

HOUSE BILL NO. 204

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HARRIS

Introduced: 4/20/99

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elk farming."**

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

3 * **Section 1.** AS 03.05 is amended by adding a new section to read:

4 **Sec. 03.05.075. Elk farming.** (a) Elk may be raised and bred as domestic
5 stock for commercial purposes, including the sale of meat, by a person who lawfully
6 owns the elk and who holds a current valid elk farming license. The commissioner
7 of natural resources may issue an elk farming license for the farming of elk to a person
8 who applies on a form provided by the commissioner, pays the biennial elk farming
9 license fee, and proves to the satisfaction of the commissioner that the person lawfully
10 owns the elk, intends to raise and breed elk, and possesses facilities for maintaining
11 the elk under positive control. In this subsection, "lawfully owns" means ownership
12 that was obtained without violating a state or federal law or regulation or a condition
13 of a license or permit issued with respect to elk.

14 (b) The commissioner of natural resources shall provide to the Department of
15 Fish and Game a copy of each application for an elk farming license received by the

1 commissioner and each elk farming license issued by the commissioner.

2 (c) The fee for a biennial elk farming license is \$250.

3 (d) The commissioner of natural resources shall establish fencing standards for
4 elk farming facilities to maintain elk under positive control. Proposed fencing
5 standards shall be submitted to the commissioner of fish and game for review before
6 the standards are adopted or amended.

7 (e) Notwithstanding other provisions of law, a license or permit is not required
8 from the Department of Fish and Game in order to import, export, or possess elk for
9 the purpose of elk farming. Elk imported, exported, or possessed for the purpose of
10 elk farming are subject to the provisions of this title and regulations adopted under this
11 title by the commissioner of natural resources or the commissioner of environmental
12 conservation for domestic animals and livestock, to the extent they are made applicable
13 to elk by the commissioners.

14 (f) In this section, "elk" means an animal of a subspecies of *cervus elaphus*
15 that is indigenous to North America; "elk" does not include red deer or a red deer
16 hybrid.

17 * **Sec. 2.** AS 03.40.010 is amended to read:

18 **Sec. 03.40.010. Brands and marks.** Any person owning cattle, reindeer,
19 bison, muskox, elk, sheep, horses, mules, or asses [,] may adopt a brand or mark.
20 After recording the brand or mark as provided in AS 03.40.030, the person has the
21 exclusive right to its use.

22 * **Sec. 3.** AS 03.40.050 is amended to read:

23 **Sec. 03.40.050. Use without certificate prohibited.** A person may not brand
24 any horse, cattle, reindeer, bison, muskox, elk, mule, or ass, unless the person using
25 the brand holds a written certificate of acceptance from the commissioner.

26 * **Sec. 4.** AS 16.40.050(c) is amended to read:

27 (c) [NOTWITHSTANDING OTHER PROVISIONS OF LAW, A LICENSE
28 OR PERMIT FROM THE DEPARTMENT, OTHER THAN A GAME MAMMAL
29 FARMING LICENSE, IS NOT REQUIRED IN ORDER TO IMPORT, EXPORT, OR
30 POSSESS ELK FOR THE PURPOSE OF ELK FARMING.] A live elk may not be
31 captured from the wild or released into the wild without an appropriate license or

1 permit from the department.

2 * **Sec. 5.** AS 16.40.050(a), 16.40.050(b), 16.40.050(d), and 16.40.050(e) are repealed.