

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
7 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
23 this chapter is guilty of a misdemeanor and upon conviction shall
24 be punished by a fine of not less than \$100 and not more than \$500, or
25 by imprisonment in jail for not less than 30 days or more than six
26 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.