

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

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 4/7/93**  
**Referred: Rules**

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

**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; relating to the issuance of citations for violations under  
3 the Fish and Game Code; and providing for an effective date."

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

5 \* **Section 1. FINDINGS.** The legislature finds that

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

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

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

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

1 (5) the establishment of a wildlife conservation tag program will allow more  
2 Alaskans to directly and actively support wildlife conservation programs in the state through  
3 the voluntary purchase of a wildlife conservation tag;

4 (6) a wildlife conservation tag program will benefit wildlife conservation  
5 programs in the state through revenue generated by the purchase of a wildlife conservation  
6 tag by nonresidents who want to support the conservation of wildlife in the state or who use  
7 certain state game and wildlife sanctuaries to view, study, and enjoy wildlife;

8 (7) revenue generated through the sale of wildlife conservation tags should be  
9 used to supplement, but not supplant, funds available from other sources for wildlife  
10 conservation, wildlife education, and wildlife viewing.

11 \* Sec. 2. AS 16.05.165 is amended to read:

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

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

29 (c) A person cited for a misdemeanor or violation for which a bail amount has  
30 been established under (b) of this section may, within 15 days after the date of the  
31 citation, mail or personally deliver to the clerk of the court in which the citation is

1 filed by the peace officer

- 2 (1) the amount of bail indicated on the citation for that offense; and  
3 (2) a copy of the citation indicating that the right to an appearance is  
4 waived, a plea of no contest is entered, and the bail is forfeited.

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

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

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

17 \* Sec. 3. AS 16.05.350 is amended to read:

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

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

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

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

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

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

11 (2) a public employee engaged in official business; or

12 (3) a contractor or agent for a public agency while the contractor or  
13 agent is engaged in the business of the agency.

14 (d) A nonresident shall

15 (1) have in the nonresident's physical possession a valid proof of  
16 purchase of a wildlife conservation tag, and comply with other applicable statutes and  
17 regulations including requirements for permits, in order to enter the McNeil River State  
18 Game Sanctuary or the Walrus Islands State Game Sanctuary; and

19 (2) provide a valid proof of purchase of a wildlife conservation tag at  
20 the time of application for a permit to enter the McNeil River State Game Sanctuary  
21 or the Walrus Islands State Game Sanctuary if a permit from the department is  
22 required for entry to the sanctuary.

23 (e) A wildlife conservation tag may not be required

24 (1) for access to or from private property within or adjoining a state  
25 game or wildlife sanctuary;

26 (2) to use a public easement or right-of-way across a state game or  
27 wildlife sanctuary;

28 (3) of a person for whom the commissioner has waived the wildlife  
29 conservation tag requirement under (c) of this section.

30 (f) The commissioner may request the legislature to designate by law  
31 additional state game and wildlife sanctuaries, state game refuges, state range areas,

1 or state fish and game critical habitat areas where possession of a wildlife conservation  
2 tag is required to enter, or to apply for a permit to enter, the sanctuary, refuge, or area.

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

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

12 (i) A person commits a violation if the person intentionally or knowingly  
13 enters upon a state game or wildlife sanctuary where the person is required to  
14 physically possess proof of purchase of a wildlife conservation tag under this section  
15 and does not have proof of purchase of a wildlife conservation tag in the person's  
16 physical possession. Upon conviction of the violation, the person may be sentenced  
17 to pay a fine not to exceed twice the fee that the person would have had to pay to  
18 obtain a wildlife conservation tag at the time the person committed the violation. In  
19 this subsection, "intentionally," "knowingly," and "violation" have the meanings given  
20 in AS 11.81.900.

21 \* Sec. 5. AS 16.05.925 is amended to read:

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

26 \* Sec. 6. AS 16.20.094 is amended to read:

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

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

2 (b) Except as provided under AS 16.05.828(e), a nonresident may not enter the  
3 Walrus Islands State Game Sanctuary without having in the person's possession a  
4 proof of purchase of a wildlife conservation tag.

5 \* Sec. 8. AS 16.20.162(e) is amended to read:

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

10 \* Sec. 9. AS 16.20.162 is amended by adding a new subsection to read:

11 (g) Except as provided under AS 16.05.828(e), a nonresident may not enter the  
12 McNeil River State Game Sanctuary without having in the person's possession a proof  
13 of purchase of a wildlife conservation tag.

14 \* Sec. 10. This Act takes effect January 1, 1994.