

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 450

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Fish and Game Code
7 of Alaska; amending the following Sections
8 of Ch. 94, SLA 1959; Subsecs. (1), (j), and
9 (v) of Sec. 2, Art. I; Secs. 25 and 33 of
10 Art. I; Subsecs. (1), (5), (7), (10), and
11 (14) of Sec. 2, Art. II; Subsecs. (8),
12 (9), and (16) of Sec. 2, Art. II as
13 amended by Ch. 96, SLA 1959; Secs. 5,6,7,
14 8, and 10 of Art. II; Secs. 6 and 7 of
15 Art. III; Subsecs. (c), (d), (e), and (f)
16 of Sec. 8, Art. III; Secs. 9 and 12,
17 Art. III; and amending by adding the follow
18 ing: New Subsecs. (w) and (x) to Sec. 2,
19 Art. I; a new Subsec. (k) to Sec. 8, Art.
20 III; repealing Sec. 1, Art. III; and
21 providing for an effective date."

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

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

25 (1) "Sport fishing": the taking of or attempting
26 to take for personal use, and not for sale or barter, any
27 fresh water, marine, or anadromous fish [BY SPEAR OR UNDER-
28 WATER GUN OR] by hook and line held in the hand, or by hook
29 and line with the line attached to a pole or rod which is

1 held in the hand or closely attended, or by other means
2 defined by the Board.

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

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

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

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1 (v) "Taxidermy": the tanning, mounting, proc-
2 essing, or other treatment or preparation of fish or game,
3 or any part thereof, as a trophy, for monetary gain, inclu-
4 ding the receiving of such fish or game or parts thereof
5 for such purposes.

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

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

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

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

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

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

29 Sec. 33. VIOLATIONS: MISDEMEANOR: PENALTY. Any

1 person who shall violate Secs. 27, 28 or 31 of this Article
2 [VIOLATING ANY OF THE PROVISIONS OF THIS ACT] or any rule
3 or regulation promulgated under authority of this Article
4 is [THEREUNDER SHALL BE DEEMED] guilty of a misdemeanor
5 and, upon conviction thereof, shall be fined not more than
6 \$1,000.00 or be imprisoned not more than six months, or
7 both; provided, however, that any person who shall violate
8 any rule or regulation promulgated under authority of this
9 Article for the regulation of commercial fisheries shall be
10 punished as provided in Sec. 12 of Art. III of this Act.
11 [PUNISHED AS PROVIDED IN ARTICLE II OR ARTICLE III OF THIS
12 ACT, WHICHEVER IS APPLICABLE AS DETERMINED BY THE NATURE OF
13 THE OFFENSE]

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

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

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

1 than \$800.00 for the year immediately
2 preceding application.

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

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

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

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

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

29 Sec. 10. Subsec. (8) of Sec. 2, Art. II, Ch. 94, SLA 1959

1 as amended by Ch. 96, SLA 1959, is amended to read as follows:

2 (8) Non-resident [AND ALIEN]

3 hunting license \$10.00

4 Sec. 11. Subsec. (9) of Sec. 2, Art. II, Ch. 94, SLA 1959
5 as amended by Ch. 96, SLA 1959, is amended to read as follows:

6 (9) Non-resident [AND ALIEN]

7 hunting and sport fishing
8 license \$20.00

9 Providing that non-residents
10 [OR ALIENS] may not take big
11 game animals without pre-
12 viously purchasing numbered,
13 nontransferable, appropriate
14 tags, issued to an individual
15 as provided for hereinafter,
16 and which must be affixed to
17 the animal immediately upon
18 taking and remain affixed
19 until the animal is prepared
20 for storage, consumed or
21 exported.

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

24 (10) Non-resident [AND ALIEN]

25 hunting and trapping license . . \$100.00

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

28 (14) Non-resident [AND ALIEN] fur

29 dealer and taxidermy license . . \$100.00

1 Sec. 14. Subsec. (16) of Sec. 2, Art. II, Ch. 94, SLA 1959
2 as amended by Ch. 96, SLA 1959, is amended to read as follows:

3 (16) Non-resident [AND ALIEN] big
4 game tags:

5	Brown or grizzly bear, . . .	<u>Each</u> . . .	\$ 75.00
6	Polar bear	<u>Each</u> . . .	150.00
7	Black bear, deer	<u>Each</u> . . .	10.00
8	Bison, moose, sheep . . .	<u>Each</u> . . .	50.00
9	Walrus	<u>Each</u> . . .	100.00
10	Elk, goats, caribou . . .	<u>Each</u> . . .	25.00

11 Provided, that the Commissioner
12 may issue to any person without
13 cost permits to collect fish and
14 game, subject to such limitations
15 and provisions as he deems appro-
16 priate, for scientific, propaga-
17 tive, or educational purposes.

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

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

1 United States, its agents and employees, where such instru-
2 mentality, its agents or employees sell licenses primarily
3 to persons in the armed forces. All persons, upon appoint-
4 ment by the Commissioner, as authorized in this section,
5 shall have the authority to administer oaths on applica-
6 tions for licenses and tags.

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

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

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

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

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

25 Sec. 8. LICENSE FORFEITURE. Upon conviction of a
26 person of a first violation of any provision of this
27 Article [ACT] or of any Federal or State law or regulation
28 for the protection of the sport fish and game of Alaska,
29 the Court may, in addition to the penalty imposed by law,

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

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

20 Sec. 10. PENALTIES. Any person who violates Secs. 1
21 or 7 [ANY PROVISION] of this Article is guilty of a misde-
22 meanor and upon conviction thereof shall be fined not less
23 than \$25.00 nor more than \$1,000.00 or be imprisoned not
24 more than six months, or both.

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

27 Sec. 6. COMMERCIAL FISHING LICENSE. A commercial fish-
28 ing license shall be obtained by each and every individual

1 before he shall become engaged as a commercial fisherman as
2 above defined. The fee for such license shall be \$10.00 for
3 residents, and \$15.00 for non-residents. Failure to comply
4 with the provisions of this Section is unlawful.

5 Sec. 21. Sec. 7, Art. III, Ch. 94, SLA 1959 is amended to
6 read as follows:

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

1 vessel license shall include a permanent number plate. The
2 number plate shall be accompanied by a tab affixed to it
3 designating the year to be fished.

4 Number plates are not transferable, and shall be
5 considered a permanent fixture upon the vessel upon which
6 they are originally placed. They shall be securely fastened
7 well forward on the port side in plain sight. On vessels
8 with a super-structure the plates shall be fastened on the
9 port side of the superstructure.

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

27 Number plates shall remain the property of the State.
28 If such permanent number plate is accidentally [ACCIDENALLY]
29 defaced, mutilated, destroyed, or lost, the person owning

1 or operating the vessel shall immediately make application
2 for and may obtain a duplicate, upon furnishing the
3 Department with the pertinent facts and a payment of two
4 dollars (\$2.00).

5 If a vessel carrying number plates is lost, destroyed,
6 or sold, the owner shall immediately report the loss,
7 destruction or sale to the Department.

8 Sec. 22. Subsecs. (c), (d), (e) and (f), Sec. 8, Art. III,
9 Ch. 94, SLA 1959 are amended to read as follows:

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

22 (d) Set or Stake Gill Net License. A license
23 is required for each and every set or stake gill net used
24 in the taking or catching of fish for commercial purposes
25 in the waters of the State, for which such license there
26 shall be paid a fee of \$5.00 for the first 50 fathoms
27 or fraction thereof and \$5.00 for each additional 50
28 fathoms or fraction thereof per annum by residents and
29 \$15.00 for the first 50 fathoms or fraction thereof and

1 \$15.00 for each additional 50 fathoms or fraction thereof
2 per annum by non-residents, provided only the maximum
3 amount of gear fished at one time is licensed.

4 (e) Beach or Drag Seine License. A license is
5 required for each and every beach or drag seine used in the
6 taking or catching of fish for commercial purposes in the
7 waters of the State, for which license there shall be paid
8 a fee of \$10.00 for the first 100 fathoms or fraction there-
9 of and \$5.00 for each additional 50 fathoms or fraction
10 thereof per annum by residents and \$30.00 for the first 100
11 fathoms or fraction thereof and \$15.00 for each additional
12 50 fathoms or fraction thereof per annum by non-residents.

13 (f) Purse Seine and Hand Purse Seine License.
14 A license is required for purse seines and hand purse seines
15 [EACH AND EVERY PURSE SEINE] used in the taking or catching
16 of fish for commercial purposes in the waters of the State,
17 for which license there shall be paid a fee of \$40.00 for
18 the first 100 fathoms or fraction thereof and \$10.00 for
19 each additional 50 fathoms or fraction thereof per annum
20 by residents and \$120.00 for the first 100 fathoms or
21 fraction thereof and \$30.00 for each additional 50 fathoms
22 or fraction thereof per annum by non-residents.

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

25 (k) Subsistence Fishing License. A license is
26 required for subsistence fishing for which license there
27 shall be paid a fee of \$1.00; provided, however, that no
28 license shall be issued to any non-resident or to any
29 resident whose annual gross income exceeds \$4,000.00. A

1 subsistence fishing license shall entitle the holder there-
2 of to fish by means, under conditions and at times
3 permitted by the Alaska Department of Fish and Game for sub-
4 sistence fishing; provided, however, that nothing in this
5 section shall prevent the holder of a resident commercial
6 fishing license from taking fish for subsistence under
7 applicable rules and regulations governing commercial or
8 subsistence fishing.

9 Failure to comply with the provisions of this
10 section is unlawful.

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

13 Sec. 9. LICENSE POSSESSION REQUIREMENTS. The commer-
14 cial fishing license shall be carried on the individual
15 whenever such individual is engaged as a fisherman as above
16 defined.

17 All fishing gear licenses issued under the provisions
18 of this Article shall be non-transferable, and it shall be
19 unlawful for any gear which is licensed as herein specified
20 to be operated or caused to be operated by any person other
21 than the licensee. [OR AGENT OR EMPLOYEE OF THE LICENSEE.]
22 In the event the operator of the gear is non-resident, the
23 gear shall be required to be licensed as non-resident gear
24 and the fees provided for non-residents shall be paid for
25 such license, provided that, for the purposes of this Act,
26 the "operator" shall mean the individual by law made
27 responsible for the operation of the vessel. All licenses
28 for fishing gear issued under the provisions of this Act
29 shall be carried in the possession of the licensee. [OR

1 AUTHORIZED REPRESENTATIVE OF THE LICENSEE WHO SHALL BE IN
2 CHARGE OF THE OPERATION OF SUCH GEAR.]

3 Failure to comply with any of the above provisions is
4 unlawful.

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

7 Sec. 12. PENALTIES. Any person who violates Secs.
8 6, 7, 8, 9, or 10 of this Article or the rules and regula-
9 tions of the Department of Fish and Game pertaining to
10 commercial fisheries [VIOLATED ANY PROVISION OF THIS ARTICLE
11 OR THE RULES AND REGULATIONS PERTAINING TO COMMERCIAL FISH-
12 ERIES,] is guilty of a misdemeanor and upon conviction there-
13 of is subject to a fine of not exceeding \$5,000.00 or
14 imprisonment not to exceed one year or both.

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

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