

CS FOR SENATE BILL NO. 297(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/20/04

Referred: Finance

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to bear predation management and the donation and sale of bear hides**
2 **and skulls."**

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

4 *** Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.781. Bear predation management.** (a) The Board of Game shall
6 adopt regulations establishing the methods, manners, and means for taking bear in
7 order to achieve effective management of bear predation.

8 (b) If, under AS 16.05.255(e) or (f), the Board of Game has identified
9 predation by bear as a cause of the depletion, or the reduction of the productivity, of a
10 big game prey population that is a basis for the establishment of an intensive
11 management program in a game management unit or subunit or for the declaration of
12 the biological emergency in a game management unit or subunit, the species of bear
13 identified by the board may be taken under (d) - (f) of this section in the area identified
14 by the board by a person who holds a bear predation management permit issued under

1 this section. If the department determines that within the area in which an intensive
2 management program is in effect, the bear population has been reduced to the
3 population level set by the board or the big game prey population has achieved the
4 population objectives set by the board, the provisions of (d) - (f) of this section are no
5 longer in effect in the area. The department shall provide notice to the public of when
6 and where (d) - (f) of this section are in effect.

7 (c) The department shall issue a bear predation management permit to a
8 resident, nonresident, or nonresident alien who holds a valid state hunting license to
9 take bear, who is at least 19 years of age, who satisfies the requirements set out in this
10 section, and who applies for the permit. A bear predation management permit
11 authorizes the permit holder to take or assist in taking one or more specified species of
12 bear in the area identified in the permit. The taking of bear under authority of a bear
13 predation management permit is subject to provisions of this title, applicable to the
14 taking of bear, and to regulations governing the method, manner, means, bag limit, or
15 other matters adopted by the board that do not conflict with this section. The
16 department shall issue bear predation management permits at each of its offices.

17 (d) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
18 nonresident alien who holds a bear predation management permit issued under this
19 section may take a bear under the authority of the permit if the nonresident or
20 nonresident alien is accompanied in the field by either a registered guide or a master
21 guide or by a resident who holds a bear predation management permit for the area
22 where the hunt occurs, who is over 21 years of age, who has legally hunted big game
23 in the state during at least two calendar years and has taken big game in the state
24 during at least one calendar year, and who has obtained a hunter safety certificate
25 issued under (g) of this section. A registered guide or a master guide is not subject to
26 any limitation on the number of nonresident or nonresident alien permittees that the
27 guide may accompany for purposes of taking bear under this section. A resident who
28 is not a registered guide or master guide may not receive any remuneration in excess
29 of direct expenses incurred in accompanying the nonresident or nonresident alien to
30 take a bear and may not accompany more than two nonresidents, regardless of whether
31 they are aliens or not, during a calendar year to take a bear under this subsection. A

1 resident who accompanies a nonresident or nonresident alien permittee, but who is not
2 a registered guide or master guide, shall remain with the nonresident or nonresident
3 alien permittee at all times when the nonresident or nonresident alien permittee is in
4 the field.

5 (e) Notwithstanding any other provision of law, a nonresident who is a
6 member of the military service or the United States Coast Guard who is stationed in
7 the state, who satisfies the requirements set out in this section, and who is at least 19
8 years of age shall receive, upon application, a resident bear predation management
9 permit issued under this section and shall be eligible to take bear under this section in
10 the area identified on the permit without obtaining a nonresident or nonresident alien
11 bear tag. A person who is eligible for a resident bear predation management permit
12 under this subsection is a resident for purposes of accompanying nonresident and
13 nonresident alien permittees under (d) of this section and may accompany nonresident
14 and nonresident alien permittees to take bear if the person holds a bear predation
15 management permit issued under this section for the area where the hunt occurs, is at
16 least 21 years of age, has legally hunted big game in the state during two calendar
17 years and has taken big game in the state during at least one calendar year, and has
18 obtained a hunter safety certificate issued under (g) of this section.

19 (f) Notwithstanding any other provision of law, a resident, a nonresident, or a
20 nonresident alien who holds a bear predation management permit issued under this
21 section may take bear under the authority of the permit without obtaining a big game
22 tag for bear.

23 (g) The department shall provide a hunter safety course for persons who
24 intend to accompany nonresident or nonresident alien bear predation management
25 permittees to take bear under (d) or (e) of this section. The department shall provide
26 the course materials for the course at each of its offices and through the department's
27 Internet website. The department shall offer the test for completion of the hunter
28 safety course at each of its offices. The department shall issue a hunter safety
29 certificate to each person who successfully completes the course.

30 (h) A person who takes a bear under authority of a bear predation management
31 permit shall have the bear sealed by the department within 15 days after returning

1 from the field. A nonresident or nonresident alien shall pay a fee of \$250 at the time
 2 the bear is sealed by the department. The person shall accurately complete and return
 3 to the department in a timely manner reports that may be required by regulations of the
 4 Board of Game.

5 (i) In this section, "bear" means black bear or brown or grizzly bear.

6 * **Sec. 2.** AS 16.40 is amended by adding a new section to read:

7 **Article 6. Bear Hides and Skulls.**

8 **Sec. 16.40.275. Donation and sale of bear hides and skulls.** (a) A person
 9 may donate a legally taken bear hide or skull to the department or a qualified
 10 organization.

11 (b) The department may accept a donation of the hide or skull of a legally
 12 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
 13 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
 14 Code). The department shall return 50 percent of the net proceeds from the sale of the
 15 hide or skull to the donor and shall deposit the balance of the proceeds in the general
 16 fund. The legislature may appropriate proceeds retained by the department from the
 17 sale of bear hides and skulls to the fish and game fund.

18 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
 19 501(c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
 20 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
 21 or skull by auction or raffle. The organization may retain an amount from the gross
 22 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
 23 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
 24 auction or raffle of a big game harvest permit may not be used to make a contribution
 25 to any candidate for political office or to any organization supporting or opposing
 26 ballot propositions or to pay expenses associated with lobbying the legislature or
 27 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
 28 that is retained by the qualified organization under this subsection, shall be transmitted
 29 to the department for deposit in the general fund. The legislature may appropriate
 30 proceeds received by the department under this subsection to the fish and game fund.

31 (d) In this section, "qualified organization" has the meaning given in

1 AS 16.05.343(c).