
 22 **persons participating in the Chitina dip net fishery; and**

23 **(3) prepare a publication showing public access routes to fishing sites**
 24 **on public land for the Chitina dip net fishery; ~~the~~** [. THE] department shall distribute
 25 the publication to persons who obtain a Chitina dip net fishing permit and to the
 26 public.

27 * **Sec. 33.** AS 16.05.130(g) and 16.05.340(k) are repealed December 31, 2022.

28 * **Sec. 34.** AS 16.05.100(2), 16.05.130(e), 16.05.130(f), 16.05.340(j); AS 37.15.765,
 29 37.15.770, 37.15.773, 37.15.777, 37.15.780, 37.15.783, 37.15.787, 37.15.790, 37.15.793, and
 30 37.15.799 are repealed.

31 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 CONDITIONAL EFFECT; NOTIFICATION. (a) Sections 20 and 34 of this Act take
3 effect only if the commissioner of fish and game notifies the revisor of statutes in writing as
4 required under (b) of this section.

5 (b) The commissioner of fish and game shall notify the revisor of statutes in writing
6 of the date that the principal amount of the bonds issued under AS 37.15.765 - 37.15.799,
7 together with the interest on them and any interest owing on unpaid installments of interest,
8 and all other obligations with respect to the bonds, has been fully met and discharged.

9 * **Sec. 36.** If, under sec. 35 of this Act, secs. 20 and 34 of this Act take effect, they take
10 effect January 1 of the calendar year following the year of notice under sec. 35 of this Act.

11 * **Sec. 37.** Except as provided in sec. 36 of this Act, this Act takes effect January 1, 2017.