

HB

137

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Friday, March 28, 2008
3:30-5:30 p.m.

AGENDA

- **HB 137 Fishing/Hunting/Trapping Licenses**
- **Governor's Appointments, Confirmation Hearings**
Big Game Commercial Services Board: Brenda Rebne
- **Governor's Appointments: Board of Fisheries**
John E. Jensen
Melvan E. Morris

Teleconference

Testimony: Time Limit May Be Set

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Wednesday, March 26, 2008
3:30-5:30 p.m.

AGENDA

- **HB 137 Fishing/Hunting/Trapping Licenses**

- **Governor's Appointments: Board of Fisheries**

Teleconference

Testimony: Time Limit May Be Set

Alaska State Legislature

State Capitol, Room 102
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
Representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Senator Huggins, Chair
Senate Resources Committee

FROM: Representative Seaton, Chair
House Fisheries Committee

DATE: Thursday, March 6, 2008

RE: Request for a hearing, HB 137

I respectfully request consideration of HB 137 before the Senate Resources Committee

In summary, HB 137 changes the Permanent Identification Card (PID), a permanent free fishing/hunting/trapping license for seniors over 60 to a temporary license to be renewed every 3 years and ties it to Permanent Fund Dividend eligibility. It also gives a free resident hunting and sport fishing license to all active duty members of the Alaska National Guard.

Attached please find: CS HB137(FIN)am, CS HB137(FIN), CS HB137(RES), CS HB137(FSH) & HB137; sponsor statement; fiscal notes (3); teleconference order form; letters of support/opposition; sectional analysis; facts on PID from Fish and Game and definition of resident for current PID holders; copy of current PID application and card; anecdotal experience of Wildlife Troopers enforcing the PID; PFD eligibility statute AS 43.23.005; legal opinion.

Staff contact: Katie Shows, ext. 2028

Alaska State Legislature

State Capitol, Room 103
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
Representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Senator Huggins, Chair
Senate Resources Committee

FROM: Representative Paul Seaton

DATE: March 27, 2008

RE: HB 137

Wednesday March 26th the Senate Resources committee heard and held HB 137. The committee questioned whether or not the changes to the Permanent Identification Program (AS.16.05.400(b)) could be done in regulation. I have consulted with Legislative Legal drafter Brian Kane and confirmed that these changes need to be done in statute. AS.16.05.400(b) states "the commissioner shall issue a permanent identification card." Because of the use of the word "permanent" the Department does not have the authority to make the program temporary, which HB 137 does by requiring the license to be reissued every five years (as proposed by amendment in the Senate Resources Committee).

The current PID program ties eligibility to the definition of residence in the definitions section of Chapter 16, (AS 16.05.940(27)). This section does not mention anything about Permanent Fund Dividend eligibility requirements. For these reasons, the changes laid out in section 4 of HB137, establishing a temporary identification program and tying it to PFD eligibility, have to be made in statute.

The committee had questions with regards to the definition of resident. The definition currently used by fish and game for issuance of a license, AS.16.05.940(27) is not as easily tracked or verified as the PFD eligibility statute, AS.43.23.005. The ADF&G document provided to the committee and on the ADF&G website lists factors for determining residency. However, because there are no steadfast rules, verifying compliance with this residency is difficult in the field. This revised program for the free senior licenses will be totally based on PFD eligibility. The major policy call in this portion of the bill is whether or not the committee wants to keep the vague definition of resident that is difficult to enforce or tie residency to PFD eligibility for the purposes of this benefit.

There has been some confusion in the number of PID licenses issued. According to ADF&G's fiscal note, 63,000 individuals have received a PID in the last 20 years. Based on the sale of resident fishing licenses where 50% of the population purchases a license, the Department estimates approximately 30,000 seniors would receive a new card. I apologize for the confusion.

HB 137 Fishing/Hunting/Trapping Licenses

March 26, 2008

CSHB 137(FIN)am
CSHB 137(FIN)
CSHB 137(RES)
CSHB 137(FSH)
HB 137

Senate Referrals: Resources & Finance

1. Fiscal Notes

CSHB 137(FIN) 4/2/07
SCHB 137(FIN) 2/27/08
CSHB 137(FSH) 2/26/07

2. Sponsor Statement - SEATON - committee billings

3. Legal Opinions

Sectional summary of CSHB 137(FIN) 4/3/07
Equal protection relating to the permanent id card 2/27/2007

4. PID Application & Card

5. Facts on PID from Fish & Game, and "resident" definition

6. Wildlife Trooper anecdotal experience enforcing PID

7. Permanent Fund Divident Eligibility Statute

8. Support & Opposition

HB 137 Fishing/Hunting/Trapping Licenses I

March 26, 2008

CSHB 137(FIN)am
CSHB 137(FIN)
CSHB 137(RES)
CSHB 137(FSH)
HB 137

Senate Referrals: Resources & Finance

1. Fiscal Notes

CSHB 137(FIN) 4/2/07
SCHB 137(FIN) 2/27/08
CSHB 137(FSH) 2/26/07

2. Sponsor Statement

3. Legal Opinions

Sectional summary of CSHB 137(FIN) 4/3/07
Equal protection relating to the permanent id card 2/27/2007

4. PID Application & Card

5. Facts on PID from Fish & Game, and "resident" definition

6. Wildlife Trooper anecdotal experience enforcing PID

7. Permanent Fund Divident Eligibility Statute

8. Support & Opposition

CS FOR HOUSE BILL NO. 137(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 2/27/08
Offered: 4/2/07

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL
FOR AN ACT ENTITLED

1 "An Act providing for free hunting and sport fishing licenses for active members of the
2 → Alaska National Guard; and amending the requirements for the identification card
3 needed for sport fishing, hunting, and trapping without a license by residents who are 60
4 years of age or more; and providing for an effective date."

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

6 * Section 1. AS 16.05.340(a)(17) is amended to read:

7 (17) Waterfowl conservation tag 5

8 (A) A person may not engage in waterfowl hunting without
9 having the current year's waterfowl tag in the person's actual possession, unless
10 that person

11 (i) qualifies for a \$5 license fee under (6) of this

12 subsection;

13 (ii) is a resident under the age of 16;

14 (iii) is 60 years of age or older and is a resident;

1 (iv) is [A DISABLED VETERAN] eligible for a free
2 license under AS 16.05.341.

3 (B) The Board of Game shall by regulation exempt the
4 requirement of a waterfowl conservation tag for waterfowl hunting in areas of
5 the state not likely to benefit from programs described in AS 16.05.130(b)(2) -
6 (4).

7 * Sec. 2. AS 16.05.340(a)(23) is amended to read:

8 (23) Resident anadromous king salmon tag 10

9 A resident may not engage in sport fishing for anadromous king salmon without
10 having the current year's anadromous king salmon tag in the resident's actual
11 possession, unless that person

12 (A) qualifies for a 25 cent license fee under (1) of this
13 subsection;

14 (B) is under the age of 16;

15 (C) is 60 years of age or older and has been a resident of the
16 state for at least one year;

17 (D) is [A DISABLED VETERAN] eligible for a free license
18 under AS 16.05.341; or

19 (E) qualifies for a \$5 license fee under (6) of this subsection.

20 * Sec. 3. AS 16.05.341 is amended to read:

21 **Sec. 16.05.341. Free license for disabled veterans and active members of**

22 **the Alaska National Guard.** A person may receive a resident hunting and sport
23 fishing license under AS 16.05.340(a)(5) without charge if the person

24 (1) has been discharged from military service under honorable
25 conditions, is eligible for a loan under AS 18.56.101, and is certified by the United
26 States Department of Veterans Affairs as having incurred a 50 percent or greater
27 disability during military service; [OR]

28 (2) served in the Alaska Territorial Guard, is eligible for a loan under
29 AS 18.56.101, and incurred a 50 percent or greater disability while serving in the
30 Alaska Territorial Guard; or

31 **(3) is an active member of the Alaska National Guard.**

1 * **Sec. 4.** AS 16.05.400(b) is repealed and reenacted to read:

2 (b) A sport fishing, hunting, or trapping license is not required of a resident
3 who is 60 years of age or more. A resident who is 60 years of age or more is required
4 to possess a valid identification card to engage in sport fishing, hunting, or trapping
5 without a license. The commissioner shall issue an identification card without charge
6 to a person who qualifies by age and residence and who completes the forms required
7 by the commissioner. To obtain or renew a valid identification card, the person must
8 have lawfully received a permanent fund dividend during the most recent dividend
9 disbursement or must present evidence satisfactory to the department that the person was
10 in the state for at least 185 days during the previous calendar year. A person who is
11 issued an identification card under this subsection shall have it in possession while
12 sport fishing, hunting, or trapping. The identification card must be renewed every
13 five [three] years.

14 * **Sec. 5.** AS 16.05.405(b) is amended to read:

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

19 (1) a document signed by the person on whose behalf the game is
20 taken, stating that the resident possesses the person's hunting license or valid
21 [PERMANENT] identification card in order to take game on behalf of that person; and

22 (2) the person's

23 (A) resident hunting license issued under AS 16.05.403 or
24 valid [PERMANENT] identification card issued under AS 16.05.400(b); and

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

27 * **Sec. 6.** AS 16.05.405(c) is amended to read:

28 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid
29 noncommercial fishing license may take fish on behalf of a person who is blind, a
30 person with physical disabilities, or a person who is 65 years of age or older if the
31 resident possesses on the resident's person

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

5 (2) the person's

6 (A) resident sport fishing license issued under AS 16.05.403 or
7 valid [PERMANENT] identification card issued under AS 16.05.400(b);

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

10 (C) resident personal use fishing permit issued under
11 AS 16.05.403; and

12 (3) all other documents issued to the person that are required by law as
13 a condition of taking the fish being pursued.

14 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION. The commissioner of fish and game shall notify in an appropriate
17 form all current permanent identification card holders of the requirements of AS 16.05.400(b),
18 as repealed and reenacted by sec. 4 of this Act, and provide instructions for obtaining a valid
19 identification card to replace the permanent identification card previously authorized by that
20 subsection.

21 * Sec. 8. AS 16.05.341(3) is repealed June 30, 2011.

22 * Sec. 9. Section 4 of this Act takes effect January 1, 2009.

CS FOR HOUSE BILL NO. 137(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/2/07
Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL
FOR AN ACT ENTITLED

1 **"An Act providing for free hunting and sport fishing licenses for active members of the**
2 **Alaska National Guard; and amending the requirements for the identification card**
3 **needed for sport fishing, hunting, and trapping without a license by residents who are 60**
4 **years of age or more; and providing for an effective date."**

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

6 *** Section 1. AS 16.05.340(a)(17) is amended to read:**

7 (17) Waterfowl conservation tag 5

8 (A) A person may not engage in waterfowl hunting without
9 having the current year's waterfowl tag in the person's actual possession, unless
10 that person

11 (i) qualifies for a \$5 license fee under (6) of this
12 subsection;

13 (ii) is a resident under the age of 16;

14 (iii) is 60 years of age or older and is a resident;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(iv) is [A DISABLED VETERAN] eligible for a free license under AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

* Sec. 2. AS 16.05.340(a)(23) is amended to read:

(23) Resident anadromous king salmon tag 10

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 16.05.341; or

(E) qualifies for a \$5 license fee under (6) of this subsection.

* Sec. 3. AS 16.05.341 is amended to read:

Sec. 16.05.341. Free license for disabled veterans and active members of the Alaska National Guard. A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the person

(1) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service; [OR]

(2) served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard; or

(3) is an active member of the Alaska National Guard.

1 * **Sec. 4.** AS 16.05.400(b) is repealed and reenacted to read:

2 (b) A sport fishing, hunting, or trapping license is not required of a resident
3 who is 60 years of age or more. A resident who is 60 years of age or more is required
4 to possess a valid identification card to engage in sport fishing, hunting, or trapping
5 without a license. The commissioner shall issue an identification card without charge
6 to a person who qualifies by age and residence and who completes the forms required
7 by the commissioner. To obtain or renew a valid identification card, the person must
8 have lawfully received a permanent fund dividend during the most recent dividend
9 disbursal or must present evidence satisfactory to the department that the person was
10 in the state for at least 185 days during the previous calendar year. A person who is
11 issued an identification card under this subsection shall have it in possession while
12 sport fishing, hunting, or trapping. The identification card must be renewed every
13 three years.

14 * **Sec. 5.** AS 16.05.405(b) is amended to read:

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

19 (1) a document signed by the person on whose behalf the game is
20 taken, stating that the resident possesses the person's hunting license or valid
21 [PERMANENT] identification card in order to take game on behalf of that person; and

22 (2) the person's

23 (A) resident hunting license issued under AS 16.05.403 or
24 valid [PERMANENT] identification card issued under AS 16.05.400(b); and

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

27 * **Sec. 6.** AS 16.05.405(c) is amended to read:

28 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid
29 noncommercial fishing license may take fish on behalf of a person who is blind, a
30 person with physical disabilities, or a person who is 65 years of age or older if the
31 resident possesses on the resident's person

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

5 (2) the person's

6 (A) resident sport fishing license issued under AS 16.05.403 or
7 valid [PERMANENT] identification card issued under AS 16.05.400(b);

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

10 (C) resident personal use fishing permit issued under
11 AS 16.05.403; and

12 (3) all other documents issued to the person that are required by law as
13 a condition of taking the fish being pursued.

14 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION. The commissioner of fish and game shall notify in an appropriate
17 form all current permanent identification card holders of the requirements of AS 16.05.400(b),
18 as repealed and reenacted by sec. 4 of this Act, and provide instructions for obtaining a valid
19 identification card to replace the permanent identification card previously authorized by that
20 subsection.

21 * Sec. 8. AS 16.05.341(3) is repealed June 30, 2010.

22 * Sec. 9. Section 4 of this Act takes effect January 1, 2008.

CS FOR HOUSE BILL NO. 137(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/14/07

Referred: Finance

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the requirements for the identification card needed for sport fishing,**
2 **hunting, and trapping without a license by residents who are 60 years of age or more."**

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

4 *** Section 1. AS 16.05.400(b) is amended to read:**

5 (b) A sport fishing, hunting, or trapping license is not required of a resident
6 who is 60 years of age or more. A resident who is 60 years of age or more is
7 required to possess a valid identification card to engage in sport fishing, hunting,
8 or trapping without a license, as follows:

9 (1) the [THE] commissioner shall issue a permanent identification
10 card without charge to a person [PERSONS] who, on or before December 31, 2007,
11 qualifies [QUALIFY] by age and residence and who completes [COMPLETE] the
12 forms required by the commissioner for implementation of this paragraph: a
13 [SUBSECTION. A] person who is issued a permanent identification card under this
14 paragraph [SUBSECTION] shall have it in possession while sport fishing, hunting,

1 or trapping;

2 (2) the commissioner shall issue a temporary identification card
 3 without charge to a person who, on or after January 1, 2008, qualifies by age and
 4 residence and who completes the forms required by the commissioner for
 5 implementation of this paragraph; to obtain or renew a valid temporary
 6 identification card issued under this paragraph, the person must have lawfully
 7 received a permanent fund dividend during the most recent dividend disbursement or
 8 must present evidence satisfactory to the department that the person was in the
 9 state for at least 185 days during the previous calendar year; a person who is
 10 issued a temporary identification card under this paragraph shall have it in
 11 possession while sport fishing, hunting, or trapping; the temporary identification
 12 card must be renewed every three years.

13 * Sec. 2. AS 16.05.405(b) is amended to read:

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

18 (1) a document signed by the person on whose behalf the game is
 19 taken, stating that the resident possesses the person's hunting license or valid
 20 [PERMANENT] identification card in order to take game on behalf of that person; and

21 (2) the person's

22 (A) resident hunting license issued under AS 16.05.403 or
 23 valid [PERMANENT] identification card issued under AS 16.05.400(b); and

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

26 * Sec. 3. AS 16.05.405(c) is amended to read:

27 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid
 28 noncommercial fishing license may take fish on behalf of a person who is blind, a
 29 person with physical disabilities, or a person who is 65 years of age or older if the
 30 resident possesses on the resident's person

31 (1) a document signed by the person on whose behalf the fish is taken,

1 stating that the resident possesses the person's sport fishing license, subsistence fishing
2 permit, personal use fishing permit, or valid [PERMANENT] identification card in
3 order to take fish on behalf of that person;

4 (2) the person's

5 (A) resident sport fishing license issued under AS 16.05.403 or
6 valid [PERMANENT] identification card issued under AS 16.05.400(b);

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

9 (C) resident personal use fishing permit issued under
10 AS 16.05.403; and

11 (3) all other documents issued to the person that are required by law as
12 a condition of taking the fish being pursued.

CS FOR HOUSE BILL NO. 137(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/26/07

Referred: Resources, Finance

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the requirements for the identification card needed for sport fishing,
2 hunting, and trapping without a license by residents who are 60 years of age or more."

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

4 * Section 1. AS 16.05.400(b) is amended to read:

5 (b) A sport fishing, hunting, or trapping license is not required of a resident
6 who is 60 years of age or more. A resident who is 60 years of age or more is
7 required to possess a temporary identification card to engage in sport fishing,
8 hunting, or trapping without a license. The commissioner shall issue a temporary
9 [PERMANENT] identification card without charge to persons who qualify by age and
10 residence and who complete the forms required by the commissioner for
11 implementation of this subsection. The temporary identification card must be
12 renewed every three years, and the resident must have lawfully received a
13 permanent fund dividend in the previous year or must maintain permanent fund
14 dividend eligibility as described in AS 43.23.005(a)(3) - (7) to retain eligibility for

1 the temporary identification card. A person who is issued a temporary
 2 [PERMANENT] identification card under this subsection shall have it in possession
 3 while sport fishing, hunting, or trapping.

4 * **Sec. 2.** AS 16.05.405(b) is amended to read:

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

9 (1) a document signed by the person on whose behalf the game is
 10 taken, stating that the resident possesses the person's hunting license or temporary
 11 [PERMANENT] identification card in order to take game on behalf of that person; and

12 (2) the person's

13 (A) resident hunting license issued under AS 16.05.403 or
 14 temporary [PERMANENT] identification card issued under AS 16.05.400(b);
 15 and

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

18 * **Sec. 3.** AS 16.05.405(c) is amended to read:

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

23 (1) a document signed by the person on whose behalf the fish is taken,
 24 stating that the resident possesses the person's sport fishing license, subsistence fishing
 25 permit, personal use fishing permit, or temporary [PERMANENT] identification card
 26 in order to take fish on behalf of that person;

27 (2) the person's

28 (A) resident sport fishing license issued under AS 16.05.403 or
 29 temporary [PERMANENT] identification card issued under AS 16.05.400(b);

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

1 (C) resident personal use fishing permit issued under
2 AS 16.05.403; and
3 (3) all other documents issued to the person that are required by law as
4 a condition of taking the fish being pursued.

HOUSE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Introduced: 2/14/07

Referred: House Special Committee on Fisheries, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the requirements for the identification card needed for sport fishing,
2 hunting, and trapping without a license by residents who are 60 years of age or more."

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

4 * Section 1. AS 16.05.400(b) is amended to read:

5 (b) A sport fishing, hunting, or trapping license is not required of a resident
6 who is 60 years of age or more. A resident who is 60 years of age or more is
7 required to possess a temporary identification card to engage in sport fishing,
8 hunting, or trapping without a license. The commissioner shall issue a temporary
9 [PERMANENT] identification card without charge to persons who qualify by age and
10 residence and who complete the forms required by the commissioner for
11 implementation of this subsection. The temporary identification card must be
12 renewed every three years, and the resident must maintain permanent fund
13 dividend eligibility as described in AS 43.23.005 to retain eligibility for the
14 temporary identification card. A person who is issued a temporary

1 [PERMANENT] identification card under this subsection shall have it in possession
2 while sport fishing, hunting, or trapping.

3 * Sec. 2. AS 16.05.405(b) is amended to read:

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

8 (1) a document signed by the person on whose behalf the game is
9 taken, stating that the resident possesses the person's hunting license or temporary
10 [PERMANENT] identification card in order to take game on behalf of that person; and

11 (2) the person's

12 (A) resident hunting license issued under AS 16.05.403 or
13 temporary [PERMANENT] identification card issued under AS 16.05.400(b);
14 and

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

17 * Sec. 3. AS 16.05.405(c) is amended to read:

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

22 (1) a document signed by the person on whose behalf the fish is taken,
23 stating that the resident possesses the person's sport fishing license, subsistence fishing
24 permit, personal use fishing permit, or temporary [PERMANENT] identification card
25 in order to take fish on behalf of that person;

26 (2) the person's

27 (A) resident sport fishing license issued under AS 16.05.403 or
28 temporary [PERMANENT] identification card issued under AS 16.05.400(b);

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

31 (C) resident personal use fishing permit issued under

1 AS 16.05.403; and
2 (3) all other documents issued to the person that are required by law as
3 a condition of taking the fish being pursued.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 137(FIN)
 (H) Publish Date: 4/2/07

Revision Date/Time (Note if correction): _____ Dept Affected: Fish and Game
 Title: Senior Fishing/Hunting/Trapping Licenses RDU: Administration and Support
 Component: Administrative Services
 Sponsor: House Special Committee on Fisheries
 Requester: House Finance Committee Component No.: 470

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	5.5	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	20.1	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	26.6	2.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	(78.5)	(78.5)	(78.5)			
------------------------------------	---------------	---------------	---------------	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (1024 - Fish and Game Fund)	26.6	2.0	2.0	2.0	2.0	2.0
TOTAL	26.6	2.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Fiscal note reflects estimated change in revenues to the Fish and Game Fund for complimentary sport fishing and hunting licenses to Alaska National Guard (ANG) active members. There are currently 4,300 ANG members. Based on resident sales, 50% of the ANG would purchase a sport fishing license and 25% would purchase a hunting license. Total revenue loss to Fish and Game Fund and Facility Surcharge Fund is estimated to be \$78,475.00.

Fiscal note reflects intent of legislature to compare ADF&G's PID file to PFD's file and send individuals on both lists a new 3 year TID card. Costs include personnel time, postage and printing of forms to mail the new TID card in FY08. Also includes costs for renewal of 3 year cards instead of the annual card program for future FYs. For the past 20 years, there are 63,000 PID holders. In 2006, 63,941 residents 60 years of age or older received a PFD. Estimate 30,000 will qualify for new TID card.

Prepared by: Tom Lawson
 Division: Administrative Services
 Approved by: Denby Lloyd
 Agency: Department of Fish and Game

Phone: 465-5999
 Date/Time: 03/30/07 12:00 p.m.
 Date: 3/30/2007

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: C SHB 137(FIN)
 (H) Publish Date: 2/27/08

Identifier (file name): HB137CS(FIN)-DFG-DAS-12-19-07 Dept. Affected: Fish and Game
 Title: Senior Fishing/Hunting/Trapping Licenses RDU: Administration and Support
 Component: Administrative Services
 Sponsor: House Fisheries Committee
 Requester: House Rules Committee Component Number: 470

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	5.5	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	0.0
Contractual	20.1	2.0	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	26.6	0.0	2.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	(78.5)	(78.5)	(78.5)	(78.5)	(78.5)	(78.5)	(78.5)
----------------------------------	---------------	---------------	---------------	---------------	---------------	---------------	---------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (1024) - Fish and Game Fund	26.6	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	26.6	0.0	2.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This fiscal note reflects the estimated change in revenues to the Fish and Game Fund for complimentary sport fishing and hunting licenses to Alaska National Guard (ANG) active members. There are currently 4,300 ANG members. Based on resident sales, 50% of the ANG would purchase a sport fishing license and 25% would purchase a hunting license. Total revenue loss to the Fish and Game Fund and Facility Surcharge Fund is estimated to be \$78,475.00. This fiscal note reflects the intent of the legislature to compare ADF&G's PID file to the PFD's file and send individuals on both lists a new 3 year TID card. Costs include personnel time, postage and printing of forms to mail the new TID card in FY09. This note also includes the cost of renewing 3 year cards. For the past 20 years, there are 63,000 PID holders. In 2006, 63,941 residents 60 years and older received a PFD. This note assumes that 30,000 will now qualify for the new TID card.

Prepared by: Tom Lawson, Director
 Division: Administrative Services
 Approved by: Denby Lloyd, Commissioner
Department of Fish and Game

Phone 465-5999
 Date/Time 12/19/07 10:00 AM
 Date 12/19/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 137(FSH)
 (H) Publish Date: 2/26/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Senior Fishing/Hunting/Trapping Licenses RDU: Administration and Support
 Component: Administrative Services
 Sponsor: House Special Committee on Fisheries
 Requester: House Special Committee on Fisheries Component No.: 470

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual	0.0	0.0	2.0	2.0	2.0	2.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Fish and Game will notify licensees that it is time to renew their license. Costs included above are postage and supplies for the notification process.

Prepared by: Tom Lawson
 Division: Administrative Services
 Approved by: Denby Lloyd
 Agency: Department of Fish and Game

Phone: 465-5999
 Date/Time: 02/16/07 8:30 a.m.
 Date: 2/16/2007

Alaska State Legislature

State Capitol, Room 102
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
Representative Paul Seaton / legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

HB 137 Free Hunting/Trapping/Fishing License for Alaskan Seniors and Active Duty Alaska National Guard

HB 137 makes two changes to AS.16.05.340, allowing free hunting/trapping/fishing licenses. The first change is to amend the current program that provides a permanent license for seniors to one that is renewed every three years and establishes stricter eligibility requirements. The second change is a pilot program to include active duty Alaska National Guard members as eligible for a free license for the next three years.

The Permanent Identification Card (PID) is a permanent license that allows Alaskan seniors to enjoy the natural resources of this great state through hunting, fishing and trapping free of charge. However, the program is currently structured without safeguards to prevent abuse. Because the license is permanent, someone can get the card when they live in Alaska, move out of state and never have to pay for a license in Alaska on subsequent visits. Also, because there is no easily enforceable determination of Alaskan resident, non-residents can fraudulently apply for a card. This is not fair to Alaskan seniors who live here year round and should have the right to hunt, fish and trap without the financial burden of a yearly license fee. Several hunts and personal use fisheries are restricted to residents and PIDs are being used to allow unqualified people to participate.

Under HB 137 the license holder is required to renew the license every three years and must be eligible for the permanent fund dividend to qualify for the free hunting/fishing/trapping license. Fish and Game will have an electronic list of individuals who received the most recent PFD to cross reference before issuing a free senior license. All seniors who currently have a PID or obtain one by the end of 2007 will be automatically sent a three year license at their PFD address. The three year program will be easier for Fish and Game to enforce and will result in an increase of funds as out-of-state individuals will have to purchase their license.

HB 137 also allows Alaska National Guard members to receive a free resident hunting and sport fishing license for three years. This is a way for the state of Alaska to show its appreciation to those who sacrifice so much to protect our state and country. The War in Iraq has seen the first large mobilization of Alaska National Guard members into overseas combat. The Alaska National Guard is the primary emergency response force for our state and deserve our support. By the end of 2007 there will be 1,400 Alaska Army National Guardsmen deployed to Iraq, Kuwait, or Afghanistan.

HB 137 ensures the integrity of a program designed to award resident Alaskan seniors the benefit of a free fishing/hunting/trapping license. It also extends that privilege to the brave men and women who sign up to serve our state and country in the Alaska National Guard.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 3, 2007

SUBJECT: Sectional summary of CSHB 137(FIN)
(Work Order No. 25-LS0118F)

TO: Representative Paul Seaton
Attn: Katie Shows

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have requested a sectional summary of HB 137, a bill providing for free hunting and sport fishing licenses for active members of the Alaska National Guard and amending the requirements for the identification card needed for sport fishing, hunting, and trapping without a license by residents who are 60 years of age or more.

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

Sections 1 and 2 of the bill amend AS 16.05.340(a)(17) and 16.05.340(a)(23) by deleting the phrase "a disabled veteran" in order to conform with the amending of AS 16.05.341.

Section 3 of the bill amends AS 16.05.341 to add active members of the Alaska National Guard as persons eligible to receive a free resident hunting and sport fishing license.

Section 4 of the bill repeals and reenacts AS 16.05.400(b) to require the identification card for residents 60 years of age or more be renewed every three years to remain valid. This section sets the qualifications for obtaining or renewing a valid identification card.

Sections 5 and 6 of the bill amend AS 16.05.405(b) and AS 16.05.405(c) deleting the word "permanent" and inserting "valid" in order to conform with the amendment of AS 16.05.400(b) in sec. 4.

Section 7 of the bill requires the commissioner of fish and game to notify in an appropriate manner all current permanent identification cardholders of the changes to AS 16.05.400(b) and to provide instructions for obtaining a valid identification card.

Section 8 of the bill repeals AS 16.05.341(3), authorizing free resident hunting and sport fishing licenses for active members of the Alaska National Guard, on June 30, 2010.

Section 9 of the bill provides for a January 1, 2008 effective date for sec. 4.

BJK:ljw
07-191.ljw

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 27, 2007

SUBJECT: Equal protection relating to the permanent identification card (CSHB 137()); Work Order No. 25-LS0118K)

TO: Representative Paul Seaton
Attn: Katie Shows

FROM: Brian J. Kane
Legislative Counsel

I have drafted a committee substitute version of HB 137, as you requested, which allows persons who already have a permanent identification card to not be required to obtain a temporary identification card. I would like to note that there is a constitutional issue regarding equal protection lurking in the background.

Article 1, section 1 of the Constitution of the State of Alaska says:

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Whenever the court considers constitutional issues it uses a balancing test to weigh the state's interest against the interest of the person or persons affected by the state's proposed action. The test used depends on the constitutional provision at issue.

[T]he Alaska Constitution's equal protection clause affords greater protection to individual rights than the United States Constitution's Fourteenth Amendment. To implement Alaska's more stringent equal protection standard, we have adopted a three-step, sliding-scale test that places a progressively greater or lesser burden on the state, depending on the importance of the individual right affected by the disputed classification and the nature of the governmental interests at stake: first, we determine the weight of the individual interest impaired by the classification; second, we examine the importance of the purposes underlying the government's action; and third, we evaluate the means employed to further those goals to determine the closeness of the means-to-end fit.

Malabed v. North Slope Borough, 70 P.3d 416, 420 - 421 (Alaska 2003).

Representative Paul Seaton
February 27, 2007
Page 2

While a distinction between different groups is created by this bill draft (one group who retains a permanent identification card that does not need to be renewed versus another group that must obtain a temporary identification card that must be renewed every three years), the burden to overcome using the court's sliding-scale analysis might be not that difficult.

There are no fundamental rights involved in these identification cards used for fishing, hunting and trapping. There is no monetary cost attached to the cards. There is no fee involved in obtaining a permanent identification card or a temporary identification card and subsequent renewals.

The two biggest differences between the cards are (1) convenience and (2) criteria.

It is clearly a more convenient option to already have a permanent identification card which does not need to be renewed at any point, whereas having to renew the temporary card every three years will clearly take more effort on the part of the cardholder. However, this is a minor factor, at best.

No
The bigger issue will likely revolve around the fact that the criteria will be different for a temporary identification cardholder than for a permanent identification cardholder. Throughout the three-year life of the card, the cardholder must either have received a permanent fund dividend or have been eligible to have received one in the previous year. Each time the card is renewed, the holder of the temporary identification card needs to either have received the dividend or be able to prove that the requirements for receiving the dividend were met in the previous year. However, the permanent card is just that: permanent. If a person currently has a permanent identification card, then this person does not need to meet the permanent fund dividend requirements, so long as that person is in possession of the permanent identification card.

The first step in the sliding-scale test likely would put this infringement on the less burdensome end of the scale. With this right carrying less weight, then the governmental interest at stake does not need to be extremely high. However, I cannot comment on the reasoning behind the amending of this statute regarding permanent identification cards, but the reason for making this change would not need to be a compelling one. "Grandfathering" is usually justified as protecting a reliance interest. You may want the legislative history to reflect your justification for the distinction made by this bill.

Third, the means of employing this change seem to be reasonable. Having a person meet basic permanent fund dividend criteria in order to renew this temporary identification card does not appear to be an irrational requirement for keeping this card valid.

If I may be of further assistance, please advise.

BJK:ljw
07-104.ljw

Enclosure

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(b)

A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or older and meets the residency definition below. A Permanent Identification Card will be issued without charge to persons who qualify by age and residence and who complete this application.

Instructions: Fill out form completely. Keep the yellow copy of the application until you receive the Permanent Identification Card in the mail. Send the white copy to: Department of Fish and Game Licensing section, Box 25525, Juneau, Alaska 99802-5525.

You will then receive a Permanent Identification Card within 4-6 weeks. The yellow copy of the application or the Permanent Identification Card must be in your possession while sport fishing, hunting, or trapping.

PLEASE NOTE: The yellow copy is valid as a temporary license for 60 days from date of signature.

The number printed on your Identification Card should be used in lieu of a sport fishing, hunting and trapping license number in all instances which require a license number, e.g. resident big game tags, harvest tickets, fur export permits, sale of furs, trophy export, transfer of legally taken fish and game to others, etc. A Permanent Identification Card licensee does not have to purchase a state conservation stamp to hunt waterfowl or a king salmon stamp to fish for king salmon.

PLEASE PRINT CLEARLY

Name (First, Middle, Last)				Physical Location of Residence		
Mailing Address				City, State, Zip Code		
City, State, Zip Code				I am a resident of Alaska in accordance with the definition shown below.		Length of Residency
Drivers License Number						Years
State _____ Number _____						
Daytime Telephone	Date of Birth mm/dd/yy	Sex	Height FT/IN	Weight	Color Eyes	Color Hair

ALASKA RESIDENT AS 16.05.940(26): "resident" means, a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country; a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding this application for a license; or a dependent of a resident member of the military service or U.S. Coast Guard who has lived in Alaska for the 12 consecutive months immediately preceding this application for a license. A person who does not otherwise qualify as a resident may not qualify by virtue of an interest in an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public disclosure. My right to obtain or exercise the privilege granted by a sport fishing, hunting, or trapping license is not suspended or revoked in another state (NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$5,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.)

Signature of Applicant _____ Date _____

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

FOR DEPARTMENT USE ONLY

I.D. Number _____ Date Issued _____ Issued By _____

185 Days

PID - Fishing/Hunting/Trapping P93867

Name: [REDACTED]
Town/Zip Code: HOMER 99603

The person named above has certified that he/she is 60 years of age or older and has been a resident of Alaska for one year or more. The bearer's personal description is:

Date of Birth 10-01-1945	Drivers License AK [REDACTED]	Date Issued 08-15-2008	
Height 6 n 1 n	Color Eyes Hazel	Color Hair Brown	Sex M

State of Alaska
Department of Fish & Game

I hereby certify that all of the information on the reverse side is true and correct. I further certify that I meet the provisions of the applicable Alaska Statutes, AS 16.05.400(b) or AS 16.05.341. I understand this information is subject to public disclosure.

Signature: _____

This card must be in your possession while engaging in the authorized activities as described on the front. This card is not valid if residency requirements per AS 16.05.940 and AS 16.05.415, and veteran requirements, if applicable, per AS 16.05.341 are not maintained.

State of Alaska Permanent Identification Card (PID) program for resident seniors 60 years of age or older to receive a free sport fishing, hunting and trapping license:

Information about Program:

- Total PID licenses issued during past 10 years: 43,662.
- Average distribution of PID licenses each year over the past 10 years: 4,366.
- Lost revenue to Fish and Game Fund for new licenses issued each year, not total PID licensees: \$137,827. Difficult to estimate how many licensees are still residing in Alaska, living, or would purchase a sport license/king salmon stamp if they were required to.

Qualifications for obtaining a PID license:

- Resident:
 - Physically present in Alaska
 - Intent to remain indefinitely and make a home in Alaska
 - Maintained their domicile in Alaska for the 12 consecutive months immediately preceding the application for a license
 - Not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country.
 - This past year, the Attorney General's office, Criminal Justice Planner for ADF&G, and Licensing Supervisor put together the attached "What Constitutes a Resident" information sheet basically for PID applicants. Location of household goods, where other immediate family members live, and how many months you are away from the state are discussed.
- 60 years of age or older

Problems:

- Identifying active/inactive PID holders.
- People who live part-time other than in Alaska but consider Alaska their home. It is hard to determine if they are still a resident; regulations are not clear.
- Nonresident seniors obtaining PID.
- Two problems during past year with PID licensees in Ninilchik and Hyder. DPS/Bureau of Wildlife Enforcement was the entity involved in both cases.
- Licensing has to send back 10% of the applications received each year because of incomplete information or because additional information is needed, i.e. out-of-state address used on application.

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF ADMINISTRATIVE SERVICES

P.O. BOX 115525
JUNEAU, AK 99802-5526
PHONE: (907) 465-3276
FAX: (907) 465-2440
E Mail: license_help@fishgame.state.ak.us

Below are some guidelines to help determine whether or not you meet the residency requirements to purchase/receive a State of Alaska resident sport fishing, hunting, trapping, or commercial crewmember license:

Per Alaska Statute 16.05.940(27), resident means, "a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country..."

"Residency" is further defined and explained in Alaska Statute 16.05.415(a) &(b). "(a) a person ... is a resident if the person,

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state; [Note:

a. you must be physically present in Alaska in order to obtain a resident license.
b. you must intend to remain in the state indefinitely and to make your true and permanent home in Alaska. Living in Alaska for a short period of time, 6 months or less, and spending the majority of the year somewhere else probably does not constitute the intent to remain indefinitely. Consideration is given to other factors. See below.]

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

[Note: for the previous 12 consecutive months you must have maintained a livable dwelling in Alaska. Consideration is given to the type of dwelling maintained here vs. the type of dwelling maintained somewhere else.]

(3) is not claiming residency in another state, territory, or country; and

[Note: you cannot have voted as a resident in another state, registered your car or have a driver's license in another state unless required by that state's laws to do so; Alaska law requires that a person who resides in the state and is not employed must register their vehicles in Alaska within 60 days of entering the state in accordance with AS 28.10.212; additionally a person who is employed in Alaska or takes an action that indicates an intention to acquire residence in the state must register their vehicles within 10 days. A person establishing residency in Alaska must obtain an Alaskan drivers license within 90 days and must surrender any out of state drivers license in accordance with AS 28.15.011 & 021. You may not hold a "resident" hunting or fishing license in another state, and may not have held one during the past 12 months.]

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

[Note: you cannot be claiming residency for COLA retirement benefits in another state, paying resident vs. nonresident taxes in another state, receiving subsidized or free benefits available only to a resident of another state, or gaining any advantage provided to residents of another state, etc.]

(b) A person who establishes residency in the state under (a) of this section remains a resident during an absence from the state unless during the absence the person

(1) establishes or claims residency in another state, territory, or country; or

(2) performs an act, or is absent under circumstances, that are inconsistent with the intent required under (a) of this section. [N Note: You may not have made any public or private declaration that indicates an intent to maintain a domicile anywhere but Alaska.]

"Domicile" is defined in Alaska Statute 16.05.940 as "the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away;"

[Note: the purchase of round trip tickets or the making of return plans each time a person travels to Alaska would probably constitute evidence that the person's true and permanent home was elsewhere than Alaska. The location of household goods, the location where the spouse or family members of the household live and work, the location where children attend school, and other factors will also aid in determining where the true and permanent home is.]

Per Alaska Administrative Code 5 AAC 39.975(30) and 5 AAC 92.990(14), evidence of domicile includes, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of a person who may know an applicant's domicile;

(C) place of voter registration;

[Note: see (3) under "Residency" above.]

(D) location of residence owned, rented, or leased;

[Note: see (1&2) under "Residency" above. The courts also look at the number of months you spend at a domicile located in another state vs. the number of months you spend in Alaska. For example, if you spend 9 months in another state and 3 months in Alaska, your residency in Alaska could be in question and will be taken into consideration along with other factors.]

(E) location of storage of household goods;

[Note: if your household goods are located in another state, it appears that you have not made your home here.]

(F) location of business owned or operated;

[Note: if your business is located in another state, you may need to explain to enforcement how your business is operated. On the other hand, you will not qualify as a resident merely by virtue of an interest in, or employment or contractual association with a.d Alaska-based business, see AS 16.05.415(g).]

(G) residence of spouse and minor children or dependents;

[Note: You are unlikely to be considered a resident of Alaska if your immediate family is living in another state or claiming another state as their residence while you consider Alaska your home.]

(H) governments to which taxes are paid;

[Note: see (4) under "Residency" above.]

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location."

[Note: see (4) under "Residency" above.]

If you are a member, or a dependent of a member, of the military or U.S. Coast Guard stationed in Alaska, you should also review the provisions of AS 16.05.415(c)-(d) and AS 16.05.940(27(C)-(D)).

If you have any questions about whether or not you meet the residency definition to obtain a sport or commercial crewmember license, please contact your local Department of Public Safety/Bureau of Wildlife Enforcement office.

Al Cain, State Wide Enforcement Specialist for the Department of Fish and Game forwarded to Rep. Seaton's office comments from the Wildlife Troopers on PID enforcement. In January Mr. Cain asked for comments from all the Wildlife Troopers statewide. Below are the comments received. Out of about 75 Wildlife Troopers 8 trooper commented. Each paragraph below is one comment from one trooper. Names have been omitted for privacy.

YES.....FORMER.....Registered Big Game Guide J_____ residency conviction was based upon falsifying his Alaska resident permanent identification card: 04-63900.

Yakutat Case: 03-75426, initiated by USPS.....V_____ for several years was sport fishing in Yakutat, partial owner of a sport fishing lodge. V_____ unlawfully obtained a permanent ID and used it for several years until caught. V_____ 's ID was seized and I issued him a citation for sport fishing without a valid license!

Craig.....R_____ is a wealthy retired lawyer that owns a house at Sakar Cove, Prince of Wales Island. R_____ has a Summer home in Wisconsin, travels to Arizona and lives there in the winter and vacations at Prince of Wales for a couples weeks in the Summer. R_____ lawfully obtained a permanent ID card in the mid 1990's and has been using every since for sport/personal use fishing! No citations have been issued yet in this case!

I know of two cases in the last couple of years dealing with misuse of PID's in Kodiak. Both were retired folks, one a longtime resident of Kodiak who retired down south, the other a retired down south'er who spent his summers up here. We were informed of both by locals who knew the status of each and suspected foul play. I don't really see how requiring the PID to be renewable would solve the problem as the bad deed doers may just fib on the renewal applications, if they felt strong enough about deserving the benefit. That and it would put that much more of a burden on the sourdoughs that plan on being buried in Alaska, causing them a need to renew their Permanent ID. Not to mention we'd have to change the name to TID, for Temporary Identification card. All and all, I'd say leaving it as is and having the trooper investigate suspects, as contacted, seems to be a logical course.

I have had problems with the PID program in the past. On Prince of Wales Island there were / are folks that at one time were Alaska residents and received there PID. The individuals then left Alaska, but retained there PID and come up every summer to fish and possibly hunt deer in August / September before returning to their homes down South.

The PID program requires an individual to be an Alaska resident to receive the PID, but it doesn't mention what happens after you receive it and then move out of State. "The commissioner shall issue a permanent identification card without charge to persons who qualify by age (60+) and residence and who complete the forms required by the commissioner for implementation of this subsection". Perhaps we could add a section in the statute that reads something like: If the holder of a permanent identification card (PID) no longer qualifies as an Alaska resident (as defined by AS 16.05.415) they MUST surrender their permanent identification card to the Department of Fish and Game. Failure to do so could have the same penalties as established under AS 16.05.420.

The Permanent License abuse has been a problem since I started as a Trooper in Soldotna. The Dept. policy of no crime unless a person claims residency in another State, is really hard to prove. After a person gets the license and is eligible to get it, he hasn't made a False Statement, even if he does take a resident right in another State. My solution would be to have another box on the paper license for the free license and have them get it every year. If they claim residency and are not residents we at least can cite them. I have worked very few cases, but know of at least two who have the PID and do not live in AK. yet are here every year for fishing and or hunting. I have checked their resident States and they do not get resident licenses or pay taxes on property, I know one has a home but it is in his mothers name.

I have not seen much of that myself other than one instance last fall. A non-resident assistant guide had previously acquired a PID, but then moved to Idaho. When he returned to guide last fall he failed to get a non-resident hunting license (as required to act as a big game guide). He really didn't try to pass off the old PID, but kind of meekly threw it out there to see if it would fly. It didn't. What I would really like to see is a closer look at the military disabled hunter licenses. I checked two guys last year that had been sheep and mt. goat hunting! Half the able bodied men in this state can't do that.

We recently followed up on a tip for a non resident with resident license (PID). Upon contact they provided a current non resident license that they had bought this year. They still had their PID cards with them and said they didn't know what to do with them. They indicated they planned to hang onto them in case they became residents again. There isn't any direction in statute or regulation that I can find that addresses the PIDs. The application form also does not give any notice as to any requirements to forfeit or return them to ADF&G if you no longer maintain your residency. It would be nice to see something in writing that addresses what the requirement is for the PID upon leaving state. As it's issued now, I'm not sure we could charge them with anything that would hold up in court as long as they were residents when they obtained it.

I would say this is not abused out here. Furthermore, I'd hope they don't paint with too broad a brush and impose an unnecessary limitation on the residents of AK that qualify and don't abuse it. I've heard they have problems in the Kenai Peninsula area so it's likely a good topic for discussion and looks as if they may currently have the support to get something done.

I haven't worked any cases involving misuse of a permanent license.

Yes, we work several of these each year. Generally we just tell the person that they no longer qualify as a resident and ask them to stop taking privileges. They usually comply. Most don't know that they must continue to maintain resident status, they just think it's a bonus for living here so long. A longevity bonus of sorts. Most of the time I can't see us taking the case to the DAO unless grossly abused. Just imagine the press on this, so poor old timer who just barely makes it into the court house with his walker and goes in front of the local magistrate. The guy can't hear anymore, barely able to read, confused by the whole thing. Tells the judge that he is just there to visit his grandchildren and thought that he would take them out fishing and along comes the fish cop. Spoils the whole day, all the little kids cried, the parents swore that they would never go fishing again. On and on. Yes, an expiration date would be a great help. The application could just have an additional box for the person to check if it is a renewal. They sign at the bottom again just like before. Very good idea.

Permanent Fund Dividend Eligibility Statute

Sec. 43.23.005. Eligibility.

(a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual

- (1) applies to the department;
- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;

(5) is

- (A) a citizen of the United States;
- (B) an alien lawfully admitted for permanent residence in the United States;
- (C) an alien with refugee status under federal law; or
- (D) an alien that has been granted asylum under federal law;

(6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and

(7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

(b) [Repealed, Sec. 18 ch 4 SLA 1992].

(c) A parent, guardian, or other authorized representative may claim a permanent fund dividend on behalf of an unemancipated minor or on behalf of a disabled or an incompetent individual who is eligible to receive a payment under this section. Notwithstanding (a)(2) - (4) of this section, a minor is eligible for a dividend if, during the two calendar years immediately preceding the current dividend year, the minor was born to or adopted by an individual who is eligible for a dividend for the current dividend year.

(d) Notwithstanding the provisions of (a) - (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when

(1) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;

(2) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in the state of a

(A) felony; or

(B) misdemeanor if the individual has been convicted of

(i) a prior felony as defined in AS 11.81.900; or

(ii) two or more prior misdemeanors as defined in AS 11.81.900.

(c) [Repealed, Sec. 64 ch 21 SLA 1991].

(f) The commissioner may waive the requirement of (a)(4) of this section for an individual absent from the state

(1) in a time of national military emergency under military orders while serving in the armed forces of the United States, or for the spouse and dependents of that individual; or

(2) while in the custody of the Department of Health and Social Services in accordance with a court order under AS 47.10 or AS 47.12 and placed outside of the state by the Department of Health and Social Services for purposes of medical or behavioral treatment.

(g) For purposes of applying (d)(1) of this section, the date the court imposes a sentence or suspends the imposition of sentence shall be treated as the date of conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions arising out of a single criminal episode shall be treated as a single conviction.

(h) If an individual who would otherwise have been eligible for a permanent fund dividend dies after applying for the dividend but before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would otherwise have been eligible for a dividend and who did not apply for the dividend dies during the application period, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. Notwithstanding AS 43.23.011, the application for the dividend may be filed by the personal representative or the successor at any time before the end of the application period for the next dividend year.

Katie Shows

From: Rep. Paul Seaton
Sent: Monday, February 19, 2007 2:24 PM
To: katie.shows@legis.state.ak.us
Subject: FW: Article from KINY RADIO report 2/2007

From: Danny Lakip [mailto:fveureka@gci.net]
Sent: Friday, February 16, 2007 9:59 PM
To: Rep. John Harris; Rep. Paul Seaton
Subject: Article from KINY RADIO report 2/2007

Out of state couple cited in Hoonah for unlawful sport fishing

Alaska Bureau of Wildlife Troopers in Hoonah have cited a couple for claiming to be Alaska residents on their sport fishing licenses when they aren't.

Mark C. Warner, 67, and 66 year old Linda H. Warner, both of Bountiful, Utah, face five counts each of unsworn falsification.

Investigation determined they've been doing this since 2000.

Arraignment is scheduled in Hoonah District Court on March 7.

According to Fishing and Game Licensing Statistics there are 4,000 to 6,000 people applying for their free part-time/non-resident senior licenses EACH YEAR!!!. Do the math the State is losing hundreds of thousands of dollars due to greedy geezer. Oh, lets not forget the longevity bogus program.

From: Henry T Munson [mailto:henryt@seward.net]
Sent: Monday, February 19, 2007 2:40 PM
To: Rep. Paul Seaton
Subject: Re: *Spam?* February 19, 2007 Newsletter

Senator Seaton

I am an Alaskan Senior and have a PID. I believe your bill HB 137 is misguided. Personally, I find it annoying and somewhat degrading.

First, I don't believe any great number of Seniors in Alaska are going to leave the state and return to take advantage of "free fishing". If they do, they will more than likely spend enough money in the economy here to make the "cheating" worth the state's while. I have personally lived in Alaska for more than 35 years and have purchased hunting and fishing and trapping licenses for 32 of those years, not to mention all the money I spent for permit applications I never got.

Second, if such Alaska Seniors earned the privilege of a PID by their presence and work in the state, they probably deserve to keep it even if they do go somewhere else where they can afford to buy groceries. No

Third, if you are comparing the AKPFD to a list of PIDs that is a computer-performed job that requires little input. Simply check the PFD application against PID holders or PID holders against the PFD application list. If a PID holder does not appear on the PFD list, find out why.

I think there are a lot of things better to spend your time on than harassing Seniors about their PIDs.

Henry T Munson
henryt@seward.net

AMENDMENT

Fa

OFFERED IN THE SENATE

BY SENATOR HUGGINS

TO: CSHB 137(FIN) am

1 Page 1, line 2, following "Guard":

2 Insert "**and military reserves**"

3

4 Page 2, line 22, following "Guard":

5 Insert "**and military reserves**"

6

7 Page 2, line 31:

8 Following "the":

9 Insert "**(A)**"

10 Following "Guard"

11 Insert "**;**"

12 **(B) Army Reserves:**

13 **(C) Air Force Reserves:**

14 **(D) Navy Reserves:**

15 **(E) Marine Reserves; or**

16 **(F) Coast Guard Reserves"**

17

18 Page 3, line 13:

FB

19 Delete "three"

20 Insert "five"

Failed

Alaska State Legislature

State Capitol, Room 103
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
E: representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Senator Huggins, Chair
Senate Resources Committee

FROM: Representative Paul Seaton

DATE: March 27, 2008

RE: HB 137

Wednesday March 26th the Senate Resources committee heard and held HB 137. The committee questioned whether or not the changes to the Permanent Identification Program (AS.16.05.400(b)) could be done in regulation. I have consulted with Legislative Legal drafter Brian Kane and confirmed that these changes need to be done in statute. AS.16.05.400(b) states "the commissioner shall issue a permanent identification card." Because of the use of the word "permanent" the Department does not have the authority to make the program temporary, which HB 137 does by requiring the license to be reissued every five years (as proposed by amendment in the Senate Resources Committee).

The current PID program ties eligibility to the definition of residence in the definitions section of Chapter 16. (AS 16.05.940(27)). This section does not mention anything about Permanent Fund Dividend eligibility requirements. For these reasons, the changes laid out in section 4 of HB137, establishing a temporary identification program and tying it to PFD eligibility, have to be made in statute.

The committee had questions with regards to the definition of resident. The definition currently used by fish and game for issuance of a license, AS.16.05.940(27) is not as easily tracked or verified as the PFD eligibility statute, AS.43.23.005. The ADF&G document provided to the committee and on the ADF&G website lists factors for determining residency. However, because there are no steadfast rules, verifying compliance with this residency is difficult in the field. This revised program for the free senior licenses will be totally based on PFD eligibility. The major policy call in this portion of the bill is whether or not the committee wants to keep the vague definition of resident that is difficult to enforce or tie residency to PFD eligibility for the purposes of this benefit.

There has been some confusion in the number of PID licenses issued. According to ADF&G's fiscal note, 63,000 individuals have received a PID in the last 20 years. Based on the sale of resident fishing licenses where 50% of the population purchases a license, the Department estimates approximately 30,000 seniors would receive a new card. I apologize for the confusion.

1a

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR HUGGINS

TO: CSHB 137(FIN) am

1 Page 1, line 2, following "Guard":

2 Insert "**and military reserves**"

3

4 Page 2, line 22, following "Guard":

5 Insert "and military reserves"

6

7 Page 2, line 31:

8 Following "the":

9 Insert "(A)"

10 Following "Guard"

11 Insert ";

12 (B) Army Reserves:

13 (C) Air Force Reserves:

14 (D) Navy Reserves:

15 (E) Marine Reserves; or

16 (F) Coast Guard Reserves"

17

18 Page 3, line 13:

19 Delete "three"

20 Insert "five"

1b
amend backed
Stamp @ 3

M NO
W NO
Wayes
Gn NO
S

Hug yes

Amendments to CSHB137(FIN) am version F.A

Page 3, line 13 delete "three" and insert "five"

Page 1 line 2 following "Guard" insert "and military reserves"

Page 2, line 22 following "Guard" insert "and military reserves."

Page 2, line 31 following "Alaska National Guard." Insert:

- "(4) is an active member of the Army Reserves
- (5) is an active member of the Air Force Reserves
- (6) is an active member of the Navy Reserves
- (7) is an active member of the Marine Reserves
- (8) is an active member of the Coast Guard Reserves"

- ① "title ch resolution"
- concept resolution
resolution waiving uniform
rules
- ② Introduced to be voted on same
day
re-title change on H bill
- resolution?

③ must be adopted by 2/3 vote

Sgt call Kane -
per Maryellen