

SENATE CS FOR CS FOR HOUSE BILL NO. 393 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/9/92

Referred: Rules

Sponsor(s): REPRESENTATIVES MACKIE, Lincoln, Ellis, Jacko, Gruenberg, C.Davis, MacLean, Baker

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish or game by proxy for a person who is blind, for
2 a person with physical disabilities, or for a person who is 65 years of age or older; and
3 relating to licenses and permits for a person who is blind, for a person with physical
4 disabilities, or for a person who is 65 years of age or older; and providing for an
5 effective date."

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

7 * **Section 1. INTENT.** It is the intent of the legislature that hunting and fishing by proxy occur to
8 exclusively serve the consumptive needs of disabled and older Alaskans. It is also the intent of the
9 legislature that hunting and fishing by proxy be strictly managed under regulations of the Board of
10 Fisheries and Board of Game to prevent abuses of proxy harvesting by a hunter or fisher. The boards
11 shall limit the time periods that a person's permission to engage in hunting and fishing by proxy are in
12 effect. It is the desire of the legislature that the time periods generally be less than 30 days. The time
13 periods may vary according to species, management unit, local harvest customs, and reasonable time to

1 deliver to the beneficiary.

2 * Sec. 2. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.403. SPECIAL LICENSES AND PERMITS. (a) A resident hunting license,
4 a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use
5 fishing permit indicating that the purchaser is blind may be obtained from the department upon
6 payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon presentation of either an
7 affidavit of the applicant stating that the applicant cannot distinguish light from darkness or an
8 affidavit signed by a licensed physician or a licensed optometrist stating that the applicant's
9 central visual acuity does not exceed 20/200 in the better eye with correcting lenses or that the
10 applicant's widest diameter of visual field subtends an angle no greater than 20 degrees.

11 (b) A resident who is a person with physical disabilities may obtain from the department
12 upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of
13 satisfactory proof of physical disabilities a resident hunting license, a resident sport fishing
14 license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating
15 that the purchaser is a person with physical disabilities.

16 (c) A resident who is 65 years of age or older may obtain from the department upon
17 payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory
18 proof of age a resident hunting license, a resident sport fishing license, a resident subsistence
19 fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person
20 who is 65 years of age or older. This subsection does not limit the right of a resident person
21 who is 65 years of age or older to claim an exemption from hunting or sport fishing license
22 requirements under AS 16.05.400(b).

23 * Sec. 3. AS 16.05.405 is repealed and reenacted to read:

24 Sec. 16.05.405. TAKING FISH AND GAME BY PROXY. (a) Subject to regulations
25 adopted by the Board of Fisheries or the Board of Game to implement this section, including
26 regulations relating to or restricting seasons, areas, methods and means, and species, a resident
27 may take fish or game harvested primarily for food on behalf of another person under this
28 section.

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

1 (1) a document signed by the person on whose behalf the game is taken, stating
2 that the resident possesses the person's hunting license or permanent identification card in order
3 to take game on behalf of that person; and

4 (2) the person's

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

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

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

12 (1) a document signed by the person on whose behalf the fish is taken, stating that
13 the resident possesses the person's sport fishing license, subsistence fishing permit, personal use
14 fishing permit, or permanent identification card in order to take fish on behalf of that person; and

15 (2) the person's

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

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

19 (C) resident personal use fishing permit issued under AS 16.05.403.

20 (d) A resident who takes fish or game on behalf of another person under this section
21 may, subject to applicable regulations of the Board of Fisheries or the Board of Game, take the
22 fish or game only under those conditions that would apply to the other person if the other person
23 took the fish or game personally.

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

29 (1) another person's license, permit, or identification card and the other person's
30 signed document under (b)(1) or (c)(1) of this section; or

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

- 1 (f) A resident who takes fish or game on behalf of another person under this section shall
2 (1) complete reports relating to the taking of the fish or game as required by the
3 commissioner of fish and game under AS 16.05.370;
4 (2) deliver all parts of fish and game removed from the field to the person on
5 whose behalf the fish or game was taken within a reasonable time after the fish or game is taken;
6 (3) retain the license or permit and the signed document required under (b)(1) or
7 (c)(1) of this section of the person on whose behalf the fish or game is taken until the fish or
8 game is delivered to that person.
9 * Sec. 4. AS 16.05.340(f) is repealed.
10 * Sec. 5. This Act takes effect July 1, 1993.