

ALASKA STATE LEGISLATURE

HOUSE FINANCE
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LEGISLATIVE BUDGET
AND AUDIT
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ETHICS (ALTERNATE)
•
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TAKU-CAMPBELL

REPRESENTATIVE ANDY JOSEPHSON

HB 12: Municipal Regulation of Trapping Sponsor Statement

House Bill 12 seeks to make explicit the authorization for home rule and general law municipalities to regulate trapping for the limited purpose of preventing injury to persons or property, including domestic animals.

Stories of pets and people inadvertently caught in (or simply triggering) traps are legion, and cause worry and concern for many Alaskans who enjoy Alaska's extensive outdoors. In a state as large as ours, local government is often best-positioned to understand local land-use issues, and this bill aims to guarantee the ability of local municipalities to tailor specific regulations to promote safe trapping practices within their jurisdiction. Absent the passage of this bill, local government may lack the ability to regulate trapping under existing state law or the state Constitution.

Drawing on provisions of Alaska statutes and the Alaska Constitution, an Attorney General's opinion from 1982 determined that municipalities cannot *directly* regulate game but may enact ordinances with an 'incidental effect' on game.

In effect, approximately fifteen cities or boroughs within Alaska regulate trapping in some way already. The scope of these regulations spans 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 a direct regulation of game.

HB 12 seeks 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. Please feel free to contact my staff Alexander at 465-4939 with any questions.

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