

HB 393

(11)

Date Referred: March 2, 1992

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 3/9/92

The FINANCE Committee considered:

HB 393

HOUSE BILL NO. 393

HUNTING AND FISHING BY PROXY

"An Act relating to the taking of fish and game by proxy for a person with physical disabilities or for a person who is 60 years of age or more."

RECOMMENDATIONS:

be replaced with CS HB 393 (RES) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DFG 1/21/92

zero fiscal note(s) DP+S 2/7/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Eileen K. Wilkerson</u>	<input checked="" type="checkbox"/>	<u>Tan Brown</u> Brown		<input checked="" type="checkbox"/>	
<u>Mike Starnes</u> Navarre		<u>Mike Boyer</u> Boyer		<input checked="" type="checkbox"/>	
<u>Jacko</u> Jacko	<input checked="" type="checkbox"/>	<u>Bob Sharp</u> Sharp		<input checked="" type="checkbox"/>	
		<u>Bob Phillips</u> Phillips		<input checked="" type="checkbox"/>	
		<u>James Barnes</u> Barnes		<input checked="" type="checkbox"/>	

Mike Starnes E P Markler

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 393

Revision Date: _____ Department Affected: Fish and Game
 Title: An Act relating to the taking of BRU: Wildlife Conservation
fish and game by proxy Component: Wildlife Conservation
 Sponsor: Representative Mackie
 Requestor: House Health Ed. and Social Ser. COMPONENT SERIAL NO.

4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

estimate of current year impact: No impact on current year.

ANALYSIS: (Attach a separate page if necessary.)

Although the bill could result in some increased license sales to physically disabled persons and increase revenue from drawing permit hunt applicants, no significant change can be predicted or is anticipated.

Prepared By: Phil Koehl Phone: 465-4190
 Division: Division of Wildlife Conservation Date: 1/17/92
 Approved by Commissioner: Carl R. Borner
 Agency: Department of Fish and Game Date: 1/21/92

Prepared by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 393

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to the taking of BRU: Fish & Wildlife Protection
fish and game by proxy. . ." Component: Enforcement & ISU

Sponsor: Rep. Mackie, et. al.
 Requestor: House HES COMPONENT SERIAL NO.

	4	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated with passage of this bill.

Prepared By: Captain Conrad G. Seibel Phone: 269-5509

Division: Fish & Wildlife Protection Date: 1/20/92

Approved by Commissioner: *Wayne Anetoki* for Richard L. Burton

Agency: Department of Public Safety Date: 1/20/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 393 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/2/92
Referred: Finance

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

8 Sec. 16.05.403. SPECIAL LICENSES AND PERMITS. (a) A resident hunting license
9 indicating that the purchaser is blind may be obtained from the department upon payment of the
10 fee prescribed in AS 16.05.340 and upon presentation of either an affidavit of the applicant
11 stating that the applicant cannot distinguish light from darkness or an affidavit signed by a
12 licensed physician or a licensed optometrist stating that the applicant's central visual acuity does
13 not exceed 20/200 in the better eye with correcting lenses or that the applicant's widest diameter

1 of visual field subtends an angle no greater than 20 degrees.

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

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

14 * Sec. 2. AS 16.05.405 is repealed and reenacted to read:

15 Sec. 16.05.405. TAKING FISH AND GAME BY PROXY. (a) Subject to regulations
16 adopted by the Board of Fisheries or the Board of Game to implement this section, including
17 regulations relating to or restricting seasons, areas, methods and means, and species, a resident
18 may take fish or game on behalf of another person under this section.

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

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

25 (2) the person's

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

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

30 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing
31 license may take fish on behalf of a person with physical disabilities or a person who is 65 years

1 of age or older if the resident possesses on the resident's person

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

5 (2) the person's

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

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

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

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

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

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

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

22 (f) A resident who takes fish or game on behalf of another person under this section shall

23 (1) complete reports relating to the taking of the fish or game as required by the
24 commissioner of fish and game under AS 16.05.370;

25 (2) deliver all parts of fish and game removed from the field to the person on
26 whose behalf the fish or game was taken within a reasonable time after the fish or game is taken;

27 (3) retain the license or permit and the signed document required under (b)(1) or
28 (c)(1) of this section of the person on whose behalf the fish or game is taken until the fish or
29 game is delivered to that person.

30 * Sec. 3. AS 16.05.340(f) is repealed.

31 * Sec. 4. This Act takes effect July 1, 1993.

REPRESENTATIVE
JERRY MACKIE

P. O. BOX 73
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



WHILE IN JUNEAU
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

House of Representatives

March 2, 1992

MEMORANDUM

To: Rep. MacLean, Co-chair
Rep. Navarre, Co-chair
House Resources Committee

From: Rep. Mackie 

Re: Finance committee waiver of HB 393, proxy hunting and fishing for elderly and physically disabled Alaskans.

I would appreciate your consideration of waiving the finance committee referral of HB 393 because there is no fiscal impact. Also, there has been extensive public hearings in two other committees. The HESS committee had two meetings and a subcommittee meeting on this bill. There were two meetings of the resources committee. Because of its subject matter, it has received wide spread support throughout the state.

In the event that the finance committee wishes to hear HB 393, I will briefly describe here the reasons for the bill and its key features.

I introduced HB 393 to correct a long standing situation that exists particularly in the rural areas of Alaska. This situation occurs when an Alaskan who is dependent on fish and game resources is unable to harvest those resources because of infirmities associated with advancing age or other disabilities. Oftentimes a family member, friend, or neighbor will illegally supply these individuals with fish and game resources as a purely humanitarian service. HB 393 establishes a manner of legal access to the state's common property fish and game resources for those Alaskans that are effectively denied because of physical condition.

HB 393 would allow proxy hunting and fishing in behalf of senior Alaskan citizens, 65 years or older, and Alaskan residents with physical disabilities. Its enactment will legalize an activity that I believe is prevalent and necessary for many senior and disabled Alaskans. HB 393 is patterned after existing law allowing proxy hunting on behalf of the blind, AS 16.05.405.

Many improvements to the original version are incorporated into CS HB 393 (Res) that I fully endorse. Most of the improvements dealt with fish and game management and enforcement concerns expressed by HESS members, RES members and the agencies. Attached is a sectional of the resource committee substitute. Its main features are the following:

1. A proxy hunter or fisherman must have in possession the individual's license or permit to harvest fish or game. In addition, the proxy hunter or fisherman must have in possession the individual's signed authorization to hunt or fish in behalf of the individual.
2. A proxy hunter or fisherman can only harvest for one additional person at any particular time. The possibility of a hunter or fisherman harvesting for him or herself and multiple proxy permits is prohibited.
3. Fish and game harvested by proxy must be delivered to the individual in whose behalf it was taken.
4. The Board of Fisheries and the Board of Game have specific authority to regulate seasons, areas, species, methods, et. al. for the occurrence of proxy hunting and fishing. A July 1, 1993 effective date for the bill allows the boards time to establish the regulatory structure prior to proxy hunting and fishing taking place.

This bill has great value for the health and welfare of our senior citizen and disabled Alaskans. It legitimizes what oftentimes occurs as a humanitarian act. Yet from the very beginning, I have maintained that strict enforcement and management tools are included to protect against potential abuses of proxy hunting and fishing. I believe these protections are in CS HB 393 (RES).

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 4, 1992

SUBJECT: Sectional Summary: CSHB 393 (Resources); Relating to the taking of fish or game by proxy and to special fish and game licenses and permits

TO: Representative Jerry Mackie

FROM: George Utermohle, *GU*
Legislative Counsel

This memorandum is a sectional summary of CSHB 393 (Resources), relating to the taking of fish and game by proxy and to special fish and game licenses and permits.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section to AS 16.05, consolidating provisions relating to special licenses or permits for a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older.

Under current law (AS 16.05.405(b)), a person who is blind can obtain a special hunting license indicating that the licensee is blind. The bill maintains this privilege to receive a special hunting license, but does not extend it to include a special fishing license or fishing permits.

Under current law (AS 16.05.340(f)), a person with physical disabilities can obtain a certificate stating that the bearer is a person with physical disabilities. This certificate is to be carried in conjunction with a hunting license when the licensee is participating in a hunt for persons with physical disabilities. The bill eliminates the need for a special certificate by providing for issuance of a resident hunting license, resident sport fishing license, resident subsistence fishing permit, or resident personal use fishing permit that indicates that the licensee or permittee is a person with physical disabilities.

The bill also provides for issuance of a resident hunting license, resident sport fishing license, resident subsistence fishing permit, or resident personal use fishing permit

that indicates that the licensee or permittee is a person who is 65 years of age or older. This provision allows a person who is 65 years of age or older to obtain a special resident hunting license or resident sport fishing license if the person wanted to pay the usual license fee, but does not prevent the person from qualifying for the exemption from the resident hunting or sport fishing licensing requirement under AS 16.05.400(b).

By providing for the issuance of special licenses and permits, it will be easier for the Department of Public Safety to police the taking of fish and game by proxy by eliminating the need for the enforcement officers in the field to determine whether the person for whom the fish or game is being taken is qualified to benefit under AS 16.05.405, as amended by sec. 2 of the bill.

Section 2 of the bill repeals and reenacts AS 16.05.405. AS 16.05.405 currently provides for the taking of certain game species by proxy for a person who is blind. The bill rewrites AS 16.05.405 so that the requirements for taking of fish or game by proxy are virtually uniform regardless of whether the fish or game is taken for a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older.

Subsection (a) provides that the taking of fish and game by proxy is subject to regulations adopted by the Board of Fisheries or the Board of Game.

Subsection (b) provides that a resident who holds a valid hunting license may take game on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses (1) a document signed by the person for whom the game is to be taken which states that the resident possesses the person's hunting license or permanent identification card in order to take game on behalf of the person and (2) the person's resident hunting license or permanent identification card and the necessary tags or permits.

Subsection (c) provides that a resident who holds a valid noncommercial fishing license may take fish on behalf of a person with physical disabilities or a person who is 65 years of age or older if the resident possesses (1) a document signed by the person for whom the fish is to be taken which states that the resident possesses the person's fishing license, fishing permit, or permanent identification card in order to take fish on behalf of the person and (2) the person's resident sport fishing license, resident subsistence or personal use fishing permit, or permanent identification card.

This subsection does not provide for the taking of fish by proxy for a person who is blind because the existing provisions of law do not provide for the taking of fish by proxy for a person who is blind.

Representative Jerry Mackie
March 4, 1992
Page 3

Subsection (d) provides that a resident who takes fish or game by proxy shall do so as though the resident was the person for whom the resident is taking the fish or game.

Subsection (e) provides that a resident who takes or attempts to take fish or game on behalf of another person may engage in fishing or hunting for himself but may not take fish or game for a third person while the resident possesses the person's license, permit, identification card and the person's signed document or while the resident possesses fish or game taken on behalf of the person. This subsection does not require physical possession of the license, permit, identification card, signed document, or fish or game, but requires mere custody and control of the license, permit, identification card, signed document, or fish or game, in order to bar the resident from engaging in hunting or fishing for a third party.

Subsection (f) requires the resident who takes fish or game on behalf of a person to submit reports as required by the commissioner of fish and game, to deliver fish or game within a reasonable time to the person on whose behalf it was taken, and to retain documents authorizing the taking of fish or game by proxy until the fish or game is delivered to the appropriate person.

Section 3 of the bill repeals AS 16.05.340(f) which provides for the issuance of a certificate to a person with physical disabilities. AS 16.05.340(f) is no longer needed as the result of Sec. 16.05.403(b), as added by sec. 1 of the bill.

Section 4 of the bill provides that the bill takes effect July 1, 1993.

Violations of the provisions of AS 16.05.403 and 16.05.405, as enacted by secs. 1 and 2 of the bill, are misdemeanors punishable under AS 16.05.430(a)^{1/} by a penalty not to exceed six months imprisonment, or a fine of not more than \$1,000, or both.

If I may be of further assistance, please advise.

GU:pl
92-156.plm

^{1/} AS 16.05.430(a) states:

(a) Except as provided in AS 16.05.420(b), a person who violates AS 16.05.330 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

BILL NO: CSHB 393(RES)

DATE: March 5, 1992

TITLE: "An Act relating to the taking of fish or game by proxy. . ."

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

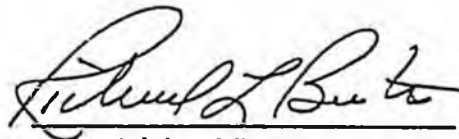
CSHB 393(RES) would allow a state resident to legally take fish or game for another resident who is blind, has physical disabilities, or is 65 years of age or older.

To be able to take game for another, the "proxy" hunter must possess the elderly or disabled person's hunting license or permanent identification card and any harvest ticket, tag, or other document required for the taking of that game species. The proxy hunter must also have a document signed by the disabled or elderly person stating that the proxy hunter possesses the person's hunting license or identification card in order to hunt for that person. Similar documentation is required in order to legally "proxy fish" for another.

The proxy hunter or fisherman may take fish or game only under those conditions that would apply to the other person if the other person took the fish or game personally. A resident who is proxy hunting or fishing for another may also simultaneously hunt or fish for his own use, but the resident may not take fish or game by proxy for more than one person at a time.

To allow sufficient time for the Board of Fisheries and the Board of Game to adopt regulations to implement the bill, the legislation would not take effect until July 1, 1993.

The department has some concerns regarding the potential for abuse of the proxy hunting scheme to increase a person's individual bag limit or opportunity for trophy hunting. The department also recognizes that providing fish and game to elderly or disabled persons has traditionally been an important part of Alaskan culture, especially in the remote areas. CSHB 393(RES) would legally allow conduct which has, to a certain extent, always been occurring. The Department of Public Safety supports this bill.



Richard L. Burton
Commissioner

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: CSHB 393 (RES)

Sponsor: Representative Mackie

Bill Title: An act relating to the taking of fish and game by proxy for a person who is blind, or for a person with physical disabilities, or for a person who is over the age of 65.

Department Position: Support

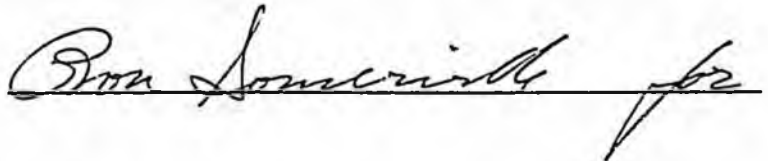
This legislation would add provisions for proxy hunting and fishing for a person with physical disabilities, or for a person who is over 65 years of age, to existing provisions for hunting and fishing by proxy for a person who is blind.

The proxy hunter or fisher would be limited to taking fish or game by proxy for only one individual at a time. The proxy hunter or fisher could take fish or game for himself simultaneously with the taking for one other individual.

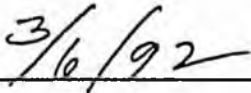
The legislation makes it clear that the regulation of species, seasons, methods, means, and areas available for proxy hunting and fishing would be governed by the Boards of Fish and Game. It is very important that the regulatory authority of the boards include the authority to exclude certain trophy fish and game species from proxy hunting and fishing. We believe this authority is covered in the proposed legislation. Several legislators, including the sponsor, have expressed on the record, that it is their intention that the boards have the authority to exclude these trophy species.

The Department of Fish and Game believes that this legislation will provide for an activity that is a beneficial use of fish and game resources, and in keeping with traditional practices and values of Alaskan society. The department also recognizes that these activities have already been occurring to an unknown extent.

Commissioner's Signature

A handwritten signature in cursive script, appearing to read "Ron Somerville", written over a horizontal line.

Date

A handwritten date "3/6/92" written over a horizontal line.