

HPB

8

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

LETTER OF INTENT

February 2, 1985

In recommending that CS for House Bill No. 8 (Judiciary) do pass, it is the intent of the House Judiciary Committee that the term "recklessly" in subsection (a) be construed in the manner set forth in AS 11.81.610(c), which deals with the construction of statutes with respect to culpability.

M. Mike Miller, Chairman
House Judiciary Committee

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 8
Title: Relating to harassment of game

Sponsor: M.H. Miller, Goll & Grussendorf
Requestor: House Judiciary
Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Fish & Wildlife Protection
BPU, Program or Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

Prepared By: Captain J. R. Nutgrass
Division: Fish & Wildlife Protection

Phone: 269-5532
Date: 1/24/85

Approved by Commission: [Signature]
Agency: Department of Public Safety

Date: 1-28-85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION	BILL NUMBER CSHB 8	SPONSOR M.M. Miller, Goll, Grussendorf
DEPARTMENT POSITION Support the concept of the bill; care should be taken to ensure that the authority of the Board of Game is maintained.			
PREPARED BY Roland Shanks	DATE 4/19/85	COMMISSIONER'S SIGNATURE <i>Orin Belmont</i>	DATE 4/19/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Fish and Wildlife Protection Board of Game	CONSTITUENT GROUP(S) AFFECTED BY BILL Sport hunters Subsistence hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Unknown

ANALYSIS OF BILL/PROGRAM EFFECTS

Existing regulation (5 AAC 81.072) currently prohibits the taking of game from any mechanical vehicle or from a motor-driven boat, where "take" by definition (AS 16.05.940(24)) includes "taking, pursuing...in any manner disturbing, or attempting to take, pursue...or in any manner capture...." Existing regulation also prohibits the use of aircraft, snowmachine, motor-driven boat or other motorized vehicle for the purpose of driving, herding or molesting game.

Limited exceptions to regulatory prohibitions against the use of motorized vehicles for the taking of game have been allowed by the Board of Game (e.g., use of motor-driven boats for hunting of caribou in Game Management Unit 23; use of motorized land vehicles to hunt moose in the Stikine River drainage; use of motor-driven boats to take coyotes and wolves).

(continued)

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

(continued)

Subsection (c) should be interpreted to mean that the Board of Game retains its existing management authority and flexibility to regulate the taking of game.

revised

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 8
Title: An Act relating to harass-
ment of game
Sponsor: Miller/Goll/Grussendorf
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Fish and Game; FWP
Program Category Affected: _____
Natural Resource Management
BRU, Program or Subprogram(s) Affected: _____
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Phil Koehl Phone: 465-4109
Division: Game Date: 1/28/85

Approved by Commissioner: *Donnell* Date: 1-30-85
Agency: Department of Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY

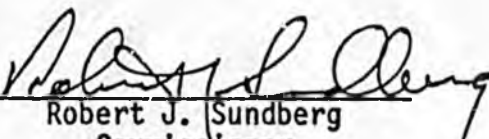
POSITION PAPER - HB 8

Support

January 24, 1985

We do support House Bill 8 with recommendations for change in the present wording. This bill as presently worded, "with the intent to exhaust, frighten or harass the game" could be extremely difficult to enforce. It could also be extremely difficult to prove that the intent of a person was to exhaust, frighten or harass game.

It could well be that the true intent of a person was for reasons other than to exhaust, frighten, or harass game, such as taking pictures of game animals. We have proposed the following wording: It is a class A misdemeanor to intentionally drive, chase, herd or pursue game while using an aircraft, snowmachine, motor driven boat or motorized vehicle.


Robert J. Sundberg
Commissioner

COMMITTEE REPORT

HOUSE

(7)

1/14/85

FURTHER: Resources

Date: _____

The Committee on Judiciary has had HB 8

"An Act relating to harassment of game."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for 117 F same title

and recommends Do pass new title

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Mr. Nicki
Mr. [unclear]
Mr. [unclear]
Charles Taylor
Arish [unclear]
Greg [unclear]

MEMBERS HAVING

OTHER RECOMMENDATIONS:

[Signature]

[Signature]
CHAIRMAN

Original sponsors: M.M. Miller, Goll,
Grussendorf and Szymanski

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 8 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to harassment of game."

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

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

9 Sec. 16.05.783. HARASSMENT OF GAME. (a) It is a class A misde-
10 meanor for a person to use an aircraft, snowmachine, motor driven boat
11 or other motorized vehicle to drive, chase, herd, pursue, molest, or
12 harass game.

13 (b) The provisions of (a) of this section do not apply to
14 employees or agents of the department in the performance of duties of
15 the department.
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