

**HB**

**464**



## Representative Eric Croft

### Sponsor Statement

*HB 464 - "No Meat / No Horns Act." An act relating to the possession of the edible meat of big game animals*

(amended 3-31-06)

HB 464 is designed to increase the options available to wildlife enforcement officers regarding hunters and adequate meat retention.

The bill creates a civil penalty of forfeiture of all horns and antlers if a hunter cannot prove that he removed a minimum amount (to be defined in regulation) of the edible meat from the field and either has it in his possession or signed it over in good condition to a local resident.

This penalty is in addition to all current wanton waste laws, which require full retention of the meat, and prohibits possession of horns or antlers without the edible meat. However, these existing laws are criminal violations, Class A misdemeanors, and have a high standard of investigation and proof. There are also several broad defenses including weather and loss to other wildlife. These defenses are often used after extended hunting trips in which is difficult to prove whether the loss of meat is intentional. There are also situations in which a transporter may have left a hunter too long in the field, leading to meat loss or spoilage.

It is the sponsor's hope that this bill will provide broader ability for wildlife enforcement officers to intervene in situations where there may not be a smoking gun for a wanton waste charge. Civil forfeiture of the horns or antlers, which are the primary objective of many out of state hunters, may discourage behavior that carries an increased risk of wasting meat.

The sponsor believes that if it became known that they faced potential trophy loss, hunters would insist on responsible treatment from transporters, including more frequent checks while they are in the field. It will provide a competitive advantage to those guides and transporters who ensure that their clients take adequate care of the meat. It may also discourage hunters from shooting more game than they can reasonably remove from the field.

# ALASKA STATE LEGISLATURE HOUSE RESOURCES COMMITTEE

Representative Jay Ramras  
Co-Chairman  
(907) 465-3004  
Fax: (907) 465-2833  
Representative\_Jay\_Ramras@legis.state.ak.us

119 N. Cushman St., Suite 213  
Fairbanks, AK 99701



Representative Ralph Samuels  
Co-Chairman  
(907) 465-2095  
Fax: (907) 465-3810  
Representative\_Ralph\_Samuels@legis.state.ak.us

716 W. 4th Avenue  
Anchorage, AK 99501

State Capitol, Juneau, Alaska 99801-1182

## FAX

**Please deliver the following pages to: Legis. Legal**

**Fm: Jim Pound, Staff, Resources Committee**

**Fax #: 2029**

**Total number of pages including cover: 2**

**Date: 4/10/06 3:56 PM**

**Re: CSHB 464 ( ) 24-LS1258\L**

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**Please amend as per instructions on page 2 and return as a final CSHB 464(RES).**

**Thanks**

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Thank you.

Please amend CSHE 464 ( ) 24-LS1258\L as follows and return as a final House CS for HB 464 (RES).

Insert a new Section 1.

AS 16.30.012 is amended by adding a new subsection to read:

(c) The Board of Game may adopt regulations for specific areas of the state setting, for any big game animal, the minimum amount of edible meat that must be possessed by a hunter who possesses the antlers or horns of the big game animal.

On the current draft:

Page 1, Line 6

Amend to read:

...the minimum salvage

Page 1, line 4

Insert (a) after Sec. 16.30.013

Page 1, line 8 add

AS 16.30.013 (b) The Board of Game may establish criteria for forfeiture of antlers or horns if the minimal amount of edible meat is not met.

CS for HB 464

#2

Possible Amendment

Unan

Offered By: Ron Somerville

Sec. 2. AS 16.30.012 is amended by adding a new subsection to read:

(c) The Board of Game may adopt regulations for specific areas of the state setting, for any big game animal, the minimum amount of edible meat that must be possessed by a hunter who possesses the antlers or horns of the big game animal.

24-LS1258L  
Kane  
4/5/06

**CS FOR HOUSE BILL NO. 464( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES CROFT, Salmon, Kerttuia**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the possession of horns or antlers of big game animals."**

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

3 **\* Section 1.** AS 16.30 is amended by adding a new section to read:

4       **Sec. 16.30.013. Lawful possession of horns or antlers.** A person does not  
5 acquire lawful possession of the horns or antlers of a big game animal that person  
6 killed unless that person has satisfied the salvage requirements set by the Board of  
7 Game in regulation.

24-LS1258U  
Kane  
3/31/06

**CS FOR HOUSE BILL NO. 464( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES CROFT, Salmon, Kerttula**

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of horns, antlers, or the edible meat of big game  
2 animals."

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

4 \* Section 1. AS 16.30.012(b) is amended to read:

5 (b) A person may not be arrested or prosecuted for a violation of (a) of this  
6 section unless the arresting officer determines that there is probable cause to believe  
7 that the edible meat of the big game animal from which the horns or antlers were taken  
8 has not been salvaged.

9 \* Sec. 2. AS 16.30.012 is amended by adding new subsections to read:

10 (c) The Board of Game may adopt regulations for the entire state or for any  
11 game management unit within the state setting, for each big game animal species, the  
12 minimum amount of edible meat that must be possessed by a hunter who possesses the  
13 antlers or horns of the big game animal.

14 (d) It is a violation for a person to possess the horns or antlers of a big game

1 animal if the person possesses less edible meat of an animal than the minimum amount  
2 set by the Board of Game in regulation under (c) of this section. A person in violation  
3 of this subsection forfeits the horn or antlers of that big game animal.

4 \* Sec. 3. AS 16.30.017(a) is amended to read:

5 (a) It is a defense to a criminal charge under AS 16.30.010 or 16.30.012(a)  
6 [16.30.012] that the failure to salvage or possess the edible meat was due to  
7 circumstances beyond the control of the person charged, including

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

11 \* Sec. 4. AS 16.30.017(b) is amended to read:

12 (b) It is a defense to a criminal charge under AS 16.30.012(a) or (d)  
13 [AS 16.30.012] that the defendant does not possess the edible meat of the big game  
14 animal because the meat was

- 15 (1) consumed by human beings; or  
16 (2) delivered to another person; the delivery of edible meat to  
17 another person must be documented in writing by a statement signed by the  
18 recipient of the meat that states the quantity of edible meat received.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: H.B. 464  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Wanton Waste of Big Game RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Representative Eric Croft  
 Requester House Resources Committee Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Sarah A. Gilbertson, Legislative Liaison  
 Division: Commissioner's Office  
 Approved by: Commissioner McKie Campbell  
 Agency: Alaska Department of Fish and Game

Phone 465-6137  
 Date/Time 4/5/06 11:46 AM  
 Date 4/5/2006

June 1 - Dec 31, as animal food or bait. (See *Use of game*, page 21).

representative (see *Emergency taking of game*, page 21).

Except in the Brown Bear Subsistence Areas, you are not required to keep the meat of a brown/grizzly bear. If you take a brown/grizzly bear in any of these subsistence areas under a registration permit for subsistence purposes, you are required to salvage all meat for human consumption; salvage of the hide or skull is optional.

**You MAY NOT hunt black bears over bait or scent lures, except under a bait station permit.**

### Estimated Maximum Weights of Some Alaska Big Game Species

*This table is an estimate of the maximum weight that the hunter might expect to handle and transport from the field for Alaska big game animals.*

<i>species</i>	<i>live adult weight lbs.</i>	<i>carcass weight lbs<sup>a</sup></i>	<i>boned-out carcass lbs<sup>b</sup></i>
<i>moose</i>	1650	990	564
<i>caribou</i>	500	300	171
<i>bison</i>	2000	1200	684
<i>elk</i>	1350	810	462
<i>mt. goat</i>	280	168	96
<i>Dall sheep</i>	230	138	79
<i>muskox</i>	800	480	274
<i>Sitka black-tailed deer</i>	200	120	68
<i>black bear</i>	350	210	120
<i>brown bear</i>	1250	750	428

<sup>a</sup> *Weight following removal of viscera, head, hide, and lower legs.*

<sup>b</sup> *Weight of carcass meat after all bones are removed.*

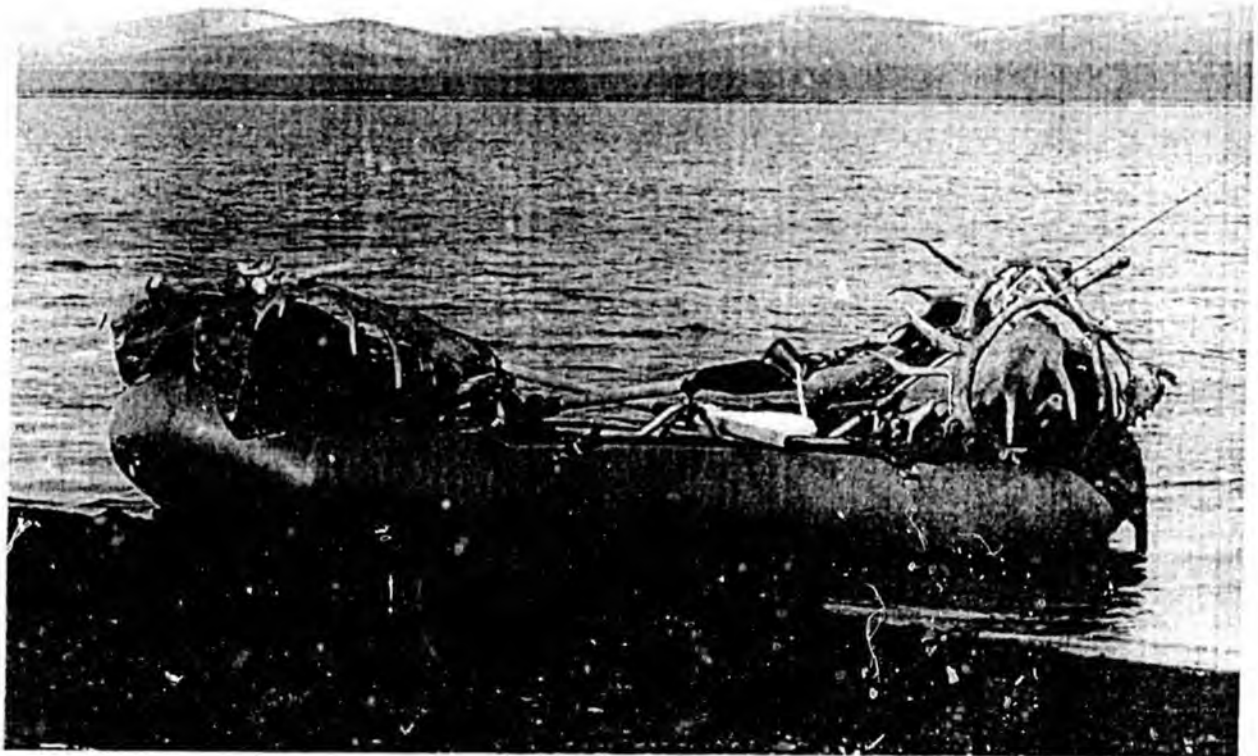
Salvage

From June 1 and 20 salvage June 1 salvage

From June 1 (except salvage June 1 - be salvaged Bears to for pet)

For Unskull mainder be salva

Four hunters returned to Kivalina in this raft, September 2005



Alaska Board of Game  
2006-163-BOG  
Alaska Board of Fisheries  
2006-247-FB

**A Resolution Regarding Declining Fish & Wildlife Enforcement in Alaska**

WHEREAS, the Board of Game and Board of Fisheries have received numerous public complaints in recent years concerning the decreasing level and effectiveness of fish and wildlife enforcement in Alaska; and

WHEREAS, management plans are formed by the Alaska Department of Fish & Game to support the constitutional mandate to maintain fish and game populations on sustained yield principle; and

WHEREAS, regulations are developed by the Alaska Boards of Fisheries and Game through the public process to support management plans. And, all management plans rely upon public compliance with regulations to achieve success; and

WHEREAS, enforcement is a crucial element needed to ensure long-term compliance with regulations by the public; and

WHEREAS, the Alaska Department of Public Safety is the front-line agency tasked by the legislature with enforcing regulations pertaining to fish and game; and

WHEREAS; vigorous, proactive efforts are required to positively affect compliance by the public in fish and game regulations; and

WHEREAS, fish and wildlife enforcement is a critical element in the state's fish and wildlife management programs; and

WHEREAS, every subsistence, personal use, recreational or commercial resource management program is dependent on adequate enforcement for the programs to be successful; and

WHEREAS, Alaskans have traditionally supported a strong and effective fish and wildlife enforcement program in the state; and

WHEREAS, Alaskans have been assured that the integration of the fish and wildlife enforcement programs into the Alaska State Troopers system would not result in any decreased level of effectiveness in our fish and wildlife enforcement efforts; and

WHEREAS, in 2003 the Division of Fish and Wildlife Protection was eliminated and re-established as a separate Bureau within the Alaska State Troopers; and

WHEREAS, in response to expressed concerns by the Boards of Fisheries and Game, the Department of Public Safety provided the Boards with requested enforcement data from 2000 - 2005 for the purpose of comparing the level and effectiveness of the fish and wildlife enforcement program both before and after the final merger, and

WHEREAS, the final integration of the fish and wildlife enforcement staff into the Alaska State Troopers in 2003 resulted in the following: a 122% average increase in Alaska State Trooper patrol and investigations time by fish and wildlife personnel; a 24% decrease in fish and wildlife patrol and investigation time by fish and wildlife personnel; an 88% average annual increase in Alaska State Trooper contacts; a 20% average annual decrease in fish and wildlife contacts; a 76% annual increase in Alaska State Trooper warnings by fish and wildlife personnel; an 8% annual decrease in fish and wildlife warnings by fish and wildlife personnel; and a 50% average annual increase in Alaska State Troopers citations by Bureau of Wildlife Enforcement personnel; and

WHEREAS, the level of contributions to the Fish and Game Fund from fish and wildlife convictions has been steadily decreasing from approximately \$1.1 million in 1990 to \$51,000 in 2005 which indicates that although troopers are making citizen contacts, they are issuing citations on less serious violations rather than focusing on the more onerous and destructive violations and the fish and wildlife investigation unit responsible for the larger commercial fines has become significantly less effective; and

WHEREAS, the primary emphasis and accepted principles of fish and wildlife enforcement relating to promoting voluntary compliance, preventing resource violations rather than focusing only on apprehending violators, educating the public about the conservation purposes for fish and wildlife regulations, emphasizing selective sting and special investigations directed at commercial operators and discouraging violations through a continued presence in the field have been deemphasized by the Trooper merger process; and

WHEREAS, there is not a consistent cross-training of Alaska State Troopers and Alaska Bureau of Wildlife Enforcement personnel which results in Alaska State Troopers unable to assist in fish and wildlife enforcement activities while Alaska Bureau of Wildlife Enforcement personnel are expected to assist in Alaska State Trooper public safety activities; and

NOW THEREFORE BE IT RESOLVED that the Boards of Fisheries and Game respectfully request that the Commissioner of Public Safety consider reestablishing the separate Division of Fish and Wildlife Protection with its identified separate identification and mission; and

BE IT FURTHER RESOLVED that the Alaska Department of Public Safety must maximize its enforcement of fish and game regulations to the greatest extent possible in order to preserve and protect the fish and game resources of the State of Alaska for public use and future generations; and

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully request the Governor and the Legislature provide the Alaska State Troopers with adequate funds for their identified public safety mission rather than depending on the Division of Fish and Wildlife Protection to continually fill in for inadequate numbers of State Trooper positions; and

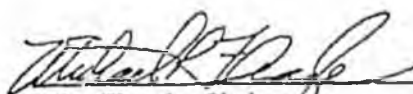
BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests the Governor and the Legislature provide an increase of approximately \$18 million to the Fish and Wildlife Protection Division for their fish and wildlife enforcement effort; and

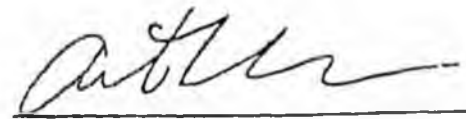
BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests that the Commissioner of Public Safety begin a program to recruit Fish and Wildlife Enforcement officers separately from Alaska State Troopers for the purpose of adequately providing for career officers in the fish and wildlife enforcement field; and

BE IT FURTHER RESOLVED that the Alaska Boards of Fisheries and Game request that, to the greatest extent possible, the Alaska Bureau of Wildlife Enforcement within the Division of Alaska State Troopers, focus efforts on enforcing, patrolling and documenting criminal activity in the areas of fish and game regulations. Every effort is encouraged for the Alaska Bureau of Wildlife Enforcement to remove duties from enforcement personnel that do not pertain to the enforcement of fish and game regulations.

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests that the Governor's office and the Alaska State Legislature provide a reasonable level of oversight over the fish and wildlife enforcement performance of the Department of Public Safety to assure that our fish and wildlife resources are being adequately protected and our fish and wildlife management programs receive the enforcement support needed to make our programs successful.

Copies of this resolution are being sent to Commissioner William Tandeske of the Department of Public Safety, Governor Frank Murkowski, Commissioner McKie Campbell of the Department of Fish and Game, and the House and Senate leadership.

  
Mike Fleagle, Chairman  
Alaska Board of Game

  
Art Nelson, Chairman  
Alaska Board of Fisheries

Date: March 19, 2006

Date: March 23, 2006

Vote: 6-0

Vote: 7-0