

HB

75

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 75(RES)
(H) Publish Date: 3/15/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: An Act Relating to Promoting RDU _____
and Preserving Sport Hunting Component _____
Sponsor: Representative Kelly _____
Requester: House Resources Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 CF Match						
1004 GF						
1005 GF/Program Receipts						
1037 CF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson
Division: Legislative Liaison
Approved by: Acting Commissioner Wayne Regelin
Agency: Alaska Department of Fish & Game

Phone: 465-6137
Date/Time: 3/14/05 8:50 AM
Date: 3/14/2005

Alaska State Legislature

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Representative Mike Kelly
House District 7

Sponsor Statement

HB 75

(24-LS0359VA)

"An Act relating to promoting and preserving sport hunting in the state."

House Bill 75 is intended to clearly express the Legislature's protection of hunting as an integral part of Alaska's cultural heritage.

This bill was brought to the sponsor by a constituent and is modeled after a bill considered by the Michigan State Legislature in 2004. In addition, in recent years there have been moves in other states to include similar language in their constitutions. Similar language was added in Minnesota in 1998 and Montana in 2004.

Hunting, fishing, and trapping have always been a core component of our heritage and livelihood in Alaska and this sentiment is expressed in our Constitution in Article 8, sec. 4. HB 75 creates greater statutory clarity in directing the Commissioner of Fish and Game and the Board of Game to adopt regulations and enforce existing statutes in a manner consistent with protecting Alaskans' rights to utilize our state's game resources.

HB 75 will provide an additional protection from outside encroachment on our ability to responsibly harvest our game resources.

*Adopted
3-30-05*

24-LS0359\Y
U* mohle
3/24/05

CS FOR HOUSE BILL NO. 75()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Ramras

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of fish and game, Board
2 of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and
3 trapping in the state."

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

5 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the Alaska State Legislature that the
8 commissioner of fish and game, the Board of Fisheries, and the Board of Game implement
9 their authority to promote fishing, hunting, and trapping and to preserve the heritage of
10 fishing, hunting, and trapping in the state in a manner consistent with scientific fish and
11 wildlife management principles and the Alaska constitutional principles of common use and
12 sustained yield.

13 * Sec. 2. AS 16.05.050(a) is amended to read:

14 (a) The commissioner has, but not by way of limitation, the following powers

1 and duties:

2 (1) to assist the United States Fish and Wildlife Service in the
3 enforcement of federal laws and regulations pertaining to fish and game;

4 (2) through the appropriate state agency and under the provisions of
5 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
6 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
7 or personal property when the acquisition is in the interest of furthering an objective or
8 purpose of the department and the state;

9 (3) under the provisions of AS 36.30, to design and construct
10 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
11 and game resources of the state;

12 (4) to accept money from any person under conditions requiring the
13 use of the money for specific purposes in the furtherance of the protection,
14 rehabilitation, propagation, preservation, or investigation of the fish and game
15 resources of the state or in settlement of claims for damages to fish or game resources;

16 (5) to collect, classify, and disseminate statistics, data and information
17 that, in the commissioner's discretion, will tend to promote the purposes of this title
18 except AS 16.51 and AS 16.52;

19 (6) to take, capture, propagate, transport, buy, sell, or exchange fish or
20 game or eggs for propagating, scientific public safety, or stocking purposes;

21 (7) under the provisions of AS 36.30, to provide public facilities where
22 necessary or proper to facilitate the taking of fish or game, and to enter into
23 cooperative agreements with any person to effect them;

24 (8) to exercise administrative, budgeting, and fiscal powers;

25 (9) under the provisions of AS 36.30, to construct, operate, supervise,
26 and maintain vessels used by the department;

27 (10) to authorize the holder of an interim-use permit under AS 16.43 to
28 engage on an experimental basis in commercial taking of a fishery resource with
29 vessel, gear, and techniques not presently qualifying for licensing under this chapter in
30 conformity with standards established by the Alaska Commercial Fisheries Entry
31 Commission;

1 (11) not later than January 31 of each year, to provide to the
2 commissioner of revenue the names of those fish and shellfish species that the
3 commissioner of fish and game designates as developing commercial fish species for
4 that calendar year; a fish or shellfish species is a developing commercial fish species
5 if, within a specified geographical region,

6 (A) the optimum yield from the harvest of the species has not
7 been reached;

8 (B) a substantial portion of the allowable harvest of the species
9 has been allocated to fishing vessels of a foreign nation; or

10 (C) a commercial harvest of the fish species has recently
11 developed;

12 (12) to initiate or conduct research necessary or advisable to carry out
13 the purposes of this title except AS 16.51 and AS 16.52;

14 (13) to enter into cooperative agreements with agencies of the federal
15 government, educational institutions, or other agencies or organizations, when in the
16 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

17 (14) to implement an on-board observer program authorized by the
18 Board of Fisheries under AS 16.05.251(a)(13); implementation

19 (A) must be as unintrusive to vessel operations as practicable;

20 and

21 (B) must make scheduling and scope of observers' activities as
22 predictable as practicable;

23 (15) to sell fish caught during commercial fisheries test fishing
24 operations;

25 (16) to establish and charge fees equal to the cost of services provided
26 by the department, including provision of public shooting ranges, broodstock and eggs
27 for private nonprofit hatcheries, department publications, and other direct services, and
28 reasonable fees for the use of state facilities managed by the department; fees
29 established under this paragraph for tours of hatchery facilities, commercial use of
30 sport fishing access sites, and for operation of state hatchery facilities by private
31 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

1 (17) to permit and regulate aquatic farming in the state in a manner
2 that ensures the protection of the state's fish and game resources and improves the
3 economy, health, and well-being of the citizens of the state;

4 (18) to operate state housing and facilities for employees, contractors,
5 and others in support of the department's responsibilities and to charge rent that is
6 consistent with applicable collective bargaining agreements, or, if no collective
7 bargaining agreement is applicable, competitive with market conditions; rent received
8 from tenants shall be deposited in the general fund;

9 (19) to petition the Alaska Commercial Fisheries Entry Commission,
10 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to
11 establish a moratorium on new entrants into commercial fisheries

12 (A) that have experienced recent increases in fishing effort that
13 are beyond a low, sporadic level of effort;

14 (B) that have achieved a level of harvest that may be
15 approaching or exceeding the maximum sustainable level for the fishery; and

16 (C) for which there is insufficient biological and resource
17 management information necessary to promote the conservation and sustained
18 yield management of the fishery;

19 (20) to promote fishing, hunting, and trapping and preserve the
20 heritage of fishing, hunting, and trapping in the state.

21 * Sec. 3. AS 16.05.251(a) is amended to read:

22 (a) The Board of Fisheries may adopt regulations it considers advisable in
23 accordance with AS 44.62 (Administrative Procedure Act) for

24 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
25 waters of the state over which it has jurisdiction, subject to the approval of the
26 legislature;

27 (2) establishing open and closed seasons and areas for the taking of
28 fish; if consistent with resource conservation and development goals, the board may
29 adopt regulations establishing restricted seasons and areas necessary for

30 (A) persons 60 years of age and older to participate in sport,
31 personal use, or subsistence fishing; or

1 (B) persons under 16 years of age to participate in sport
2 fishing;

3 (3) setting quotas, bag limits, harvest levels, and sex and size
4 limitations on the taking of fish;

5 (4) establishing the means and methods employed in the pursuit,
6 capture, and transport of fish;

7 (5) establishing marking and identification requirements for means
8 used in pursuit, capture, and transport of fish;

9 (6) classifying as commercial fish, sport fish, guided sport fish,
10 personal use fish, subsistence fish, or predators or other categories essential for
11 regulatory purposes;

12 (7) watershed and habitat improvement, and management,
13 conservation, protection, use, disposal, propagation, and stocking of fish;

14 (8) investigating and determining the extent and effect of disease,
15 predation, and competition among fish in the state, exercising control measures
16 considered necessary to the resources of the state;

17 (9) prohibiting and regulating the live capture, possession, transport, or
18 release of native or exotic fish or their eggs;

19 (10) establishing seasons, areas, quotas, and methods of harvest for
20 aquatic plants;

21 (11) establishing the times and dates during which the issuance of
22 fishing licenses, permits, and registrations and the transfer of permits and registrations
23 between registration areas is allowed; however, this paragraph does not apply to
24 permits issued or transferred under AS 16.43;

25 (12) regulating commercial, sport, guided sport, subsistence, and
26 personal use fishing as needed for the conservation, development, and utilization of
27 fisheries;

28 (13) requiring, in a fishery, observers on board fishing vessels, as
29 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
30 in AS 16.05.475(e), after making a written determination that an on-board observer
31 program

1 (A) is the only practical data-gathering or enforcement
2 mechanism for that fishery;

3 (B) will not unduly disrupt the fishery;

4 (C) can be conducted at a reasonable cost; and

5 (D) can be coordinated with observer programs of other
6 agencies, including the National Marine Fisheries Service, North Pacific
7 Fishery Management Council, and the International Pacific Halibut
8 Commission;

9 (14) establishing nonexclusive, exclusive, and superexclusive
10 registration and use areas for regulating commercial fishing;

11 (15) regulating resident or nonresident sport fishermen as needed for
12 the conservation, development, and utilization of fishery resources;

13 (16) requiring unlicensed fishing vessels present in or transiting the
14 waters of the state to report to the department the quantity, species, and origin of fish
15 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is
16 not licensed under AS 16.05.490 - 16.05.530;

17 (17) promoting fishing and preserving the heritage of fishing in the
18 state.

19 * Sec. 4. AS 16.05.255(a) is amended to read:

20 (a) The Board of Game may adopt regulations it considers advisable in
21 accordance with AS 44.62 (Administrative Procedure Act) for

22 (1) setting apart game reserve areas, refuges, and sanctuaries in the
23 water or on the land of the state over which it has jurisdiction, subject to the approval
24 of the legislature;

25 (2) establishing open and closed seasons and areas for the taking of
26 game;

27 (3) establishing the means and methods employed in the pursuit,
28 capture, taking, and transport of game, including regulations, consistent with resource
29 conservation and development goals, establishing means and methods that may be
30 employed by persons with physical disabilities;

31 (4) setting quotas, bag limits, harvest levels, and sex, age, and size

1 limitations on the taking of game;

2 (5) classifying game as game birds, song birds, big game animals, fur
3 bearing animals, predators, or other categories;

4 (6) methods, means, and harvest levels necessary to control predation
5 and competition among game in the state;

6 (7) watershed and habitat improvement, and management,
7 conservation, protection, use, disposal, propagation, and stocking of game;

8 (8) prohibiting the live capture, possession, transport, or release of
9 native or exotic game or their eggs;

10 (9) establishing the times and dates during which the issuance of game
11 licenses, permits, and registrations and the transfer of permits and registrations
12 between registration areas and game management units or subunits is allowed;

13 (10) regulating sport hunting and subsistence hunting as needed for the
14 conservation, development, and utilization of game;

15 (11) taking game to ensure public safety;

16 (12) regulating the activities of persons licensed to control nuisance
17 wild birds and nuisance wild small mammals;

18 (13) promoting hunting and trapping and preserving the heritage
19 of hunting and trapping in the state.

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Representative Mike Kelly *House District 7*

EXPLANATION OF CHANGES

CSHB 75(RES) v. CSHB 75()
(24-LS0359XF) (24-LS0359Y)

Sec. 1

(Pg. 1, Lines 5-12)

The sponsor has included a legislative intent statement plainly stating the ongoing commitment to constitutional provisions for common use and sustained yield principles found in Article 8, secs. 3 & 4. The following sections have been appropriately renumbered to reflect this inclusion.

Sec. 2

(Pg. 1-4)

This section has been changed in two significant ways. First the sponsor has changed the structure of the section by placing the new language in the "Powers and duties of the commissioner" (AS 16.05.050 (a)) rather than in "Functions of the commissioner" (AS 16.05.020) as it appeared in the original version. Secondly, the phrase "In conjunction with" (Pg. 4, Line 19) has been removed from the original language at the request of the Department of Fish and Game.

Sec. 3

(Pg. 4-6)

Like the previous section, there have again been two significant changes; one structural within the statute and one a language revision. First, the "preserve and promote" language has been restructured within the regulation making authority of the Board of Fisheries. Like the previous section, it removes the phrase "In conjunction with" (Pg. 6, Line 17) at the request of the Department of Fish and Game.

Sec. 4

(Pg. 6-7)

This section has been redrafted to conform with the changes as they apply to the Board of Fisheries. This section makes the same changes as the previous section, only they apply to the Board of Game in AS 16.05.255(a).

Alaska State Legislature

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Representative Mike Kelly
House District 7

Explanation of Changes

HB 75

(24-LS0359\G)

"An Act relating to promoting and preserving hunting and trapping in the state."

Change 1 – The title has been changed to reflect the language changes in the bill. "Sport" has been removed from the description of the hunting activities and "trapping" has been added.

Change 2 – "Sport" has been removed and "trapping" added to the bill. (*Page 1, Lines 11&12; Page 2, Line 3*)

***Note:** We removed the term "sport" to eliminate any conflict between subsistence and non-subsistence hunting believing that hunting, as a general practice, is an important component to Alaska's cultural heritage. We added "trapping" for the latter reason.

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DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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FAX: (907)276-3697

March 18, 2005

Honorable Paul Seaton
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: HB 75

Dear Representative Seaton:

During hearings on HB 75, the Department of Law was asked to address, in writing, the effect, if any, that the bill's language would have on issues relating to brown bear hunting at McNeil River. Assuming that the current language remains unchanged, it is our opinion that the bill would have no effect on brown bear hunting at McNeil river State Game Sanctuary or McNeil River State Game Refuge, for the following reasons.

The relevant language in HB 75 requires the commissioner of ADF&G and the Board of Game to, "promote...hunting...and preserve the heritage of...hunting...in the state." HB 75, Sec.s 1 and 3. This language does not purport to override any other statutory language. Instead, it simply adds to the existing duties of the commissioner and board.

All hunting, including brown bear hunting, within McNeil River State Game Sanctuary is prohibited by statute. AS 16.20.162(b). Nothing in the bill alters this prohibition.

The hunting of brown bears within McNeil River State Game Refuge is expressly left to the Board of Game's discretion. AS 16.20.041(c). Any such hunting must be consistent with the refuge purposes, which include permanent protection of brown bear populations and maintaining and enhancing brown bear viewing opportunities in the area. AS 16.20.041(b). Because the Board is given discretion to prohibit or allow brown bear hunting, and it is required to foster the refuge purposes in its decision making, it follows that the Board retains the authority to completely ban brown bear hunting in order to accommodate viewing, as it has done. 5 AAC 92.520(d). Nothing in HB 75 purports to affect this discretion. While the bill requires the Board to promote hunting and preserve Alaska's hunting heritage, it contains no specific mandate to promote a certain type of

Honorable Paul Seaton
Alaska State Legislature

March 18, 2005
Page 2

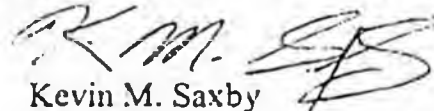
hunting, or preserve hunting in a certain area. Moreover, it is worth noting that hunting other than brown bear hunting has always been allowed within McNeil River State Game Refuge. AS 16.20.041 and 5 AAC 92.520(d). The bill gives no indication that the current situation is at issue.

For all of the above reasons, we conclude that the generalized mandate to promote and preserve hunting in HB 75 would not override the specific statutory provisions discussed above.

Sincerely,

SCOTT J. NORDSTRAND
ACTING ATTORNEY GENERAL

By



Kevin M. Saxby
Assistant Attorney General

cc: Kevin Jardell
David Marquez
Wayne Regelin

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
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MEMORANDUM

March 21, 2005

SUBJECT: HB 75; Duties of the commissioner of fish and game in regard to promoting fishing, hunting, and trapping (Work Order No. 24-LS0359\F)

TO: Representative Paul Seaton
Attn: Louie Flora

FROM: George Utermohle 
Legislative Counsel

You have inquired as to the effect that HB 75 would have on the actions of the commissioner of fish and game in regard to fishing, hunting, and trapping and to closed areas and seasons.

The current version of HB 75 (CSHB 75(RES)) amends the functions of the commissioner of fish and game by adding additional duties to promote fishing, hunting, and trapping and to preserve the heritage of fishing, hunting, and trapping in the state. The commissioner of fish and game has always been responsible for the management of fish and game and the management of fishing, hunting, and trapping. HB 75 now adds responsibility for a related function, the promotion of fishing, hunting, and trapping and the preservation of the heritage of those activities in the state.

Responsibility for promoting fishing, hunting, and trapping and preserving the heritage of those activities is to be only one of the functions of the commissioner. Promoting and preserving the heritage of those activities would be neither the sole function of the commissioner nor the primary duty of the commissioner. Under AS 16.05.020, the commissioner is also responsible for administering the Department of Fish and Game and for managing, protecting, maintaining, improving, and extending the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state. The commissioner also has numerous other duties prescribed by statute, such as those set out in AS 16.05.050.

In performing each of these duties the commissioner must balance his/her responsibilities so as to most effectively manage the Department of Fish and Game and to provide for the conservation, development, and utilization of fish and game, as required by the Alaska Constitution, in accordance with the powers and duties that are conferred on the commissioner by law. The commissioner in performing his/her duties must exercise judgment as to which duties are most important in regard to each situation in light of the

Representative Paul Seaton
March 21, 2005
Page 2

limited resources of the department and the potentially conflicting functions that the commissioner is required to perform.

The expansion of the duties of the commissioner to expressly include the promotion and the preservation of the heritage of fishing, hunting, and trapping in the state will not necessarily require a significant change in regard to the commissioner's position regarding closed areas and seasons or other conservation measures. To the extent that there is a valid conservation reason or other valid reason for a closure of an area or time to fishing, hunting, or trapping, the commissioner's duty to promote fishing, hunting, or trapping should not require the commissioner to favor opening the area or time over closing the area or season. Given the amount of discretion conferred on the commissioner to balance the different functions of the commissioner, the actual implementation of the provisions added by HB 75 will probably vary with each commissioner in accordance with how that commissioner views the role of the Department of Fish and Game in regard to management of fishing, hunting, and trapping in the state.

In conclusion, there is no conclusive answer as to how HB 75 would affect the management of fish and game and of fishing, hunting, and trapping in the state. The bill expressly confers a new function on the commissioner of fish and game but does not take away from or supersede the commissioner's existing duties in regard to fish and game in the state. The extent to which HB 75 affects how the commissioner of fish and game performs his/her duties will largely be a function of how each commissioner chooses to balance the many duties that are assigned to the commissioner and how much importance each commissioner accords to promoting fishing, hunting, and trapping and preserving the heritage of fishing, hunting, and trapping relative to the other functions of the commissioner.

If I may be of further assistance, please advise.

GU:med
05-196.med



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March 14, 2005

Honorable Mike Kelly
Honorable Jay Ramras
Alaska State Legislature
Juneau, AK 99811
By FAX 465-2070 to House Resources Committee

Dear Representatives Kelly and Ramras:

Thank you for introducing HB 75, Rep. Kelly, and for your support, Rep. Ramras.

I applaud your work draft proposal of 2/24/05 and committee substitute for HB 75. Promoting and preserving the various legal forms of hunting and trapping in Alaska is properly a function of the State, through the Department of Fish & Game (ADF&G) and the Board of Game.

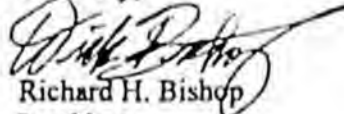
When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

The importance of hunting and trapping to Alaskan values and lifestyles and to sound, scientific sustained yield management demands clear direction, to help ensure that the State is able to fulfill its constitutional responsibilities.

Your bill provides that direction. Thank you for introducing it and, in the proposed Committee Substitute, broadening its scope to include all hunting and trapping. I respectfully ask the Committee and the Legislature to pass this proposed Committee substitute for HB 75.

Please include my letter in the House Resources Committee record.

Sincerely,



Richard H. Bishop
President

cc: The Honorable Governor Frank Murkowski

The official State Association of the NRA

February 24, 2005

North American Bear Foundation
1159 Bedow Road
Fort Ripley, MN 56449

Rep. Mike Kelly
State Capitol, Rm. 434
Juneau, AK 99801

Dear Representative Mike Kelly:

Upon reviewing Alaska bill HB0075A the North American Bear Foundation (NABF) would like to offer our support. The bill reflects the NABF's mission of conservation and sound management of our natural resources.

Sincerely,

Brian Bachman
NABF President/CEO

HOUSE BILL No. 6272

September 29, 2004, introduced by Reps. Tabor, Vander Veen, Drolet, Milosch, Sak, Sheltrown, Acciavatti, Hummel, Robertson, Bradstreet, Casperson, Palsrok, DeRossett, Hoogendyk, Richardville, Pastor, LaJoy, Emmons and Farhat and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40110 (MCL 324.40110), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40110. (1) Only the legislatur may designate a
2 species as game. If an animal is designated under this section
3 by the legislature as game, then only the legislature may
4 authorize the establishment of the first open season for that
5 animal. After the legislature authorizes the establishment of
6 the first open season for game pursuant to this section, the
7 department may issue orders pertaining to that animal for each of
8 the purposes listed in section 40107, subject to section 40113a.

9 (2) The department and the commission shall preserve and
10 promote the heritage of recreational hunting in this state,

HOUSE BILL No. 6272

1 consistent with this part, and may promote legislation to
2 classify animals as game or to declare the first open season for
3 game.

Section 8.4 - Sustained Yield.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Sec. 10. SEAT OF GOVERNMENT. The seat of government of the state is in the city of St. Paul. The legislature may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government. If the seat of government is changed, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts to be organized by the legislature of the state. The Minnesota Historical Society shall always be a department of this institution.

Sec. 11. STATE SEAL. A seal of the state shall be kept by the secretary of state and be used by him officially. It shall be called the great seal of the state of Minnesota.

Sec. 12. PRESERVATION OF HUNTING AND FISHING. Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good. [Adopted, November 3, 1998]

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Montana Code Annotated 2003

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Montana Constitution, Article IX

Section 7. Preservation of harvest heritage. The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.

History: En. Sec. 1, Const. Amend. No. 41, approved Nov. 2, 2004.

Effective Nov. 2, 2004--Sec. 2, Const. Amend. No. 41.

Provided by Montana Legislative Services

CI-1

Statement of rights.

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Source:

Neb. Const. art. I, sec. 1 (1875);
Amended 1988, Initiative Measure No. 403.

Jim Pound

From: Kappel, Larry A Mr MEDDAC-AK [Larry.Kappel@nw.amedd.army.mil]
Sent: Monday, March 14, 2005 12:13 PM
To: Rep. Jay Ramras
Subject: HB75

Dear Representative Ramras:

As a Alaskan Sportsman and Wildlife Conservationist, I fully support Mike Kelly's HB75 Initiative: "An Act Relating to Promoting and Preserving Hunting and Trapping in the State".

Larry Kappel

Suzanne Cunningham

From: Nina Faust [fausbail@xyz.net]

Sent: Wednesday, March 23, 2005 11:32 AM

To: Rep. Mike Chenault; Rep. Carl Moses; Rep. Reggie Joule; Rep. Eric Croft; Rep. Bruce Weyhrauch; Rep. Mike Kelly; Rep. Jim Holm; Rep. Mike Hawker; Rep. Richard Foster; Rep. Kevin Meyer; Rep. Bill Stoltze

Subject: HB 75

Dear House Finance Committee Members:

I am writing in opposition to HB 75, "An Act relating to the duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

Considering the Alaska Constitution's reference to wildlife being "reserved to the people for their common use", the State should be mainly concerned with the equitable use of wildlife for all residents. There is no imperative for special consideration for promoting and preserving consumptive use over non-consumptive use. It is an unnecessary bill. I urge the committee to oppose this bill.

Sincerely,

Nina Faust
P.O. Box 2994
Homer AK 99603
907-235-6262



Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
(907) 455-4AOC (4282)
aoc@alaska.net
www.alaskaoutdoorcouncil.org

March 14, 2005



Honorable Mike Kelly
Honorable Jay Ramras
Alaska State Legislature
Juneau, AK 99811
By FAX 465-2070 to House Resources Committee

Dear Representatives Kelly and Ramras:

Thank you for introducing HB 75, Rep. Kelly, and for your support, Rep. Ramras.

I applaud your work draft proposal of 2/24/05 and committee substitute for HB 75. Promoting and preserving the various legal forms of hunting and trapping in Alaska is properly a function of the State, through the Department of Fish & Game (ADF&G) and the Board of Game.


When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

The importance of hunting and trapping to Alaskan values and lifestyles and to sound, scientific sustained yield management demands clear direction, to help ensure that the State is able to fulfill its constitutional responsibilities.

Your bill provides that direction. Thank you for introducing it and, in the proposed Committee Substitute, broadening its scope to include all hunting and trapping. I respectfully ask the Committee and the Legislature to pass this proposed Committee substitute for HB 75.

Please include my letter in the House Resources Committee record.

Sincerely,


Richard H. Bishop
President

cc: The Honorable Governor Frank Murkowski