

Original sponsor: Rules/Governor

Offered: 3/19/82
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 528 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous amendments to the fish
7 and game code (AS 16)."

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

9 * Section 1. AS 16.05.050(5) is amended to read:

10 (5) collect, classify, and disseminate statistics, data and
11 information that, [AS] in his discretion, will tend to promote the pur-
12 poses [OBJECTS] of this title [CHAPTER];

13 * Sec. 2. AS 16.05.050 is amended by adding new paragraphs to read:

14 (13) initiate or conduct research necessary or advisable to
15 carry out the purposes of this title;

16 (14) enter into cooperative agreements with agencies of the
17 federal government, educational institutions, or other agencies or or-
18 ganizations when in the public interest to carry out the purposes of
19 this title;

20 (15) to carry out the purposes of this title, contract with
21 and make grants to agencies, organizations, and individuals under terms
22 established by the commissioner which make certain that the grants and
23 contracts made are in the best public interest.

24 * Sec. 3. AS 16.05.100 is amended to read:

25 Sec. 16.05.100. FISH AND GAME FUND ESTABLISHED. There is created
26 a revolving "Fish and Game Fund," which shall be used exclusively
27 for the following uses:

28 (1) to carry out the purposes and provisions of this title
29 [CHAPTER] or other duties that may be delegated by the legislature to

1 the commissioner or the department; and

2 (2) to carry out such purposes and objectives within the
3 scope of this title [THE CHAPTER] as may be directed by the donor of
4 any such funds.

5 * Sec. 4. AS 16.05.150 is amended to read:

6 Sec. 16.05.150. ENFORCEMENT AUTHORITY. The following persons are
7 peace officers of the state and they shall enforce this title [CHAP-
8 TER]:

9 (1) an employee of the department authorized by the commis-
10 sioner;

11 (2) a police officer in the state;

12 (3) any other person authorized by the commissioner.

13 * Sec. 5. AS 16.05.160 is amended to read:

14 Sec. 16.05.160. DUTY TO ARREST. Each person designated in
15 AS 16.05.150 may [SHALL] arrest a person violating this title [CHAPTER],
16 or any [RULE OR] regulation adopted [MADE] under this title [CHAPTER],
17 in his presence or view, and may bring [SHALL TAKE] the person [IMME-
18 DIATELY] for examination or trial before an officer or court of com-
19 petent jurisdiction.

20 * Sec. 6. AS 16.05.170 is amended to read:

21 Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each person designated
22 in AS 16.05.150 may execute a warrant or other process issued by an of-
23 ficer or court of competent jurisdiction for the enforcement of this
24 title [CHAPTER], and may, with a search warrant, search any place at
25 any time. The judge of a court having jurisdiction may, upon proper
26 oath or affirmation showing probable cause, issue a warrant in all
27 cases.

28 * Sec. 7. AS 16.05.251(a)(3) is amended to read:

29 (3) setting quotas, [AND] bag limits, harvest levels, and

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sex and size limitations on the taking of fish;

* Sec. 8. AS 16.05.251(a)(7) is amended to read:

(7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat protection [IMPROVEMENT], and [FISH] management, conservation, protection, use, disposal and propagation of fish [AND STOCKING];

* Sec. 9. AS 16.05.255(4) is amended to read:

(4) setting quotas; [AND] bag limits; harvest levels; and sex, age, and size limitations on the taking of game;

* Sec. 10. AS 16.05.255(6) is repealed and reenacted to read:

(6) methods and harvest levels necessary to control predation and competition among game in the state;

* Sec. 11. AS 16.05.255(7) is amended to read:

(7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat protection [IMPROVEMENT], and [GAME] management, conservation, protection, use, disposal, and propagation of game [AND STOCKING];

* Sec. 12. AS 16.05.340(a)(6) is amended to read:

(6) Nonresident [VISITOR'S] special sport fishing license -- valid for the period inscribed on the license

- (A) For 10-day license.....\$15
- (B) For one-day license.....\$ 5

* Sec. 13. AS 16.05.340(a)(9) is amended to read:

(9) Nonresident hunting and sport fishing license..... 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an [ANY OTHER] animal of any other [THE] species [NAMED] for which

1 the tag fee is of equal or less value.

2 * Sec. 14. AS 16.05.340(b) is amended to read:

3 (b) The commissioner of fish and game may issue without cost a
4 permit to collect fish and game, including fur animals, subject to the
5 limitations and provisions he considers appropriate, for scientific,
6 propagative, or educational purposes [PURPOSE]. In addition, the com-
7 missioner may issue a permit for (1) the collecting of wild fur animals
8 for fur farming, or (2) the recapturing of fur animals that have escaped
9 from fur farms. The annual fee for a permit for collecting fur animals
10 for fur farming purposes is \$100.

11 * Sec. 15. AS 16.05.390 is amended to read:

12 Sec. 16.05.390. FEE FOR ISSUANCE OF LICENSES AND TAGS. A person
13 appointed and authorized by the commissioner of revenue to sell licenses
14 and tags, except a salaried employee of the state, is entitled to keep
15 five percent of the fee for the issuance of each license or tag, or a
16 fee of 25 cents, whichever is greater. Each person selling licenses or
17 tags shall, as soon as practicable after the last day of each calendar
18 month or quarter, as directed by the commissioner of revenue, transmit
19 the proceeds from the sales, except the amount authorized to be
20 retained, together with a report of the sales to the commissioner for
21 deposit in the fish and game fund or the general fund. Fees imposed
22 under AS 16.05.340(e) shall be collected and transmitted in the same
23 manner and to the same source as license and tag fees provided for
24 under this chapter.

25 * Sec. 16. AS 16.05.685(c)(2) is amended to read:

26 (2) "registration area" means a specific king crab registra-
27 tion area as designated by regulation of the Board of Fisheries [AND
28 INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN ISLANDS
29 KING CRAB AREA].

1 * Sec. 17. AS 16.05.831(a) is amended to read:

2 (a) It is unlawful for a person to waste salmon intentionally,
3 knowingly, or with reckless disregard for the consequences. In this
4 section, "waste" means the failure to utilize the majority of the car-
5 cass, excluding viscera and sex parts, of any salmon intended for
6 [WHICH ARE TO BE]

7 (1) sale or that has been sold to a commercial buyer or pro-
8 cessor;

9 (2) [UTILIZED FOR] consumption by humans or domesticated
10 animals; or

11 (3) [UTILIZED FOR] scientific, educational, or display
12 purposes.

13 * Sec. 18. AS 16.05.870(b) is amended to read:

14 (b) A [IF A] person or governmental agency that intends [DESIRES]
15 to construct a hydraulic project, or intends to use, divert, obstruct,
16 pollute, or change the natural flow or bed of a specified river, lake,
17 or stream, or uses or intends to use wheeled, tracked, or excavating
18 equipment or log-dragging equipment in the bed of a specified river,
19 lake, or stream, [THE PERSON OR GOVERNMENTAL AGENCY] shall notify the
20 commissioner [OF THIS INTENTION] before [THE] beginning [OF] the con-
21 struction, [OR] use , or other activity set out in this section.

22 * Sec. 19. AS 16.05.900(a) is amended to read:

23 (a) A person who violates AS 16.05.870 - 16.05.895 [OR 16.05.920
24 OR ANY REGULATION PROMULGATED UNDER THIS CHAPTER] is guilty of a class
25 A misdemeanor [AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT
26 MORE THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY
27 BOTH. A PERSON WHO VIOLATES A REGULATION PROMULGATED UNDER THIS CHAPTER
28 FOR THE REGULATION OF COMMERCIAL FISHERIES SHALL BE PUNISHED AS PROVIDED
29 IN AS 16.05.720].

1 * Sec. 20. AS 16.05.920 is amended to read:

2 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permit-
3 ted by AS 16.05. - AS 16.40 [THIS CHAPTER] or by regulation adopted
4 [MADE] under AS 16.05 - AS 16.40 [THIS CHAPTER], it is unlawful for a
5 person to take, possess, transport, sell, offer to sell, purchase, or
6 offer to purchase fish, game or marine aquatic plants, or any part of
7 fish, game or aquatic plants, or a nest or egg of fish or game.

8 (b) No person may knowingly disturb, injure, or destroy a notice,
9 signboard, seal, tag, aircraft, boat, vessel, automobile, parapherna-
10 lia, equipment, building or other improvement or property of the depart-
11 ment used in the administration or enforcement of this title [CHAPTER],
12 or a poster or notice to the public concerning the provisions of this
13 title [CHAPTER], or regulation adopted under this title [CHAPTER], or a
14 marker indicating the boundary of an area closed to hunting, trapping,
15 fishing or other special use under this title [CHAPTER]. No person may
16 knowingly destroy, remove, tamper with, or imitate a seal or tag issued
17 or used by the department or attached under its authority to a skin,
18 portion, or specimen of fish or game, or other article for the purpose
19 of identification or authentication in accordance with this title
20 [CHAPTER] or a regulation adopted under this title [CHAPTER].

21 * Sec. 21. AS 16.05 is amended by adding a new section to read:

22 Sec. 16.05.925. PENALTY FOR VIOLATIONS. A person who violates
23 AS 16.05.920 or a regulation adopted under this chapter or AS 16.20
24 is guilty of a class A misdemeanor. However, a person who violates a
25 regulation adopted under this chapter for the regulation of commercial
26 fisheries shall be punished as provided in AS 16.05.720.

27 * Sec. 22. AS 16.05.940 is amended to read:

28 Sec. 16.05.940. DEFINITIONS. In this title, [CHAPTER]

29 (1) "a board" means either the Board of Fisheries or the

1 Board of Game;

2 (2) "commercial fisherman" means an individual who fishes
3 commercially for, takes, or attempts to take fish, shellfish, or other
4 fishery resources of the state by any means, and includes every indivi-
5 dual aboard a boat operated for fishing purposes who participates di-
6 rectly or indirectly in the taking of these raw fishery products,
7 whether participation is on shares or as an employee or otherwise; how-
8 ever, this definition does not apply to anyone aboard a licensed vessel
9 as a visitor or guest who does not directly or indirectly participate
10 in the taking; and the term "commercial fisherman" includes the crews
11 of tenders or other floating craft used in transporting fish;

12 (3) "commercial fishing" means the taking, fishing for, or
13 possession of fish, shellfish, or other fishery resources with the in-
14 tent of disposing of them for profit, or by sale, barter, trade, or in
15 commercial channels; the failure to have a valid subsistence permit in
16 possession, if required by statute or regulation, is considered prima
17 facie evidence of commercial fishing if commercial fishing gear as spe-
18 cified by regulation is involved in the taking, fishing for, or posses-
19 sion of fish, shellfish or other fish resources;

20 (4) "commissioner" means the commissioner of fish and game
21 unless specifically provided otherwise;

22 (5) "department" means the Department of Fish and Game un-
23 less specifically provided otherwise;

24 (6) "fish" means any species of or any part of an aquatic
25 finfish, invertebrates or [AND] amphibians, in any stage of their life
26 cycle, found in or introduced into the state;

27 (7) "fish or game farming" means the business of propagating,
28 breeding, raising, or producing fish or game in captivity for the pur-
29 pose of marketing the fish or game or their products, and "captivity"

1 means having the fish or game under positive control, as in a pen,
2 pond, or an area of land or water which is completely enclosed by a
3 generally escape-proof barrier;

4 (8) "fur dealing" means engaging in the business of buying,
5 selling, or trading in animal skins and [. THE TERM] does not include
6 [APPLY TO A HUNTER OR TRAPPER SELLING] the sale of animal skins by a
7 hunter or trapper who [HE] has legally taken the animal, or the purchase
8 of [TO A PERSON, OTHER THAN A FUR DEALER, PURCHASING] animal skins by a
9 person other than a fur dealer for his own use;

10 (9) "game" means any species of bird, reptile and mammal,
11 including a feral domestic animal, found or introduced in the state,
12 except domestic birds and mammals; and game may be classified by regu-
13 lation as big game, small game, fur bearers or other categories consid-
14 ered essential for carrying out the intention and purposes of this
15 title [CHAPTER];

16 (10) (repealed)

17 (11) "hunting" means the taking of game under this title
18 [CHAPTER] and the [RULES AND] regulations adopted [PROMULGATED] under
19 it;

20 (12) "nonresident" means a person who is not a resident;

21 (13) "operator" means the individual by law made responsible
22 for the operation of the vessel;

23 (14) "resident" means a person who for 12 consecutive months
24 has maintained a permanent place of abode in the state and who has con-
25 tinually maintained his voting residence in the state; and in the case
26 of a partnership, association, joint stock company, trust, or corpora-
27 tion, "resident" means one that has its main office or headquarters in
28 the state; however, a member of the military service who has been sta-
29 tioned in the state for the preceding 12 consecutive months is a resi-

1 dent for the purposes of AS 16.05 - AS 16.40 [THIS CHAPTER], and the
2 dependent of a resident member of the military service, who has been
3 living in the state for the preceding year is a resident for the pur-
4 poses of AS 16.05 - AS 16.40 [THIS CHAPTER], and a person who is an
5 alien but who for one year has maintained a permanent place of abode in
6 the state is a resident for the purposes of AS 16.05 - AS 16.40 [THIS
7 CHAPTER];

8 (15) "seizure" means the actual or constructive taking or po-
9 session of real or personal property subject to seizure under this
10 title [CHAPTER] by an enforcement or investigative officer charged with
11 enforcement of the fish and game laws of the state;

12 (16) "sport fishing" means the taking of or attempting to
13 take for personal use, and not for sale or barter, any fresh water,
14 marine, or anadromous fish by hook and line held in the hand, or by
15 hook and line with the line attached to a pole or rod which is held in
16 the hand or closely attended, or by other means defined by the Board of
17 Fisheries;

18 (17) "subsistence fishing" means the taking, fishing for, or
19 possession of fish, shellfish, or other fisheries resources for subsis-
20 tence uses with gill net, seine, fish wheel, long line, or other means
21 defined by the Board of Fisheries;

22 (18) "take" means taking, pursuing, hunting, fishing, trap-
23 ping, or in any manner disturbing, capturing, or killing or attempting
24 to take, pursue, hunt, fish, trap, or in any manner capture or kill
25 fish or game;

26 (19) "taxidermy" means tanning, mounting, processing, or oth-
27 er treatment or preparation of fish or game, or any part of fish or
28 game, as a trophy, for monetary gain, including the receiving of the
29 fish or game or parts of fish or game for such purposes;

1 (20) "trapping" means the taking of mammals declared by regu-
2 lation to be fur bearers;

3 (21) "vessel" means a floating craft powered, towed, rowed,
4 or otherwise propelled, which is used for delivering, landing, or
5 taking fish within the jurisdiction of the state, but for the purposes
6 of this chapter does not include aircraft;

7 (22) "visitor" means a nonresident or alien temporarily so-
8 journaling in the state as a visitor or tourist;

9 (23) "aquatic plant" means any species of plant, excluding
10 the rushes, sedges and true grasses, growing in a marine aquatic or
11 intertidal habitat;

12 (24) "fish derby" means a contest in which prizes are awarded
13 for catching fish;

14 (25) "fishing derby association" means a civic, service or
15 charitable organization in the state, not for pecuniary profit, whose
16 primary purpose is to promote interest in fishing for recreational pur-
17 poses and which has been in existence for five years before applying
18 for a permit under this chapter, but does not include an organization
19 formed or operated for gaming or gambling purposes; [.]

20 (26) "subsistence uses" means the customary and traditional
21 uses in Alaska of wild, renewable resources for direct personal or fam-
22 ily consumption as food, shelter, fuel, clothing, tools, or transporta-
23 tion, for the making and selling of handicraft articles out of nonedi-
24 ble by-products of fish and wildlife resources taken for personal or
25 family consumption, and for the customary trade, barter or sharing for
26 personal or family consumption; for the purposes of this paragraph,
27 "family" means all persons related by blood, marriage, or adoption, and
28 any person living within the household on a permanent basis;

29 (27) "barter" means the exchange or trade of fish or game, or

1 their parts, taken for subsistence uses

2 (A) for other fish or game or their parts; or

3 (B) for other food or for nonedible items other than
4 money if the exchange is of a limited and noncommercial nature;

5 (28) "domestic mammals" include musk oxen, bison and reindeer,
6 if they are lawfully owned.

7 * Sec. 23. AS 16.10.173 is amended by adding a new subsection to read:

8 (f) A person who violates this section is guilty of a class A
9 misdemeanor.

10 * Sec. 24. AS 16.10.280 is amended to read:

11 Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PROCES-
12 SORS. In an area where a price dispute exists between at least one-
13 third of the registered commercial fishermen for that area, as esti-
14 mated [CERTIFIED] by the Department of Fish and Game, on the basis of
15 information available to the department, and fish processors on the
16 price to be paid for salmon, and no agreement has been reached up to
17 120 days before the opening of the salmon fishing season in that area,
18 a representative from the Department of Labor shall intervene as media-
19 tor of the dispute upon request of either party.

20 * Sec. 25. AS 16.20.036(a)(8) is amended to read:

21 (8) Township 14 North, Range 4 West, Seward Meridian
22 Sections: Lots 1 - 6, SE 1/4 NW 1/4, W 1/2 NE 1/4 NW 1/4, SE
23 1/4 NE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, W 1/2
24 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, S 1/2 NE 1/4 SW 1/4 NE 1/4 of
25 Section 31 [6]

26 * Sec. 26. AS 16.30.012 is amended by adding a new subsection to read:

27 (c) A person who violates this section is guilty of a class A
28 misdemeanor.

29 * Sec. 27. AS 16.35.200 is amended to read:

1 Sec. 16.35.200. USE OF POISON [BY DEPARTMENTS AND OTHER STATE
2 AGENCIES]. No person or [DEPARTMENT, OTHER] state agency [OR PERSON]
3 may use poison to kill [PREDATORY] animals unless authorized by regula-
4 tion [WITHOUT FIRST OBTAINING THE WRITTEN CONSENT] of the appropriate
5 board. This section does not apply to poisons deployed within buildings
6 or to kill rats or mice at dumps or landfills operating in compliance
7 with state law or local ordinances.

8 * Sec. 28. AS 16.05.251(a)(9), 16.05.255(a)(8), 16.05.632, 16.05.903;
9 AS 16.10.230(1); AS 16.15; and AS 16.35.010 - 16.35.180 are repealed.