

CS FOR HOUSE BILL NO. 137(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/13/15

Referred: Rules

Sponsor(s): REPRESENTATIVES TALERICO, Muñoz, Keller

A BILL

FOR AN ACT ENTITLED

1 **"An Act raising certain fees related to sport fishing, hunting, and trapping; relating to**
2 **the fish and game fund; providing for the repeal of the sport fishing surcharge and sport**
3 **fishing facility revenue bonds; replacing the permanent sport fishing, hunting, or**
4 **trapping identification card for certain residents with an identification card valid for**
5 **three years; relating to fish and game conservation decals; raising the age of eligibility**
6 **for a sport fishing, hunting, or trapping license exemption for state residents; raising the**
7 **age at which a state resident is required to obtain a license for sport fishing, hunting, or**
8 **trapping; and providing for an effective date."**

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

10 *** Section 1.** AS 16.05.100 is amended to read:

11 **Sec. 16.05.100. Fish and game fund established.** There is created a revolving
12 fish and game fund, which shall be used exclusively for the following:

1 (1) to carry out the purposes and provisions of this title, except
 2 AS 16.51 and AS 16.52, or other duties that may be delegated by the legislature to the
 3 commissioner or the department; **and**

4 (2) [TO PAY THE PRINCIPAL OF AND INTEREST ON REVENUE
 5 BONDS ISSUED UNDER AS 37.15.765 - 37.15.799 TO FINANCE THE
 6 CONSTRUCTION AND RENOVATION OF FISHERIES REHABILITATION,
 7 ENHANCEMENT, AND DEVELOPMENT PROJECTS THAT BENEFIT SPORT
 8 FISHING; AND

9 (3)] to carry out the purposes and objectives within the scope of this
 10 title except AS 16.51 and AS 16.52 as may be directed by the donor of any such funds.

11 * **Sec. 2.** AS 16.05.251(a) is amended to read:

12 (a) The Board of Fisheries may adopt regulations it considers advisable in
 13 accordance with AS 44.62 (Administrative Procedure Act) for

14 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
 15 waters of the state over which it has jurisdiction, subject to the approval of the
 16 legislature;

17 (2) establishing open and closed seasons and areas for the taking of
 18 fish; if consistent with resource conservation and development goals, the board may
 19 adopt regulations establishing restricted seasons and areas necessary for

20 (A) persons **62** [60] years of age and older to participate in
 21 sport, personal use, or subsistence fishing; or

22 (B) **residents under 18 years of age and nonresidents**
 23 [PERSONS] under 16 years of age to participate in sport fishing;

24 (3) setting quotas, bag limits, harvest levels, and sex and size
 25 limitations on the taking of fish;

26 (4) establishing the means and methods employed in the pursuit,
 27 capture, and transport of fish;

28 (5) establishing marking and identification requirements for means
 29 used in pursuit, capture, and transport of fish;

30 (6) classifying as commercial fish, sport fish, guided sport fish,
 31 personal use fish, subsistence fish, or predators or other categories essential for

1 regulatory purposes;

2 (7) watershed and habitat improvement, and management,
3 conservation, protection, use, disposal, propagation, and stocking of fish;

4 (8) investigating and determining the extent and effect of disease,
5 predation, and competition among fish in the state, exercising control measures
6 considered necessary to the resources of the state;

7 (9) prohibiting and regulating the live capture, possession, transport, or
8 release of native or exotic fish or their eggs;

9 (10) establishing seasons, areas, quotas, and methods of harvest for
10 aquatic plants;

11 (11) establishing the times and dates during which the issuance of
12 fishing licenses, permits, and registrations and the transfer of permits and registrations
13 between registration areas is allowed; however, this paragraph does not apply to
14 permits issued or transferred under AS 16.43;

15 (12) regulating commercial, sport, guided sport, subsistence, and
16 personal use fishing as needed for the conservation, development, and utilization of
17 fisheries;

18 (13) requiring, in a fishery, observers on board fishing vessels, as
19 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
20 in AS 16.05.475(c), after making a written determination that an **onboard** [ON-
21 BOARD] observer program

22 (A) is the only practical data-gathering or enforcement
23 mechanism for that fishery;

24 (B) will not unduly disrupt the fishery;

25 (C) can be conducted at a reasonable cost; and

26 (D) can be coordinated with observer programs of other
27 agencies, including the National Marine Fisheries Service, North Pacific
28 Fishery Management Council, and the International Pacific Halibut
29 Commission;

30 (14) establishing nonexclusive, exclusive, and superexclusive
31 registration and use areas for regulating commercial fishing;

1 (15) regulating resident or nonresident sport fishermen as needed for
2 the conservation, development, and utilization of fishery resources;

3 (16) requiring unlicensed fishing vessels present in or transiting the
4 waters of the state to report to the department the quantity, species, and origin of fish
5 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is
6 not licensed under AS 16.05.490 - 16.05.530;

7 (17) promoting fishing and preserving the heritage of fishing in the
8 state.

9 * **Sec. 3.** AS 16.05.340(a)(1) is amended to read:

10 (1) Resident sport fishing license **\$20** [\$15]

11 However, the fee is **50** [25] cents for a resident who is blind.

12 * **Sec. 4.** AS 16.05.340(a)(1), as amended by sec. 3 of this Act, is amended to read:

13 (1) Resident sport fishing license **\$29** [\$20]

14 However, the fee is 50 cents for a resident who is blind.

15 * **Sec. 5.** AS 16.05.340(a)(2) is amended to read:

16 (2) Resident hunting license **30** [25]

17 * **Sec. 6.** AS 16.05.340(a)(3) is amended to read:

18 (3) Resident hunting and trapping license **45** [39]

19 * **Sec. 7.** AS 16.05.340(a)(4) is amended to read:

20 (4) Resident trapping license **20** [15]

21 * **Sec. 8.** AS 16.05.340(a)(5) is amended to read:

22 (5) Resident hunting and sport fishing license **45** [39]

23 * **Sec. 9.** AS 16.05.340(a)(5), as amended by sec. 8 of this Act, is amended to read:

24 (5) Resident hunting and sport fishing license **54** [45]

25 * **Sec. 10.** AS 16.05.340(a)(6) is amended to read:

26 (6) Resident hunting, trapping, and sport fishing license **60** [53];

27 (A) however, the fee is \$5 for an applicant who

28 [(i) IS RECEIVING OR HAS RECEIVED
29 ASSISTANCE DURING THE PRECEDING SIX MONTHS UNDER
30 ANY STATE OR FEDERAL WELFARE PROGRAM TO AID THE
31 INDIGENT; OR

(ii)] has an annual family or household [GROSS] income equal to or [OF] less than the most recent poverty guidelines for the state set by the United States Department of Health and Human Services [\$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.

* **Sec. 11.** AS 16.05.340(a)(6), as amended by sec. 10 of this Act, is amended to read:

(6) Resident hunting, trapping, and sport fishing license 69 [60];

(A) however, the fee is \$5 for an applicant who has an annual family or household income equal to or less than the most recent poverty guidelines for the state set by the United States Department of Health and Human Services 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.

* **Sec. 12.** AS 16.05.340(a)(7) is amended to read:

(7) Nonresident sport fishing license - valid for the period inscribed on the license

- (A) For 14-day license 60 [50]
- (B) For seven-day license 40 [30]
- (C) For three-day license 30 [20]
- (D) For one-day license 15 [10]

* **Sec. 13.** AS 16.05.340(a)(7), as amended by sec. 12 of this Act, is amended to read:

(7) Nonresident sport fishing license - valid for the period inscribed on the license

- (A) For 14-day license 69 [60]
- (B) For seven-day license 49 [40]
- (C) For three-day license 39 [30]
- (D) For one-day license 24 [15]

* **Sec. 14.** AS 16.05.340(a)(8) is amended to read:

1 (8) Nonresident annual sport fishing license **150** [100]

2 * **Sec. 15.** AS 16.05.340(a)(8), as amended by sec. 14 of this Act, is amended to read:

3 (8) Nonresident annual sport fishing license **159** [150]

4 * **Sec. 16.** AS 16.05.340(a)(9) is amended to read:

5 (9) Nonresident hunting license **130** [85]

6 * **Sec. 17.** AS 16.05.340(a)(11) is amended to read:

7 (11) Nonresident hunting and trapping license **350** [250]

8 * **Sec. 18.** AS 16.05.340(a)(15) is amended to read:

9 (15) Nonresident big game tags

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

16 (A) Bear, black, each **600** [225]

17 (B) Bear, brown or grizzly, each **1,200** [500]

18 (C) Bison, each **900** [450]

19 (D) Caribou, each **650** [325]

20 (E) Deer, each **275** [150]

21 (F) Elk, each **575** [300]

22 (G) Goat, each **575** [300]

23 (H) Moose, each **800** [400]

24 (I) Sheep, each **850** [425]

25 (J) Wolf, each 30

26 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
 27 game management unit if the Board of Game has adopted an intensive
 28 management program under **AS 16.05.255(e)** [AS 16.05.255] for all or a
 29 portion of the game management unit.

30 (K) Wolverine, each **325** [175]

31 (L) Musk oxen, each **2,200** [1,100]

1 * **Sec. 19.** AS 16.05.340(a)(17) is amended to read:

2 (17) Waterfowl conservation tag **10** [5]

3 (A) A person may not engage in waterfowl hunting without
4 having the current year's waterfowl tag in the person's actual possession, unless
5 that person

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

8 (ii) is a resident under the age of **18** [16];

9 (iii) is **62** [60] years of age or older and is a resident;

10 (iv) is a disabled veteran eligible for a free license under
11 AS 16.05.341.

12 (B) The Board of Game shall by regulation exempt the
13 requirement of a waterfowl conservation tag for waterfowl hunting in areas of
14 the state not likely to benefit from programs described in AS 16.05.130(b)(2) -
15 (4).

16 * **Sec. 20.** AS 16.05.340(a)(19) is amended to read:

17 (19) Nonresident small game hunting license **30** [20]

18 * **Sec. 21.** AS 16.05.340(a)(20) is amended to read:

19 (20) Nonresident alien hunting license **600** [300]

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

26 * **Sec. 22.** AS 16.05.340(a)(21) is amended to read:

27 (21) Nonresident alien big game tags

28 (A) Bear, black, each **600** [300]

29 (B) Bear, brown or grizzly, each **1,300** [650]

30 (C) Bison, each **1,300** [650]

31 (D) Caribou, each **850** [425]

- 1 (E) Deer, each **400** [200]
- 2 (F) Elk, each **800** [400]
- 3 (G) Goat, each **800** [400]
- 4 (H) Moose, each **1,000** [500]
- 5 (I) Musk oxen, each **3,000** [1,500]
- 6 (J) Sheep, each **1,100** [550]
- 7 (K) Wolf, each 50

8 A nonresident alien is not required to have a nonresident alien wolf tag to take
 9 a wolf in a game management unit if the Board of Game has adopted an
 10 intensive management program under **AS 16.05.255(e)** [AS 16.05.255] for all
 11 or a portion of the game management unit.

- 12 (L) Wolverine, each **500** [250]

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

- 14 (23) Resident anadromous king salmon tag **15** [10]

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

- 18 (A) qualifies for a **50** [25] cent license fee under (1) of this
 19 subsection;
- 20 (B) is under the age of **18** [16];
- 21 (C) is **62** [60] years of age or older and has been a resident of
 22 the state for at least one year;
- 23 (D) is a disabled veteran eligible for a free license under
 24 AS 16.05.341; or
- 25 (E) qualifies for a \$5 license fee under (6) of this subsection.

26 * **Sec. 24.** AS 16.05.340(a)(24) is amended to read:

27 (24) Nonresident anadromous king salmon tag - valid for the period
 28 inscribed on the tag

- 29 (A) for a one-day tag **15** [10]
- 30 (B) for a three-day tag **30** [20]
- 31 (C) for a seven-day tag **45** [30]

1 (D) for a 14-day tag **75** [50]

2 (E) for an annual tag **150** [100]

3 A nonresident may not engage in sport fishing for anadromous
4 king salmon without having a valid anadromous king salmon tag in the
5 person's actual possession, unless that person is under the age of 16. Members
6 of the military service on active duty who are permanently stationed in the
7 state, and their dependents, who do not qualify as residents under
8 AS 16.05.415, may obtain an annual nonresident military anadromous king
9 salmon tag for **\$30** [\$20].

10 * **Sec. 25.** AS 16.05 is amended by adding a new section to read:

11 **Sec. 16.05.352. Fish and game conservation decal.** The department shall
12 annually produce and make available to the public fish and game conservation decals.
13 The department shall, by appropriate means, provide for the selection of designs for
14 fish and game conservation decals and for the production and sale of the decals. The
15 department may produce and sell different decals in quantities that the commissioner
16 considers appropriate. Upon payment of a \$20 fee, a person may purchase a fish and
17 game conservation decal from the department. Subject to appropriation by the
18 legislature, money received under this section may be used by the department to fund
19 programs benefiting fish and wildlife conservation. Those programs may include fish
20 and wildlife viewing, fish and wildlife education, and programs relating to fish and
21 wildlife diversity.

22 * **Sec. 26.** AS 16.05.400 is amended to read:

23 **Sec. 16.05.400. Persons exempt from annual licensing requirements**
24 **[LICENSE REQUIREMENT].** (a) A license is not required of a resident **under 18**
25 **years of age** or **a** nonresident [PERSON] under [THE AGE OF] 16 years **of age** for
26 sport fishing nor is a license required of a resident under **18 years of age** [THE AGE
27 OF 16] for hunting or trapping.

28 (b) **Upon request, and without charge, the commissioner shall issue a sport**
29 **fishing, hunting, or trapping identification card to** [A SPORT FISHING,
30 HUNTING, OR TRAPPING LICENSE IS NOT REQUIRED OF] a resident who is
31 **62** [60] years of age or **older. An identification card issued under this subsection is**

1 **valid for three years** [MORE]. The commissioner shall issue **an** [A PERMANENT]
 2 identification card without charge to **a person** [PERSONS] who **qualifies**
 3 [QUALIFY] by age and residence and who **completes** [COMPLETE] the forms
 4 required by the commissioner for implementation of this subsection. A person who is
 5 **eligible for an** [ISSUED A PERMANENT] identification card under this subsection
 6 **may not sport fish, hunt, or trap without having a valid identification card issued**
 7 **under this subsection or the appropriate license** [SHALL HAVE IT] in possession
 8 [WHILE SPORT FISHING, HUNTING, OR TRAPPING].

9 * **Sec. 27.** AS 16.05.403(c) is amended to read:

10 (c) A resident who is 65 years of age or older may obtain from the department
 11 upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission
 12 of satisfactory proof of age a resident hunting license, a resident sport fishing license,
 13 a resident subsistence fishing permit, or a resident personal use fishing permit
 14 indicating that the purchaser is a person who is 65 years of age or older. This
 15 subsection does not limit the right of a resident person who is 65 years of age or older
 16 to **obtain an identification card** [CLAIM AN EXEMPTION FROM HUNTING OR
 17 SPORT FISHING LICENSE REQUIREMENTS] under AS 16.05.400(b).

18 * **Sec. 28.** AS 16.05.405(b) is amended to read:

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

23 (1) a document signed by the person on whose behalf the game is
 24 taken, stating that the resident possesses the person's hunting license or
 25 [PERMANENT] identification card **issued under AS 16.05.400(b)** in order to take
 26 game on behalf of that person; and

27 (2) the person's

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

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

1 * **Sec. 29.** AS 16.05.405(c) is amended to read:

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

6 (1) a document signed by the person on whose behalf the fish is taken,
7 stating that the resident possesses the person's sport fishing license, subsistence fishing
8 permit, personal use fishing permit, or [PERMANENT] identification card **issued**
9 **under AS 16.05.400(b)** in order to take fish on behalf of that person;

10 (2) the person's

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

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

15 (C) resident personal use fishing permit issued under
16 AS 16.05.403; and

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

19 * **Sec. 30.** AS 16.05.405(e) is amended to read:

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

26 (1) another person's

27 (A) license, permit, or identification card **issued under**
28 **AS 16.05.400(b)** and all other documents issued to the person that are required
29 by law as a condition of taking the fish or game being pursued; and

30 (B) signed document under (b)(1) or (c)(1) of this section; or

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

1 * **Sec. 31.** AS 16.05.415(i) is amended to read:

2 (i) In this section, "license" means a license, tag, permit, stamp, identification
3 card **issued under AS 16.05.400(b)**, or other indicia of permission to engage in an
4 activity subject to AS 16.05.330 - 16.05.430.

5 * **Sec. 32.** AS 16.05.130(e), 16.05.130(f), 16.05.340(j); AS 37.15.765, 37.15.770,
6 37.15.773, 37.15.777, 37.15.780, 37.15.783, 37.15.787, 37.15.790, 37.15.793, and 37.15.799
7 are repealed.

8 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY AND TRANSITION. (a) Notwithstanding the change made to
11 AS 16.05.340(a)(17)(A)(iii) by sec. 19 of this Act, the change made to
12 AS 16.05.340(a)(23)(C) by sec. 23 of this Act, and the changes made to AS 16.05.400(b) by
13 sec. 26 of this Act, a resident who was eligible for a sport fishing, hunting, or trapping license
14 exemption under AS 16.05.400(b), as that subsection read before the effective date of sec. 26
15 of this Act, shall be eligible for an identification card issued under AS 16.05.400(b), as
16 amended by sec. 26 of this Act, notwithstanding the requirement under that subsection that a
17 resident must be 62 years of age or older to obtain an identification card.

18 (b) A permanent identification card issued under AS 16.05.400(b), as that subsection
19 read before the effective date of sec. 26 of this Act, shall continue to be recognized as valid
20 for the purposes issued until January 1, 2019. On or after January 1, 2019, a permanent
21 identification card issued under former AS 16.05.400(b) is void.

22 (c) The Department of Fish and Game shall send a notice to the address provided by a
23 current holder of a permanent identification card issued under AS 16.05.400(b), as that
24 subsection read before the effective date of sec. 26 of this Act, that, notwithstanding the
25 amendment of AS 16.05.400(b) by sec. 26 of this Act, the holder's permanent identification
26 card remains valid until December 31, 2018.

27 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 NOTICE TO THE REVISOR OF STATUTES. The commissioner of fish and game
30 shall notify the revisor of statutes of the date that the principal amount of the bonds issued
31 under AS 37.15.765 - 37.15.799, together with the interest on them and any interest owing on

1 unpaid installments of interest, and all other obligations with respect to the bonds, has been
2 fully met and discharged.

3 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 CONDITIONAL EFFECT. Sections 1, 4, 9, 11, 13, 15, and 32 of this Act take effect
6 only if the commissioner of fish and game, under sec. 34 of this Act, notifies the revisor of
7 statutes that the bonds issued under AS 37.15.765 - 37.15.799, and all obligations with respect
8 to the bonds, are fully met and discharged.

9 * **Sec. 36.** If, under sec. 35 of this Act, secs. 1, 4, 9, 11, 13, 15, and 32 of this Act take
10 effect, they take effect January 1 of the calendar year following the year of notice under sec.
11 35 of this Act.

12 * **Sec. 37.** Except as provided in sec. 36 of this Act, this Act takes effect January 1, 2016.