

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

SPONSOR STATEMENT

HB 201 – Municipal regulation of trapping

The purpose of House Bill 201 is to explicitly authorize home rule and general law municipalities to regulate trapping for the limited purpose of preventing injury to persons or property, including domestic animals. In the process of committee deliberations on House Bill 40, which proposed a state-wide ban on trapping within two-hundred feet of certain public areas, public testimony indicated that municipalities may be better able to tailor specific regulations to promote safe trapping given the vast lands and diversity of uses in Alaska; however, it was also argued that municipalities do not have authorization under state law or the state Constitution to regulate trapping.

The Attorney General in a 1982 opinion derived from certain provisions of the Alaska Constitution and the Alaska Statutes, Title 29, the principle that municipalities cannot *directly* regulate game but may enact ordinances with an ‘incidental effect’ on game. In correspondence this year regarding HB 40, the administration used similar language and provided case law supporting at least the principle of state plenary control over game management.

In effect, approximately fifteen cities or boroughs within Alaska regulate trapping in some way already. The scope of these regulations span from prohibitions on trapping of domestic animals, which is arguably already illegal under the state’s cruelty to animals statute, to prohibitions on trapping within the entire jurisdiction, which arguably is direct regulation of game.

Thus, the purpose of House Bill 201 is to remove legal uncertainty over whether existing or future municipal safe trapping ordinances are direct regulations or merely have incidental effect. It does so by: (1) stipulating the statutory authorization of state game management in Title 16; and (2) specifically authorizing municipalities to limit trapping in certain ways (for example, trap tags and signage) for a specific purpose (preventing injury to people and domestic animals) in particular areas (where injury is likely to occur) and allows for exemptions (for example, to prevent the spread of disease), in Title 29.

I urge you to support this legislation and please feel free to contact my staff Megan Rowe at 465-4939 with questions.