

Offered: 5/6/89

6-0848M

Original sponsors: Grussendorf, Goll,  
and Davidson

1 IN THE HOUSE BY THE RULES COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 219 (Rules)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act prohibiting the taking of bears near solid  
7 waste disposal facilities; and providing for an  
8 effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 16.05 is amended by adding a new section to read:  
11 Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE  
12 DISPOSAL FACILITY PROHIBITED. (a) Except as provided in (d) of this  
13 section, a person who with criminal negligence takes a brown or  
14 grizzly bear within one mile of a solid waste disposal facility is  
15 guilty of a class A misdemeanor.  
16 (b) In addition to the penalty imposed by law under (a) of this  
17 section, the court shall order forfeiture of the hide and skull of the  
18 bear, but if the hide and skull are not salvaged and delivered to the  
19 department then the court shall impose an additional fine of up to  
20 \$10,000.  
21 (c) It is an affirmative defense to a prosecution under (a) of  
22 this section that the person took the bear in defense of life or  
23 property if the person who took the bear shows by a preponderance of  
24 the evidence that  
25 (1) the necessity for the taking was not brought about by  
26 harassment or provocation of the bear by the person who took the bear;  
27 (2) the necessity for the taking was not brought about by  
28 the negligent disposal of garbage or the creation of a similar attrac-  
29 tive nuisance by the person who took the bear; and

1 (3) the person exhausted all other practicable means to  
2 protect life and property before the bear was taken.

3 (d) Notwithstanding (a) - (c) of this section, the department  
4 may authorize the taking of a problem brown or grizzly bear within one  
5 mile of a solid waste disposal facility at any time, if the taking of  
6 the bear is necessary to protect the public and is consistent with  
7 sound game management principles.

8 (e) In this section

9 (1) "criminal negligence" has the meaning given in AS 11.-  
10 81.900(a);

11 (2) "property" means

12 (A) a dwelling, permanent or temporary;

13 (B) an aircraft, boat, automobile, or other convey-  
14 ance;

15 (C) a domestic animal;

16 (D) other property of substantial value necessary for  
17 the livelihood or survival of the owner;

18 (3) "solid waste disposal facility" means a facility for  
19 the disposal of solid waste, other than sewage, for which a permit has  
20 been issued under AS 46.03.100.

21 \* Sec. 2. This Act takes effect July 1, 1989.