

HOUSE CS FOR CS FOR SENATE BILL NO. 46(FIN) am H(Rd H)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/8/94
Offered: 5/6/94

Sponsor(s): SENATORS MILLER, Frank, Pearce, Sharp, Taylor
REPRESENTATIVE Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to moose farming and relating to game farming; and providing**
2 **for an effective date."**

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

4 *** Section 1. AS 03.05.010(a) is amended to read:**

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing the agricultural industry within the state including such fields as
9 horticulture, dairying, cattle raising, fur farming, game farming, grain production,
10 vegetable production, and development of other agricultural products;

11 (2) procure and preserve all information pertaining to the development
12 of the agricultural industry and disseminate that information to the public;

13 (3) assist prospective settlers and others desiring to engage in the
14 agricultural industry in the state with information concerning areas suitable for

1 agriculture and other activities and programs essential to the development of the
2 agricultural industry in the state;

3 (4) review the marketing, financing, and development of agricultural
4 products inside the state including transportation, with special emphasis upon local
5 production, and negotiate for the marketing of agricultural products of the state with
6 federal and state agencies operating in the state;

7 (5) regulate and control the entry into the state and the transportation,
8 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
9 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
10 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
11 substances injurious to the public interest, and to protect the agricultural industry
12 against fraud, deception, and misrepresentation; in this connection the commissioner
13 may require registration, inspection, and testing, and establish procedures and fees; and

14 (6) in consultation with the commissioner of fish and game, regulate
15 the farming of game farm animals [ELK IN A MANNER SIMILAR TO THE
16 MANNER IN WHICH THE COMMISSIONER REGULATES DOMESTIC
17 ANIMALS AND LIVESTOCK, TO THE EXTENT THAT IS APPROPRIATE].

18 * Sec. 2. AS 03.05.011(b) is amended to read:

19 (b) The commissioner of environmental conservation, in consultation with the
20 commissioner of fish and game, shall regulate the farming of game farm animals
21 [ELK IN A MANNER SIMILAR TO THE MANNER IN WHICH THE
22 COMMISSIONER REGULATES DOMESTIC ANIMALS AND LIVESTOCK, TO
23 THE EXTENT THAT IS APPROPRIATE].

24 * Sec. 3. AS 03.05 is amended by adding a new section to read:

25 Sec. 03.05.075. GAME FARMING. (a) Except as provided in (f) of this
26 section, a person may not engage in game farming or possess game farm animals
27 without having first obtained an annual game farming license for that species from the
28 commissioner of natural resources. The commissioner shall issue a game farming
29 license, that indicates the species of game farm animal or animals for which the license
30 is issued, to a person who intends to engage in game farming of the game farm animal
31 or animals, and possesses facilities that the commissioner determines are sufficient to

1 maintain the game farm animals in a healthful and humane environment under positive
2 control and to prevent injury to game farm animals and their handlers. The
3 commissioner may not issue a game farming license if the Department of Fish and
4 Game has determined that the location or facilities of the game farm for which the
5 license is to be issued will adversely affect the migration of wild game animals. The
6 annual game farming license fee is \$125.

7 (b) A person who holds a game farming license under this section, shall

8 (1) permanently mark each game farm animal; newborn animals must
9 be marked within six months of birth, at time of weaning, at time of sale, or at the
10 time of transfer, whichever is earlier;

11 (2) register the game farm animals, however acquired, and the progeny
12 of those animals with the commissioner within 30 days after the animals are acquired;
13 newborn animals must be registered as soon as practical but not later than 30 days
14 after marking;

15 (3) construct and maintain a fence that is adequate to prevent the
16 escape of the game farm animals and to exclude wild game;

17 (4) notify the commissioner within 30 days of the birth, sale, slaughter,

18 (5) notify the commissioner of fish and game within 24 hours after

19 (A) a game farm animal escapes; the person shall submit a plan
20 to the commissioner of fish and game for the recapture of the animal; the
21 commissioner of fish and game may coordinate and assist in the recapture of
22 the animal; or

23 (B) wild big game enters a facility where game farm animals
24 are present; or

25 (C) death of one or more of the animals or their progeny;

26 (c) The slaughter of game farm animals and the sale of meat resulting from
27 the slaughter of game farm animals are subject to this title, regulations adopted under
28 this title, and other applicable law.

29 (d) The commissioner of natural resources or the commissioner of
30 environmental conservation may require a person who holds a game farming license
31 under this section to provide at the person's cost for a complete necropsy by a

1 veterinarian approved by the commissioner of environmental conservation to determine
2 the cause of death of a game farm animal if the cause of death is not apparent.

3 (e) The commissioner shall exempt, by regulation, the game farming of free-
4 ranging reindeer under a state or federal grazing lease from provisions of this section;
5 however, the commissioner may not grant an exemption from (c) of this section.
6 Subject to (f) of this section, the commissioner may not exempt a person from the
7 requirement to obtain a game farming license.

8 (f) A game farming license is not required, and may not be required, to engage
9 in game farming of reindeer or to possess reindeer as game farm animals.

10 (g) The commissioner shall adopt regulations as necessary to implement this
11 section and AS 03.05.010(a)(6).

12 (h) In this section, unless the context otherwise requires, "commissioner"
13 means the commissioner of natural resources.

14 * Sec. 4. AS 03.05.100 is amended by adding new paragraphs to read:

15 (4) "game farm animal" means lawfully owned bison, elk, reindeer, and
16 musk oxen or other lawfully owned mammal species or subspecies designated by the
17 commissioner of natural resources, with the concurrence of the commissioner of fish
18 and game; in this paragraph, "elk" means an animal of a subspecies of *Cervus elaphus*
19 indigenous to North America;

20 (5) "game farming" means an agricultural enterprise engaged in raising
21 and breeding game farm animals as domestic livestock for commercial purposes;

22 (6) "lawfully owned" means ownership was obtained without violating
23 a state or federal law or regulation, or a condition of a license or permit issued with
24 respect to the acquisition of a game farm animal.

25 * Sec. 5. AS 03.05.100(4) is repealed and reenacted to read:

26 (4) "game farm animal" means lawfully owned bison, elk, reindeer,
27 moose, and musk oxen or other lawfully owned mammal species or subspecies
28 designated by the commissioner of natural resources, with the concurrence of the
29 commissioner of fish and game; in this paragraph, "elk" means an animal of a
30 subspecies of *Cervus elaphus* indigenous to North America;

31 * Sec. 6. AS 03.25.010 is amended to read:

1 Sec. 03.25.010. COMMISSIONER AUTHORIZED TO EMPLOY
2 VETERINARIANS. The commissioner may either independently or in cooperation
3 with the United States Department of the Interior or a college or a university or like
4 institution employ veterinarians for periods found to be to the best advantage for the
5 purpose of aid and service to the fur raising industry and game farming industry, and
6 for the purpose of aid and service to those engaged in raising livestock and other
7 domestic animals.

8 * Sec. 7. AS 03.25.020 is amended to read:

9 Sec. 03.25.020. DUTIES OF VETERINARIANS. Veterinarians shall

10 (1) visit the fur farms and game farms of the state, study problems
11 incidental to raising fur bearing animals and game farm animals, and advise those
12 engaged in the industry in matters pertaining to the breeding and care of fur bearing
13 animals and game farm animals and the prevention and cure of diseases of fur
14 bearing animals and game farm animals;

15 (2) prepare, publish, and distribute such data as the veterinarian, with
16 the advice and consent of the commissioner, considers useful to those engaged in the
17 industry;

18 (3) make reports to the commissioner when required by the
19 commissioner for transmittal to the state legislature;

20 (4) initiate and carry on experiments, on or in connection with a fur
21 farm or game farm, with relation to the care and feeding of fur bearing animals or
22 game farm animals, the improvements of the breed, or the cure or prevention of any
23 disease to which they may be subject or the extermination of the parasites by which
24 they may be attacked, and in this connection employ and pay for the necessary
25 assistance and rent and use of necessary facilities;

26 (5) perform other duties as may be prescribed by the commissioner as
27 are not inconsistent with the duties specifically imposed by this chapter;

28 (6) study problems incidental to the raising of livestock, [AND] other
29 domestic animals, and game farm animals, and advise those engaged therein upon
30 matters pertaining to the breeding, care, and the prevention and cure of diseases of
31 livestock, [AND] other domestic animals, and game farm animals.

1 * Sec. 8. AS 03.25.250 is amended to read:

2 Sec. 03.25.250. **DEFINITIONS** [DEFINITION]. In this chapter,

3 (1) "commissioner" means the commissioner of environmental
4 conservation;

5 (2) "game farm animal" has the meaning given in AS 03.05.100;

6 (3) "game farming" has the meaning given in AS 03.05.100.

7 * Sec. 9. AS 03.30 is amended by adding a new section to read:

8 Sec. 03.30.070. INTERFERENCE WITH GAME FARM FENCES AND
9 GATES. (a) A person may not knowingly alter or damage the fence of a game farm
10 in a manner that would allow game farm animals to escape from the game farm.

11 (b) Except with the permission of the owner of the game farm animals, a
12 person may not knowingly open the gate of an enclosure or fenced area where game
13 farm animals are present and

14 (1) fail to close the gate; or

15 (2) allow game farm animals to leave the enclosure or fenced area.

16 (c) A person who violates this section is guilty of a class A misdemeanor.

17 (d) In this section,

18 (1) "game farm animal" includes animals subject to an experimental
19 animal husbandry permit under AS 16.40.010;

20 (2) "knowingly" has the meaning given in AS 11.81.900 and must be
21 construed in accordance with AS 11.81.610(c).

22 * Sec. 10. AS 03.35.070(1) is amended to read:

23 (1) "domestic animal" includes goats, sheep, cattle, horses, [AND]
24 swine, and animals subject to a game farming license under AS 03.05.075:

25 * Sec. 11. AS 03.40.010 is amended to read:

26 Sec. 03.40.010. BRANDS AND MARKS. Any person owning cattle, game
27 farm animals [REINDEER, BISON, MUSKOX], sheep, horses, mules, or asses [,]
28 may adopt a brand or mark. After recording the brand or mark as provided in
29 AS 03.40.030, the person has the exclusive right to its use.

30 * Sec. 12. AS 03.40.050 is amended to read:

31 Sec. 03.40.050. USE WITHOUT CERTIFICATE PROHIBITED. A person

1 may not brand any horse, cattle, game farm animal [REINDEER, BISON,
2 MUSK OX], mule, or ass, unless the person using the brand holds a written certificate
3 of acceptance from the commissioner.

4 * Sec. 13. AS 03.40.270 is amended to read:

5 Sec. 03.40.270. DEFINITIONS. In [AS USED IN] this chapter, [A]

6 (1) "brand" means an identification mark burned into the hide of a live
7 animal;

8 (2) "game farm animal" has the meaning given in AS 03.05.100.

9 * Sec. 14. AS 16.05.330(a) is amended to read:

10 (a) Except as otherwise permitted in this chapter, without having the
11 appropriate license or tag in actual possession a person may not engage in

- 12 (1) sport fishing, including the taking of razor clams;
- 13 (2) hunting, trapping, or fur dealing;
- 14 (3) the farming of fish, fur animals, or game reptiles; or
- 15 (4) taxidermy.

16 * Sec. 15. AS 16.05.340(a)(18)(A) is amended to read:

17 (A) Game [MAMMAL OR GAME] reptile farming biennial
18 license \$250

19 * Sec. 16. AS 16.05.940(10) is amended to read:

20 (10) "domestic mammals" include game farm animals, as defined in
21 AS 03.05.100 [MUSK OXEN, BISON, ELK, AND REINDEER, IF THEY ARE
22 LAWFULLY OWNED];

23 * Sec. 17. AS 16.40.010 is amended to read:

24 Sec. 16.40.010. DISPOSITION OF SURPLUS GAME ANIMALS [BUFFALO
25 AND MUSK OXEN]. Whenever it is determined by the department that a surplus of
26 bison, elk, moose, or musk oxen exists [IN THE HERDS OF BUFFALO AND
27 MUSK OXEN UNDER ITS CONTROL], the department may, under regulations
28 adopted by it, authorize a person to take [GRANT] the surplus or portions of the
29 surplus [IT TO PERSONS, GROUPS, ASSOCIATIONS, PARTNERSHIPS, OR
30 CORPORATIONS] for the purpose of raising and breeding the animals as domestic
31 stock for commercial purposes, for experimental animal husbandry purposes, or for

1 scientific and educational purposes. A person [, GROUP, ASSOCIATION,
2 PARTNERSHIP, OR CORPORATION] may receive animals for

3 (1) commercial purposes only after

4 (A) obtaining an appropriate game farming license under
5 AS 03.05.075; and

6 (B) paying a reasonable fee that covers the direct costs to
7 the department of supervising and assisting with the taking and transfer
8 of the animals;

9 (2) experimental animal husbandry purposes only after obtaining
10 a permit issued by the commissioner in consultation with the commissioner of
11 natural resources and the commissioner of environmental conservation; or

12 (3) scientific and educational purposes only after obtaining the
13 appropriate permit issued under AS 16.05; this subsection does not prohibit the
14 department from authorizing a person to take surplus game for scientific and
15 educational purposes under a permit issued under AS 16.05 [PROVING TO THE
16 SATISFACTION OF THE DEPARTMENT

17 (1) INTENT TO RAISE AND BREED THE ANIMALS; AND

18 (2) POSSESSION OF FACILITIES FOR MAINTAINING THE
19 ANIMALS UNDER POSITIVE CONTROL].

20 * Sec. 18. AS 16.40.010 is amended by adding new subsections to read:

21 (b) After a person acquires an animal under this section for commercial
22 purposes, a license or permit from the department is not required in order to possess
23 the animal. The importation, exportation, possession, and utilization of game farm
24 animals, as defined under AS 03.05.100, are subject to the provisions of AS 03 and
25 regulations adopted under AS 03. A license or permit from the department is not
26 required in order to import, export, or possess a game farm animal for commercial
27 purposes under a game farming license.

28 (c) A person may receive a permit to possess surplus animals under this
29 section for experimental animal husbandry purposes if the person proves to the
30 satisfaction of the department that the person intends to raise and breed the animals
31 and possesses facilities for maintaining the animals under positive control. Animals

1 received under an experimental animal husbandry permit remain property of the state
2 while in possession of the permit holder and may not be sold or otherwise transferred
3 out of the possession of the permit holder. Subject to regulations adopted by the
4 department, a permit holder may slaughter animals possessed under the permit, may
5 sell milk, antlers, horns, fur, and other products from live animals, and may charge a
6 fee to the public for viewing of the animals. The department may summarily revoke
7 a permit issued under this subsection and take possession of animals held under the
8 permit if the permit holder fails to comply with the terms of the permit or a statute or
9 regulation governing the possession of the animals. The department shall adopt
10 regulations necessary to implement this subsection and (d) of this section in
11 consultation with the Department of Natural Resources and the Department of
12 Environmental Conservation.

13 (d) A person who holds an experimental animal husbandry permit, has
14 possessed animals under the permit for at least five years, and intends to raise the
15 animals for commercial purposes may request title to the animals in the person's
16 possession. The department shall grant title to the animals if the person has

17 (1) obtained a game farming license under AS 03.05.075 for each
18 species of animal for which title is to be granted;

19 (2) demonstrated the ability to properly care for and maintain the
20 animals in the person's possession; and

21 (3) complied with the terms of the experimental animal husbandry
22 permit and with statutes and regulations governing the possession of animals for
23 experimental animal husbandry purposes.

24 (e) The department shall dispose of nonfatally injured, or live abandoned or
25 orphaned calves of, bison, elk, moose, or musk oxen that cannot be returned to the
26 wild to a person who holds an appropriate game farming license under AS 03.05.075
27 or a permit for experimental animal husbandry purposes, or for scientific or
28 educational purposes.

29 (f) A live bison, elk, moose, or musk oxen may not be captured from the wild
30 or released into the wild without a permit from the department.

31 * Sec. 19. AS 16.40 is amended by adding a new section to article 1 to read:

1 **Sec. 16.40.060. IMPORTATION PROHIBITED.** Notwithstanding AS 03 and
2 other provisions of this title, moose and caribou may not be imported into the state for
3 commercial or animal husbandry purposes.

4 * **Sec. 20. REGULATIONS REGARDING DESIGNATION OF GAME FARM ANIMALS.**
5 Before December 1, 1995, the commissioner of natural resources, with the concurrence of the
6 commissioner of fish and game, shall adopt regulations establishing criteria for designating
7 a mammal species or subspecies as a game farm animal under AS 03.05.100(4), added by
8 sec. 4 of this Act.

9 * **Sec. 21.** AS 16.40.020 and 16.40.050 are repealed.

10 * **Sec. 22.** Section 5 of this Act takes effect only if the commissioner of natural resources
11 has designated, with the concurrence of the commissioner of fish and game, moose as a game
12 farm animal. The commissioner of natural resources shall promptly inform the revisor of
13 statutes of a designation under this subsection.

14 * **Sec. 23.** Section 5 of this Act takes effect on the effective date of a designation under
15 AS 03.05.100(4), added by sec. 4 of this Act, by the commissioner of natural resources, with
16 the concurrence of the commissioner of fish and game, that moose are game farm animals.

17 * **Sec. 24.** Except for sec. 5 of this Act, this Act takes effect immediately under
18 AS 01.10.070(c).