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IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 450

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Fish and Game Code of Alaska; amending the following Sections of Ch. 94, SLA 1959: Subsecs. (1), (j), and (v) of Sec. 2, Art. I; Secs. 25 and 33 of Art. I; Subsecs (1), (5), (7), (8), (9), (10), (14), and (16) of Sec. 2, Art. II; Secs. 5, 6, 7, 8, and 10 of Art. II; Secs. 6 and 7 of Art. III; Subsecs. (c), (d), (e), and (f) of Sec. 3, Art. III; Secs. 9 and 12, Art. III; and amending by adding the following: New Subsecs. (w) and (x) to Sec. 2, Art. I; a new Subsec. (k) to Sec 8, Art. III; repealing Sec. 1, Art. III; and providing for an effective date."

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

Section 1. Sec. 2 (1), Art I, Ch 94, SLA 1959 is amended to read as follows:

(1) "Sport fishing": the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish [BY SPEAR OR UNDERWATER GUN OR] by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board.

1 Sec. 2. Sec. 2 (j), Art. I, Ch. 94, SLA 1959 is amended to
2 read as follows:

3 (j) "Resident": a person who for twelve consec-
4 utive months [THE IMMEDIATELY PRECEDING YEAR] has maintained
5 a permanent place of abode within the State and who has con-
6 tinually maintained his voting [LEGAL] residence in the
7 State; and in the case of a partnership, association, joint
8 stock company, trust, or corporation, "resident" shall mean
9 one that has its main office or headquarters in the State
10 [OF ALASKA]; provided, however, that any member of the mili-
11 tary services who has been stationed in the State for the
12 immediately preceding twelve consecutive months [A PERIOD
13 OF TWELVE CONSECUTIVE MONTHS] shall be considered a resi-
14 dent for the purposes of this Act, and the dependent [DEPEND-
15 ANTS] of any such member, who has been living in the State
16 for the immediately preceding year shall likewise be con-
17 sidered a resident [RESIDENTS] for the purposes of this Act
18 [..], and provided further that any member of the military
19 services who confines his sport fishing, hunting, and trapp-
20 ing activities within the boundaries of a military reserva-
21 tion shall for the purposes of this Act be entitled to obtain
22 a resident license or license after being stationed 30
23 days on a military reservation. Said license or licenses
24 shall not be valid outside the boundaries of said reserva-
25 tion.

26 Sec. 3. Sec. 2 (v), Art. I, Ch. 94, SLA 1959 is amended to
27 read as follows:

28 (v) "Taxidermy": The tanning, mounting, proc-
29 essing, or other treatment or preparation of fish or game,

1 or any part thereof, as a trophy, for monetary gain, inclu-
2 ding the receiving of such fish or game or parts thereof
3 for such purposes.

4 Sec. 4. Sec. 2, Art. I, Ch. 94, SLA 1959 is amended by
5 adding two new sections to read as follows:

6 (w) "Subsistence fishing": The taking, fishing
7 for or possession of fish, shellfish, or other fishery re-
8 sources for personal use and not for sale or barter, with
9 gillnet, seine, fish wheel, long line, or other means as
10 defined by the Board.

11 (x) "Seizure": The actual or constructive
12 taking of possession by an enforcement or investigative
13 officer charged with enforcement of the fish and game
14 laws of Alaska of any property, real or personal, subject
15 to seizure under the provisions of this Act.

16 Sec. 5. Sec. 25, Art. I, Ch. 94, SLA 1959 is amended to read
17 as follows:

18 Sec. 25. PUBLIC NUISANCES. All nets, seines, lan-
19 terns, snares, devices, contrivances, and materials while
20 in use, had and maintained, for the purpose of catching,
21 taking, killing, attracting, or decoying any fish or game,
22 contrary to law or rule or regulation of the Board or the
23 Commissioner. [DEPARTMENT,] are public nuisances and sub-
24 ject to abatement as such.

25 Sec. 6. Sec. 33, Art. I, Ch. 94, SLA 1959 is amended to read
26 as follows:

27 Sec. 33. VIOLATIONS: MISDEMEANOR: PENALTY. Any
28 person who shall violate Secs. 27, 28 or 31 of this Article
29 [VIOLATING ANY OF THE PROVISIONS OF THIS ACT] or any rule

1 or regulation promulgated under authority of this Article
2 is [THEREUNDER SHALL BE DEEMED] guilty of a misdemeanor
3 and, upon conviction thereof, shall be fined not less than
4 \$25.00 nor more than \$1,000.00 or be imprisoned not more
5 than six months, or both; provided, however, that any per-
6 son who shall violate any rule or regulation promulgated
7 under authority of this Article for the regulation of
8 commercial fisheries shall be punished as provided in Sec.
9 12 of Art. III of this Act. [PUNISHED AS PROVIDED IN ART-
10 ICLE II OR ARTICLE III OF THIS ACT, WHICHEVER IS APPLICA-
11 BLE AS DETERMINED BY THE NATURE OF THE OFFENSE]

12 All monies from fines shall be transmitted by
13 the court to the proper State officer for deposit in the
14 General Fund of the State.

15 Sec. 7. Sec. 2 (1), Art. II, Ch. 94, SLA 1959 is amended to
16 read as follows:

- 17 (1) Resident sport fishing license \$5.00
18 Provided, however, that the above
19 license may be obtained by a depend-
20 ent member of any family for a fee
21 of \$1.00 upon proof presented by the
22 applicant that the family (1) is ob-
23 taining or has obtained during the
24 immediately preceding six months,
25 assistance under any state or federal
26 welfare program to aid the indigent,
27 or (2) has an annual income of less
28 than \$800.00 for the year immediately
29 preceding application.

1 Sec. 8. Sec. 2 (5), Art. II, Ch. 94, SLA 1959 is amended to
2 read as follows:

3 (5) Resident hunting, trapping &
4 sport fishing license \$15.00

5 Provided, however, that the
6 above license may be obtained
7 by the head of any family or
8 one solely dependent upon him-
9 self for support for a fee of
10 \$1.00 [\$.25] upon proof pre-
11 sented by the applicant that
12 the applicant (1) is obtaining
13 or has obtained during the
14 immediately preceding six months,
15 assistance under any state or
16 federal welfare program to aid
17 the indigent, or (2) has an
18 annual income of less than \$800.00
19 for the year immediately preceding
20 application. [OR (3) HAS HISTOR-
21 ICALLY BEEN DEPENDENT ON FISH AND
22 GAME FOR SUBSISTENCE.]

23 Sec. 9. Subsec. (7) of Sec. 2, Art. II, Ch. 94, SLA 1959 is
24 amended to read as follows:

25 (7) Non-resident [AND ALIEN]
26 sport fishing license \$10.00

27 Sec. 10. Subsec. (3) of Sec. 2, Art. II, Ch. 94, SLA 1959 is
28 amended to read as follows:

29 (3) Non-resident [AND ALIEN]

1 hunting license \$50.00

2 Sec. 11. Subsec. (9) of Sec. 2, Art. II, Ch. 94, SLA 1959
3 is amended to read as follows:

4 (9) Non-resident [AND ALIEN]
5 hunting and sport fishing
6 license \$60.00

7 Providing that non-residents
8 [OR ALIENS] may not take big
9 game animals without pre-
10 viously purchasing appropriate
11 tags as provided for herein-
12 after, and which must be
13 affixed to the animal imme-
14 diately upon taking and remain
15 affixed until the animal is pre-
16 pared for storage, consumed or
17 exported.

18 Sec. 12. Subsec. (10) of Sec. 2, Art. II, Ch. 94, SLA 1959
19 is amended to read as follows:

20 (10) Non-resident [AND ALIEN]
21 hunting and trapping license. \$100.00

22 Sec. 13. Subsec. (14) of Sec. 2, Art. II, Ch. 94, SLA 1959
23 is amended to read as follows:

24 (14) Non-resident [AND ALIEN] fur
25 dealer and taxidermy license. \$100.00

26 Sec. 14. Subsec. (16) of Sec. 2, Art. II, Ch. 94, SLA 1959
27 is amended to read as follows:

28 (16) Non-resident [AND ALIEN] big
29 game tags:

1	Brown or grizzly bear ... <u>Each</u>	25.00
2	Polar bear ... <u>Each</u>	150.00
3	Black bear, deer... <u>Each</u>	10.00
4	Bison, moose, sheep... <u>Each</u>	50.00
5	Walrus... <u>Each</u>	100.00
6	Elk, goats, caribou... <u>Each</u>	25.00
7	Provided that the Commissioner	
8	may issue to any person without	
9	cost permits to collect fish and	
10	game, subject to such limitations	
11	and provisions as he deems appro-	
12	priate, for scientific, <u>propaga-</u>	
13	<u>tive</u> , or educational purposes.	

14 Sec. 15. Sec. 5, Art. II, Ch. 94, SLA 1959 is amended to
 15 read as follows:

16 Sec. 5. COMMISSIONER MAY APPOINT AGENTS. The Commis-
 17 sioner is hereby authorized to appoint State employees, or
 18 other persons to take applications, issue licenses and tags,
 19 and collect fees, provided, however, that the Commissioner
 20 shall not be liable for defalcation or failure to account
 21 for the fees so collected by any such agent, but shall re-
 22 quire a bond in such sum as he may deem adequate, conditioned
 23 upon faithfully accounting for all monies collected; pro-
 24 vided, however, that the Commissioner may, in his discretion,
 25 waive the bond requirements for an instrumentality of the
 26 United States, its agents and employees, where such instru-
 27 mentality, its agents or employees sell licenses primarily
 28 to persons in the armed forces. All persons, upon appoint-
 29 ment by the Commissioner, as authorized in this section,

1 shall have the authority to administer oaths on applica-
2 tions for licenses and tags.

3 Sec. 16. The opening paragraph of Sec. 6, Art. II, Ch. 94,
4 SLA 1959 is amended to read as follows:

5 Sec. 6. FEE FOR ISSUANCE OF LICENSES AND TAGS. Any
6 person, except salaried employees of the State, appointed
7 and authorized by the Commissioner to sell licenses and
8 tags, shall retain 5 per cent of the fee [THE SUM OF TWENTY-
9 FIVE CENTS (\$.25) FROM THE FEE] for the issuance of each
10 license or tag.

11 Sec. 17. The opening paragraph of Sec. 7, Art. II, Ch. 94,
12 SLA 1959 is amended to read as follows:

13 Sec. 7. VIOLATIONS. Any false statement as to any
14 material fact in an application for license shall render
15 null and void the license issued upon it; and any person
16 who shall make any false statement or shall omit any mate-
17 rial fact in such an application shall be guilty of a
18 violation of this Article [ACT].

19 Sec. 18. Sec. 8, Art. II, Ch. 94, SLA 1959 is amended to
20 read as follows:

21 Sec. 8. LICENSE FORFEITURE. Upon conviction of a
22 person of a first violation of any provision of this
23 Article [ACT] or of any Federal or State law or regulation
24 for the protection of the sport fish and game of Alaska,
25 the Court may, in addition to the penalty imposed by law,
26 revoke [FORFEIT] the license of such person. Upon subse-
27 quent conviction of any such person of any violation of
28 any provisions of this Article [ACT] or of any Federal or
29 State law or regulation for the protection of the sport

1 fish and game of Alaska, the Court shall revoke the license
2 of such person, and no person whose license has been so
3 revoked shall purchase another license of the same type for
4 a period of not less than two years or more than three years
5 from the date of such revocation; [THE FORFEITURE OF SUCH
6 LICENSE FOR A PERIOD OF NOT LESS THAN TWO OR MORE THAN THREE
7 YEARS SHALL BE MANDATORY] provided further that any licensed
8 guide or assistant guide upon conviction of any provision of
9 any Federal or State sport fish or game law or regulation
10 [FOR THE PROTECTION OF THE FISH OR GAME OF ALASKA] shall
11 have his license revoked and shall not be eligible for a
12 guide or assistant guide license for a period of five years
13 from the date of revocation.

14 Sec. 19. The opening paragraph of Sec. 10, Art. II, Ch. 94,
15 SLA 1959 is amended to read as follows:

16 Sec. 10. PENALTIES. Any person who violates Secs. 1
17 or 7 [ANY PROVISION] of this Article is guilty of a mis-
18 demeanor and upon conviction thereof shall be fined not less
19 than \$25.00 nor more than \$1,000.00 or be imprisoned not
20 more than six months, or both.

21 Sec. 20. Sec. 6, Art. III, Ch. 94, SLA 1959 is amended to
22 read as follows:

23 Sec. 6. COMMERCIAL FISHING LICENSE. A commercial fish-
24 ing license shall be obtained by each and every individual
25 before he shall become engaged as a commercial fisherman as
26 above defined. The fee for such license shall be \$10.00 for
27 residents, and \$15.00 for non-residents. Failure to comply
28 with the provisions of this Section is unlawful.

29 Sec. 21. Sec. 7, Art. III, Ch. 94, SLA 1959 is amended to

1 read as follows:

2 Sec. 7. VESSEL LICENSE. As a condition precedent
3 to the delivery or landing of fish or engaging in commer-
4 cial fishing within this State, a license is required for
5 each and every commercial vessel, including but not limit-
6 ed to, vessels used in charter service for the recreational
7 taking of fish and shellfish. The license so issued may
8 be revoked by the Commissioner for one full year from the
9 date of revocation upon a finding that the operation of
10 such vessel tends to result in the impairment, depletion,
11 or destruction of the fishery resources of this State by
12 bringing into or possessing within this state fish taken
13 by means, under conditions, or at times not permitted by
14 the laws of this State to its citizens. In the event of
15 the revocation of such license the further operation of
16 the vessel within Alaska shall be unlawful. Operation
17 without a vessel license of any vessel to which this sec-
18 tion applies shall be unlawful whether the absence of a
19 vessel license results from initial failure to purchase
20 or from revocation by the Commissioner. [A LICENSE IS
21 REQUIRED FOR EACH AND EVERY COMMERCIAL VESSEL WHICH DELIV-
22 ERS OR LANDS FISH OR ENGAGES IN COMMERCIAL FISHING WITHIN
23 THE STATE, AND SHALL INCLUDE EACH AND EVERY VESSEL USED IN
24 CHARTER SERVICE FOR THE RECREATIONAL TAKING OF FISH AND
25 SHELLFISH.] The vessel license shall include a permanent
26 number plate. The number plate shall be accompanied by a
27 tab affixed to it designating the year to be fished.

28 Number plates are not transferable, and shall be
29 considered a permanent fixture upon the vessel upon which

1 they are originally placed. They shall be securely fastened
2 well forward on the port side in plain sight. On vessels
3 with a super-structure the plates shall be fastened on the
4 port side of the superstructure.

5 Upon an annual payment of a license fee of \$10.00
6 for residents and \$30.00 for non-resident, [PROVIDED, HOW-
7 EVER, THAT VESSELS CLASSIFIED AS LESS THAN ONE UNIT BY THE
8 BOARD SHALL BE LICENSED AT \$5.00 FOR RESIDENTS AND \$15.00
9 FOR NON-RESIDENTS, AND PROVIDED FURTHER, THAT SUCH VESSELS
10 CLASSIFIED AS LESS THAN 1/2 UNITS SHALL BE LICENSED AT
11 \$3.00 FOR RESIDENTS AND \$8.00 FOR NON-RESIDENTS.] and
12 filing of the name and address of the owner and operator
13 of the vessel, the name and number of the vessel, a descrip-
14 tion of the vessel and fishing gear, vessel license number,
15 in any, areas to be fished, and such other reasonable in-
16 formation as may be required by the Department, a number
17 plate and a vessel license shall be issued by the Depart-
18 ment; provided, however, that if the vessel already
19 possesses said number plate, a vessel license and tab des-
20 ignating year shall be issued. The tab shall be placed in
21 the space provided on the permanent number plate.

22 Number plates shall remain the property of the State.
23 If such permanent number plate is accidentally [ACCIDENTALLY
24 defaced, mutilated, destroyed, or lost, the person owning
25 or operating the vessel shall immediately make application
26 for and may obtain a duplicate, upon furnishing the Depart-
27 ment with the pertinent facts and a payment of two dollars
28 (\$2.00).

29 If a vessel carrying number plates is lost, destroyed,

1 or sold, the owner shall immediately report the loss,
2 destruction or sale to the Department.

3 Sec. 22. Subsecs. (c), (d), (e) and (f), Sec. 3, Art. III,
4 Ch. 94, SLA 1959 are amended to read as follows:

5 (c) Drift Gill Net License. A license is required
6 for drift gill nets used in the taking or catching of fish
7 for commercial purposes in the waters of the State, for
8 which such license there shall be paid a fee of \$10.00
9 for the first 100 fathoms or fraction thereof and \$5.00
10 for each additional 50 fathoms or fraction thereof per
11 annum by residents and \$30.00 for the first 100 fathoms
12 or fraction thereof and \$15.00 for each additional 50
13 fathoms or fraction thereof per annum by non-residents,
14 provided only the maximum amount of gear fished at one
15 time is licensed, and that the gear for each vessel must
16 be separately licensed.

17 (d) Set or Stake Gill Net License. A license
18 is required for each and every set or stake gill net used
19 in the taking or catching of fish for commercial purposes
20 in the waters of the State, for which such license there
21 shall be paid a fee of \$5.00 for the first 50 fathoms
22 or fraction thereof and \$5.00 for each additional 50
23 fathoms or fraction thereof per annum by residents and
24 \$15.00 for the first 50 fathoms or fraction thereof and
25 \$15.00 for each additional 50 fathoms or fraction thereof
26 per annum by non-residents, provided only the maximum
27 amount of gear fished at one time is licensed.

28 (e) Beach or Drag Seine License. A license is
29 required for each and every beach or drag seine used in the

1 taking or catching of fish for commercial purposes in the
2 waters of the State, for which license there shall be paid
3 a fee of \$10.00 for the first 100 fathoms or fraction there-
4 of and \$5.00 for each additional 50 fathoms or fraction
5 thereof per annum by residents and \$30.00 for the first 100
6 fathoms or fraction thereof and \$15.00 for each additional
7 50 fathoms or fraction thereof per annum by non-residents.

8 (f) Purse Seine and Hand Purse Seine License.

9 A license is required for purse seines and hand purse seines
10 [EACH AND EVERY PURSE SEINE] used in the taking or catching
11 of fish for commercial purposes in the waters of the State,
12 for which license there shall be paid a fee of \$40.00 for
13 the first 100 fathoms or fraction thereof and \$10.00 for
14 each additional 50 fathoms or fraction thereof per annum
15 by residents and \$120.00 for the first 100 fathoms or frac-
16 tion thereof and \$30.00 for each additional 50 fathoms or
17 fraction thereof per annum by non-residents.

18 Sec. 23. Sec. 8, Art. III, Ch. 94, SLA 1959 is amended by
19 adding a new subsection to read as follows:

20 (k) Subsistence Fishing License. A license is
21 required for subsistence fishing for which license there
22 shall be paid a fee of \$1.00; provided, however, that no
23 license shall be issued to any non-resident or to any
24 resident whose annual gross income exceeds \$3,000.00. A
25 subsistence fishing license shall entitle the holder there-
26 of to fish by means, under conditions and at times permitted
27 by the Alaska Department of Fish and Game for subsistence
28 fishing.

29 Failure to comply with the provisions of this

1 Section is unlawful.

2 Sec. 24. Sec. 9, Art. III, Ch. 94, SLA 1959 is amended to
3 read as follows:

4 Sec. 9. LICENSE POSSESSION REQUIREMENTS. The commer-
5 cial fishing license shall be carried on the individual
6 whenever such individual is engaged as a fisherman as above
7 defined.

8 All fishing gear licenses issued under the provisions
9 of this Article shall be non-transferable, and it shall be
10 unlawful for any gear which is licensed as herein specified
11 to be operated or caused to be operated by any person other
12 than the licensee. [OR AGENT OR EMPLOYEE OF THE LICENSEE.]
13 In the event the operator of the gear is non-resident, the
14 gear shall be required to be licensed as non-resident gear
15 and the fees provided for non-residents shall be paid for
16 such license, provided that, for the purposes of this Act,
17 the "operator" shall mean the individual by law made respon-
18 sible for the operation of the vessel. All licenses for
19 fishing gear issued under the provisions of this Act shall
20 be carried in the possession of the licensee. [OR AUTHOR-
21 IZED REPRESENTATIVE OF THE LICENSEE WHO SHALL BE IN CHARGE
22 OF THE OPERATION OF SUCH GEAR.]

23 Failure to comply with any of the above provisions is
24 unlawful.

25 Sec. 25. The opening paragraph of Sec. 12, Art. III, Ch.
26 94, SLA 1959 is amended to read as follows:

27 Sec. 12. PENALTIES. Any person who violates Secs.
28 6, 7, 8, 9 or 10 of this Article or the rules and regula-
29 tions of the Department of Fish and Game pertaining to

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commercial fisheries [VIOLATED ANY PROVISION OF THIS ARTICLE OR THE RULES AND REGULATIONS PERTAINING TO COMMERCIAL FISHERIES,] is guilty of a misdemeanor and upon conviction thereof is subject to a fine of not exceeding \$5,000.00 or imprisonment not to exceed one year or both.

Sec. 26. Sec. 1, Art. III, Ch. 94, SLA 1959 is hereby repealed. The remaining sections of Article III shall be renumbered accordingly.

Sec. 27. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.