

**SB**

**257**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 257

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Taking Fish or Game for Public Safety BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Zharoff  
 Requestor: Senate Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( 1024 )</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 clarifies statutory authority for existing department and board of game practices.  
 Passage will not result in any increased costs.

Prepared by: Phil Koehl, Wildlife Biologist PK  
 Division: Wildlife Conservation  
 Approved by Commissioner: Glen Buerger  
 Agency: Department of Fish and Game

Phone: 465-6198  
 Date: 2/16/96  
 Date: 2/16/96

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



## 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 regarding 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 provides a mechanism for the department to work with remote communities on dealing with true "problem" wildlife that are causing unacceptable threats to public safety. With this authority, the department can work with the Village Public Safety Officer program and others to establish procedures for 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 25526  
JUNEAU, ALASKA 99802-0526  
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.

At the fall board meeting you offered to help with this matter. A comprehensive statutory solution would be to amend three statutes, as follows. Amend AS 16.05.255(a) (Regulations of the Board of Game) by inserting: "The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 for . . . (3) establishing the means and methods employed in the pursuit, capture, and transport of game, including regulations, consistent with public safety and welfare, and resource conservation and development goals . . ." and by adding: "(1) taking game to ensure public safety." Amend AS 16.05.050(6) (Powers and duties of the commissioner) by inserting: "(6) to take, capture, propagate, transport, buy, sell, or exchange fish or game or eggs for propagating, scientific, [OR] stocking, or public safety purposes." We have discussed this wording with the Department of Law and believe these amendments would provide concrete authority for existing regulations and activities. The department and the board would support this or some similar clarification of statutory authority. If we can provide any assistance in this matter, please let me know.

Sincerely,



Frank Rue  
Commissioner

cc: Pat Pourchot, Legislative Director, Governor's Office  
Wayne Regelin, Director of Wildlife Conservation  
Kevin Saxby, Assistant Attorney General