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REPRESENTATIVE
JERRY MACKIE

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COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



WHILE IN JUNEAU
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
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House of Representatives

SPONSOR STATEMENT

CN

CS HB 393 (RES) AM

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) AM that I fully endorse. Most of the improvements dealt with fish and game management and enforcement concerns expressed by house members in the HESS, RES, and FIN committees and by the management 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. All of the 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) AM.

SENATE COMMITTEE REPORT

DATE: 4/1/92

FURTHER: Judiciary

142

DATE TURNED INTO OFFICE: _____

Resources Committee considered CS FOR HOUSE BILL NO. 393 (RESOURCES) am

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

mg dep

and recommends:

- replace with _____ CS _____
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes (H) DPS (H) REC

fiscal notes _____

DO PASS:

[Handwritten signatures]

OTHER RECOMMENDATIONS:

Rick Halford NO REC
Jim Costello NO REC

[Signature]
Chair, Signature and Recommendation

DIVISION OF LEGAL SERVICES

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Juneau, Alaska 99801-2101

MEMORANDUM

March 4, 1992

SUBJECT: Sectional Summary: CSHB 393 (Resources);^{AM} 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),^{AM} 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

Sectional Analysis

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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.

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blind, or a*

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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.

FISCAL NOTE

No. 1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 393 (HES)

(H) Publish Date: 2/7/92

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.

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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 Huettski for Richard L. Burton

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

Distribution (by preparer): Fiscal Notes & Impacted Agency(ies): _____

FISCAL NOTE

No. 2

Bill Version: CSHB 393 (RES)

(H) Publish Date: 3-11-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Fish and Game

Title: An Act relating to the taking of
fish and game by proxy

BRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: Representative Mackie

Requestor: House Health Ed. and Social Ser. COMPONENT SERIAL NO.

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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. Rosen

Agency: Department of Fish and Game

Date: 1/21/92

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