

CS FOR HOUSE BILL NO. 172(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/5/93
Referred: Finance

Sponsor(s): REPRESENTATIVES WILLIAMS, Phillips, Larson, Davies, Bunde, Finkelstein, Porter, Ulmer, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the wildlife conservation tag and to entry onto state game
2 and wildlife sanctuaries, state game refuges, state range areas, and fish and game
3 critical habitat areas; relating to the issuance of citations for violations under the
4 Fish and Game Code; and providing for an effective date."

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

6 * **Section 1. FINDINGS.** The legislature finds that

7 (1) the diversity of wildlife species in Alaska and the size of Alaska make
8 wildlife management extremely expensive;

9 (2) the growth in Alaska's human population has placed pressure upon wildlife
10 habitat and wildlife populations and has increased demand for use and appreciation of wildlife;

11 (3) the Board of Game and other resource management agencies need current,
12 accurate wildlife population and human use data for regulatory and planning purposes;

13 (4) the quality and extent of wildlife information provided by the Department
14 of Fish and Game have a direct effect on the types and levels of human use of wildlife that

1 are allowed;

2 (5) the cause of wildlife conservation would benefit from money generated by
3 a wildlife conservation tag to supplement, but not to supplant, money available for wildlife
4 conservation purposes from other sources;

5 (6) programs that benefit wildlife conservation, wildlife education, and wildlife
6 viewing would be enhanced by money generated by a wildlife conservation tag.

7 * Sec. 2. AS 16.05.165 is amended to read:

8 Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) When a peace
9 officer stops or contacts a person concerning a violation of this title except AS 16.51
10 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52
11 that is a misdemeanor or a violation, the peace officer may, in the officer's discretion,
12 issue a citation to the person as provided in AS 12.25.180.

13 (b) The supreme court shall specify by rule or order those misdemeanors and
14 violations that are appropriate for disposition without court appearance, and shall
15 establish a schedule of bail amounts. Before establishing or amending the schedule
16 of bail amounts required by this subsection, the supreme court shall appoint and
17 consult with an advisory committee consisting of two officers of the division of fish
18 and wildlife protection of the Department of Public Safety, two representatives of the
19 Department of Fish and Game, two district court judges, and the chairpersons of the
20 House and Senate Judiciary Committees of the legislature. The maximum bail amount
21 for an offense may not exceed the maximum fine specified by law for that offense.
22 If the misdemeanor or violation for which the citation is issued may be disposed of
23 without court appearance, the issuing peace officer shall write on the citation the
24 amount of bail applicable to the offense [VIOLATION].

25 (c) A person cited for a misdemeanor or violation for which a bail amount has
26 been established under (b) of this section may, within 15 days after the date of the
27 citation, mail or personally deliver to the clerk of the court in which the citation is
28 filed by the peace officer

29 (1) the amount of bail indicated on the citation for that offense; and

30 (2) a copy of the citation indicating that the right to an appearance is
31 waived, a plea of no contest is entered, and the bail is forfeited.

1 (d) When bail has been forfeited under (c) of this section, a judgment of
2 conviction shall be entered. Forfeiture of bail and all seized items is a complete
3 satisfaction for the misdemeanor or violation. The clerk of the court accepting the
4 bail shall provide the offender with a receipt stating that fact.

5 (e) If the person cited fails to pay the bail amount established under (b) of this
6 section or to appear in court as required, the citation is considered a summons for a
7 misdemeanor or violation, as appropriate.

8 (f) Notwithstanding other provisions of law, if a person cited for a
9 misdemeanor or violation for which a bail amount has been established under (b) of
10 this section appears in court and is found guilty, the penalty that is imposed for the
11 offense may not exceed the bail amount for that offense established under (b) of this
12 section.

13 * Sec. 3. AS 16.05.350 is amended to read:

14 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and tags
15 required under AS 16.05.330 - 16.05.430, except biennial licenses, the nonresident
16 special sport fishing license, the resident trapping license, and the waterfowl
17 conservation tag, expire at the close of December 31 following issuance. Biennial
18 licenses expire after December 31 of the year following the year of issuance. The
19 resident trapping license expires at the close of September 30 of the year following the
20 year in which the license is issued. The waterfowl conservation tag expires at the
21 close of January 31 of the year following the year of issue of the tag. The wildlife
22 conservation tag provided under AS 16.05.828 expires at the close of December 31
23 following issuance.

24 * Sec. 4. AS 16.05 is amended by adding a new section to read:

25 Sec. 16.05.828. WILDLIFE CONSERVATION TAG PROGRAM. (a) In
26 order to provide support for the wildlife conservation activities of the department, there
27 is established the wildlife conservation tag program.

28 (b) The department shall provide a patch, emblem, decal, stamp, or other
29 suitable item to serve as a wildlife conservation tag. The wildlife conservation tag and
30 proof of purchase of a wildlife conservation tag shall be available through vendors of
31 fish and game licenses and other outlets at the discretion of the commissioner.

1 (c) Notwithstanding AS 16.05.080, the commissioner shall establish the fee for
2 a wildlife conservation tag by regulation. The commissioner may establish a different
3 fee for residents and nonresidents. The commissioner may establish a different fee,
4 or waive the requirement for a wildlife conservation tag under this section, for a
5 person who is

6 (1) under the age of 16 years or over the age of 59 years;

7 (2) eligible for a 25 cent resident sport fishing license under
8 AS 16.05.340(a)(1);

9 (3) eligible for a \$5 resident hunting, trapping, and sport fishing license
10 under AS 16.05.340(a)(6); or

11 (4) a disabled veteran eligible for a free license under AS 16.05.341.

12 (d) The proof of purchase of a wildlife conservation tag entitles the purchaser,
13 after complying with other applicable statutes and regulations, to

14 (1) apply, under terms established by the commissioner by regulation,
15 for a permit to enter a state game or wildlife sanctuary or an area identified by the
16 commissioner by regulation where a permit from the department is required for entry
17 into the area; and

18 (2) enter, if a permit from the department is not required for entry into
19 the area,

20 (A) the McNeil River State Game Sanctuary and the Walrus
21 Islands State Game Sanctuary; and

22 (B) as designated by the commissioner by regulation

23 (i) the Stan Price State Wildlife Sanctuary; or

24 (ii) a state game refuge, state range area, or fish and
25 game critical habitat area.

26 (e) The commissioner may designate by regulation those state game and
27 wildlife sanctuaries, state game refuges, state range areas, and fish and game critical
28 habitat areas where possession of a valid hunting, sport fishing, or trapping license
29 may substitute during open hunting, sport fishing, or trapping seasons for a wildlife
30 conservation tag.

31 (f) A wildlife conservation tag may not be required

1 (1) for access to or from private property within or adjoining a state
2 game or wildlife sanctuary, state game refuge, state range area, or fish and game
3 critical habitat area;

4 (2) to use a public easement or right-of-way across a state game or
5 wildlife sanctuary, state game refuge, state range area, or fish and game critical habitat
6 area;

7 (3) of a person who is lawfully engaged in subsistence hunting, fishing,
8 trapping, or gathering on a state game or wildlife sanctuary, state game refuge, state
9 range area, or fish or game critical habitat area;

10 (4) of a person for whom the commissioner has waived the wildlife
11 conservation tag requirement under (c) of this section.

12 (g) The department may contract with a person to perform the responsibilities
13 of the department under this section to provide a wildlife conservation tag.
14 Contracting under this subsection is governed by AS 36.30 (State Procurement Code),
15 except that a contract may include provisions for advance payment or reimbursement
16 for services performed under the contract.

17 (h) The revenue received from the sale of wildlife conservation tags may be
18 appropriated by the legislature to the department for programs that benefit wildlife
19 conservation, wildlife education, and wildlife viewing. In this subsection, "wildlife"
20 has the meaning given "game" in AS 16.05.940.

21 (i) A person commits a violation if the person intentionally or knowingly
22 enters upon a state game or wildlife sanctuary, state game refuge, state range area, or
23 fish and game critical habitat area where the person is required to possess a wildlife
24 conservation tag under this section or AS 16.20 or a regulation adopted under this
25 section or AS 16.20 and does not have a wildlife conservation tag in the person's
26 possession. Upon conviction of the violation, the person may be sentenced to pay a
27 fine not to exceed twice the fee that the person would have had to pay to obtain a
28 wildlife conservation tag at the time the person committed the violation. In this
29 subsection, "intentionally," "knowingly," and "violation" have the meanings given in
30 AS 11.81.900.

31 * Sec. 5. AS 16.05.925 is amended to read:

1 Sec. 16.05.925. PENALTY FOR VIOLATIONS. Except as provided in
2 AS 16.05.430, 16.05.722, 16.05.723, 16.05.828, 16.05.831, and 16.05.860, a person
3 who violates AS 16.05.920 or 16.05.921, or a regulation adopted under this chapter or
4 AS 16.20, is guilty of a class A misdemeanor.

5 * Sec. 6. AS 16.20.094 is amended to read:

6 Sec. 16.20.094. AUTHORITY TO ADMINISTER. Subject to
7 AS 16.05.828(d) - (f), the [THE] boards may adopt regulations governing entry,
8 development, construction, hunting, fishing, and all other uses or activities not in
9 conflict with AS 16.20.096 and 16.20.098 for the purpose of preserving the natural
10 habitat and the fish and game of the Walrus Islands State Game Sanctuary.

11 * Sec. 7. AS 16.20.096 is amended by adding a new subsection to read:

12 (b) Except as provided under AS 16.05.828(e) and (f), a person may not enter
13 the Walrus Islands State Game Sanctuary without having in the person's possession
14 a proof of purchase of a wildlife conservation tag.

15 * Sec. 8. AS 16.20.150(c) is amended to read:

16 (c) Subject to AS 16.05.828(d) - (f), a [A] board may adopt regulations
17 governing access, entry, development, construction, and each other use and activity
18 affecting the natural habitat and the fish and wildlife within the Stan Price State
19 Wildlife Sanctuary.

20 * Sec. 9. AS 16.20.162(e) is amended to read:

21 (e) Subject to AS 16.05.828(d) - (f), the [THE] boards may adopt regulations
22 governing access, entry, development, construction, fishing, and other uses and
23 activities affecting the natural habitat, fish and wildlife, and public use of the McNeil
24 River State Game Sanctuary.

25 * Sec. 10. AS 16.20.162 is amended by adding a new subsection to read:

26 (g) Except as provided under AS 16.05.828(e) and (f), a person may not enter
27 the McNeil River State Game Sanctuary without having in the person's possession a
28 proof of purchase of a wildlife conservation tag.

29 * Sec. 11. AS 16.20.350(c) is amended to read:

30 (c) The Department of Natural Resources may, after consultation with the
31 Department of Fish and Game, adopt regulations governing the public use of the area,

1 except that the commissioner of fish and game may require possession of a
2 wildlife conservation tag under AS 16.05.828 as a condition for access to the area.

3 The regulations must include provisions for multiple use, as defined in AS 38.04.910,
4 and for public multiple uses listed in AS 16.20.340. Regulations adopted for the
5 Matanuska Valley Moose Range do not apply to private land within the boundary
6 described in AS 16.20.360.

7 * Sec. 12. AS 16.20.625(e) is amended to read:

8 (e) The department shall permit uses of the Redoubt Bay Critical Habitat Area
9 in a manner that is compatible with the purposes for which the critical habitat area is
10 established. Subject to AS 16.05.828(d) - (f), the [THE] department shall permit the
11 following public uses to continue without further approval by the department unless
12 the department determines that the use is not compatible with the purposes for which
13 the Redoubt Bay Critical Habitat Area is established:

14 (1) hunting, including subsistence hunting, trapping, and subsistence,
15 commercial, and sport fishing, including the continued use of cabins for the purpose
16 of hunting, trapping, and fishing;

17 (2) hiking, backpacking, and camping, including the use of campfires;
18 (3) cross-country skiing, snowmachining, boating, and the landing of
19 aircraft; and

20 (4) other related uses that are temporary in duration and have no
21 foreseeable adverse effects on vegetation, drainage, soil stability, or fish and game and
22 their habitat.

23 * Sec. 13. This Act takes effect January 1, 1994.