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COMMITTEE REPORT

HOUSE

3/1

Rules

(7)

FURTHER:

2/8/82

Date: February 25, 1982

Mr. Speaker:

The Committee on RESOURCES has had SSHB 409

"An Act relating to guiding; and providing for an effective date."

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

replace with CS for SSHB 409 (Resources) [ same title  
[ ] new title  
and recommends \_\_\_\_\_

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without ~~recommendation~~ or "as follows"

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rick Halford  
Ben Sweeney  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Earl G. Lutchfe No rec  
Thomas B. Davis No rec  
Ken Fanning No rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ken Fanning  
CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. \_\_\_\_\_

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

AS 16.05.407 is amended by adding a new subsection to read:

(d) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take walrus or a big game animal as defined by the Board of Game unless personally accompanied by a person who is licensed as a master guide, registered guide, [or] class-A assistant guide, or marine mammal guide under AS 08.14.

COMMITTEE REPORT

HOUSE

3/1

Ruler

FURTHER:

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2/8/82

Date: February 25, 1982

Mr. Speaker:

The Committee on RESOURCES has had SSHB 409

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[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

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[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

Rich Halford
Jan [signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

Em G. Lutchffe NO REC
Tommy Barnes No Rec
Ken [signature] No Rec

[signature] CHAIRMAN

Original sponsors: Hurlbert, Zharoff  
and Grussendorf

Offered: 3/1/82  
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 409 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ~~guiding~~ <sup>HUNTING</sup>, and providing for an  
7 effective date."

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

9 \* Section 1. AS 16.05.407 is amended by adding new subsections to read:

10 (d) It is a class A misdemeanor for a nonresident alien to hunt,  
11 pursue or take ~~brown bear, grizzly bear, polar bear, sheep caribou, or~~  
12 <sup>is defined SAAC 90.020(3) and 90.020</sup> ~~moose~~ in this state unless personally accompanied by a person who is  
13 <sup>by Board of Game</sup> licensed as a master guide, registered guide, or assistant guide under  
14 AS 08.54, ~~or by a resident Alaskan over 19 years of age who is the spouse~~  
15 ~~of or is related by blood within and including the second degree of~~  
16 ~~kindred to the alien.~~

17 (e) A nonresident alien when purchasing a big game tag for the  
18 taking of an animal specified in this section shall first furnish to the  
19 state, on a form provided by the state, an affidavit showing that he  
20 will be accompanied in his hunt by a person who is qualified under the  
21 terms of this section. A nonresident shall have a copy of the affidavit  
22 in his possession while in the field hunting. A person who falsifies  
23 the required affidavit is guilty of perjury under AS 11.56.200.

24 (f) In this section, "nonresident alien" means a person who is not  
25 a citizen of the United States and whose permanent place of abode is not  
26 in the United States.

27 ~~\* Sec. 2. AS 16.05.340(e) and 16.05.407(c) are repealed.~~

28 \* Sec. 3. This Act takes effect July 1, 1982.

29

It is the intent of the legislature, with the passage of CSSSHB 409 "An Act relating to guiding; and providing for an effective date", not to unduly discriminate against nonresident aliens who desire to hunt in Alaska.

It is also the legislature's intent that there are clear and compelling reasons why nonresident aliens should not be hunting big game animals alone in the wilds of Alaska. Paramount among those reasons are 1.) that nonresident aliens as a class may be expected to have greater difficulty in understanding game regulations written in English than would either resident Alaskans or nonresident U.S. citizens; and 2.) that hunting traditions and customs in foreign countries in many cases are significantly different from such customs in Alaska and the United States.

For these reasons, we have determined that to ensure the adequate and proper protections of Alaska's game resources, we will limit the activities of nonresident alien hunters as CSSSHB 409 indicates.

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409(Res)

Page 1, line 6: delete "guiding" and insert:  
"hunting by nonresident aliens"

Page 1, line 11:

After "take" insert "black bear,"

Before "sheep" insert "mountain or Dall"

After "caribou" delete "or"

Page 1, line 12:

After "moose" insert ",bison, Sitka blacktail deer, elk, mountain  
goat, musk-ox, wolf, wolverine, or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence

Page 1, line 27:

Delete all material.

Page 1, line 28:

Change "Sec. 3" to Sec. 2".

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409 (Res)

Page 1, line 6: delete "guiding" and insert:

"hunting"

Page 1, lines 11 - 12:

Delete "brown bear, grizzly bear, polar bear, sheep, caribou, or moose"  
and insert "a big game animal as defined in 5 AAC 90.020(3), or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence.

---

Page 1, line 27:

Delete "Sec. 2. AS 16.05.340 (e) and 16.05.407 (c) are repealed."

and insert "Sec. 2. AS. 16.05.255 (11) New Section (11) added:

Whenever it is necessary to restrict the taking of big game so that the opportunity of Alaskan residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and by nonresident aliens to accomplish that purpose."

Page 1, line 28:

Retain "Sec. 3. This Act shall take effect July 1, 1982."

HB 409 TITLE & SPONSOR SUMMARY

11:14 3/05/82 PAGE 1 OF 2

AMENDED TITLE: SSHB 409

AN ACT RELATING TO GUIDING; AND PROVIDING FOR AN EFFECTIVE  
DATE

PRIME SPONSOR: HURLBERT.

CO-SPONSORS: ZHAROFF, GRUSSENDORF.

CURRENT STATUS: 3/01/82 IN (H) RULES

HB 409 HOUSE ACTION

11:14 3/05/82 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/08/82	01	0268	FIRST READING -- COMMITTEE REPORTS
03/01/82	02	0624	RES -- CS02, NR03
			RULES
			RULES

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 409  
 Title An Act Relating to Guiding and Providing and Effective Date  
 Requested by Hurlbert, Zharoff and Grussendorf Date 2/19/82

II. FISCAL DETAIL  
 Agency Affected Department of Public Safety  
 Program Category Affected NNRMEC  
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 2/19/82 PREPARED BY Colonel Robert J. Stickles  
 AGENCY Department of Public Safety  
 Original: Legislative Finance PHONE 269-5532  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) *(Signature)*  
 33-001 (Rev. 12/81)

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409 (Res)

Page 1, line 6: delete "guiding" and insert:

"hunting"

Page 1, lines 11 - 12:

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and insert "a big game animal as defined in 5 AAC 90.020(3), or walrus"

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and insert "Sec. 2. AS. 16.05.255 (11) New Subsection (11) added:

Whenever it is necessary to restrict the taking of big game so that the opportunity of Alaskan residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and by nonresident aliens to accomplish that purpose."

Page 1, line 28:

Retain "Sec. 3. This Act shall take effect July 1, 1982."

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Page 1, line 27:

Delete all material.

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Change "Sec. 3" to Sec. 2".

5/10 - Senate passed for needed  
effective date

Nonresident  
Hunters

SCS FOR CS FOR SS FOR HOUSE BILL NO. 409 (JUD)(AM S), (see pages 201;388;438;468;506;613;790). On May 8 the bill was held until the May 10 calendar. The Senate later rescinded its action and the bill was taken up on May 8. The Senate Judiciary substitute was adopted (see page 790). Amendment 2 by Senator Kelly was adopted, providing the Board of Game may (was "shall"), through a permit system, limit the taking of big game by nonresidents and nonresident aliens to provide an opportunity for Alaska residents to take the game. Amendment 3 by Senator Kelly was adopted, changing the effective date to January 1, 1983 (was July 1, 1982). The bill was then held in second reading until May 10.

Nonresident  
Hunters

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 409 (RLS), (see pages 201;388;438;468;506;613). Reported back to the Senate on April 26 by Judiciary with the committee recommending it be replaced with Senate Judiciary CS and as follows: Rodey (Chmn.), Ray and Parr signed no recommendation; Anderson signed do pass. To Rules.

The Senate Judiciary CS makes the following changes to the Senate Resources version:

--Adds new Sec. 3. Would add new section to AS 16.05 to read: "Sec. 16.05.256. NONRESIDENT AND NONRESIDENT ALIEN PERMITS. Whenever it is necessary to restrict the taking of big game so that the opportunity for Alaska residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose."

--Adds new Sec. 1 making technical amendments to AS 16.05.407(a) and offers slightly reworded version of new subsection (e) to make it clear that (a) applies to nonresidents and (d)-(e) apply to nonresident aliens.

Nonresident  
Hunters

COMMITTEE SUBSTITUTE FOR SS FOR HOUSE BILL NO. 409 (RLS), see pages 201;388;438;468;506). Reported back to the Senate by Resources with a majority recommending it be replaced with a Senate substitute and that it do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Gilman, Sturgulewski and Mulcahy. To Judiciary.

The Senate Resources substitute deletes a section of the bill dealing with nonresident and nonresident alien permits. The deleted section stated: "Whenever it is necessary to restrict the taking of big game so that the opportunity for Alaska residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose."

This was in the House version, but had been removed by Senate Resources →

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 409  
 Title An Act Relating to Guiding and Providing and Effective Date  
 Requested by Hurlbert, Zharoff and Grussendorf Date 2/19/82

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 Program Category Affected NNRMEC  
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FEDERAL FUNDS						
OTHER (Specify Source)						
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PART TIME						
TEMPORARY						
	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 2/19/82 PREPARED BY Colonel Robert J. Stickles  
 AGENCY Department of Public Safety  
 Original: Legislative Finance PHONE 269-5532  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) (Signature)  
 33-001 (Rev. 12/81)

# Court asked to kill law on alien hunters' guides

By CRAIG MEDRED  
Daily News reporter

Alaska businesses catering to foreign hunters have gone to court in an attempt to head off a new state law requiring that alien big-game hunters be personally accompanied by a guide.

In a class action lawsuit filed Thursday in Anchorage Superior Court, a guide, an air taxi service, an outfitter and a West German hunter argued that the court should overturn the law before its Sept. 1 effective date.

By making it impossible for air taxis and outfitters to meet existing contracts with foreign hunters, the law "amounts to retroactive legislation and results in a taking of property in violation" of the due process provisions of the state and U.S. constitutions, according to the suit.

Pressured by Alaska hunters angry about a growing influx of foreigners, the state legislature this year approved legislation making it a misdemeanor for non-resident aliens to hunt, pursue or take walrus or big game unless

personally accompanied by a guide.

Toni Salmeier, one of the plaintiffs in the suit, said there simply aren't enough guides to accompany all of the foreigners who want to hunt in Alaska.

"There's no way I can find a guide," she said. Salmeier, who owns and operates Lake Creek Lodge with her husband, Dean, said some of their regular alien hunters have asked her to find them guides, but she has been unable to do so.

If the new law stands, Sal-

meier said, it's going to cost her \$30,000 in lost business this year.

Another plaintiff in the suit, Dave Klosterman of Alaska Bush Carrier Inc., said he has already turned away foreign hunters interested in being flown into the Bush.

"It's going to cost this company between 35 to 40 percent of its gross income," he said. "Even with a restraining order (before Sept. 1) . . . it's still a total loss for this year."

Guide Henry B. Rust con-

tends that he, too, will lose business because of the law.

Rust, according to the suit, "has entered into contracts with numerous foreign nationals whereby the plaintiff became obligated to perform guide services for multiple hunting parties in the exclusive game management unit number 9, Lake Clark area."

Because he can "personally" accompany only one hunter at a time, Rust will be unable to meet the terms of all of his contracts with alien hunters if the new state law

stands, according to the suit.

And West German Leo Stahl, the fourth plaintiff in the suit and an experienced Alaska hunter, argues that the new guide law violates the equal protection clauses of the state and U.S. constitutions by requiring guides for hunters who pose no special threat to themselves or the big-game resource.

Foreign hunters like Stahl don't need guides, Klosterman added.

"Some of them are better woodsmen than most residents of this state," he said.

Kathleen McGuire

276-3550

420 L Suite 100

Anchorage 99

meets  
MMW

As's office

HB 409

what's legal  
in (a) is not  
legal in (d)

(d)

① 3 types who can accompany  
alien

② only class-A assistant  
only says "big game" - doesn't  
include polar bear - polar bear  
was in whenthy, was named, then not  
in final version

HB 409 TITLE & SPONSOR SUMMARY

14:27 3/01/82 PAGE 1 OF 2

AMENDED TITLE: SSHB 409

AN ACT RELATING TO GUIDING; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: HURLBERT.

CO-SPONSORS: ZHAROFF, GRUSSENDORF.

CURRENT STATUS: 2/08/82 IN (H) RESOURCES

HB 409 HOUSE ACTION

14:27 3/01/82 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

02/08/82 01 0268

FIRST READING -- COMMITTEE REPORTS  
RESOURCES  
RULES

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