

H B

407

Alaska State Legislature

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BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4907



Senate Committee on Resources

TO: Senate Resource Committee Members April 23, 1986
FROM: Senate Resource Committee Staff *ME*
RE: Committee Substitute for House Bill No.407 (Rules)
"An Act relating to the use of, and certain reports and
records concerning game animals."

HB 407 deals with the use of certain parts of game animals as trapping bait and the filing of records concerning trapping activities.

Enclosed in this packet is a sectional analysis by the bill sponsor, a letter on the bill by Commissioner Collinsworth, a position paper and zero fiscal note by the Department of Public Safety, a letter with attachments from the Alaska Wildlife Alliance, and relevant regulations and statutes.

Offered: 2/28/86
Referred: Rules

Original sponsors: Shultz and Marrou

1 IN THE HOUSE BY THE RULES COMMITTEE
2 CS FOR HOUSE BILL NO. 407 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the use and sealing of certain
7 game animals."

SUBSECTION 1 DEALS WITH PARTS OF GAME ANIMALS THAT ARE NON-EDIBLE AS DEFINED PRESENTLY IN STATUTE AND EXPANDS THE LIST TO INCLUDE SUCH ITEMS AS LEGS, HEAD, TALLOW, FAT, AND TRIMMINGS FROM THE BUTCHERING PROCESS.

SUBSECTION 2 DEALS WITH GAME ANIMALS THAT ARE FOUND DEAD IN THE WILDS, AND ALLOWS A TRAPPER TO SET TRAPS IN THE VICINITY OF THE ANIMAL. THE USER MUST NOT DISTURB THE CARCASS AND MUST AT THE EARLIEST OPPORTUNITY REPORT ITS' WHEREABOUTS TO AUTHORITIES.

SUBSECTION SECTION 3 ALLOWS NORMALLY EDIBLE PARTS OF GAME ANIMALS THAT ARE RENDERED NONEDIBLE WHEN THE ANIMAL IS KILLED BY VEHICLES (INCLUDES TRAINS) TO BE USED AS BAIT. HOWEVER, PERMISSION IN WRITING IS REQUIRED FROM PUBLIC SAFETY OR FISH AND GAME FOR SUCH USE.

"EDIBLE MEAT" AS DEFINED IN THIS SECTION IS THE SAME DEFINITION AS CURRENTLY EXISTS UNDER OUR "WANTON WASTE" STATUTES. (AS 16.30 030)

"TRIMMINGS" MEANS THOSE PARTS OF GAME ANIMALS THAT ARE DISCARDED IN THE BUTCHERING PROCESS

SECTION 2 THIS SECTION OF THE BILL IS PATTERNED AFTER THE LANGUAGE USED TO PROTECT THE CONFIDENTIALITY OF COMMERCIAL FISH TICKETS.

ALL INFORMATION NECESSARY FOR STUDIES, REGULATION, INVESTIGATION, AND MANAGEMENT ARE PROPERTY OF THE DEPARTMENTS IN NEED OF SUCH DATA. ALL PERSONAL INFORMATION FROM DOCUMENTS OBTAINED BY THESE AGENCIES IS NOT TO BE RELEASED TO THE PUBLIC EXCEPT OF COURSE TO THE PERSON IDENTIFIED IN THE DOCUMENTS.

THIS LEGISLATION IS NOT OPPOSED BY THE ADMINISTRATION AND IS THE RESULT OF MANY HOURS OF NEGOTIATIONS BETWEEN MY OFFICE, PUBLIC PROTECTION, AND TRAPPING ASSOCIATIONS.

I WOULD LIKE TO STRESS THAT THIS LEGISLATION DOES NOT ADDRESS ANY PARTICULAR ANIMAL BEING TRAPPED AND DOES NOT INTRODUCE OR ENCOURAGE NEW ACTIVITY ON THE PART OF TRAPPERS.

IT CLARIFIES EXISTING LAW THAT AT THE PRESENT TIME DEALS WITH PROHIBITIONS AGAINST THE WASTE OF EDIBLE MEAT BUT IS SILENT ON THE USE OF NONEDIBLE MEAT. HB407 WOULD ALLOW UNDER STRICT CONDITIONS THE USE OF NORMALLY WASTED MEAT AS BAIT.

If the question of wolves comes up the following argument could be made:

Local Advisory Committees have been told that trapper education is going to take the place of arial gunning of wolves. To make such a program work there will be a need for additional bait and in the case of ruined road kills (or train kills) permission from public safety may help to supply bait.

Of course the more successful the trapping program the less need there will be for other methods of wolf control which may be more controversial.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

VI
BILL SHEFFIELD, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: (907) 465-4100

February 19, 1986

The Honorable Richard Shultz
The Honorable Adelheid Herrmann
Co-Chairmen
The Honorable Kay Wallis
Vice Chairman
House Resources Committee
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Representative Shultz, Representative Herrmann,
and Representative Wallis:

The regulation that limits the parts of animals that can be used for trapping bait has been in effect since statehood. Three times in the past four years (1982, 1984 and 1985), the Board of Game considered whether to allow trappers to use road kills for bait. Each time, the board rejected the proposals because the Division of Fish and Wildlife Protection pointed out significant enforcement problems with this type of regulation.

In order to prosecute successfully wanton waste violations, Fish and Wildlife Protection must be able to prove how an animal died. Unfortunately, after an animal has been dead for several days, it is difficult to tell whether it was shot, hit by a car, or died of natural causes without performing a fairly sophisticated autopsy.

Additionally, the term "road kill" generally refers to an animal which dies on or very near the highway. Such animals are usually salvaged while the meat is still fit for human consumption and the meat is distributed to charities. It is true that some animals wander off the road to die and are not fit for human consumption when they are found. However, without elaborate autopsy procedures, cause of death is generally not "provable" at this stage.

Therefore, in the board's judgement, the problems associated with allowing the use of these animals as trap bait or

(Game)
PAST BOARD ACTION
BASED ON PROPOSALS
MUCH BROADER THAN
CSHB 407.
(SEE DEPT. PUBLIC SAFETY
POSITION ON HB 407)

The Honorable Richard Shultz -2-
The Honorable Adelheide Herrmann
The Honorable Kay Wallis

February 19, 1986

animal food would seriously undercut enforcement of the state's wanton waste statute. The following paragraphs summarize the most recent attempts to amend this regulation.

In 1982, the Tok Cutoff-Nabesna Road Advisory Committee submitted two proposals for consideration at the March/April board meeting. The proposals were to legalize the use of road kills and predator kills as trap bait or dog food. The board rejected the proposals by unanimous vote for the reasons stated above.

Mr. Billy Butts and the Tok Cutoff-Nabesna Road Advisory Committee submitted written comments favoring the proposals.

Mr. Roger C. Laber and the Fairbanks Advisory Committee submitted written comments opposing the proposals.

In 1984, the Tok Cutoff-Nabesna Road Advisory Committee submitted similar proposals for consideration at the March/April board meeting. The board rejected the proposals by unanimous vote for the reasons stated above.

The Upper Tanana/Forty-Mile Advisory Committee, Alaska Trappers Association, Tok Cutoff-Nabesna Road Advisory Committee, Gastineau Channel Advisory Committee, Mr. and Mrs. Blais, Copper Basin Advisory Committee, Matanuska Valley Advisory Committee, U.S. Fish and Wildlife Service (suggesting an amendment) and the Mt. Yenlo Advisory Committee submitted written comments favoring the proposals.

The Fairbanks Advisory Committee, Ms. Cindy Lowrey, Petersburg Advisory Committee, Alaska Wildlife Alliance, Mr. William O'Connor, Yukon Flats Advisory Committee, Paxson Advisory Committee and Delta Advisory Committee submitted written comments opposing the proposals.

In April, 1985, the Upper Tanana/Forty-Mile Advisory Committee submitted a petition to the board to allow the use of spoiled game meat as trap bait. The board accepted the petition and considered it as proposal #135 during the November 1985, meeting. The board rejected the proposal by unanimous vote for the reasons stated above. The board received no written comments on the topic.

I have enclosed the proposals that were before the board and the relevant public comments.

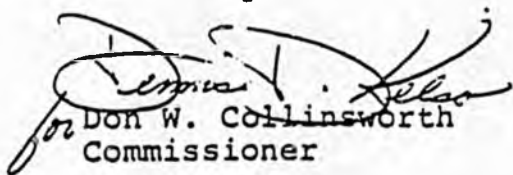
I appreciate the opportunity to provide you this information. I am sorry we were unable to assemble all the background material at the time the Resources Committee was

The Honorable Richard Shultz -3-
The Honorable Adelheide Herrmann
The Honorable Kay Wallis

February 19, 1986

considering the bills. We hope this summary will be useful to the Rules Committee. Please feel free to contact my office if additional information would be helpful.

Sincerely,


for Don W. Collinsworth
Commissioner

Enclosures

cc: House Resources Committee

Mike W. Miller, Chairman
House Rules Committee

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 2/10/86

REQUEST

Bill/Resolution No. : CSHB 407 (Res)
Title : An Act relating to the use and and sealing of certain game animals.

Sponsor : Shultz & Marrou
Requestor : Resources Committee
Date of Request : 2/4/86

FISCAL DETAIL

Agency Affected : Dept. of Public Safety
BRU : Fish & Wildlife Protection Div.

Components : Enforcement

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : J. R. Nutgrass
Division : Fish & Wildlife Protection

Phone : (907) 269-5509
Date : 2/10/86

Approved by Commissioner : [Signature]
Agency : Public Safety

Date : 2/11/86

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 407 (Res)

February 10, 1986

NEUTRAL

HB 407 - "An Act relating to the use and sealing of certain game animals."

The Division of Fish & Wildlife Protection is neutral on CS House Bill No. 407. This bill defines the non-edible parts of a big game animal that can be used as bait. These parts of game as defined would not create an enforcement problem, and should serve to clarify and eliminate any past practices, where non-edible parts, if used, could be considered a violation of regulations.

We would recommend that the wording, "the hide" be clarified, in that bear hides could not be used as bait where prohibited by regulations or law, 16.05.783(2). By not allowing a big game animal to be disturbed that is found dead by natural causes will eliminate the major concerns expressed, if the whole or parts of an animal were removed for use. This would allow the Department the opportunity for documenting the locations and numbers of dead animals that trappers are finding, which could be beneficial for management purposes.

The Department would not be opposed to traps being set in the immediate vicinity of naturally dead animal as long as the animal is not disturbed and proper notification is provided by the trapper setting the traps.

The notification requirement of three days may not be a reasonable period of time for trappers located in the more remote parts of the state.

The wording in section 16.05.783(3) could include multiple reasons for game meat not being edible. It is difficult for us to determine to what extent this section would effect the Department's ability to perform an investigation from an enforcement point of view.

It would require the Departments to perform an investigation for determining the cause of game meat now being found non-edible.

We believe this section could provide an avenue to abuse if game meat that is determined as non-edible is allowed as bait for taking fur bearing animals.

The Alaska Railroad records indicate that 253 moose were killed by trains between November 1984 and March 1985. This is a result of an abnormally heavy snow condition that lent itself to higher numbers of moose being

killed by trains. In comparison, the average number of moose killed by trains under normal snow conditions is between 25 to 30 moose yearly. In 1985 we had approximately 493 big game animals that were reported killed by vehicles on the highways of the state. These animals were salvaged for human consumption.

We support the records and documentation on trapping and sealing information being confidential and that the Dept. of Public Safety has access for official business.


Robert J. Sundberg
Commissioner

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 407 (R1s)

February 24, 1986

NEUTRAL

CSHB 407 (Rules) - "An Act relating to the use and sealing of certain game animals."

The Department of Public Safety is neutral on CSHB 407 (R1s).

The parts of game as defined will not create an enforcement problem, and will serve to clarify and eliminate any past practices where non-edible parts, if used, could be considered a violation of regulations.

By allowing the trapper to set traps in the vicinity of a big game animal found dead by natural causes, if not disturbed, would not pose a problem for the Department.

The reporting requirement is realistic that a trapper who uses a big game animal found dead by natural causes must report the location at the earliest opportunity. This is particularly true of those trappers in the remote areas, where they may not have an opportunity or capability for reporting the location of a dead animal for an extended period of time.

We recommend the following on page 1, line 19, after opportunity, delete "after the use;"

We support the records and documentation on trapping and sealing information being confidential and that the Department of Public Safety has access for official business.


Robert J. Sundberg
Commissioner

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 407 (R1s)

February 24, 1986

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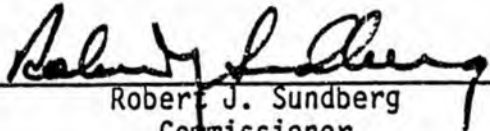
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Robert J. Sundberg
Commissioner

THE ALASKA WILDLIFE ALLIANCE

P.O. BOX 190953
ANCHORAGE, ALASKA 99519
907-277-0897

April 13, 1986

Senator Arliss Sturgulewski
State Resources Committee Chair
V
Fairbanks, Alaska 99811

Dear Senator Sturgulewski,

Because House Bill 407 is scheduled to be heard in the Senate Resources Committee and because it is one of the key wildlife-related bills of great concern to The Alaska Wildlife Alliance, if not the environmental community as a whole, we would like to present the following comments for your consideration.

We have three major problems with HB407. First, it is clearly a "back door" wolf control bill, one of several introduced by Representative Shultz who has been unsuccessful in moving his more straightforward wolf control bills. It amounts to wolf control because it will legalize the use of a bait which would naturally be very attractive to wolves. The bill would also allow the use of predator-killed and other natural mortalities of moose and caribou as sites for the location of trapping activities, sites which, when they are indeed "natural", have great appeal to wolves and other predator/scavengers. Don't forget, "trapping" includes "shooting" and so-called "aerial trapping". And with well over 1,000 wolves reported killed last winter through already legal means of trapping, out of a population estimated by ADF&G to have been as low as 4,400 statewide, one must wonder why any greater "efficiency" is needed if not for the further suppression of wolf numbers.

Second, this bill will tend to increase, rather than decrease, the wasting of moose and caribou which will be more likely to be killed specifically for use as bait or which might not really be needed for human consumption but can always be used for bait. Human disturbance of natural moose or caribou predator-kill or other natural mortality sites could even lead to an increase in predation if predators become reluctant to return and must kill again for food. Even the bill's provisions for state inspection and verification of "natural" moose and caribou deaths are mere window dressing in an era of reduced budgets for ADF&G and Public Safety. It will not be a priority and it just will not happen. And it will further confound or present loopholes in many "wanton waste" cases.

And third, HB 407 would hide from public scrutiny non-financial trapping records and the trapping-for-profit activities of many ADF&G and Fish and Wildlife Protection employees. The ADF&G official "Conflicts of Interest" policy states: "Commercial fishing and trapping activities are under the control of the Department, and employees directly involved in the management or research of such activities will refrain from engaging therein." Why then did Herbert Melchior, ADF&G Statewide Furbearer Coordinator and a member of the Board of the Alaska Trappers Association, in an official ADF&G memo, draft confidentiality provisions similar to those later added to HB407 by Representative Shultz? In his memo, Mr. Melchior said this secrecy is needed because of demands from those "looking for ways to harass us (ADF&G) and thwart wildlife management for the public good". Since when does a request to a public employee for information on public resource use constitute "harassment"? And since when does keeping confidential the information on the private commercial use of a public wildlife resource by public wildlife employees serve "the public good"?

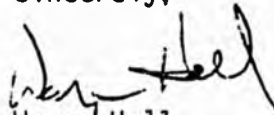
Keeping these non-financial trapping records away from the public would eliminate

an important check and balance on the possible abuse of a public resource by state employees and other members of the public. That is precisely its intent. Or are we really supposed to believe that ADF&G and Fish and Wildlife Protection employees are afraid of being harassed in the field by "anti-trappers" or that they will report erroneously or not at all if record are not made confidential? If you like, we can discuss a Fish and Wildlife Protection officer in Delta who killed more than 20 wolves last winter, as a "private" trapper, and who spirited the sealing forms off to Fairbanks to avoid the inquiries of a local Delta citizen.

I have enclosed a copy of Mr. Melchior's memo to Mr. Hinman, a copy of the ADF&G "conflicts of interest" policy. I have also enclosed a copy of a wolf sealing form so you can see it involves no financial information and very little other specific information (this form was obtained from ADF&G with the trapper's name removed).

HB 407 seeks only to increase the killing of wolves, wasting more moose and caribou in the process, while hiding from public view the for-profit activities of public employees with special advantages provided through public funds. We hope you will treat it as such and we hope it does not emerge from the Senate Resources Committee. If you have any questions, I would be happy to discuss this issue further.

Sincerely,


Wayne Hall
Director

1091-40000

MEMORANDUM RECEIVED State of Alaska

TO: Robert A. Hinman
Deputy Director

DATE: January 10, 1966

DIVISION OF GAME FILE NO:
Alaska Dept. of Fish & Game
Fairbanks, Alaska TELEPHONE NO:

456-5156

FROM: Herbert R. Melchior *H.R.M.*
Furbearer Coordinator
Division of Game
Department of Fish and Game
Fairbanks

SUBJECT: Confidentiality of Fur
Reports and Sealing
Certificates

Last summer Joe Mattie, a local furbuyer and trapper, talked to me about his concern that fur reports (export and acquisition) and sealing document information was too readily available to others (including other fur dealers) simply for the asking. Similarly, Dean Wilson, another fur buyer, told me last fall that he didn't like filling in the "shipped to" portion of our fur export report because he didn't want other buyers to be able to find out who he sold his furs to. He said he had spent many years and many dollars in travel to find and establish markets for the furs he buys from trappers. It bothered him that some "new kid on the block" could walk in the office and request to see these documents and, with the investment of only a few hours of time, learn who Dean was dealing with. I told both of them that there was legal precedent (AS 16.05.815) for the Department to treat certain reports as confidential but that fur reports and sealing certificates were not listed. I told them that if they were really concerned about this that they should discuss it with legislators. I recall recommending to Joe Mattie that he also check with Fish and Wildlife Protection to determine how they felt about the idea of making fur documents confidential.

More recently, the Board of Directors of the Alaska Trappers Association (ATA) expressed concern about animal rights and anti-trapping groups having access to our fur documents. During their discussion, several Board members expressed the opinion that if trappers and fur dealers learned that such groups were requesting and receiving copies of these documents, or all the information contained on them, many trappers and furbuyers would be reluctant to comply with the regulations requiring reports. They felt some people would comply but withhold information, while others would comply but supply false information, and some would just not report. Their major concern, of course, is the potential for anti-harvest groups to use the information to harass trappers. The fact that Governor Sheffield has twice vetoed anti-harassment bills relating to hunting and fishing that were passed by both the House and Senate has contributed to the trappers' concern about the subject. As with the furbuyers, I told the ATA board they should take their concern to the legislature.

Since these discussions, Joe Mattie consulted with Fish and Wildlife Protection and Al Jones, ATA Vice-President, talked to Larri Spengler and Liza McCracken about making fur records confidential. Fish and Wildlife Protection supported the idea provided the law would specifically permit

them access to these records without having to go to court. Both attorneys thought such a statute would help clarify what information the Department must release versus what it can withhold from the public.

Both Joe Mattie and ATA asked me to help them draft a bill that they could take to legislators. In response to their request, I drafted the enclosed bill, modeled after AS 16.05.815, for them to use in initiating discussions with legislators.

At this point, I can't think of any problems such legislation would cause us. I can see how it might save us some time and money (and perhaps grief) since we wouldn't be obligated to stop our routine work to respond to a request for documents every time someone walks in the door or sends us a letter, as has happened this past year. If groups or individuals want the information in its original form bad enough, they can always ask the court to direct us to provide it, but that would require those asking to come up with an adequate justification. In addition, if trappers and furbuyers know the information they submit to us is confidential, we might see an improvement in the quality of the information they give us--again at no additional cost to us. Therefore, under present conditions and anticipating that in the future we might get more demands for this type of information from groups who are looking for ways to harass us and thwart wildlife management for the public good, I recommend that we support legislation to make fur certificates and reports confidential.

Enclosure

cc: Bishop
Pamplin

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

A BILL

For an Act entitled: "An Act relating to the confidentiality of certain reports and certificates."

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

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

SEC. 16.05. ___ Confidential nature of certain documents. Reports and sealing certificates required of the public by regulations of the department or Board of Game concerning the harvest of furbearers or their disposition are confidential and shall not be released in the form of individual records by the department except to the Division of Fish and Wildlife Protection, Department of Public Safety or in conformity with a court order. However, statistical reports and summaries of harvest data derived from information contained in such reports or certificates can be released to the public.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No.	II-055	PAGE	2-23
	ISSUED	2/2/82	EFFECTIVE	2/2/82

SUBJECT ~~CONFLICTS~~ CONFLICTS OF INTEREST

CHAPTER ~~DEPARTMENT~~ DEPARTMENT POLICIES

SUPERCEDES	No.	PAGE	DATE	APPROVED BY
	IT-C30	2-1	8/28/79	<i>Ronald O. Stora</i>

"13 16.0 Conflicts of Interests

"No employee or official of the State shall engage in any business or transaction, or shall own a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his official duties."

The State Personnel Rules also provide:

"13 18.0 Penalties

"Any person who willfully violates any provision of these Personnel Rules is guilty of a misdemeanor. Any State employee who is convicted of a misdemeanor under these Personnel Rules shall immediately forfeit his office or position.

"13 18.1 In any case in which a violation of these Rules has occurred and a department head has failed to take action to enforce the rules within a reasonable period of time, the Director shall take whatever action is necessary to secure compliance with the Rules."

DEFINITION

A conflict of interest occurs when a Department employee participates in one or more of the following activities:

1. Employment which reflects adversely the goodwill, reputation, or public faith in the Department or State.
2. Uses for personal gain information not available to the general public.
3. Commercial fishing, guiding, trapping, or other profit ventures under Department control over which he/she has management authority.
4. Serves as a member of Fish and Game Advisory Committees or as an officer of a conservation group, society or sportsmen's group except as outlined under Policy 4 of this section.

RATIONALE

As a manager of the commercial, sport, and subsistence fisheries of the State, our personnel stand in the limelight of

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
STANDARD OPERATING PROCEDURE

NO.	II-055	PAGE	2-2
ISSUED	2/2/82	EFFECTIVE	2/2/82

SUBJECT CONFLICTS OF INTEREST

CHAPTER DEPARTMENT POLICIES

SUPERCEDES	No.	PAGE	DATE	APPROVED BY
	II-030	2-2	8/28/79	<i>Ronald C. ...</i>

the public eye. The acceptance by the public of our management program rests largely with the credibility of our staff. If the public perceives our managers as impartial and unbiased professionals, their confidence in our program is strengthened. If they were to see instances of our personnel benefiting financially as a result of their positions with the Department, the public is less likely to support our programs.

POLICY

1. OUTSIDE EMPLOYMENT

The appointing authority (Commissioner) must be notified of any outside employment.

A Department employee may not engage as a private individual in any activity over which he has control in a professional capacity.

2. USE OF INFORMATION

Department employees are encouraged to prepare general or technical articles or papers regarding Department work on official time. However, information not generally available to the public should not be used in articles being sold. Clearance shall be obtained from the Commissioner before articles or photographs, based on Department activities, are submitted for publication.

Department employees appearing as speakers at meetings as private individuals shall not use ADF&G material or equipment without prior approval of the Commissioner.

3. COMMERCIAL FISHING, TRAPPING, GUIDING

Commercial fishing and trapping activities are under the control of the Department, and employees directly involved in the management or research of such activities shall refrain from engaging therein. Department efforts are directed to conserving resources for the public use, and employees who fish or trap for profit (if directly involved in controlling public activities in these areas) jeopardize their responsibility both to the resource and the State.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
STANDARD OPERATING PROCEDURE

NO.	II-055	2-11
ISSUED	2/2/82	EFFECTIVE 2/2/82

SUBJECT CONFLICTS OF INTEREST

CHAPTER DEPARTMENT POLICIES

SUPERCEDES	No.	PAGE	DATE	APPROVED-BY
	II-030	2-3	8/28/79	<i>W. J. ...</i>

Employees of the Department entirely removed from management or research of these activities, should address a written request to the Commissioner for permission to engage in these activities.

Commercial guiding activities by employees are not permitted under any circumstances.

4. ADVISORY COMMITTEES, SPORTSMEN'S CLUBS, CONSERVATION SOCIETIES, ETC.

Department employees are encouraged to assist Advisory Committees of the Alaska Boards of Fisheries and Game but shall not serve as members or officers except in the capacity of non-voting recording secretary.

Department employees are encouraged to participate in sportsmen's clubs and conservation societies. If employees are elected or are asked to serve as officers or voting members of the governing body, they should refrain from participating in decisions or actions that are contrary to State or Department positions or policies.

A coordinated effort on all conferences being attended by staff is essential. Invitations to address or participate in statewide, regional, or national meetings or conferences of professional societies, sportsmen's groups, or conservation organizations will be coordinated by the Commissioner's Secretary. Department employees should notify the Secretary of the invitation and whether the employee wishes to accept or decline the invitation prior to the employee sending acceptance or regrets.

A Department employee may not accept payment or reimbursement for travel or other expenses from a business, institution, organization, or association whose operation is regulated by the Department.

SEALED BY Ed Crain

FISH AND GAME FURBUYER PUBLIC SAFETY APPOINTED SI

02 / 10 / 85 1 FLKS
 MONTH DAY YEAR PLACE OF SEALING
 DATE OF SEALING

RECORD ONLY ONE SPECIES PER FORM

BEAVER LYNX OTTER WOLF WOLVERINE

SEAL NO.	LOCATION OF HARVEST				DATE TAKEN MO/YR	METHOD OF TAKE*	SEX**			USE THIS SPACE FOR BEAVER, LYNX OR OTTER		WOLF		
	GMU	SUB-UNIT	DO NOT USE THIS SPACE	DRAINAGE-SPECIFIC AREA			M	F	UNK	LENGTH	WIDTH	PELT COLOR		
											W	GR	BL	NUMBER IN PACK
42232	20	B	0206	Globe Cr.	11/84	5		X					X	10 in.
42234	20	B	0206	"	11/84	5		X					X	"
42235	20	B	0206	"	11/84	5	X						X	"
42247	20	B	0206	"	12/84	5		X				X		"
42237	20	B	0206	"	12/84	5	X						X	"
42239	20	B	0206	"	12/84	5	X						X	"
42233	20	B												"
32133	20	B	0206	"	12/84	5	X						X	"
32134	20	B	0206	"	12/84	5		X					X	"
32135	20	B	0206	"	12/84	5	X						X	"

IDENTIFICATION OF INFORMATION ON THIS FORM IS PUNISHABLE UNDER AS 11.56.210(a)
 I CERTIFY THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE.

* METHOD OF TAKE
 1. GROUND SHOOTING 2. TRAPPING
 3. SNARING 4. AERIAL SHOOTING
 5. OTHER

** EXCEPT BEAVER, LYNX

RETURN ALL COPIES TO DEPARTMENT OF FISH AND GAME

NO. B 40551

STATE OF ALASKA

FURBEARER SEALING CERTIFICATE

DEPARTMENT OF FISH AND GAME

SEALED BY DAVID M. JOHNSON

FISH AND GAME FURBUYER PUBLIC SAFETY APPOINTED S:

Nov / 13 / 1984 / Delta Jet
MONTH DAY YEAR PLACE OF SEALING

DATE OF SEALING

RECORD ONLY ONE SPECIES PER FORM

BEAVER LYNX OTTER WOLF WOLVERINE

SEAL NO.	LOCATION OF HARVEST				DATE TAKEN MO/YR	METHOD OF TAKE*	SEX**			USE THIS SPACE FOR BEAVER, LYNX OR OTTER		WOLF			
	GMU	SUB-UNIT	DO NOT USE THIS SPACE	DRAINAGE-SPECIFIC AREA			M	F	UNK	LENGTH	WIDTH	PELT COLOR			NUMBER IN PACK
												W	GR	BL	
40167	20	A	Ø7Ø2	100 MILE CREEK	11/84	1		X					X		9
40168	20	A	Ø7Ø2	"	11/84	1		X					X		9

VERIFICATION OF INFORMATION ON THIS FORM IS PUNISHABLE UNDER AS 11.56.210(a)
 I CERTIFY THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE.

* METHOD OF TAKE
 1. GROUND SHOOTING 2. TRAPPING
 3. SNARING 4. AERIAL SHOOTING
 5. OTHER

** EXCEPT BEAVER, LYNX

RETURN ALL COPIES TO DEPARTMENT OF FISH AND GAME

all of this has been re-codified

AAC 84.115
5 AAC 84.180

department within 30 days after the close of the trapping season. (In effect before 1980: am 9/30/81, Reg. 79; am 6/30/84, Reg. 90)

Authority: AS 16.05.255

5 AAC 84.120. EXPORTATION OF SKINS.
(a) No person may ship, mail, or otherwise transport from Alaska the raw skins of a wild fur bearer or hair seal without properly executing a fur export permit or shipping tag and an export report or post card provided by the department or any post office or commercial carrier.

(b) A person who ships, mails, or otherwise transports from Alaska the raw skin of a wild fur bearer or hair seal shall attach a fur export permit to the outside of the package containing the raw skin and shall include a statement that the skin was legally taken and possessed. No carrier or post office may accept for shipment from Alaska any raw skin of a wild fur bearer or hair seal unless a fur export permit is attached. Before shipment, the person shipping, mailing, or otherwise transporting the raw skin shall detach the fur export report from the fur export permit, and shall properly execute and mail the report to the department. (In effect before 1985: am 6/23/85, Reg. 94)

Authority: AS 16.05.255

5 AAC 84.130. EXPORTING AND POSSESSION OF SEA OTTER. Repealed 7/4/80.

5 AAC 84.140. IMPORTING OF SEA OTTER SKINS. Repealed 7/4/80.

5 AAC 84.150. PROCESSING OF SEA OTTER SKINS. Repealed 7/4/80.

**ARTICLE 4.
USE OF GAME**

Section

- 160. Purchase and sale
- 170. Game as animal food or bait
- 175. Utilization of carnivores

5 AAC 84.160. PURCHASE AND SALE. The purchase, sale, or barter of a fur bearer or a part of a fur bearer is permitted, with the exception of an unsealed or untagged beaver, wolf, wolverine, lynx, or river otter skin. (In effect

before 1980; am 7/4/80, Reg. 75; am 6/23/85, Reg. 94)

Authority: AS 16.05.255
AS 16.05.920

This is now 92.210

5 AAC 84.170. GAME AS ANIMAL FOOD OR BAIT. The use of game as food for a dog or a fur bearer, or as bait, is prohibited, with the following exceptions:

- (1) the hide, skin, viscera, or bones of any game;
- (2) repealed 9/25/76;
- (3) the skinned carcass of bear or fur bearer;
- (4) hares, rabbits and red squirrels;
- (5) repealed 7/4/80;
- (6) legally taken unclassified game. (In effect before 1980; am 7/4/80, Reg. 75; am 6/23/85, Reg. 94)

Authority: AS 16.05.255

5 AAC 84.175. UTILIZATION OF CARNIVORES. The hide or flesh of bears and the hides of wolves, wolverine, coyotes, and lynx must be salvaged for human use. (In effect before 1983; am 6/30/83, Reg. 86)

Authority: AS 16.05.255

**ARTICLE 5.
AREAS CLOSED TO TRAPPING**

Section

- 180. Application of
5 AAC 84.190-5 AAC 84.200
- 190. Southeastern Alaska (Units 1-5)
- 200. Southcentral Alaska (Units 6-16)
- 210. (Repealed)

5 AAC 84.180. APPLICATION OF 5 AAC 84.190 - 5 AAC 84.200. Unless otherwise provided in 5 AAC 84.190 - 5 AAC 84.200, the areas listed in those sections are closed to trapping fur bearers except under authority of a permit that may be issued at the discretion of the commissioner. (In effect before 1985; am 6/23/85, Reg. 94)

Authority: AS 16.05.255
AS 16.05.340

Section

- 20. Animals exempted
- 30. Definitions

Sec. 16.30.010. Wanton waste of big game animals and wild fowl. (a) It is a class A misdemeanor for a person who kills a big game animal or a species of wild fowl to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.

(b) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.

(c) The imposition or execution of the minimum sentence prescribed in (b) of this section may not be suspended under AS 12.55.080 or 12.55.085. The minimum sentence prescribed in (b) of this section may not be reduced. (§ 39-8-1 ACLA 1949; am § 1 ch 111 SLA 1957; am § 2 ch 73 SLA 1968; am § 1 ch 11 SLA 1974; am § 1 ch 34 SLA 1976; am § 1 ch 5 SLA 1980; am § 1 ch 123 SLA 1982)

Effect of amendments. — The 1980 amendment affected provisions of this section defining the term "most of the edible meat" of a wild food animal. The 1982 amendment, however, deleted these provi-

sions. Similar provisions now appear in AS 16.30.030(5).

The 1982 amendment rewrote this section.

Sec. 16.30.012. Possession of horns or antlers. (a) It is a class A misdemeanor for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful hunting season for that animal if the person does not possess the edible meat of the animal.

(b) A person may not be arrested or prosecuted for a violation of this section unless the arresting officer determines that there is probable cause to believe that the edible meat of the big game animal from which the horns or antlers were taken has not been salvaged. (§ 2 ch 34 SLA 1976; am § 2 ch 123 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

Sec. 16.30.015. Surrender of salvaged portions, license forfeiture. A person convicted of violating AS 16.30.010

(1) shall surrender to the department all salvaged portions of the animal or fowl;

(2) forfeits the convicted person's hunting license;

(3) is ineligible to hold a hunting license for

15

(A) the year in which the conviction is entered and the year following the year in which the conviction is entered;

(B) a period of five years from the date of the conviction if the person has failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint). (§ 3 ch 123 SLA 1982)

Sec. 16.30.017. Defenses. (a) It is a defense to a criminal charge under AS 16.30.010 or 16.30.012 that the failure to salvage or possess the edible meat was due to circumstances beyond the control of the person charged, including

- (1) theft of the animal or fowl;
- (2) unanticipated weather conditions or other acts of God;
- (3) unavoidable loss in the field to another wild animal.

(b) It is a defense to a criminal charge under AS 16.30.012 that the defendant does not possess the edible meat of the big game animal because the meat was

- (1) consumed by human beings; or
- (2) delivered to another person.

(c) In this section, "delivered" means given, sold, or bartered in a manner that does not violate state or federal law. (§ 3 ch 123 SLA 1982)

Sec. 16.30.020. Animals exempted. The provisions of AS 16.30.010 and 16.30.012 do not apply to animals which the board exempts by regulation. (§ 3 ch 73 SLA 1968; am § 3 ch 34 SLA 1976; am § 4 ch 123 SLA 1982)

Effect of amendments. — The 1982 amendment made a minor section catchline change.

Sec. 16.30.030. Definitions. In this chapter

(1) "big game animal" means moose, caribou, mountain sheep, mountain goat, feral reindeer, deer, elk, bison, walrus, or musk-ox;

(2) "criminal negligence" means criminal negligence as defined in AS 11.81.900(a)(4);

(3) "department" means the Department of Fish and Game;

(4) "edible meat" means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (stifle joint), and that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include

(A) meat of the head;

(B) meat that has been damaged and made inedible by the method of taking;

(C) bones, sinew, and incidental meat reasonably lost as a result of boning or a close trimming of the bones;

(D) viscera;

(5) "intentionally" means intentionally as defined in AS 11.81.900(a)(1);

(6) "knowingly" means knowingly as defined in AS 11.81.900(a)(2);

(7) "possess the edible meat" includes possessing portions of the edible meat in more than one location while the meat is being transported from the place where it was salvaged;

(8) "recklessly" means recklessly as defined in AS 11.81.900(a)(3);

(9) "wild fowl" means species of wild fowl for which seasons or bag limits have been established by state or federal law. (§ 3 ch 73 SLA 1968; §§ 5, 6 ch 123 SLA 1982)

Revisor's notes. — Reorganized in 1983 to alphabetize the defined terms. **Effect of amendment.** — The 1982 amendment repealed former paragraph (2), which defined "wild food animal," and added present paragraphs (4)-(9).

Chapter 35. Predatory Animals.

Article

1. Employment of Hunters and Trappers to Suppress Predatory Animals (§§ 16.35.010 — 16.35.040)
2. Bounties on Wolverines, Wolves and Coyotes (§§ 16.35.050 — 16.35.130)
3. Bounty on Hair Seals (§§ 16.35.140 — 16.35.180)
4. Miscellaneous Provisions (§ 16.35.200)

Article 1. Employment of Hunters and Trappers to Suppress Predatory Animals.

Section	Section
10. Commissioner of fish and game to employ hunters and trappers	40. Disposition of proceeds from sale of skins
20. Duties of leaders	
30. Leaders' compensation and sale of skins	

Sec. 16.35.010. Commissioner of fish and game to employ hunters and trappers. The governor may suppress predatory animals in the state, and may employ not more than two expert hunters and trappers, hereafter referred to as leaders. Only persons who have had scientific training by the Department of Natural Resources for the suppression of predatory animals and who are recognized by that department as experts in that field shall be employed. (§ 33-3-101 ACLA 1949)

Revisor's notes. — This section gives the power to suppress predatory animals to the governor with the Department of Agriculture to train persons to suppress predatory animals. Section 7, ch. 64 SLA 1959, does not mention this power as one belonging to the governor. Section 16, ch. 64 SLA 1959, listing the powers of the Department of Natural Resources, to which were transferred the powers of the

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 407 (Rules)
 Title : An Act relating to the use and sealing of certain game animals
 Sponsor : Shultz and Marrou
 Requestor : House Rules
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Fish & Game & AK Railr
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

K. Miller
 Prepared by : Captain James R. Nutgrass Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 2/24/86
 Approved by Commissioner : [Signature] Date : 2/25/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

PROPOSAL FOR AMENDMENT TO H.B. 407

SENATOR FRANK FERGUSON attn: Mike Scott

Submitted by Pete Schaeffer

(c) Except as provided in (d) of this section the following information is confidential:

(1) A report of record that is required by regulations of the department concerning the taking, sealing, acquisition of the untanned skin, or exportation from the state of the fur, of a game animal taken by trapping or hunting and that identifies an individual trapper or hunter,

(2) Any document or information in the possession of the department which is based on the reports or records listed in (1) of this section and which identifies an individual trapper or hunter or the specific location where the game animal was taken.

(d) Information, reports or records confidential under (c) of this section may be released by the department only

(1) to the Department of Revenue to assist that department in carrying out its statutory responsibilities;

(2) as necessary to comply with a court order;

(3) on request, the report that accompanies the sealing of a game animal to the person who is identified in the report as having taken the game animal; and

(4) to the division of fish and wildlife protection of the Department of Public Safety to assist that department in carrying out its statutory responsibilities.

(e) Except to the extent necessary to prosecute a criminal action based on a record or report that is confidential under (c) of this section, a department that receives [a] confidential information, records or reports from the department under (d) [~~(c)~~] of this section shall

also maintain the confidentiality of the information, record or report.

~~[(e) A record or report received by the department that relates to the taking, sealing, acquisition of the untanned skin, or exportation from the state of the fur, of a game animal taken by trapping or hunting and that does not identify an individual trapper or hunter or the specific location where an animal has been taken is public information.]~~

(f) In this section, "sealing" means the placement of a seal by the department on a portion of the carcass of a game animal taken by trapping or hunting.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 407 (Rules) am
 Title : re the use of & certain reports
& records concerning game animals

Sponsor : Shultz, Marrou & Thompson
 Requestor : Senate Resources
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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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	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain J. R. Nutcrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 3/18/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 3/19/86

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 407 (R1s) am

NEUTRAL

March 18, 1986

CSHB 407 (Rules) am - "An Act relating to the use and sealing of certain game animals."

The Department of Public Safety is neutral on CSHB 407 (R1s) am.

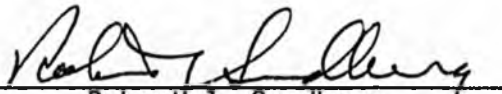
The parts of game as defined will not create an enforcement problem, and will serve to clarify and eliminate any past practices where non-edible parts, if used, could be considered a violation of regulations.

By allowing the trapper to set traps in the vicinity of a big game animal found dead by natural causes, if not disturbed, would not pose a problem for the Department.

The reporting requirement is realistic that a trapper who uses a big game animal found dead by natural causes must report the location at the earliest opportunity. This is particularly true of those trappers in the remote areas, where they may not have an opportunity or capability for reporting the location of a dead animal for an extended period of time.

We recommend the following on page 1, line 19, after opportunity, delete "after the use;"

We support the records and documentation on trapping and sealing information being confidential and that the Department of Public Safety has access for official business.



Robert J. Sundberg
Commissioner

Offered: 2/28/86
Referred: Rules

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning game animals."

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

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

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as
11 bait the following parts of a dead big game animal:

12 (1) the skin, viscera, bones, skinned carcass of bear,
13 head, legs below the distal joint of the tibia-fibula (stifle joint),
14 tallow, fat, trimmings, and hide, except the hide of a bear;

15 (2) the meat that is not edible meat from a big game animal
16 that is found dead from natural causes if the person does not disturb
17 the animal and notifies either the department or the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found at the earliest opportunity; and

20 (3) the edible meat that is determined by the department or
21 the Department of Public Safety in a particular situation to be non-
22 edible if the animal was killed by a motor vehicle and if the person
23 obtains the written permission of either department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck, bris-
28 ket, front quarters as far as the juncture of the humerus and the
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibia-fibula (stifle joint), and that portion of the animal between
2 the front and hindquarters; "edible meat" does not include meat that
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals
6 that are not edible meat and customarily discarded during the butcher-
7 ing process.

8 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the
10 department concerning the taking, sealing, acquisition of the untanned
11 skin, or exportation from the state of the fur, of a game animal taken
12 by trapping or hunting and that identifies an individual trapper or
13 hunter is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order;

17 (3) on request, the report that accompanies the sealing of
18 a game animal to the person who is identified in the report as having
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the
21 Department of Public Safety to assist that department in carrying out
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal
24 action based on a record or report that is confidential under (c) of
25 this section, a department that receives a confidential record or
26 report from the department under (c) of this section shall also main-
27 tain the confidentiality of the record or report.

28 (e) A record or report received by the department that relates
29 to the taking, sealing, acquisition of the untanned skin, or

1 exportation from the state of the fur, of a game animal taken by
2 trapping or hunting and that does not identify an individual trapper
3 or hunter or the specific location where an animal has been taken is
4 public information.

5 (f) In this section, "sealing" means the placement of a seal by
6 the department on a portion of the carcass of a game animal taken by
7 trapping or hunting.

HB 407 "An Act relating to the use of, and certain reports and records concerning game animals"

QUESTIONS

Section 1

- 1) What has been the state's policy regarding use of game animals or game animal parts for bait? Game is currently allowed to be used for animal food, correct? By regulation or statute? Does HB 407 allow the use of animals in a manner currently prohibited? Has the Board of Game ever considered this issue? If so, why have they not acted on it?
- 2) What is the purpose of Section 1 in HB 407? Is the effect of the bill any different? What changes would you recommend to clarify the language?
- 3) Current regulations authorize the use of specified parts of game animals as bait for dogs and fur bearers. Would HB 407 legalize the use of entire animals for animal food also?
- 4) Does legalizing the use of the entire animal for bait encourage illegal taking of animals? What are the safeguards? Are they sufficient? How will enforcement for this bill be carried out with budget cuts, etc.
- 5) Why is the word trapping not used in the bill? Is the intent of the bill to provide additional sources of trapping bait or could it be used for hunting. Does current regulation allow baiting of other fur animals besides black bear? Would this bill in any way effect hunting of animals?
- 6) How do the different uses of edible and non-edible meat work in HB 407? When does it refer to anatomical parts (page 1 line 15;) and when does it mean unfit for human consumption (page 1 lines 21-22)? How are these two usages defined in regulation? Does the Department of Public Safety have trouble determining edible and non-edible meat in the field. Does Fish and Game?
- 7) If the finder of a dead big game animal is not allowed to disturb the meat (page 1 line 16), how can the person use the carcass for bait? If he is not allowed to disturb the animal, how can edible portions of a freshly killed animal be salvaged?
- 8) How does the Department of Public Safety or ADF&G determine that an animal has died from natural causes (page 1 line 16)? Is it difficult to make that determination in the field?
- 9) On page 2 lines 3-4, the definition of edible meat says that "edible meat does not include meat" damaged by the method of taking. And on page 2 line 4, "taking" is negatively defined as not including death by vehicle. How could a road kill be determined inedible if it can only be determined "inedible by the method of taking" (page 2 line 3) which "does not include causing death by a vehicle?" (page 2 line 4)? Does vehicle include railroads?
- 10) HB 407 requires the finder of a dead big game animal to notify Public Safety or ADF&G at the earliest opportunity (page 1 line 17). What will prevent two different trappers from finding the same animal and notifying the two different agencies separately? What does "earliest opportunity" mean? What method of notification is sufficient--post card, telephone call? Will Public Safety and F&G pool their information? Will it be available to the public?

11) Current regulations on the use of bait for black bear specify distance from houses, roads, etc., and require user information signs to be placed. Would such considerations need to be addressed for use of big game animals allowed by HB 407?

12) In the case of road kill animals, title currently goes to the state. How does this bill change that? How will priorities be determined when assigning such rights to a trapper. Do all trappers have an equal chance at the animals remains? or does the right go the first caller or postcard writer? If a person hit and killed a moose with their car, would they then have a right to the animal?

Section 2

13) How is Section 2 related to Section 1?

14) How does ADF&G currently handle requests for sealing records? Is there a problem with giving the information to the public? Have there been any documented examples of problems with harrassment?

15) Does the department currently give out the names and addresses of people on the records?

16) What does the list of reports mentioned on page 2 lines 10-11 refer to? Do they include more than sealing records? Would they also include hunting licenses?

17) In the list of persons the reports could be released to on page 2 lines 14-22, the federal Fish and Wildlife Service is not mentioned. Would they need this information for managing federal wildlife refuges? Does much trapping occur on those lands?

18) On page 2 line 12 of the bill, a record is made confidential if it "identifies an individual trapper or hunter." On page 3 lines 3-4, a record is public information if it does not identify a trapper or hunter or "the specific location where an animal has been taken". Why is location mentioned in one and not the other?

Rayh notes - Paul Hilburn

~~(Out intro not)~~

CS for HB 407 (Rules) am - Sec. 16105.783 Use of Game as Bait

Dear Commissioner:

This letter concerns the above mentioned bill, which has passed all house committees it was assigned to and should eventually reach the floor. The AEL is concerned about some aspects of this bill, we think the Department should be also, and solicit your support and advice.

1. Issues for the Board of Game

In view of the historic protection of game animals/parts from being used for bait, other than those parts specifically mentioned in 5AAC 92.210, Game as Animal Food, one, is it desirable to legalize such use (of all parts of game animals), and two, is it desirable to do so by statute, thus removing the issue from Board overview?

2. Bait for What

5AAC 92.21 authorizes the use of specified parts of game animals as bait or food for dogs and fur bearers. Will HB 407, by defining whole animals as not edible and legal for bait, legalize the use of the entire animal/parts for animal food also? Even just legalizing the whole animal for bait can't help but encourage illegal taking of animals in a time when budget cuts will reduce enforcement.

Nowhere in the title or the bill itself is the word trap or trapping used. We assume the intent of the bill is to provide additional sources of trapping bait, but it appears that the wording could be used to justify the practice of baiting other fur animals than black bear, as is currently allowed in regulations (5AAC 92.075).


You have already addressed this

3. Unclear Definitions Cause Problems

The uses and definitions of "edible" and "non edible" seem to cross back and forth between the legal (anatomical) and normal common usages. For example, on Page 1, line 15, does the term "not edible meat" (from animals dead of natural causes) mean unfit for human consumption, or the anatomical parts of an animal not defined as "edible meat" in the regulations or in the definitions?

Since a finder cannot disturb the meat, the whole animal will become "not edible" anyway, and only the whole animal can be used for bait. Won't this encourage illegal taking for such usage, especially in a time of reduced enforcement due to budget cuts?

On lines 20-22 another definition of not edible occurs, this time referring to motor vehicle kills. The DPS "determines" if edible meat (anatomical?) is now not edible meat (unfit?). Unfortunately, in the attached definitions, inedibility from "method of taking" is not allowed by motor vehicle.

 Really
Confusing

4. Notification Procedures Will Cause Confusion

In the case of naturally killed animals, there appear to be some issues that will have to be covered by regulations or procedures, adding to Departmental and inter-departmental paperwork and coordination.

What will prevent two different trappers from finding an animal and notifying the two departments separately? Current regulations on the use of bait for black bears specify distance from houses, roads, etc. , and require user information signs to be placed. Would such considerations be addressed in this case? What does "earliest opportunity" mean, and what methods are considered satisfactory, a post-card, telephone call ?

5. Road Kills

Even more issues arise when dealing with a road killed animal. Currently, title goes to the state. How will priorities be determined when assigning such rights to a trapper? To the first caller or writer? Will a list of licensed trappers be developed for each area? It appears that two different trappers could separately contact the two departments and each get approval. Will a means be used for identifying such donated animal parts so as to discourage the use of illegally taken animal parts.. Is there a problem of a written approval being used for more than one animal?

Closely related, and mentioned in the sponsor's background information but not in the title or bill itself is the matter of train kills. The ARR kills large numbers of moose some winters, and some are made "not edible" by means of such contact. Should this item be included in the bill to prevent future amendments being necessary to cover it.

You've already addressed Section II

4) Amendment #4: Page 2, line 8, Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

(c) A report or record that is required by regulations of the department concerning the sealing of a game animal taken by trapping or hunting will be made available upon request. The identity of an individual hunter or trapper is confidential and may be released by the department only

(1) to the Department of Revenue to assist that department in carrying out its statutory responsibilities;

(2) as necessary to comply with a court order;

(3) on request, the report that accompanies the sealing of a game animal to the person who is identified in the report as having taken the game animal; and

(4) to the division of fish and wildlife protection of the department of Public Safety to assist that department in carrying out its statutory responsibilities.

(d) In this section, "sealing" means the placement of a metal seal by the department on a portion of the carcass of a game animal taken by trapping or hunting.

Rationale: Hunters and trappers are using public resources and information gathered at public expense. Therefore, the public has a right to the results of their public use. The public should see the original record and not the Department of Fish and Game's summary report. The public has the right to have the actual resource and demographic information. This is to insure correct interpretation of resource information by the public.

It is not essential for the public to know the individual hunter or trapper's name and address. That may remain confidential and only released under the conditions stated in (c).(1-4).

Rationale: This asserts the public's right to have access to the actual resource and demographic information included in the report. It is not necessary to state provisions about confidentiality of individual's name and address since the Department of Fish and Game already does this on its public records.

* Anti-Hunting Group Seeking Names of New Jersey Trappers



Rodger Iverson, chairman of the Coalition of New Jersey Sportsmen

Having campaigned successfully to ban the steel leghold trap in New Jersey, the antis now are apparently taking aim at the trappers themselves.

An attorney for Friends of Animals and the Humane Society of the United States has asked the New Jersey Division of Fish and Game for a list of persons who have been licensed to trap in New Jersey.

The New Jersey attorney general's office has instructed the division to make the names and addresses available.

Attorney General Irwin Kimmelman informed the antis in mid-January that the only listing of licensed trappers available is for 1984. He said the division does have license stubs or receipts available from the 1980 to 1984 period and that these may be inspected at the Clinton office. The 1985 stubs have not

yet been audited and won't be available until mid-1986. The ban went into effect last October.

The Coalition of New Jersey Sportsmen does not want any of these names and addresses released. Their attorney, James Seeley, of Bridgeton, has asked the Appellate Court in Salem County to stay the release of the list. That same court is scheduled to take up a number of issues involved in the trapping ban in a case set to begin on May 19.

Rodger Iverson, chairman of the coalition, said the antis already are harassing trappers and sportsmen and that there is no reason for them to have the list. They claim they need it for the court case.

"There is no logical reason for them to have that list," Iverson insisted. "If they're simply concerned about the elimination of the trap, that can clearly be accomplished without abolishing the trapper himself.

"Having been harassed myself, I know it can become rather upsetting. I'm concerned it could lead to some kind of altercation."

Iverson is also very concerned about the precedent the release of the trapping list could set.

"Will they next want a list of all licensed hunters in the state? What about gun owners?" he asked.

Iverson and other sportsmen worry about the list being distributed to members of anti-trapping organizations so that trappers can be placed under surveillance—as some apparently have been in the past.

Although no one is questioning that the use of the steel leghold trap has been banned in New Jersey, some very important issues remain to be decided in the May case in Salem County. Among the questions to be considered are:

- May trappers keep their steel leghold traps? (The law passed by the New Jersey Legislature bans even the possession of leghold traps but provides no compensation for their confiscation.)

- Can the state ban the interstate transportation of leghold traps? (The law seeks to make it illegal to even drive through the state with a leghold trap in a vehicle.)

- Is the padded-jaw, soft-catch trap a viable alternative to the steel leghold trap?

A New Jersey court earlier ruled that trappers may keep their traps until the courts reach a final decision in the case.

One fact that has emerged during the legal debates is the connection between banning traps and banning guns.

The New Jersey attorney general's office has argued that traps can be banned without compensation and has cited gun bans to support its case.

After mentioning a number of court cases, a brief filed by the attorney general's office declared, "Similarly, in the instant case the Legislature has, in the exercise of its police power, banned the use of the steel-jawed leghold trap. As a means to accomplish that end, it has banned possession of the trap itself.

"If it is constitutional to take away without compensation the right to possess firearms which had previously

been lawfully acquired, to save human life, then, in the legitimate exercise of police power it is constitutional to take away, without compensation, the right to possess leghold traps, to save animals from a cruel and barbarous fate."

Iverson pointed out, "So as some of us previously thought, the confiscation of leghold traps can involve firearms. Indeed, there is a direct intention to involve firearms."

He urged other sportsmen to rally to the support of the trappers.

"It's time that people get involved. The precedent of confiscation, the precedent of names and addresses being distributed—these are things that threaten all sportsmen.

"The hunters, the trappers and the fishermen have to stand together because we're really all in the same boat. If we don't stand together, we're all going to be on the endangered species list."

Another threat to New Jersey trappers and sportsmen is the tremendous expense of fighting the antis in the Legislature and now in the courts.

Iverson estimated that \$33,000 already had been spent and that another \$10,000 would be needed just to bring in the expert witnesses for the May trial.

He urged sportsmen to send their contributions to the: Sportsmen's Defense Fund, Coalition of New Jersey Sportsmen, c/o Irwin, Post and Rosen, 65 Livingston Avenue, Roseland, N.J. 07068.

"United we can beat the antis. Divided, we're all going to lose. The trappers just happen to be in the greatest danger right now," Iverson concluded.

Natives fear effects of anti-fur protests

by Charles Campbell
Associated Press

CHISASIBI, Quebec (AP) — Norman Sam, a Cree Indian and lifelong trapper, fears that anti-fur protests in lands far away could kill his traditional way of life in the Canadian woods.

"I can say this is not true, what they say about us being cruel to animals," he told visiting reporters recently through an interpreter. "How can it be cruel when it means that it is your life that you are continuing when you kill these animals, when it's every part of the animal we're using?"

Sam and his four sons set beaver traps in the scrub forest about an hour's ride by snowmobile from Chisasibi, a town on the edge of James Bay, 700 miles northwest of Montreal.

His concern is buttressed by the success of a similar campaign abroad against the clubbing of seal pups for their white furs. That campaign has effectively brought a halt to all commercial seal hunting in Canada.

Canada was founded on the fur trade, and still has nearly 100,000 trappers who caught about 3 million furs last year. The most-trapped animals include muskrat, beaver, marten, raccoon, squirrel, coyote, fox, lynx and mink.

Canadian Indian leaders, along with Eskimos from Greenland and Alaska, have founded an organization called Indigenous Survival International to defend what they consider their right to continue

trapping, hunting and fishing practices that are threatened by animal-rights campaigns and by expanded activity by sportsmen.

Recently, the organization met in Chisasibi, just 10 miles north of Norman Sam's camp and traps, to plan strategy for winning the contest for international public opinion about trapping. They watched films being shown widely in Europe that depict trapping as a cruel, barbarous torture for animals.

"They killed the whole sealing industry," said George Erasmus, chief of the Assembly of First Nations, a coalition of Canada's Indian bands. "Now they're trying to kill the whole fur industry by focusing on the leg-hold trap."

Thomas Coon, a Cree leader from Mistassini, Quebec, said trappers who see the anti-trapping films feel that their practices have been misrepresented.

"When animals are properly trapped, they don't bleed like that," Coon said. "It hurts a trapper to see that. We're very careful about how we kill, about how we harvest."

Coon and other trappers said they no longer use jagged-edge leg-hold traps that cause animals to bleed. They have been replaced, they say, by devices that hold animals in padded leg-hold grips or are designed to kill them quickly. Underwater traps for such animals as beavers and muskrats drown the animals.

To: Dick Schultz

From: Keywalt

2/21/86

61

TO: ALL LEGISLATORS

FROM: DONALD R. LATIMER, 1714 PINE LANE, DELTA JCT., AK 99737
895-4714

RE: HB 407 - BAIT BILL

STRONGLY RECOMMEND. FULL USE OF ALL RESOURCES SHOULD BE PUSHED TO THE FULLEST EXTENT.

***** DELTA POMS *****

TO: ALL LEGISLATORS

FROM: ROGER A. JOSLIN, SR., 5004 N. PIKE AVE., DELTA JCT., AK 99737 895-4098

RE: HB 407 - BAIT BILL

I SUPPOSE THIS BILL, AS A TRAPPER, I FEEL THIS BILL WILL HELP ME.

TO: ALL LEGISLATORS

FROM: WAYNE CROWSON, P.O. BOX 231, DELTA JCT., AK 99737

RE: HB 407 - BAIT BILL

I STRONGLY SUPPORT THIS BILL AS WRITTEN BY PUBLIC SAFETY.

TO: ALL LEGISLATORS

FROM: COLHEEN PUGH, P.O. BOX 253, DELTA JCT., AK 99737

RE: HB 407 - BAIT BILL

PLEASE SUPPORT THIS BILL.

TO: ALL LEGISLATORS

FROM: LOYD MAGGARD, 5878 HANSON RD., DELTA JCT., AK 99737
895-4222

RE: HB 407 - BAIT BILL

I SUPPORT THIS BILL.

COM

TO: ALL LEGISLATORS

FROM: RALPH HILLER, 5449 RICHARDSON HWY., DELTA JCT., AK 99737
895-4202

RE: HB 407 - BAIT BILL

PLEASE SUPPORT THIS BILL AS IT ONLY MAKES USE OF WHAT IS
OTHERWISE PUT IN TRASH CANS OR FED TO THE DOGS. ALL THE TRAPPER
IS DOING IS USING RESOURCES.

TO: ALL LEGISLATORS

FROM: WILLIAM J. PUGH, P.O. BOX 253, DELTA JCT., AK 99737

RE: HB 407 - BAIT BILL

PLEASE SUPPORT THIS BILL AS IT ONLY MAKES USE OF WHAT IS
CONSIDERED REFUSE ANYWAY.

TO: ALL LEGISLATORS

FROM: J.R. GROPPLE, P.O. BOX 513, DELTA JCT., AK 99737 895-4224

RE: HB 407 - BAIT BILL

I STRONGLY SUPPORT THIS BILL

TO: ALL LEGISLATORS

FROM: RONALD P. JOSLIN, 5904 N. PIKE AVE., DELTA JCT., AK 99737
895-4098

RE: HB 407 - BAIT BILL

I STRONGLY SUPPORT THIS BILL. SPEAKING AS A TRAPPER, THIS WILL
BE A GOOD BILL TO PASS.

EDM

61
TO: ALL LEGISLATORS

FROM: RAY C. TURNEY, P.O. BOX 83228, FAIRBANKS 99708

PHONE: 452-8221

RE: HB353 TAXATION OF OIL AND GAS CORPS.

OIL COMPANIES WORLD WIDE HAVE MADE UNTOLD MILLIONS AT THE EXPENSE OF THE PEOPLE. I AM IN FAVOR OF SEPARATE ACCOUNTING FOR OIL COMPANIES FOR DETERMINING THEIR OIL TAXES SO WE CAN HAVE LOCAL JOBS.

***** DELTA POM ***** 61

TO: ALL LEGISLATORS

FROM: THOMAS E. CHEESEMAN, JR., P.O. BOX 1064, DELTA JCT., AK 99737 895-5142

RE: HB 407 - GAME BAIT

I STRONGLY SUPPORT THIS BILL BECAUSE I FEEL WE ARE JUST PUTTING BACK WHAT WAS TAKEN FROM THE WILD.

TO: ALL LEGISLATORS

FROM: JAMES WEIDNER, P.O. BOX 344, DELTA JCT., AK 99737 895-4205

RE: HB 407 - BAIT BILL

STRONGLY SUPPORT THIS BILL AS WRITTEN. THERE IS NO REASON WHY THE UNEDIBLE PARTS OF ANIMALS CANNOT BE USED BY TRAPPERS AS BAIT. IT DOESN'T HURT ANYONE.

TO: ALL LEGISLATORS

FROM: DAVE LEASKEY, 2758 OLD RICH HWY., DELTA JCT., AK 99737 895-4668

RE: HB 407 - BAIT BILL

I STRONGLY SUPPORT THIS BILL AS WRITTEN.

TO: ALL LEGISLATORS

FROM: LUCINDA MERZ, P.O. BOX 381, DELTA JCT., AK 99737

RE: HB 407 - BAIT BILL

I SUPPORT HB 407.

o/c

*Sponser
Alaska Nappers
worked of environmental
to remove many land
not all of objectives but
C.S. must better than
regard*

Offered: 5/4/86
Referred: Rules

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 407 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning, game animals."

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

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

10 Sec. 16.05.783. USE OF GAME AS BAIT FOR TRAPPING. (a) A person
11 may not use as bait for trapping the

12 (1) parts of a dead big game animal, except the

13 (A) meat allowed by (2) of this subsection;

14 (B) skin, viscera, bones, head, legs below the distal
15 joint of the tibia-fibula (stifle joint), tallow, fat, and hide,
16 except the hide of a bear; and

17 (C) skinned carcass of bear;

18 (2) meat of a game animal unless the

19 (A) use is allowed under (1)(C) of this subsection; or

20 (B) animal has been killed by a motor vehicle, and the
21 Department of Public Safety, at its discretion,

22 (i) determines that the meat is unfit for human
23 consumption; and

24 (ii) gives the person written permission.

25 (b) A person may set traps in the immediate proximity of a big
26 game animal that is found dead from natural causes if the person does
27 not disturb the animal and notifies the Department of Public Safety at
28 the earliest opportunity of the use and the approximate location where
29 the dead animal was found.

*Section 1
of CS
clarifies
language
regarding
what is
permitted
and not
permitted*

permitted

1 (c) In this section, "dead from natural causes" includes death
2 caused by an animal other than a human being.

3 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

4 (c) Identifying information in a trapping or hunting document is
5 confidential and may be released by the department only

6 (1) to the Department of Revenue to assist that department
7 in carrying out its statutory responsibilities;

8 (2) as necessary to comply with a court order; and

9 (3) to the division of fish and wildlife protection of the
Department of Public Safety to assist that department in carrying out
its statutory responsibilities.

(d) Except to the extent necessary to prosecute a criminal
action based on a trapping or hunting document, a department that
receives a trapping or hunting document from the department under (c)
of this section shall also maintain the confidentiality of the identi-
fying information in the document.

(e) Before releasing to the public a trapping or hunting docu-
ment received by the department, the department shall remove identify-
ing information from the document.

(f) In (c) - (e) of this section, ~~identifying information~~
~~means names, addresses, or other information that identifies individual~~
~~trappers or hunters.~~

(g) In this section,

(1) "sealing" means the placement of a seal by the depart-
ment on a portion of the carcass of a game animal taken by trapping or
hunting;

(2) "trapping or hunting document" means a report or record
that is required by regulations of the department concerning the
taking, sealing, acquisition of the untanned skin, or exportation from

Section
2 of
the CS
says it
is the
name and
address of
individual
hunters and
trappers that
is confidential
not the
entire
record

1 the state of the fur, of a game animal taken by trapping or hunting.

2 * Sec. 3. AS 16.05.900(a) is amended to read:

3 ~~(a) A person who violates AS 16.05.783 or [AS] 16.05.870 -~~
4 ~~16.05.895 is guilty of a class A misdemeanor.~~

adds penalty

*Connected w/
current regs re this
same matter -*

HB 407

SENATE JOURNAL - PAGE 2060- 1 3/13/86

<CS FOR HOUSE BILL NO. 407 (RULES) am> by the Rules Committee,
entitled:

"An Act relating to the use of, and certain
reports and records concerning game animals."

was read the first time and referred to the Resources
Committee.

HB 407

SENATE JOURNAL - PAGE 2595- 1 5/ 4/86

The Resources Committee considered <CS FOR HOUSE BILL NO. 407>
<(RULES) am> (use of, and certain reports and records
concerning game animals) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 407 (RES)

Senator Sturgulewski, Chairman and Senators Coghill and
Eliason signed "do pass". Senators Fahrenkamp, Zharoff and
Vic Fischer signed "no recommendation".

CS FOR HOUSE BILL NO. 407 (RULES) am was referred to the
Rules Committee.

Bannister
5/2/86 ✓

OK Snow
OK PS
OK F. G.
OK Environmental
OK Alaska Trappers
OK Alaska Outdoors Council
Tom CS B

Original sponsors: Shultz, Marrou
and Thompson

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4 FOURTEENTH LEGISLATURE - SECOND SESSION

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19 (A) use is allowed under (1)(C) of this subsection; or

20 (B) animal has been killed by a motor vehicle, and the
21 Department of Public Safety, at its discretion,

22 (i) determines that the meat is unfit for human
23 consumption; and

24 (ii) gives the person written permission.

25 (b) A person may set traps in the immediate proximity of a big
26 game animal that is found dead from natural causes if the person does
27 not disturb the animal and notifies the Department of Public Safety at
28 the earliest opportunity of the use and the approximate location where
29 the dead animal was found.

1 (c) In this section, "dead from natural causes" includes death
2 caused by an animal other than a human being.

3 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

4 (c) Identifying information in a trapping or hunting document is
5 confidential and may be released by the department only

6 (1) to the Department of Revenue to assist that department
7 in carrying out its statutory responsibilities;

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10 Department of Public Safety to assist that department in carrying out
11 its statutory responsibilities.

12 (d) Except to the extent necessary to prosecute a criminal
13 action based on a trapping or hunting document, a department that
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15 of this section shall also maintain the confidentiality of the identi-
16 fying information in the document.

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19 ing information from the document.

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COMMITTEE REPORT
SENATE

FURTHER:

3/13/86

Date 5/2/86

Mr. President

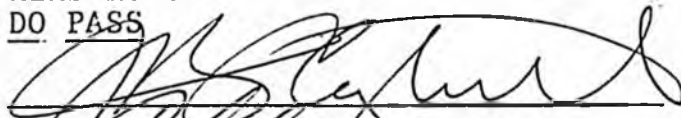
The Committee on RESOURCES considered CSHB 407(Rls)am
relating to the use of, and certain reports and records concerning
game animals.

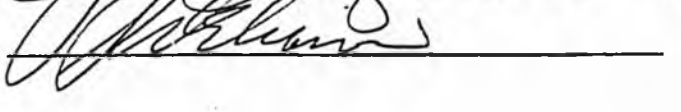
and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s) (Resources)
- replace with/or adopt SCS for CS HB 407 (Rls)am
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING

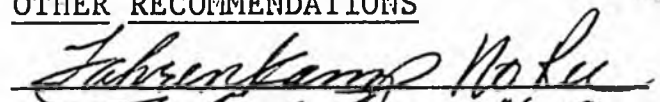
DO PASS

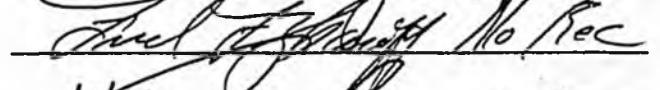


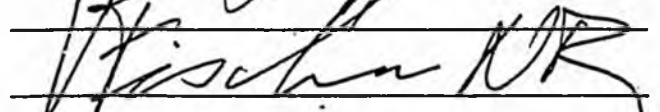


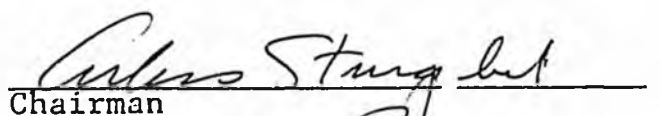
MEMBERS HAVING

OTHER RECOMMENDATIONS

 No Rec

 No Rec

 NR


Chairman


Chairman recommendation

Bannister
5/2/86✓

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

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23 (g) In this section,

24 (1) "sealing" means the placement of a seal by the depart-
25 ment on a portion of the carcass of a game animal taken by trapping or
26 hunting;

27 (2) "trapping or hunting document" means a report or record
28 that is required by regulations of the department concerning the
29 taking, sealing, acquisition of the untanned skin, or exportation from

1 the state of the fur, of a game animal taken by trapping or hunting.

2 * Sec. 3. AS 16.05.900(a) is amended to read:

3 (a) A person who violates AS 16.05.783 or [AS] 16.05.870 -
4 16.05.895 is guilty of a class A misdemeanor.

Offered: 2/28/86
Referred: Rules

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning game animals."

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

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

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as
11 bait the following parts of a dead big game animal:

12 (1) the skin, viscera, bones, skinned carcass of bear,
13 head, legs below the distal joint of the tibia-fibula (stifle joint),
14 tallow, fat, trimmings, and hide, except the hide of a bear;

15 (2) the meat that is not edible meat from a big game animal
16 that is found dead from natural causes if the person does not disturb
17 the animal and notifies either the department or the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found at the earliest opportunity; and

20 (3) the ~~edible~~ meat that is determined by ~~the department or~~
21 the Department of Public Safety in a particular situation to be non-
22 edible if the animal was killed by a motor vehicle and if the person
23 obtains the written permission of ~~either department~~ ^{of public safety} for the use, ^{provided}

24 (b) In this section, ^{the non-edible meat is used only by the}
25 (1) "dead from natural causes" includes death caused by
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck, bris-
28 ket, front quarters as far as the juncture of the humerus and the
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibia-fibula (stifle joint), and that portion of the animal between
2 the front and hindquarters; "edible meat" does not include meat that
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals
6 that are not edible meat and customarily discarded during the butcher-
7 ing process.

8 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the
10 department concerning the taking, sealing, acquisition of the untanned
11 skin, or exportation from the state of the fur, of a game animal taken
12 by trapping or hunting and that identifies an individual trapper or
13 hunter is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order;

17 (3) on request, the report that accompanies the sealing of
18 a game animal to the person who is identified in the report as having
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the
21 Department of Public Safety to assist that department in carrying out
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal
24 action based on a record or report that is confidential under (c) of
25 this section, a department that receives a confidential record or
26 report from the department under (c) of this section shall also main-
27 tain the confidentiality of the record or report.

28 (e) A record or report received by the department that relates
29 to the taking, sealing, acquisition of the untanned skin, or

1 exportation from the state of the fur, of a game animal taken by
2 trapping or hunting and that does not identify an individual trapper
3 or hunter or the specific location where an animal has been taken is
4 public information.

5 (f) In this section, "sealing" means the placement of a seal by
6 the department on a portion of the carcass of a game animal taken by
7 trapping or hunting.


New subsection 2

- (2) ¹ The meat that is determined ~~non-edible~~ ^{unfit for human consumption} by the Dept. of Public Safety in a particular situation, when the animal was killed by a motor vehicle and if the person obtains permission from the Dept. of Public Safety, provided that the non-edible meat is only used by the person receiving written permission. "

AS 16.05.900

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Bannister
4/30/86.



Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 407 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning, game animals."

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

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

10 Sec. 16.05.783. USE OF GAME AS BAIT FOR TRAPPING. (a) A person
11 may use as bait for trapping

12 (1) the following parts of a dead big game animal: the
13 skin, viscera, bones, skinned carcass of bear, head, legs below the
14 distal joint of the tibia-fibula (stifle joint), tallow, fat, and
15 hide, except the hide of a bear;

16 (2) meat and other game parts purchased from the department
17 under AS 16.05.787.

18 (b) A person may set traps in the immediate proximity of a big
19 game animal that is found dead from natural causes if the person does
20 not disturb the animal and notifies the Department of Public Safety at
21 the earliest opportunity of the use and the approximate location where
22 the dead animal was found.

23 (c) In this section, "dead from natural causes" includes death
24 caused by another animal.

25 * Sec. 2. AS 16.05 is amended by adding a new section to read:

26 Sec. 16.05.787. SALE OF GAME PARTS BY DEPARTMENT. (a) The
27 department may sell the meat and other parts of game that have been
28 killed by motor vehicles or other nonnatural means if the meat or part
29 is unfit for human consumption.

1 (b) The department may adopt regulations in accordance with the
2 Administrative Procedure Act (AS 44.62) to carry out this section.

3 (c) In this section, killed by "nonnatural means" does not
4 include death caused by another animal.

5 * Sec. 3. AS 16.05.815 is amended by adding new subsections to read:

6 (c) Identifying information in a trapping or hunting document is
7 confidential and may be released by the department only

8 (1) to the Department of Revenue to assist that department
9 in carrying out its statutory responsibilities;

10 (2) as necessary to comply with a court order; and

11 (3) to the division of fish and wildlife protection of the
12 Department of Public Safety to assist that department in carrying out
13 its statutory responsibilities.

14 (d) Except to the extent necessary to prosecute a criminal
15 action based on a trapping or hunting document, a department that
16 receives a trapping or hunting document from the department under (c)
17 of this section shall also maintain the confidentiality of the identi-
18 fying information in the document.

19 (e) Before releasing to the public a trapping or hunting docu-
20 ment received by the department, the department shall remove identify-
21 ing information from the document.

22 (f) In (c) - (e) of this section, "identifying information"
23 means names, addresses, or other information that identifies individu-
24 al trappers or hunters.

25 (g) In this section,

26 (1) "sealing" means the placement of a seal by the depart-
27 ment on a portion of the carcass of a game animal taken by trapping or
28 hunting;

29 (2) "trapping or hunting document" means a report or record

1 that is required by regulations of the department concerning the
2 taking, sealing, acquisition of the untanned skin, or exportation from
3 the state of the fur, of a game animal taken by trapping or hunting.
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Offered: 2/28/86
Referred: Rules

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
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5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning game animals."

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

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

10 Sec. 16.05.783. USE OF GAME ^{TRAPPING} AS BAIT. (a) A person may use as
11 ^{trapping} bait the following parts of a dead big game animal:

12 (1) the skin, viscera, bones, ^{skinned carcass of a bear,}
13 head, legs below the distal joint of the tibia-fibula (stifle joint),
14 tallow, fat, ~~trimmings~~, and hide, except the hide of a bear;

15 (2) ^{traps may be set in the immediate proximity of} ~~the meat that is not edible meat from~~ a big game animal
16 that is found dead from natural causes if the person does not disturb
17 the animal and notifies ~~either the department or~~ the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found at the earliest opportunity; and

20 ~~(3) the edible meat that is determined by the department or~~
21 ~~the Department of Public Safety in a particular situation to be non-~~
22 ~~edible if the animal was killed by a motor vehicle and if the person~~
23 ~~obtains the written permission of either department for the use.~~

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by
26 another animal;

27 (2) ~~"edible meat" means the meat of the ribs, neck, bris-~~
28 ~~ket, front quarters as far as the juncture of the humerus and the~~
29 ~~radius ulna (knee), hindquarters as far as the distal joint of the~~

1 ~~tibia-fibula (stifle joint), and that portion of the animal between~~
2 ~~the front and hindquarters; "edible meat" does not include meat that~~
3 ~~has been damaged and made inedible by the method of taking;~~

4 ~~(3) "taking" does not include causing death by a vehicle,~~

5 ~~(4) "trimmings" means the parts of butchered game animals~~
6 ~~that are not edible meat and customarily discarded during the butcher-~~
7 ~~ing process.~~

8 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 ~~(c) VA report or record that is required by regulations of the~~

10 department concerning the taking, sealing, acquisition of the untanned
11 skin, or exportation from the state of the fur, of a game animal taken
12 by trapping or hunting ~~and that identifies an individual trapper or~~
13 ~~hunter~~ is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order; and

17 ~~(3) on request, the report that accompanies the sealing of~~
18 ~~a game animal to the person who is identified in the report as having~~
19 ~~taken the game animal; and~~

20 (4) to the division of fish and wildlife protection of the
21 Department of Public Safety to assist that department in carrying out
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal
24 action based on a record or report ~~that is confidential~~ under (c) of
25 this section, a department that receives a ~~confidential~~ record or
26 report from the department under (c) of this section shall also main-
27 tain the confidentiality of the ~~record or report.~~

28 ~~(e) A record or report received by the department that relates~~
29 to the taking, sealing, acquisition of the untanned skin, or

1 exportation from the state of the fur, of a game animal taken by
2 trapping or hunting ^{the department shall remove any information that} ~~and that does not~~ identifies an individual trapper
3 or hunter ~~[or the specific location where an animal has been taken is~~
4 public information.]

5 (f) In this section, "sealing" means the placement of a seal by
6 the department on a portion of the carcass of a game animal taken by
7 trapping or hunting.