

HB

206

1-LS0858V
Utermohle
2/16/00

CS FOR HOUSE BILL NO. 206()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE HARRIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to migratory game bird hunting; to a nonresident combined
2 sport fishing and hunting license, to the nonresident military small game and
3 sport fishing license, to applications for certain licenses, tags, registrations, and
4 permits issued by the Department of Fish and Game, and to duplicate
5 crewmember licenses."

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

7 * Section 1. AS 16.05.110(a) is amended to read:

8 (a) The fish and game fund shall be made up of the following money and
9 other money the legislature appropriates, which shall be deposited and retained in the
10 fund until expended:

11 (1) money received from the sale of state sport fishing, hunting, and
12 trapping licenses, tags, and special permits, migratory game bird [WATERFOWL]
13 conservation tags purchased by hunters, and anadromous salmon tags purchased by

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fishermen;

(2) proceeds received from the sale of furs, skins, and specimens taken by predator hunters and other employees;

(3) money received in settlement of a claim or loss caused by damage to the fish and game resources of the state;

(4) money received from a federal, state, or other governmental unit, or from a private donor for fish and game purposes;

(5) interest earned upon money in the fund;

(6) money from any other source.

* Sec. 2. AS 16.05.130(b) is amended to read:

(b) Money accruing to the state from migratory game bird [WATERFOWL] conservation tag fees from hunters may not be diverted to a purpose other than (1) the conservation and enhancement of migratory game birds [WATERFOWL]; (2) the acquisition, by lease or otherwise, of wetlands that are important for migratory game birds [WATERFOWL] and public use of migratory game birds [WATERFOWL] in the state; (3) migratory game bird [WATERFOWL] related projects approved by the commissioner; (4) the administration of the migratory game bird [WATERFOWL] conservation program; and (5) emergencies in the state as determined by the governor. The department shall maintain a state migratory game bird conservation [WATERFOWL] tag fee account within the fish and game fund to permit separate accounting records for the receipt and expenditure of money derived from the sale of migratory game bird conservation [WATERFOWL] tags. The department shall prepare a report before April 15 of each even-numbered year for the public and the legislature on the use of money derived from migratory game bird [WATERFOWL] conservation tags and limited edition prints. The department shall notify the legislature that the report is available.

* Sec. 3. AS 16.05.340(a)(17) is repealed and reenacted to read:

(17) Migratory game bird hunting

(A) Migratory game bird conservation tag \$5

(B) Migratory bird harvest information program registration

. \$5

1 A person may not engage in migratory game bird hunting without having in the
2 person's actual possession either the current year's migratory game bird conservation
3 tag or proof of current registration in the migratory bird harvest information program
4 unless that person is a resident who is under the age of 16 years or who is 60 years
5 of age or older. A person who qualifies for a \$5 license fee under (6) of this
6 subsection or who is a disabled veteran eligible for a free license under AS 16.05.341
7 may obtain the migratory bird harvest information program registration without charge.
8 The Board of Game shall by regulation grant an exemption from the requirement for
9 a migratory game bird conservation tag for migratory game bird hunting in areas of
10 the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

11 * Sec. 4. AS 16.05.340(a) is amended by adding a new paragraph to read:

12 (25) Nonresident seven-day sport fishing and hunting license . . \$115

13 A nonresident may not take a big game animal without previously purchasing a
14 numbered, nontransferable, appropriate tag, issued under (15) of this subsection. The
15 tag must be affixed to the animal immediately upon capture and must remain affixed
16 until the animal is prepared for storage, consumed, or exported. A tag issued but not
17 used for an animal may be used to satisfy the tagging requirement for an animal of any
18 other species for which the tag fee is of equal or less value. In this paragraph,
19 "nonresident" does not include a nonresident alien.

20 * Sec. 5. AS 16.05.340(d) is amended to read:

21 (d) Members of the military service on active duty who are permanently
22 stationed in the state, and their dependents, who do not qualify as residents under
23 AS 16.05.415 [AS 16.05.940,] may obtain special nonresident military small game and
24 sport fishing licenses at the lower of the rates for the respective resident or
25 nonresident hunting or [AND] sport fishing licenses, but may not take a big game
26 animal without previously purchasing a regular nonresident hunting license and a
27 numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate,
28 under (a)(15) of this section.

29 * Sec. 6. AS 16.05.350(a) is amended to read:

30 (a) Licenses, permits, registrations, and tags required under AS 16.05.330 -
31 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing

1 licenses, the resident trapping license, the nonresident anadromous king salmon tags,
2 the migratory game bird [WATERFOWL] conservation tag, a migratory bird
3 harvest information program registration, and permits having a different specified
4 expiration date, expire at the close of December 31 following issuance.

5 * Sec. 7. AS 16.05.350(e) is amended to read:

6 (e) The migratory game bird [WATERFOWL] conservation tag expires at
7 the close of January 31 of the year following the year of issue of the tag. A
8 registration in the migratory bird harvest information program expires at the
9 close of January 31 of the year following the year in which registration occurred.

10 * Sec. 8. AS 16.05.360(a) is amended to read:

11 (a) The commissioner or an authorized deputy shall issue each license,
12 registration, and tag to a qualified person under written application containing such
13 reasonable information as required by the commissioner. The commissioner shall
14 designate the license, registration, and tag form or type. The form or type must be
15 sufficient to identify and locate the applicant, establish the applicant's status as to
16 residency and citizenship, and supply the person's social security number if required
17 by this chapter. Each application must contain a notice that a false statement or
18 material omission made by the applicant may be punishable under AS 11.56.210
19 or AS 16.05.420 [SHALL BE SUBSCRIBED AND SWORN TO BY THE
20 APPLICANT BEFORE AN OFFICER AUTHORIZED TO ADMINISTER OATHS IN
21 THE STATE].

22 * Sec. 9. AS 16.05.380 is amended to read:

23 Sec. 16.05.380. Commissioner may appoint agents. The commissioner may
24 appoint state employees or other persons to take applications, issue licenses, permits,
25 registrations, and tags, and collect fees. The commissioner is not liable for
26 defalcation or failure to account for the fees collected by any person so appointed, but
27 the commissioner shall require a bond in an adequate sum, conditioned upon faithfully
28 accounting for all money collected. However, the commissioner may waive the bond
29 requirements of an instrumentality of the United States or its agents and employees
30 when the instrumentality or its agents or employees sell licenses, permits,
31 registrations, or tags primarily to persons in the armed forces. [EACH PERSON,

1 UPON APPOINTMENT BY THE COMMISSIONER, MAY ADMINISTER OATHS
2 ON APPLICATIONS FOR LICENSES, PERMITS, AND TAGS.]

3 * Sec. 10. AS 16.05.390(a) is amended to read:

4 (a) Except as provided in (e) of this section, an agent appointed by the
5 commissioner under AS 16.05.380 to sell licenses, permits, registrations, and tags is
6 entitled to

7 (1) retain five percent of the fee that is charged for a license, permit,
8 registration, or tag or 25 cents for each license, permit, registration, or tag sold,
9 whichever is greater; and

10 (2) compensation of \$50 per year or \$1 for each license, permit,
11 registration, or tag sold during the year, whichever is greater.

12 * Sec. 11. AS 16.05.390(b) is amended to read:

13 (b) Each agent appointed to sell licenses, permits, registrations, or tags under
14 AS 16.05.380 shall, as directed by the commissioner, transmit the proceeds from the
15 sales of licenses, permits, registrations, and tags, except the amount authorized to be
16 retained under (a)(1) of this section, together with a report of the sales, to the
17 commissioner for deposit in the fish and game fund or the general fund.

18 * Sec. 12. AS 16.05.390(c) is amended to read:

19 (c) On March 31, June 30, September 30, and December 31 of each year the
20 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
21 section, minus the penalties assessed under (g) of this section. If the compensation due
22 exceeds \$50, the commissioner shall pay the compensation not later than 30 days after
23 the date for which the compensation was calculated. If the compensation due is \$50
24 or less, the commissioner shall pay the compensation not later than January 30 of the
25 year following the year in which the compensation was earned. The commissioner
26 shall pay compensation only for sales of licenses, permits, registrations, or tags for
27 which the commissioner has received the report and proceeds required to be
28 transmitted under (b) of this section.

29 * Sec. 13. AS 16.05.390(e) is amended to read:

30 (e) The provisions of (a) of this section do not apply to a state employee
31 appointed by the commissioner under AS 16.05.380 to sell licenses, permits,

1 registrations, and tags.

2 * Sec. 14. AS 16.05.390(f) is amended to read:

3 (f) Proceeds and reports under (b) of this section shall be transmitted to the
4 commissioner by the last day of the month following the month in which the licenses,
5 permits, registrations, and tags are sold, unless an alternative reporting schedule has
6 been established by contract.

7 * Sec. 15. AS 16.05.420 is amended to read:

8 **Sec. 16.05.420. License, tag, registration, and permit violations.** (a) A false
9 statement of a material fact in an application for a license, tag, registration, or permit
10 issued under AS 16.05.330 - 16.05.430 voids the license, tag, registration, or permit
11 for which the application is made.

12 (b) A person may not make a false statement, or omit a material fact, in an
13 application for a license, tag, registration, or permit issued under AS 16.05.330 -
14 16.05.430. A person who without any culpable mental state makes a false statement
15 as to the person's identity or residency in an application for a license, tag, registration,
16 or permit issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon
17 conviction is punishable by a fine of not more than \$300. A person who knowingly
18 violates this subsection is guilty of a class A misdemeanor.

19 (c) A person to whom a license, registration, or tag has been issued under this
20 chapter may not alter, change, loan, or transfer the license, registration, or tag. A
21 person may not use a license, registration, or tag that has been issued under this
22 chapter to another person.

23 * Sec. 16. AS 16.05.450 is amended by adding a new subsection to read:

24 (e) The commissioner or an authorized agent may issue a duplicate
25 crewmember license as a replacement for a crewmember license issued under
26 AS 16.05.480 if the commissioner or authorized agent is satisfied that the original has
27 been lost or destroyed. A fee of \$5 shall be charged for each duplicate crewmember
28 license.

29 * Sec. 17. AS 16.05.826(a) is amended to read:

30 (a) The migratory game bird [WATERFOWL] conservation tag authorized
31 in AS 16.05.340(a)(17)(A) [AS 16.05.340(a)(17)] shall be produced annually in stamp

1 form by the department in an amount the commissioner considers appropriate. The
2 department shall make stamps available for the creation of migratory game bird
3 [WATERFOWL] conservation limited edition prints and shall provide for the sale of
4 stamps and prints to the public.

5 * Sec. 18. AS 16.05.826(b) is amended to read:

6 (b) The department shall provide by appropriate means for the selection of the
7 design of the annual migratory game bird [WATERFOWL] conservation stamp and
8 for the production and sale of the stamps.



ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 110, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor statement

HB 206 – “An Act relating to the migratory game bird conservation tag, to a nonresident combined sport fishing and hunting license, to the nonresident military small game and sport fishing license, to applications for certain licenses, tags, and permits issued by the Department of Fish and Game, and to duplicate crewmember licenses.”

House Bill 206 is a short, general clean-up bill for the department of fish and game.

It has several sections changing “waterfowl” conservation tags to “migratory game bird,” which will expand the definition to include snipes and cranes, which are not currently covered. This is to allow accurate accounting of the harvest of all migratory game birds.

A second portion of the bill requires formerly exempt holders of \$5 licenses and free disabled veteran licenses to register in the national migratory bird harvest information program, through one of two methods. This will allow the take of birds by these hunters to be included in data gathered by the federal government to track birds covered under international treaty.

A third feature of the bill is to create a combination 7-day hunting and fishing license for nonresidents, a popular combination that is more convenient for those visitors who want to hunt and fish during a short stay.

A fourth change proposed in the bill is to equalize the fees paid by nonresident military for small game and sport fishing licenses. Through some glitch, nonresident military now pay a higher fee than ordinary nonresidents.

The final significant change proposed by HB 206 is to authorize ADF&G to issue a duplicate commercial fishing crewmember license for \$5.

Favorable action on HB 206 would be appreciated.

**Sectional Analysis of CSHB 206(RES)
Work Draft--LS0858/I**

Section 1 changes the name of the *waterfowl conservation tag* to *migratory game bird conservation tag* to conform to section 3 of the bill.

Section 2 changes *waterfowl conservation tag* wherever it appears in AS 16.05.130(b) to *migratory game bird conservation tag* to conform to section 3 of the bill.

Section 3 changes the *waterfowl conservation tag* to the *migratory game bird conservation tag*. This extends the tag requirement to snipe hunters and crane hunters in Alaska. This will enable the department to gather harvest information on all migratory game birds. Proof of registration in the migratory game bird harvest information program is added as an alternative to possession of the migratory game bird conservation tag when hunting migratory game birds. The \$5 fee for registration in the migratory bird harvest information is waived for disabled veterans and for persons qualifying for the \$5 hunting license.

Section 4 establishes a combination nonresident seven-day sport fishing and annual hunting license. Combination licenses are popular with individuals who plan to both hunt and fish while in Alaska. The fee for the combination license is the same as that for separate hunting and fishing licenses.

Section 5 sets the fee for special nonresident military small game hunting licenses at the lower of the rates paid by residents for general hunting licenses or the rate paid by nonresidents for small game hunting and fishing licenses. Currently nonresident military pay \$25 for small game hunting licenses and nonresidents pay \$20. There is no resident small game hunting license. Resident hunting licenses cost \$25 and enable residents to hunt both small and big game. Nonresident military will continue to be able to purchase resident sport fishing licenses at \$15, instead of the \$100 nonresidents pay.

Section 6 substitutes *migratory game bird* for *waterfowl* in the list of licenses and tags that may have a different expiration date than December 31. Adds migratory bird harvest information program registration to this list.

Section 7 substitutes *migratory game bird* for *waterfowl* in the statute that specifies the expiration date of the tag. Adds migratory bird harvest information program registration to this list.

Section 8 authorizes the commissioner to issue a registration and designate the form of that registration. This section also removes the requirement that each applicant for a registration, hunting, or fishing license swear under oath before a notary as to his or her residency and citizenship. Substitutes the requirement that each license or registration application contain a notice that a false statement or material omission by the applicant when applying for a hunting or fishing license is a violation of the law.

Section 9 adds registrations to the list of items that the commissioner may appoint agents to issue. This section also removes the provision that each person authorized to sell registrations, hunting, and fishing licenses administer oaths on applications for licenses, permits, and tags.

Section 10 entitles vendors who sell registrations to receive compensation from the department.

Section 11 requires vendors who sell registrations to transmit the proceeds, except that amount they are authorized to retain, to the department.

Section 12 adds registrations to the list of items for which a vendor may receive additional compensation.

Section 13 states that a state employee is not entitled to compensation for selling registrations.

Section 14 requires that the proceeds and reports of vendor sales of registrations be transmitted to the department by the last day of the month following the month in which the registrations were sold.

Section 15 makes a false statement or omission of material fact on the application for a registration a violation of law and voids the registration. A person who knowingly provides false information is guilty of a class A misdemeanor. Otherwise, the fine is not more than \$300. This section also prohibits the alteration of a registration or its use by another person than the one to whom the registration was issued.

Section 16 authorizes the issuance of a duplicate commercial crewmember license and charges \$5 for this service.

Section 17 changes *waterfowl* to *migratory game bird* in AS 16.05.826(a), which authorizes the production and sale of stamps and limited edition prints, to conform to similar changes elsewhere in the bill.

Section 18 substitutes *migratory game bird* for *waterfowl* in AS 16.05.826(b). This statute authorizes the department to provide a means for the selection of a design for an annual migratory game bird conservation tag.

Sectional Analysis of House Bill 206

The purpose of House Bill 206 is to make minor amendments to a number of licensing provisions in state statutes that are confusing, have become outdated, or are inconsistent with other, more recent state or federal statutes.

Section 1 changes the name of the waterfowl conservation tag to migratory game bird conservation tag to conform to section 3 of the bill.

Section 2 changes waterfowl conservation tag wherever it appears in AS 16.056.130(b) to migratory game bird conservation tag to conform to section 3 of the bill.

Section 3 changes the waterfowl conservation tag to the migratory game bird conservation tag. This extends the tag requirement to snipe hunters and crane hunters in Alaska for the purpose of harvest reporting on all migratory game birds. In conformance with federal regulations, this section includes formerly exempt holders of \$5 licenses and free disabled veteran licenses in the requirement to register in the national migratory bird harvest information program, through either purchase of a migratory game bird conservation tag or other form of registration. Proof of registration in the national migratory bird harvest information program is added in section 3 as an alternative to having possession of the migratory game bird conservation tag while hunting.

Section 4 establishes a combination nonresident seven-day sport fishing and hunting license. Combination licenses are popular with individuals who plan to both hunt and fish while in Alaska. The fee for the combination license is the same as that for separate hunting and fishing licenses.

Section 5 sets the fee for special nonresident military small game and sport fishing licenses at the lower of the rates paid by residents or by nonresidents for small game hunting and fishing licenses. Currently nonresident military pay \$25 for small game hunting licenses and nonresidents pay \$20. Nonresident military will continue to be able to purchase resident sport fishing licenses at \$15.

Section 6 substitutes *migratory game bird* for *waterfowl* in the list of licenses and tags that may have a different expiration date than December 31.

Section 7 substitutes *migratory game bird* for *waterfowl* in the statute that specifies the expiration date of the tag.

Section 8 removes the requirement that each applicant for a hunting or fishing license swear under oath before a notary as to their residency and citizenship.

Section 9 removes the provision that each person authorized to sell hunting and fishing licenses administer oaths on applications for licenses, permits, and tags.

Section 10 authorizes the issuance of a duplicate commercial crewmember license and charges \$5 for this service.

Section 11 changes waterfowl to migratory game bird in AS 16.05.826(a), which authorizes the production and sale of stamps and limited edition prints, to conform to similar changes elsewhere in the bill.

Section 12 substitutes migratory game bird for waterfowl in AS 16.05.826(b). This statute authorizes the department to provide a means for the selection of a design for an annual migratory game bird conservation tag.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 206

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Fish & Game Licenses and Tags BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Representative Harris
 Requester House Resources Component Serial No. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1002)	5.8	5.8	5.8	5.8	5.8	5.8

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

POSITIONS	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Assumption: This bill eliminates the duck stamp exemption for individuals who qualify for and purchase low-income hunting licenses or are disabled veterans. Although the percentage of these licensees who hunt waterfowl is thought to be very low, the department may realize additional revenue if these hunters purchase duck stamps. The purpose of this provision is not to raise revenue but to include more hunters in the harvest reporting system as required in the federal regulations.

In the 1990s, approx 8.3% of Alaskan hunters (95,700) purchased federal duck stamps. If we assume that low-income licensees purchase duck stamps at the same rate as other hunters, then we project that we will sell an additional 1,160 duck stamps annually. Gross annual revenue to the state would be \$5.8. (This would be an annual maximum, and doesn't take into account folks who buy collector stamps but do not hunt.)

We estimate that any other additional revenue (e.g., number of additional stamps that would be sold to crane/snipe hunters who do not also hunt waterfowl) would be insignificant.

Prepared by Phil Koehl, Wildlife Biologist
 Division Wildlife Conservation
 Approved by Frank Rue, Commissioner
 Agency Alaska Department of Fish and Game

Phone 465-4190
 Date 2/7/00
 Date 02/07/2000

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 206

Revision Date	2/7/00	Dept. Affected	Public Safety
Title	An Act relating to the migratory game bird conservation tag, and to applications for certain licenses	BRU	Fish and Wildlife Protection
Sponsor	Rep. Harris	Component:	Delachments
Requester	H. Resources	Component No.	490

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

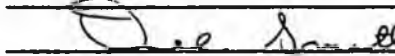
Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is consistent with the Department's program objectives and does not significantly impact our budget.

Prepared by:	Lieutenant Howard Starbard	Phone	746-9107
Division	Fish and Wildlife Protection	Date/Time	2/7/00 10:25 AM
Approved by:		Date	2-8-00
Agency	Commissioner Ronald L. Otte, Department of Public Safety		

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 17, 1999

SUBJECT: Federal Migratory Bird Harvest Information Program and the State Waterfowl (Migratory Game Bird) Conservation Tag Program (Work Order No. 21-LS0858\A)

TO: Representative John Harris
Attn: John Manley

FROM: George Utermohle *GU*
Legislative Counsel

As part of the work draft (Work Order No. 21-LS0858\A) that I prepared for you regarding certain fish and game licenses, the bill addressed the state's waterfowl (migratory game bird) program.

There appears to be an incongruity between the federal program and the state program that can be cured as part of your bill.

Under the federal program, every person hunting migratory game birds must register with the appropriate state hunting licensing agency and carry proof of this registration on their person. 50 C.F.R. 20.20(b); copy enclosed. This requirement applies to every person who is required to have a hunting license in the state. Those persons who are exempt from the requirement for a hunting license are also exempt from the registration requirement for hunting migratory game birds. 50 C.F.R. 20.20(d). In Alaska, the federal requirement is satisfied by requiring hunters to obtain a waterfowl (migratory game bird) conservation tag from the Department of Fish and Game.

There is an incongruity between the state and federal programs because the state law (AS 16.05.340(a)(17)) establishing the waterfowl (migratory game bird) conservation tag program exempts certain persons who are required to have hunting licenses from the requirement of obtaining the tag. A person who qualifies for a S5 hunting, trapping, and sport fishing license and a disabled veteran who is eligible for a free hunting and sport fishing license are both required to have a hunting license even though the fee for the license is waived or reduced. Under AS 16.05.340(a)(17) both classes of hunters are exempt from the requirement to obtain a waterfowl (migratory game bird) conservation tag. In order to comply with the federal regulations these two classes of hunters must register with the state if they hunt migratory game birds.

Representative John Harris
April 17, 1999
Page 2

The appropriate solution is to require that these persons obtain the waterfowl (migratory game bird) conservation tag so that they would then be registered with the state as waterfowl (migratory game bird) hunters in compliance with the federal regulation. The legislature may waive or reduce the fee for the conservation tag for these persons, if it wishes.

Residents who are under 16 years of age or older than 60 years of age are also exempt from the requirement to obtain the conservation tag. AS 16.05.340(a)(17). However, this exemption does not conflict with the federal regulation because both these classes of hunters are exempted from the hunting license requirement by AS 16.05.400.

You may wish to discuss this issue with the Department of Fish and Game to determine how they feel about cleaning up the waterfowl (migratory game bird) conservation tag statute (AS 16.05.340(a)(17)).

If you do decide to address this issue as part of your bill, I can prepare the appropriate language to address this issue.

If I may be of further assistance, please advise.

GU:jdr
99-223.jdr

Enclosure

5) Scolopacidae (woodcock and pe).

List of migratory birds protected by international conventions and the Migratory Bird Treaty Act appears in § 13 of this subchapter.

1) *Seasons*—(1) *Open season* means the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

2) *Closed season* means the days on which migratory game birds shall not be taken.

3) *Bag limits*—(1) *Aggregate bag limit* means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the hunter in predetermined or predetermined quantities to satisfy a maximum take limit.

2) *Daily bag limit* means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during an open season in any one specified geographic area for which a daily bag limit is prescribed.

3) *Aggregate daily bag limit* means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit shall be equal to, but shall not exceed, the best daily bag limit prescribed for one species or for any one specified geographic area in which taking occurs.

4) *Possession limit* means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

5) *Aggregate possession limit* means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by

any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(d) *Personal abode* means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(e) *Migratory bird preservation facility* means:

(1) Any person who, at their residence or place of business and for hire or other consideration; or

(2) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(3) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(f) *Paraplegic* means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

[53 FR 24290, June 28, 1988]

Subpart C—Taking

§ 20.20 Migratory Bird Harvest Information Program.

(a) *Information collection requirements.* The collections of information contained in § 20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0015. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunt-

ing migratory game birds. Public reporting burden for this information is estimated to average 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, rm-9-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

(b) *General provisions.* Each person hunting migratory game birds in any State except Hawaii must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

(c) *Tribal exemptions.* Nothing in paragraph (b) of this section shall apply to tribal members on Federal Indian Reservations or to tribal members hunting on ceded lands.

(d) *State exemptions.* Nothing in paragraph (b) of this section shall apply to those hunters who are exempt from State-licensing requirements in the State in which they are hunting.

(e) *State responsibilities.* The State hunting licensing authority will ask each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

[58 FR 15098, Mar. 19, 1993, as amended at 59 FR 53336, Oct. 21, 1994; 61 FR 46352, Aug. 30, 1996; 62 FR 45708, Aug. 28, 1997; 63 FR 46401, Sept. 1, 1998]

Dear Representative Harris

I request that you amend your bill HB206 with the following language:

Line 27 second page: add

Sec.3. AS 16.05.340(a)(1)

(1) Resident [sport] fishing license.....\$15

(22) Chitina [personal use] salmon dipnet fishing permit.....\$20

justification: The word sport does not require a fishing license to subsistence fish in this state. However management of subsistence cost money but fund money cannot be used for management of a subsistence fishery such as the new C&T fishery at Chitina. Prior to this finding all dipnetters had to have a (Sport fishing license). I believe that all fishers in the state should have to have a fishing license.

Dropping the words (Personal Use) from para (22) will allow us to continue to pay the Native corporations for the use of their land at Chitina. The increase is due to a long term lease that f&G is negotiating with the Chitina Native Corp and AHTNA Corp. All the land at Chitina on both sides of the river belongs to the natives. It has been easier to pay them than have all the hassles of trespassing every year. WE ARE THE ONLY GROUP WHO PAYS THE NATIVES FOR THE USE OF THEIR LAND.

I can be reached at 474-2234 during the day and at 452-5068 during the evenings. Thank you for your help in this matter.

Sincerely Stan Bloom
303 Bentley Drive
Fairbanks, Alaska 99701.

PS: I plan to testify before your hearing on Wed.

Finally: as one who was a member of the military in Alaska for 9 years let me comment on the militarys Special treatment. Alaska is the only state that treats our military so badly. In every other state after 30 days Military are classified a residents. All our Alaskan soldiers and sailors are residents for the purpose of hunting and fishing in other states. This comes out of the Soldiers and Sailors Benefact act of 1939. It was meant to compensate the

*No more compensation for Alaska
No more special treatment
No license to be in the base other benefits*

brave young people who were drafted and sent to far off places to protect our liberty. ONLY in Alaska are we so paranoid as to require one year residency for hunting and fishing. This means that a young soldier who comes to Alaska for an unaccomplished tour may never stay long enough to become a resident. He has to return home and tell his family that he couldn't hunt or fish because of the high costs of non-residents licenses and fees. All the people in the lower 48 believe that we are over run with game up here. I believe this unfair policy leads to wanton shooting of game and leaving it. These are young people at the peak of their energy and they need an outlet for these things. The least you could do is put Alaska in line with other states and honor our young people.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

(A) Bear, black, each	\$225
(B) Bear, brown or grizzly	500
(C) Moose, each	425
(D) Caribou, each	300
(E) Deer, each	150
(F) Elk, each	300
(G) Goat, each	300
(H) Moose, each	400
(I) Sheep, each	425
(J) Wolf, each	50

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.265 for all or a portion of the game management unit.

(K) Wolverine, each	175
(L) Musk oxen, each	1,300
(16) Resident big game tags	

(A) Bear, brown or grizzly, each \$25
The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

(B) Musk oxen, each 500
However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

- (17) Waterfowl conservation tag \$5
(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person
(i) qualifies for a \$5 license fee under (C) of this subsection;
(ii) is a resident under the age of 16;
(iii) is 16-60 years of age or older and is a resident;
(iv) is a disabled veteran eligible for a free license under AS 16.05.841.

(B) The Board of Game shall by regulation except the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.180(b)(2) - (4).

(18) Game farming

(A) Game mammal or game reptile farming biennial license	\$250
(B) Game bird farming biennial license	50
(19) Nonresident small game hunting license	20
(20) Nonresident alien hunting license	800

A nonresident alien may not take a big game animal without previously purchasing a numbered, non-transferable, appropriate tag, issued under (21) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

(21) Nonresident alien big game tags

(A) Bear, black, each	\$300
(B) Bear, brown or grizzly, each	650

(C) Bison, each	550
(D) Caribou, each	425
(E) Deer, each	200
(F) Elk, each	400
(G) Goat, each	400
(H) Moose, each	500
(I) Musk oxen, each	1,500
(J) Sheep, each	550
(K) Wolf, each	50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.265 for all or a portion of the game management unit.

(1) Stobuerne, each	250
(22) Chitina personal use salmon dip net fishing permit	10

(23) Resident anadromous king salmon tag 20
A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

- (A) qualifies for a 25 cent license fee under (1) of this subsection;
(B) is under the age of 16;
(C) is 60 years of age or older and has been a resident of the state for at least one year;
(D) is a disabled veteran eligible for a free license under AS 16.05.841; or
(E) qualifies for a \$5 license fee under (2) of this subsection.

(24) Nonresident anadromous king salmon tag — valid for the period inscribed on the tag

(A) for a one-day tag	3 10
(B) for a three-day tag	20
(C) for a seven-day tag	30
(D) for a 14-day tag	50
(E) for an annual tag	100.

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.840, may obtain an annual nonresident military anadromous king salmon tag for \$30.

(b) The commissioner may issue without cost a permit to collect fish and game, including fur animals, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose. The commissioner also may issue a permit for the collection of bivalve shell for use in connection with an aquatic farm. In addition, the commissioner shall issue a permit for the collecting of wild fur animals for improving the genetic stock of fur farm animals. Permits issued under this subsection shall be in accordance with current sustained yield management practices for the species of wild game for which the permit is requested. The annual

11/16/84

etc., but military personnel are not required to comply with licensing requirements while on reservation 1854 Op. Atty Gen. No. 2.

Since AS 16.05.940(14) does not grant special resident privileges to military personnel, which is a requisite for receiving them in purchase licenses for use on military reservations under 10 U.S.C. 9571(a) (2), they cannot be required to do so. 1864 Op. Atty Gen. No. 2.

Construing this section and AS 16.05.940 against federal law (10 U.S.C. § 2071(n)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required to obtain an Alaska trapping license to trap on military lands. 1974 Op. Atty Gen. No. 21.

NOTICE TO DIRECTOR

Residence requirements unconstitutional. — The requirements contained in the 1946 subsistence statute (ch. 52, SLA 1946), thereas must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 9, 15, and 17. McDowell v. State, 786 P.2d 1 (Alaska 1990). Applied in State v. Grayson, 685 P.2d 785 (Alaska 1983).

Collateral references. — 85 Am. Jur. 3d, Fish & Game, § 45. 36 C.J.S., Game, § 15.

Applicability of state fishing license laws or other public regulations to fishing in private lake or pond. 16 ALR2d 754.

Right to kill game in defense of person or property. 93 ALR2d 136a.

Public rights of recreational boating, fishing, wading, or the like in inland streams the bed of which is privately owned. 6 ALR4th 1080.

Sec. 16.05.321. Elk farming. (Renumbered as AS 16.40.050.)

Opinions of attorney general — AS 16.05.050(b) and AS 16.05.321(b) imply authority for The Department of Fish and Game to interpret the term "elk" and to limit it to specific species, subspecies, or other classifications of animals that would commonly be thought of in the United States as "elk." Jan. 18, 1995 Op. Atty Gen.

Although AS 16.05.331(c) specifically addresses a permit "from the department," we believe the intention of the legislature was to prohibit both the Department of Fish and Game and the Board of Game from restricting import, export, or possession of lawfully owned elk. Jan. 18, 1988 Op. Atty Gen.

Sec. 16.05.335. Complimentary Licenses. The commissioner shall annually, at the request of the governor, provide the governor with not more than 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to the state for their use in any one season during their visits to the state. The complimentary licenses for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the department on any complimentary issuances, which information shall be available to the public. (§ 1 art II ch 04 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 31 SLA 1963; am § 1 ch 6 SLA 1965; am E.O. No. 73 § 2 (1989))

Effect of amendments. — The 1989 amendment, effective March 11, 1989, deleted "of revenues" following "commissioner" in the first sentence.

Sec. 16.05.340. License, permit, and tag fees. (a) Fees for licenses, permits, and tags are as follows:

- (1) Resident sport fishing license \$ 15
However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license 25
- (3) Resident hunting and trapping license 39
- (4) Resident trapping license 15
- (5) Resident hunting and sport fishing license 39
- (6) Resident hunting, trapping, and sport fishing license 59;
(A) however, the fee is \$5 for an applicant who
(i) is receiving or has received assistance during the preceding six months under any state or federal welfare program to aid the indigent; or
(ii) has an annual family gross income of less than \$8,200 for the year preceding application;
(B) a person paying \$5 for a resident hunting, trapping, and sport fishing license must provide proof of eligibility under this paragraph when requested by the department.
- (7) Nonresident sport fishing license — valid for the period inscribed on the license
(A) For 14-day license \$ 50
(B) For seven-day license 20
(C) For three-day license 20
(D) For one-day license 10
(8) Nonresident annual sport fishing license 100
(9) Nonresident hunting license 85
(10) [Repealed, § 10 ch 74 SLA 1997, effective January 1, 1998.]

A nonresident may not take a big game animal without previously purchasing a numbered, non-transferable, appropriate tag, issued under (15) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (11) Nonresident hunting and trapping license 2250
- (12) Fur dealers
(A) Resident fur dealer biennial license 150
(B) Nonresident fur dealer biennial license 500
- (13) Taxidermists
(A) Resident taxidermy biennial license 200
(B) Nonresident taxidermy biennial license 500
- (14) Aquatic farming triennial license 400
- (15) Nonresident big game tag

A nonresident may not take a big game animal without previously purchasing a numbered, non-transferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

Fishery Resource Allocation



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee on HB 206, dated Feb 16, 2000.
 bill/ subject committee name

I am firmly opposed to placing cranes under the tag requirement. I am also against removing the \$5 license exemption for cranes.

These two changes, if passed, will turn crane hunting into another expensive endeavor only for the rich sportsman. It will hurt those who are least able to bear the ever increasing expenses and paperwork.

For the meat hunter, who actually feeds the family from wild game, it will no longer be cost effective to occasionally supplement the table with a crane. This is how our family has hunted cranes in the past. When fall comes many hunters are concerned with hunting big game - like moose. Some are too busy at all to hunt. Setting out to hunt specifically cranes is often too impractical to do. They are often an incidental hunt. Furthermore they fly so high a hunter is fortunate to get even one. Adding the cost of a tag to this one crane makes it an expensive crane!

Moose hunting, in contrast, has become a pass time for the rich hunter, who can fly way out and back. Lets leave some opportunities for those who still try to make hunting cost-effective.

Signed:

Patrick Dalton

Testifier

Representing (Optional)

PO Box 1413 Delta Junction AK 99737

Address

Phone No.