

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 CS 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), (3), (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

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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 consecu-
6 tive 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 resident
16 for the purposes of this Act, and the dependent [DEPENDANTS]
17 of any such member, who has been living in the State for the
18 immediately preceding year shall likewise be considered a
19 resident [RESIDENTS] for the purposes of this Act.

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

22 (v) "Taxidermy": the tanning, mounting, processing,
23 or other treatment or preparation of fish or game, or any
24 part thereof, as a trophy, for monetary gain, including the
25 receiving of such fish or game or parts thereof for such
26 purposes.

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

29 (w) "Subsistence fishing": the taking, fishing

1 for or possession of fish, shellfish, or other fishery
2 resources for personal use and not for sale or barter, with
3 gillnet, seine, fish wheel, long line, or other means as
4 defined by the Board.

5 (x) "Seizure": the actual or constructive
6 taking of possession by an enforcement or investigative
7 officer charged with enforcement of the fish and game
8 laws of Alaska of any property, real or personal, subject
9 to seizure under the provisions of this Act.

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

12 Sec. 25. PUBLIC NUISANCES. All nets, seines, lanterns,
13 snares, devices, contrivances, and materials while in use,
14 had and maintained, for the purpose of catching, taking,
15 killing, attracting, or decoying any fish or game, contrary
16 to law or rule or regulation of the Board or the Commis-
17 sioner, [DEPARTMENT,] are public nuisances and subject to
18 abatement as such.

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

21 Sec. 33. VIOLATIONS: MISDEMEANOR: PENALTY. Any
22 person who shall violate Secs. 27, 28 or 31 of this Article
23 [VIOLATING ANY OF THE PROVISIONS OF THIS ACT] or any rule
24 or regulation promulgated under authority of this Article
25 is [THEREUNDER SHALL BE DEEMED] guilty of a misdemeanor
26 and, upon conviction thereof, shall be fined not more than
27 \$1,000.00 or be imprisoned not more than six months, or
28 both; provided, however, that any person who shall violate
29 any rule or regulation promulgated under authority of this

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Article for the regulation of commercial fisheries shall be punished as provided in Sec. 12 of Art. III of this Act.

[PUNISHED AS PROVIDED IN ARTICLE II OR ARTICLE III OF THIS ACT, WHICHEVER IS APPLICABLE AS DETERMINED BY THE NATURE OF THE OFFENSE.]

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

Sec. 7. Subsections (1) and (3), Sec. 2, Art. II, Ch. 94, SLA 1959 are amended to read as follows:

(1) Resident sport fishing license \$5.00

Provided, however, that the above license may be obtained by a dependent member of any family for a fee of \$.25 upon proof presented by the applicant that the family (1) is obtaining or has obtained during the immediately preceding six months, assistance under any state or federal welfare program to aid the indigent, or (2) has an annual income of less than \$800.00 for the year immediately preceding application.

(3) a. Resident hunting and trapping license . \$10.00

b. Resident trapping license \$ 3.00

Sec. 8. Subsec. (7) of Sec. 2, Art. II, Ch. 94, SLA 1959 is amended to read as follows:

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

1 Sec. 9 . Subsec. (8) of Sec. 2, Art. II, Ch. 94, SLA 1959
2 as amended by Ch. 96, SLA 1959, is amended to read as follows:

3 (8) Non-resident [AND ALIEN]
4 hunting license \$10.00

5 Sec. 10. Subsec. (9) of Sec. 2, Art. II, Ch. 94, SLA 1959
6 as amended by Ch. 96, SLA 1959, is amended to read as follows:

7 (9) Non-resident [AND ALIEN]
8 hunting and sport fishing
9 license \$20.00

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

23 Sec. 11. Subsec. (10) of Sec. 2, Art. II, Ch. 94, SLA 1959
24 is amended to read as follows:

25 (10) Non-resident [AND ALIEN]
26 hunting and trapping
27 license \$100.00

28 Sec. 12. Subsec. (14) of Sec. 2, Art. II, Ch. 94, SLA 1959
29 is amended to read as follows:

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(14) Non-resident [AND ALIEN]

fur dealer and taxidermy

license \$100.00

Sec. 13. Subsec. (16) of Sec. 2, Art. II, Ch. 94, SLA 1959
as amended by Ch. 96, SLA 1959, is amended to read as follows:

(16) Non-resident [AND ALIEN] big

game tags:

Brown or grizzly bear, . . . Each. . \$ 75.00

Polar bear Each. . 150.00

Black bear, deer Each . . 10.00

Bison, moose, sheep Each. . 50.00

Walrus Each . . 100.00

Elk, goats, caribou Each . . 25.00

Provided, that the Commissioner
may issue to any person without
cost permits to collect fish and
game, subject to such limitations
and provisions as he deems appro-
priate, for scientific, propaga-
tive, or educational purposes;
and provided further, that tags
issued but not used for animals
specified above, may be utilized
to satisfy the tagging require-
ments for any of the species above
named of which the tag fee is of
equal or less evaluation, but only
for the year in which the tag is
issued.

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

3 Sec. 5. COMMISSIONER MAY APPOINT AGENTS. The Com-
4 missioner is hereby authorized to appoint State employees,
5 or other persons to take applications, issue licenses
6 and tags, and collect fees; provided, however, that the
7 Commissioner shall not be liable for defalcation or failure
8 to account for the fees so collected by any such agent,
9 but shall require a bond in such sum as he may deem ade-
10 quate, conditioned upon faithfully accounting for all
11 monies collected; provided, however, that the Commissioner
12 may, in his discretion, waive the bond requirements for
13 an instrumentality of the United States, its agents and
14 employees, where such instrumentality, its agents or
15 employees sell licenses primarily to persons in the armed
16 forces. All persons, upon appointment by the Commissioner,
17 as authorized in this section, shall have the authority
18 to administer oaths on applications for licenses and tags.

19 Sec. 15. The opening paragraph of Sec. 6, Art. II, Ch. 94,
20 SLA 1959 is amended to read as follows:

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

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

29 Sec. 7. VIOLATIONS. Any false statement as to any

1 material fact in an application for license shall render
2 null and void the license issued upon it; and any person
3 who shall knowingly make any false statement or shall know-
4 ingly omit any material fact in such an application shall be
5 guilty of a violation of this Article [ACT].

6 Sec. 17. Sec. 8, Art. II, Ch. 94, SLA 1959 is amended to
7 read as follows:

8 Sec. 8. LICENSE FORFEITURE. Upon conviction of a
9 person of a first violation of any provision of this
10 Article [ACT] or of any Federal or State law or regulation
11 for the protection of the sport fish and game of Alaska,
12 the Court may, in addition to the penalty imposed by law,
13 revoke [FORFEIT] the license of such person. Upon sub-
14 sequent conviction of any such person of any violation
15 of any provisions of this Article [ACT] or of any
16 Federal or State law or regulation for the protection of the
17 sport fish and game of Alaska, the Court shall revoke the
18 license of such person, and no person whose license has been
19 so revoked shall purchase another license of the same type for
20 a period of not less than two years or more than three years
21 from the date of such revocation as determined by the Court.
22 [THE FORFEITURE OF SUCH LICENSE FOR A PERIOD OF NOT LESS THAN
23 TWO OR MORE THAN THREE YEARS SHALL BE MANDATORY]; provided
24 further that any licensed guide or assistant guide upon con-
25 viction of any provision of any Federal or State sport fish or
26 game law or regulation [FOR THE PROTECTION OF THE FISH OR GAME
27 OF ALASKA] shall have his license revoked and shall not be
28 eligible for a guide or assistant guide license for a period of
29 five years from the date of revocation.

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

3 Sec. 10. PENALTIES. Any person who violates Secs. 1
4 or 7 [ANY PROVISION] of this Article is guilty of a misde-
5 meanor and upon conviction thereof shall be fined not [LESS
6 THAN \$25.00 NOR] more than \$1,000.00 or be imprisoned not
7 more than six months, or both.

8 Sec. 19. Sec. 6, Art. III, Ch. 94, SLA 1959 is amended to
9 read as follows:

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

16 Sec. 20. Sec. 7, Art. III, Ch. 94, SLA 1959 is amended to
17 read as follows:

18 Sec. 7. VESSEL LICENSE. As a condition precedent
19 to the delivery or landing of fish or engaging in commercial
20 fishing within this state, a license is required for each
21 and every commercial vessel, including but not limited to,
22 vessels used in charter service for the recreational taking
23 of fish and shellfish. The license so issued may be revoked
24 by the commissioner for one full year from the date of
25 revocation upon a finding that the operation of such vessel
26 tends to result in the impairment, depletion, or destruction
27 of the fishery resources of this state by bringing into or
28 possessing within this state fish taken by means, under
29 conditions, or at times not permitted by the laws of this state

1 to its citizens. In the event of the revocation of such
2 license the further operation of the vessel within Alaska, for
3 the purposes covered by this section shall be unlawful.

4 Operation without a vessel license of any vessel to which
5 this section applies shall be unlawful whether the absence of
6 a vessel license results from initial failure to purchase or
7 from revocation by the commissioner. [A LICENSE IS REQUIRED
8 FOR EACH AND EVERY COMMERCIAL VESSEL WHICH DELIVERS OR LANDS
9 FISH OR ENGAGES IN COMMERCIAL FISHING WITHIN THE STATE, AND
10 SHALL INCLUDE EACH AND EVERY VESSEL USED IN CHARTER SERVICE
11 FOR THE RECREATIONAL TAKING OF FISH AND SHELLFISH.] The
12 vessel license shall include a permanent number plate. The
13 number plate shall be accompanied by a tab affixed to it
14 designating the year to be fished.

15 Number plates are not transferable, and shall be
16 considered a permanent fixture upon the vessel upon which
17 they are originally placed. They shall be securely fastened
18 well forward on the port side in plain sight. On vessels
19 with a super-structure the plates shall be fastened on the
20 port side of the superstructure.

21 Upon an annual payment of a license fee of \$10.00 for
22 residents and \$30.00 for non-residents, [PROVIDED, HOWEVER,
23 THAT VESSELS CLASSIFIED AS LESS THAN ONE UNIT BY THE BOARD
24 SHALL BE LICENSED AT \$5.00 FOR RESIDENTS AND \$15.00 FOR
25 NON-RESIDENTS, AND PROVIDED FURTHER, THAT SUCH VESSELS
26 CLASSIFIED AS LESS THAN 1/2 UNITS SHALL BE LICENSED AT
27 \$3.00 FOR RESIDENTS AND \$8.00 FOR NON-RESIDENTS,] and
28 filing of the name and address of the owner and operator
29 of the vessel, the name and number of the vessel, a

1 description of the vessel and fishing gear, vessel license
2 number, if any, areas to be fished, and such other reasonable
3 information as may be required by the Department, a number
4 plate and a vessel license shall be issued by the Depart-
5 ment; provided, however, that if the vessel already
6 possesses said number plate, a vessel license and tab des-
7 ignating year shall be issued. The tab shall be placed in
8 the space provided on the permanent number plate.

9 Number plates shall remain the property of the State.
10 If such permanent number plate is accidentally [ACCIDENTALLY]
11 defaced, mutilated, destroyed, or lost, the person owning
12 or operating the vessel shall immediately make application
13 for and may obtain a duplicate, upon furnishing the
14 Department with the pertinent facts and a payment of two
15 dollars (\$2.00).

16 If a vessel carrying number plates is lost, destroyed,
17 or sold, the owner shall immediately report the loss,
18 destruction or sale to the Department.

19 Sec. 21. Subsecs. (c), (d), (e) and (f), Sec. 8, Art. III,
20 Ch. 94, SLA 1959 are amended to read as follows:

21 (c) Drift Gill Net License. A license is
22 required for drift gill nets used in the taking or catching
23 of fish for commercial purposes in the waters of the State,
24 for which such license there shall be paid a fee of \$10.00
25 for the first 100 fathoms or fraction thereof and \$5.00
26 for each additional 50 fathoms or fraction thereof per
27 annum by residents and \$30.00 for the first 100 fathoms
28 or fraction thereof and \$15.00 for each additional 50
29 fathoms or fraction thereof per annum by non-residents,

1 provided only the maximum amount of gear fished at one
2 time is licensed, and that the gear for each vessel must
3 be separately licensed.

4 (d) Set or Stake Gill Net License. A license
5 is required for each and every set or stake gill net used
6 in the taking or catching of fish for commercial purposes
7 in the waters of the State, for which such license there
8 shall be paid a fee of \$5.00 for the first 50 fathoms
9 or fraction thereof and \$5.00 for each additional 50
10 fathoms or fraction thereof per annum by residents and
11 \$15.00 for the first 50 fathoms or fraction thereof and
12 \$15.00 for each additional 50 fathoms or fraction thereof
13 per annum by non-residents, provided only the maximum
14 amount of gear fished at one time is licensed.

15 (e) Beach or Drag Seine License. A license is
16 required for each and every beach or drag seine used in the
17 taking or catching of fish for commercial purposes in the
18 waters of the State, for which license there shall be paid
19 a fee of \$10.00 for the first 100 fathoms or fraction there-
20 of and \$5.00 for each additional 50 fathoms or fraction
21 thereof per annum by residents and \$30.00 for the first 100
22 fathoms or fraction thereof and \$15.00 for each additional
23 50 fathoms or fraction thereof per annum by non-residents.

24 (f) Purse Seine and Hand Purse Seine License.
25 A license is required for purse seines and hand purse seines
26 [EACH AND EVERY PURSE SEINE] used in the taking or catching
27 of fish for commercial purposes in the waters of the State,
28 for which license there shall be paid a fee of \$40.00 for
29 the first 100 fathoms or fraction thereof and \$10.00 for

1 each additional 50 fathoms or fraction thereof per annum
2 by residents and \$120.00 for the first 100 fathoms or
3 fraction thereof and \$30.00 for each additional 50 fathoms
4 or fraction thereof per annum by non-residents.

5 Sec. 22. Sec. 8, Art. III, Ch. 94, SLA 1959 is amended by
6 adding a new subsection to read as follows:

7 (k) Subsistence Fishing License. A license is
8 required for subsistence fishing for which license there
9 shall be paid a fee of \$1.00; provided, however, that no
10 license shall be issued to any non-resident or to any
11 resident whose annual gross income exceeds \$4,000.00. A
12 subsistence fishing license shall entitle the holder there-
13 of to fish by means, under conditions and at times
14 permitted by the Alaska Department of Fish and Game for sub-
15 sistence fishing; provided, however, that nothing in this
16 section shall prevent the holder of a resident commercial
17 fishing license from taking fish for subsistence under
18 applicable rules and regulations governing commercial or
19 subsistence fishing.

20 Failure to comply with the provisions of this
21 section is unlawful.

22 Sec. 23. Sec. 9, Art. III, Ch. 94, SLA 1959 is amended to
23 read as follows:

24 Sec. 9. LICENSE POSSESSION REQUIREMENTS. The commer-
25 cial fishing license shall be carried on the individual
26 whenever such individual is engaged as a fisherman as above
27 defined.

28 All fishing gear licenses issued under the provisions
29 of this Article shall be non-transferable, and it shall be

1 unlawful for any gear which is licensed as herein specified
2 to be operated or caused to be operated by any person other
3 than the licensee. [OR AGENT OR EMPLOYEE OF THE LICENSEE.]
4 In the event the operator of the gear is non-resident, the
5 gear shall be required to be licensed as non-resident gear
6 and the fees provided for non-residents shall be paid for
7 such license, provided that, for the purposes of this Act,
8 the "operator" shall mean the individual by law made
9 responsible for the operation of the vessel. All licenses
10 for fishing gear issued under the provisions of this Act
11 shall be carried in the possession of the licensee. [OR
12 AUTHORIZED REPRESENTATIVE OF THE LICENSEE WHO SHALL BE IN
13 CHARGE OF THE OPERATION OF SUCH GEAR.]

14 Failure to comply with any of the above provisions is
15 unlawful.

16 Sec. 24. The opening paragraph of Sec. 12, Art. III, Ch. 94,
17 SLA 1959 is amended to read as follows:

18 Sec. 12. PENALTIES. Any person who violates Secs.
19 6, 7, 8, 9, or 10 of this Article or the rules and regula-
20 tions of the Department of Fish and Game pertaining to
21 commercial fisheries [VIOLATED ANY PROVISION OF THIS ARTICLE
22 OR THE RULES AND REGULATIONS PERTAINING TO COMMERCIAL FISH-
23 ERIES,] is guilty of a misdemeanor and upon conviction there-
24 of is subject to a fine of not exceeding \$5,000.00 or
25 imprisonment not to exceed one year or both.

26 Sec. 25. Sec. 1, Art. III, Ch. 94, SLA 1959 is hereby
27 repealed. The remaining sections of Article III shall be
28 renumbered accordingly.

29 Sec. 26. This Act takes effect on the day after its passage

1 and approval or on the day it becomes law without such approval.

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