

Introduced: 2/9/70  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 636

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to game breeding and controlled  
7 shooting areas."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 16 is amended by adding a new chapter to read:

10 CHAPTER 55. GAME BREEDING AND CONTROLLED SHOOTING AREAS

11 ARTICLE 1. LICENSING AND REGULATION

12 Sec. 16.55.010. CREATION. A game breeding and controlled  
13 shooting area may be established and licensed as provided in this  
14 chapter.

15 Sec. 16.55.020. REQUIREMENTS. A game breeding and controlled  
16 shooting area shall

17 (1) consist of a contiguous tract of privately owned land  
18 having an area of not less than 240 acres;

19 (2) be owned by the licensee or held by the licensee under  
20 a lease, the unexpired term of which shall not be less than five  
21 years from the date of the granting of the license;

22 (3) be adaptable for use as a game breeding and controlled  
23 shooting area;

24 (4) be of such nature that the game birds propagated and  
25 released in the area are not likely to be diseased or a menace to  
26 other game; and

27 (5) meet the requirements promulgated by the department  
28 under sec. 140 of this chapter.

29 Sec. 16.55.030. APPLICATION FOR AREA LICENSE. An application

1 for a game breeding and controlled shooting area shall be

2 (1) made to the department on a form provided by the  
3 department;

4 (2) accompanied by the annual license fee provided for  
5 in AS 16.05.340; and

6 (3) accompanied by a written description and a map or  
sketch of the premises to be used and its location.

8 Sec. 16.55.040. INSPECTION. Upon receipt of an application,  
9 the department shall inspect the proposed area described in the  
10 application. Upon issuance of a license, as provided in sec. 50 of  
11 this chapter, a representative of the department may, for the purpose  
12 of ascertaining the state of compliance with this chapter and  
13 appropriate regulations, enter and inspect a game breeding and  
14 controlled shooting area. No person may refuse entry or access to a  
15 representative of the department who requests entry for purposes of  
16 inspection and who presents appropriate credentials; nor may a person  
17 interfere with the inspection. The department shall give the person  
18 who owns or is in control of a game breeding and controlled shooting  
19 area a report setting out all facts which relate to compliance status.  
20 Inspection of private dwellings is not permitted without a search  
21 warrant.

22 Sec. 16.55.050. LICENSE ISSUANCE. If the department finds  
23 that the application in the proposed area meets the requirements of  
24 sec. 20 of this chapter, the application shall be granted and a non-  
25 transferable license issued.

26 Sec. 16.55.060. RENEWAL. A license to operate a game breeding  
27 and controlled shooting area shall be issued for a term of one year  
28 and may be renewed within 30 days before its expiration by paying  
29 the annual fee provided for in AS 16.05.340.

1           Sec. 16.55.070. FENCING AND POSTING. (a) The boundary of the  
2 licensed area shall be marked by a fence and shall be posted with  
3 printed notices prescribed by the department not more than 20 rods  
4 apart.

5           (b) Instead of maintaining a fence where a currently visible  
6 boundary exists, the licensee may post the required notices on each  
7 side of all roadways or other entrances leading into the area and  
8 along the boundaries at intervals not exceeding 40 rods apart.  
9 Where unfenced boundary lines pass through forests, brush land,  
10 briar thicket or high weed growth, the licensee shall maintain a  
11 cleared strip of five or more feet from which brush, weeds or other  
12 high growth is removed annually.

13          Sec. 16.55.080. BIRD RELEASE RESTRICTIONS. (a) Only birds of  
14 the family Phasianidae may be propagated and released in a game  
15 breeding and controlled shooting area.

16          (b) Each bird released under this chapter shall be at least 14  
17 weeks of age before liberation and must possess full adult plumage.

18          Sec. 16.55.090. HUNTING SEASON AND BAG LIMITS. Birds released  
19 in a game breeding and controlled shooting area may be taken at any  
20 time without regard to sex or daily bag limits.

21          Sec. 16.55.100. HUNTING LICENSE REQUIRED. Each person taking  
22 a game bird by shooting in an area licensed under this chapter shall  
23 have a hunting license as required by AS 16.05.330 - 340.

24          Sec. 16.55.110. BANDING OF GAME BIRDS. (a) Each bird released  
25 in a game breeding and controlled shooting area must be banded with  
26 a type of leg band which cannot be removed without breaking or  
27 mutilating the band.

28          (b) Leg bands shall be purchased by the licensee and shall  
29 contain such information as the department may require.

1           Sec. 16.55.120. BIRD REGISTER. The licensee shall keep a  
2 register which shall clearly show the number and kind of each game  
3 bird propagated and released each year and the date harvested, and  
4 shall make under oath an annual report revealing register contents  
5 to the department.

6           Sec. 16.55.130. USE OF HUNTING DOGS. Birds may be taken in  
7 the training of dogs upon the premises of a game breeding and  
8 controlled shooting area at any time. Any individual or hunting  
9 party lawfully on a game breeding and controlled shooting area may  
10 be accompanied by hunting dogs.

11           Sec. 16.55.140. REGULATIONS. The department may make  
12 regulations for the purpose of carrying out, administering and  
13 enforcing the provisions of this chapter.

14           Sec. 16.55.150. UNLAWFUL ACTS. It shall be unlawful for a  
15 person to take any game bird, or to remove a game bird from, or to  
16 consume a game bird in, an area licensed under this chapter unless  
17 the bird has been banded as provided in sec. 110 of this chapter.

18           Sec. 16.55.160. PENALTY. (a) A game breeding and controlled  
19 shooting area maintained in violation of secs. 10 - 150 of this chapter  
20 is a nuisance and may be abated as provided by law and any game birds  
21 found on the premises may be liberated.

22           (b) A person who violates a provision of secs. 10 - 150 of this  
23 chapter or trespasses on a game breeding and controlled shooting area  
24 is guilty of a misdemeanor and upon conviction shall be punished by a  
25 fine of not less than \$100 and not more than \$500, or by imprisonment  
26 in jail for not less than 30 days or more than six months, or both.

27           ARTICLE 2. FIELD AND RETRIEVER MEETS.

28           Sec. 16.55.200. FIELD MEETS AND TRIALS LAWFUL. Upon the premises  
29 of a game breeding and controlled shooting area, subject to

1 regulations that may be adopted by the department, it shall be lawful  
2 to hold field meets or trials where dogs are permitted to work in  
3 exhibition or contest whereby the skill of dogs is demonstrated by  
4 flushing, pointing or retrieving birds of the family Phasianidae  
5 which have been propagated by licensed game breeders within the state  
6 or secured from lawful sources outside the state and lawfully brought  
7 into the state. Upon a finding that game in the surrounding area is  
8 unlikely to be adversely affected or menaced the department, subject  
9 to the provisions of this chapter, may:

10 (1) allow field meets or trials to be held on areas other  
11 than the premises of a game breeding and controlled shooting area;

12 (2) allow field meets or trials to be held wherein the  
13 skill of dogs is demonstrated by flushing, pointing or retrieving  
14 birds other than birds of the family Phasianidae.

15 Sec. 16.55.210 / RETRIEVER MEETS AND TRIALS LAWFUL. Upon the  
16 premises of a game breeding and controlled shooting area, under such  
17 regulations as may be adopted by the department it shall be lawful  
18 to hold retriever meets or trials where dogs are permitted to work  
19 in exhibition or contest whereby the skill of dogs is demonstrated by  
20 retrieving birds of the family Phasianidae which have been propagated  
21 by licensed game breeders within the state or secured from lawful  
22 sources outside the state and lawfully brought into the state. Upon  
23 a finding that game in the surrounding area is unlikely to be adversely  
24 affected or menaced the department, subject to the provisions of  
25 this chapter, may:

26 (1) allow retriever meets or trials to be held in areas  
27 other than the premises of a game breeding and controlled shooting  
28 area;

29 (2) allow retriever meets or trials to be held wherein the

1 skill of dogs is demonstrated by retrieving birds other than birds  
2 of the family Phasianidae.

3 Sec. 16.55.220. PERMITS REQUIRED. Permits may be issued by the  
4 department upon proper application and the payment of a fee of \$25  
5 for each trial or meet held. It shall be unlawful for any person to  
6 hold, conduct, or to participate in a field or retriever meet or  
7 trial before the required permit has been secured.

8 Sec. 16.55.230. RELEASE AND TAGGING. Before any birds are  
9 released they must each have attached a band as provided in sec. 110  
10 of this chapter. It is unlawful for a person to possess or remove  
11 from the trial grounds a bird which has not been banded as required.  
12 The band shall remain on the bird until prepared for consumption.

13 Sec. 16.55.240. SHOOTING AUTHORIZATION. Birds released may,  
14 after the required permit has been secured, be shot by the person or  
15 persons authorized by the department to do the shooting for the field  
16 or retriever meet or trial. The person authorized by the department  
17 to do the shooting for the field or retriever meet or trial need not  
18 have a hunting license as required by AS 16.05.330 - 16.05.340.  
19 Unless authorized by the department no person may kill, or attempt to  
20 kill any of the birds released for field or retriever meets or trials.

21 Sec. 16.55.250. PENALTY. A person who violates a provision of  
22 secs. 200 - 240 is guilty of a misdemeanor and upon conviction shall  
23 be punished by a fine not exceeding \$100.

24 Sec. 16.55.260. DEFINITIONS. In this chapter "department"  
25 means the Department of Fish and Game.

26 \* Sec. 2. AS 16.05.340(a) is amended by adding a new subsection to read:

27 (18) Game breeding and controlled  
28 shooting area license ..... 25

29 \* Sec. 3. AS 11.40.510 is amended to read:

1           Sec. 11.40.510. USE OF LIVE BIRDS AS TARGETS. Except as  
2 otherwise provided, a [A] person who

3           (1) uses a live pigeon, fowl or other bird as a target,  
4 or to be shot at either for amusement or as a test of skill in  
5 marksmanship; or

6           (2) shoots at, or is a party to shooting at, a bird  
7 used as a target, for amusement or as a test of skill in marksman-  
8 ship [, OR IS A PARTY TO A SHOOTING]; or

9           (3) leases a building, room, field or premises, or  
10 knowingly permits the use of them for shooting as prohibited by  
11 this section, is guilty of a misdemeanor, and upon conviction is  
12 punishable by a fine of not more than \$50. This section does not  
13 apply to shooting of game for food or to game breeding and controlled  
14 shooting areas, as provided for by AS 16.55.