

SB

257

Date of Committee Action: 5.2.96

The JUDICIARY Committee considered:

SB 257 am

SENATE BILL NO. 257 am

TAKING FISH OR GAME FOR PUBLIC SAFETY

"An Act relating to the taking of game or fish for public safety purposes."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) P.S. (2) (3.25.96)
FIG (2.21.96)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Richard Porter</i>	<input checked="" type="checkbox"/>			
<i>Carl Holt</i>			<input checked="" type="checkbox"/>	
<i>Bernie Davis</i>	<input checked="" type="checkbox"/>			
<i>Tom Bunde</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>				

CHAIR'S SIGNATURE *Richard Porter*



Senator Fred F. Zharoff
Alaska State Legislature

In Kodiak: P.O. Box 405, Kodiak, Alaska 99615 (907) 486-5259 (Fax also)

In Juneau: State Capitol, Room 121, Juneau, Alaska 99801-1182

Phone: (907) 465-3473 • Fax: (907) 463-3043

State Senate District C

Kodiak Island & Rural Southeast Alaska

To: Representative Brian Porter
Chairman, House Judiciary Committee

From: Senator Fred Zharoff *FZ*

Date: May 1, 1996

Re: Hearing request for SB 257

I would appreciate the scheduling of a hearing on SB 257, "An Act relating to the taking of game or fish for public safety purposes." The bill passed the Senate on April 10 on a unanimous 20 - 0 vote, and moved out of House Resources on May 1 with 9 DP recommendations.

Enclosed is my sponsor statement, a letter of support from ADF&G, a letter of support from the Alaska Board of Game, and zero fiscal notes from ADF&G and the Department of Public Safety.

Thank you for your consideration of this request.

Attachment



Senator Fred F. Zharoff
Alaska State Legislature

In Kodiak: P.O. Box 405, Kodiak, Alaska 99615 (907) 486-5259 (Fax also)

In Juneau: State Capitol, Room 121, Juneau, Alaska 99801-1182

Phone: (907) 465-3473 • Fax: (907) 463-3043

State Senate District C

Kodiak Island & Rural Southeast Alaska

Sponsor Statement
SB 257

"An Act relating to the taking of game or fish for public safety purposes"

I have introduced SB 257 to clarify the powers of the Department of Fish and Game and the Alaska Board of Game with regard to matters of public safety. The need for this legislation arose from meetings with ADF&G and the Board of Game concerning chronic bear/human conflicts in communities throughout my district.

Section 1 provides the commissioner of fish and game with the power to authorize the taking of fish and game for public safety purposes. This will allow the department to work with remote communities on dealing with true "problem" wildlife that are causing unacceptable threats to public safety. The department and the Board of Game can establish the criteria and procedures to be followed in resolving serious conflicts.

Section 2 provides clarity to the Board of Game with regard to their powers to adopt regulations regarding public safety and welfare. The Department of Law has informed the board that they currently lack clear authority in this area, and asked them to defer the adoption of further regulations until the statutes are amended. Many current regulations are also in question with this interpretation by the Department of Law. These regulations range from authorizing the taking of wildlife in defense of life and property to the requirement of hunter safety training for juveniles prior to hunting in certain game refuges.

The passage of SB 257 will provide necessary tools to the Department of Fish and Game and the Board of Game to aid in public safety and welfare.

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 26528
JUNEAU, ALASKA 99802-6528
PHONE: (907) 485-4100
FACSIMILE: (907) 485-2332

January 16, 1996

The Honorable Fred Zharoff
Alaska State Senate
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Zharoff:

At the fall Board of Game meeting, you asked the board to consider how wildlife/human interactions, and particularly bear/human conflicts, could be better resolved in those communities and areas of the state where department personnel are unavailable. As a first step in addressing this problem, I have invited Commissioner Otte of Public Safety to discuss ways of authorizing Village Public Safety Officers and other enforcement personnel to handle wildlife problems within their jurisdictions.

As was discussed at the board meeting, the department and board may lack statutory authority to issue permits (or otherwise delegate authority) on matters related to public safety. At the fall 1994 board meeting, the board adopted a regulation authorizing the department to issue "permits to control nuisance wildlife." The purpose of the regulation was to clarify the department's authority to issue permits for such purposes as controlling nuisance beavers and taking migratory birds at airports to safeguard arriving and departing aircraft. The board also adopted a regulation that would require commercial wildlife exhibitors to carry liability insurance. The Department of Law questioned the authority of the board to regulate solely on the basis of public safety, and recommended that those regulations be deferred and reconsidered.

The authority for other public safety regulations has also been questioned. Those regulations include the requirement for persons under 16 to have hunter safety training before hunting without an adult on the Mendenhall State Game Refuge, the taking of wildlife in defense of life or property, and provisions for taking nuisance beavers under a permit. The department also issues "depredation" permits to airports around the state. The need to take birds and other game at airports to ensure public safety was underscored by the tragic loss of an AWACS plane at Elmendorf AFB last fall.

I agree with the board that statutory clarification is preferable to inventing a rationale on which to base public safety regulations that deal with wildlife. Not only would a statutory amendment support our existing public safety/property damage regulations, but it could provide the basis for empowering VPSOs to help resolve human/wildlife conflicts in remote communities.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARD OF GAME

TONY KNOWLES, GOVERNOR

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 485-4110
FAX: (907) 485-6094

March 23, 1996

The Honorable Robin Taylor
Chair, Senate Judiciary Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801


Dear Senator Taylor:

The Board of Game wishes to formally endorse SB257, "An act relating to the taking of game or fish for public safety purposes." This bill is currently in the Senate Judiciary Committee.

Over the years the board has received numerous requests to deal with issues of public safety as they relate to human/animal interactions. Those requests have dealt with circumstances ranging from problem bears to methods and means of harvest in urban areas. In addition, the Department of Law has informed us that there is no clear statutory authority for action by the Department of Fish and Game, and no statutory guidelines for action by the Department of Public Safety.

SB 257 provides a valuable, practical, and prudent tool for the board and the aforementioned agencies. We urge action by the legislature to pass this bill into law.

Sincerely,



Larry Holmes, Chair
Alaska Board of Game

cc: Senator Fred Zharoff
President Drue Pearce
Commissioner, Alaska Department of Fish and Game

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 257

Revision Date: _____ Dept. Affected: Public Safety
 Title: Taking fish or game for public safety. BRU: Alaska State Troopers
 Component: Detachments and VPSO
 Sponsor: Senator Zharoff
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799 and 0517

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1008 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

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.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 20, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 3/21/96
 Agency: Ronald L. Otte, Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to the taking of game or fish BRU: Fish & Wildlife Protection
for public safety purposes. Component: Enforcement & ISU
 Sponsor: Senator Zharoff
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ 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.)

No fiscal impact.

Prepared By: Captain Richard Graham, Operations Commander Phone: 269-5589
 Division: Fish & Wildlife Protection Date: 03/19/96
 Approved by Commissioner: *Ronald L. Otte* Date: 3/21/96
 Agency: Ronald L. Otte, Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office