

**HB**

**75**

# ALASKA STATE LEGISLATURE HOUSE RESOURCES COMMITTEE

Representative Jay Ramras  
Co-Chairman  
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119 N. Cushman St., Suite 213  
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716 W. 4th Avenue  
Anchorage, AK 99501

State Capitol, Juneau, Alaska 99801-1182

## House Resources Committee Fax

To: George Utermohle

Fax #: 2029

Number of pages including cover: 2

Fm: Jim Pound 

Cc:

Date: March 14, 2005, 4:03 PM

Re: CS HB 75 (RES) 24-LS0759\G

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Please review the attached proposed amendment to the above referenced CS work draft and finalize as the Resources CS.

Thanks

Jim

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Thank you

Proposed amendment to CS for H.B. 75 ( )

Amendment # \_\_\_\_\_

*Title Change \**

Delete lines 11-12 and insert:

- (3) in conjunction with the Board of Fisheries and Board of Game, promote fishing, hunting, and trapping, and preserve the heritage of fishing, hunting, and trapping in the state.

New Sec. 2 - AS 16.05.251 is amended by adding a new subsection to read:

- (g) In conjunction with the commissioner, the Board of Fisheries shall promote fishing and preserve the heritage of fishing in the state.

*Renumber accordingly -*

New Sec. 3 - AS 16.05.255 is amended by adding a new subsection to read:

- (k) In conjunction with the commissioner, the Board of Game shall promote hunting and trapping and preserve the heritage of hunting and trapping in the state.

*\* Amend Title*

*... t. "the duties of the Comm of F+G, in promoting and preserving "fishing," hunting...."*

*Bd of Game, Bd of Fish,*

Proposed amendment to CS for H.B. 75 ( )

Amendment # \_\_\_\_\_

Delete lines 11-12 and insert:

- (3) in conjunction with the Board of Fisheries and Board of Game, promote fishing, hunting, and trapping, and preserve the heritage of fishing, hunting, and trapping in the state.

New Sec. 2 – AS 16.05.251 is amended by adding a new subsection to read:

- (g) In conjunction with the commissioner, the Board of Fisheries shall promote fishing and preserve the heritage of fishing in the state.

New Sec. 3 – AS 16.05.255 is amended by adding a new subsection to read:

- (k) In conjunction with the commissioner, the Board of Game shall promote hunting and trapping and preserve the heritage of hunting and trapping in the state.

# Alaska State Legislature

## Juneau

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## Fairbanks

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## Representative Mike Kelly

*House District 7*

### Sponsor Statement

#### HB 75

(24-LS0359A)

*"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.

# HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: January 18, 2005

FURTHER REFERRALS: Finance

Date of Committee Action: 03/14/05

The RESOURCES Committee considered:

HB 75

HOUSE BILL NO. 75

SPORT HUNTING

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

Recommends it be replaced with  HCS or  CS for HB 75 (RES)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DFG				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	OLSON	✓			
	SEATON			✓	
	ELKINS	✓			
				✓	
	CRAWFORD	✓			
Chair:	SAMUELS	X			
Chair:	RAMRAS	X			

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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.

24-LS0359G  
Utermohle  
2/24/05

**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 promoting and preserving hunting and trapping in the state."**

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

3 **\* Section 1. AS 16.05.020 is amended to read:**

4 **Sec. 16.05.020. Functions of commissioner. The commissioner shall**

5 (1) supervise and control the department, and may appoint and employ  
6 division heads, enforcement agents, and the technical, clerical, and other assistants  
7 necessary for the general administration of the department;

8 (2) manage, protect, maintain, improve, and extend the fish, game and  
9 aquatic plant resources of the state in the interest of the economy and general well-  
10 being of the state;

11 (3) in conjunction with the Board of Game, promote hunting and  
12 trapping and preserve the heritage of hunting and trapping in the state;

13 (4) have necessary power to accomplish the foregoing including, but  
14 not limited to, the power to delegate authority to subordinate officers and employees  
15 of the department.

1 \* Sec. 2. AS 16.05.255 is amended by adding a new subsection to read:

2 (k) In conjunction with the commissioner, the Board of Game shall promote  
3 hunting and trapping and preserve the heritage of hunting and trapping in the state.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: H.B. 75  
 ( ) Publish Date: \_\_\_\_\_

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						
<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 (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 Phone 465-6137  
 Division: Legislative Liaison Date/Time 3/14/05 8:50 AM  
 Approved by: Acting Commissioner Wayne Regelin Date 3/14/2005  
 Agency: Alaska Department of Fish & Game

**Jim Pound**

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**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**

**Alaska Outdoor Council**

PO Box 73902  
Fairbanks, AK 99707-3902  
(907) 455-4AOC (4262)  
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.

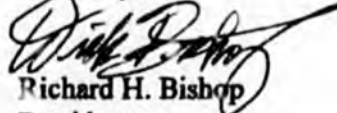
When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

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

*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, Sheltroun, 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 legislature 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 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.

