

CS FOR HOUSE BILL NO. 256(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/21/08

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to active game management and to the airborne or same day airborne**
2 **taking of certain game animals; making conforming amendments; and providing for an**
3 **effective date."**

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

5 *** Section 1.** AS 08.54.750(f) is amended to read:

6 (f) Notwithstanding (b) of this section, a registered guide-outfitter who is
7 registered in three guide use areas may also register for and conduct big game hunting
8 services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a
9 game management unit or portion of a game management unit where the Board of
10 Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a
11 cause of the depletion of a [BIG] game [PREY] population or a reduction of the
12 productivity of a [BIG] game [PREY] population that is the basis for the establishment
13 of a [AN INTENSIVE MANAGEMENT] program under AS 16.05.255(f) in the
14 game management unit or portion of the game management unit or for the declaration

1 of the biological emergency in the game management unit or portion of the game
2 management unit. A registered guide-outfitter may only conduct hunts in a guide use
3 area under this subsection for the big game species identified by the Board of Game as
4 the cause of the depletion or reduction of productivity of a [BIG] game [PREY]
5 population.

6 * **Sec. 2.** AS 16.05.050(b) is amended to read:

7 (b) The commissioner shall annually submit a report to the Board of Game
8 regarding the department's implementation during the preceding three years of
9 [INTENSIVE MANAGEMENT] programs that have been established by the board
10 under **AS 16.05.255(f)** [AS 16.05.255] for identified [BIG] game [PREY] populations.

11 * **Sec. 3.** AS 16.05.255(e) is repealed and reenacted to read:

12 (e) The Board of Game shall identify moose, caribou, and deer populations
13 that are important for providing for a high level of human harvest and shall establish
14 objectives for human harvest and population size of the identified populations.

15 * **Sec. 4.** AS 16.05.255(f) is repealed and reenacted to read:

16 (f) The Board of Game shall adopt regulations to achieve the objectives
17 established under (e) of this section for human harvest and population size of the
18 identified moose, caribou, and deer populations, including, as it considers advisable,
19 seasons and bag limits, and regulations establishing management actions conducive to
20 achieving the objectives. If an identified moose, caribou, or deer population is not
21 meeting the established objectives, the board shall adopt regulations it considers
22 advisable to restore the population's productivity and increase human harvest,
23 including active management measures and programs. However, nothing in (e) of this
24 section or this subsection requires the board to establish that human harvest is the only
25 beneficial use of moose, caribou, and deer populations or precludes the board from
26 establishing specific areas exclusively for other beneficial uses of moose, caribou, and
27 deer populations.

28 * **Sec. 5.** AS 16.05.255(j) is repealed and reenacted to read:

29 (j) In this section,

30 (1) "active management" includes predator control;

31 (2) "providing for a high level of human harvest" means allowing

1 allocation of a sufficient portion of the harvestable surplus of a game population to
 2 achieve a high probability of success for human harvest of the game population based
 3 on biological capabilities of the population and considering all hunter demand.

4 * **Sec. 6.** AS 16.05.340(a)(15) is amended to read:

5 (15) Nonresident big game tags

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

12	(A) Bear, black, each	225
13	(B) Bear, brown or grizzly, each	500
14	(C) Bison, each	450
15	(D) Caribou, each	325
16	(E) Deer, each	150
17	(F) Elk, each	300
18	(G) Goat, each	300
19	(H) Moose, each	400
20	(I) Sheep, each	425
21	(J) Wolf, each	30

22 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
 23 game management unit if the Board of Game has adopted **a** [AN INTENSIVE
 24 MANAGEMENT] program under **AS 16.05.255(f)** [AS 16.05.255] for all or a
 25 portion of the game management unit.

26	(K) Wolverine, each	175
27	(L) Musk oxen, each	1,100

28 * **Sec. 7.** AS 16.05.340(a)(21) is amended to read:

29 (21) Nonresident alien big game tags

30	(A) Bear, black, each	300
31	(B) Bear, brown or grizzly, each	650

1	(C) Bison, each	650
2	(D) Caribou, each	425
3	(E) Deer, each	200
4	(F) Elk, each	400
5	(G) Goat, each	400
6	(H) Moose, each	500
7	(I) Musk oxen, each	1,500
8	(J) Sheep, each	550
9	(K) Wolf, each	50

10 A nonresident alien is not required to have a nonresident alien wolf tag to take
 11 a wolf in a game management unit if the Board of Game has adopted a [AN
 12 INTENSIVE MANAGEMENT] program under AS 16.05.255(f)
 13 [AS 16.05.255] for all or a portion of the game management unit.

14	(L) Wolverine, each	250
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15 * **Sec. 8.** AS 16.05.783(a) is amended to read:

16 (a) A person may not shoot or assist in shooting a free-ranging wolf or
 17 wolverine, or brown bear the same day that the [A] person has been airborne.
 18 However, the Board of Game may authorize a predator control program [AS PART
 19 OF A GAME MANAGEMENT PLAN] that involves airborne or same day airborne
 20 shooting of wolves, wolverines, or brown bears if the board determines that the
 21 program would be conducive to achieving the objectives established for human
 22 harvest or population size of a moose, caribou, or deer population identified
 23 under AS 16.05.255(e) or would be conducive to the health of a predator
 24 population, and if the program is limited to the area necessary for that purpose
 25 [HAS DETERMINED BASED ON INFORMATION PROVIDED BY THE
 26 DEPARTMENT

27 (1) IN REGARD TO AN IDENTIFIED BIG GAME PREY
 28 POPULATION UNDER AS 16.05.255(g) THAT OBJECTIVES SET BY THE
 29 BOARD FOR THE POPULATION HAVE NOT BEEN ACHIEVED AND THAT
 30 PREDATION IS AN IMPORTANT CAUSE FOR THE FAILURE TO ACHIEVE
 31 THE OBJECTIVES SET BY THE BOARD, AND THAT A REDUCTION OF

1 PREDATION CAN REASONABLY BE EXPECTED TO AID IN THE
2 ACHIEVEMENT OF THE OBJECTIVES; OR

3 (2) THAT A DISEASE OR PARASITE OF A PREDATOR
4 POPULATION

5 (A) IS THREATENING THE NORMAL BIOLOGICAL
6 CONDITION OF THE PREDATOR POPULATION; OR

7 (B) IF LEFT UNTREATED, WOULD SPREAD TO OTHER
8 POPULATIONS].

9 * **Sec. 9.** AS 16.05.783(b) is amended to read:

10 (b) This section does not apply to

11 (1) a person who was airborne the same day if that person was airborne
12 only on a regularly scheduled commercial flight; or

13 (2) **a person** [AN EMPLOYEE OF THE DEPARTMENT] who [, AS
14 PART OF A GAME MANAGEMENT PROGRAM,] is authorized **under powers**
15 **and duties in AS 16.05.050 to take wolves, wolverines, or brown bears** [TO
16 SHOOT OR TO ASSIST IN SHOOTING WOLF, WOLVERINE, FOX, OR LYNX
17 ON THE SAME DAY THAT THE EMPLOYEE HAS BEEN AIRBORNE].

18 * **Sec. 10.** AS 16.05.783(f) is amended by adding a new paragraph to read:

19 (3) "shooting" does not include the administration of tranquilizers or
20 other drugs intended to be nonlethal.

21 * **Sec. 11.** AS 16.05.255(g), 16.05.783(d), 16.05.783(e), and 16.05.783(f)(2) are repealed.

22 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: REGULATIONS. The Board of Game may proceed to adopt
25 regulations necessary to implement the changes made by this Act. The regulations take effect
26 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
27 statutory changes.

28 * **Sec. 13.** Section 12 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect July 1, 2008.