

H B

188

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 25, 1983

SUBJECT: Big game hunting by nonresidents  
(HB 188)

TO: Representative John Ringstad  
Chairman, House Resources Committee

FROM: Edward H. Hein *EHA*  
Legislative Counsel

You have asked whether HB 188 raises any additional constitutional issues or problems not present in the existing law that the bill amends.

HB 188 repeals and reenacts AS 16.05.407. The only substantive change the bill makes is to allow an Alaska resident over 19 years of age to accompany his or her nonresident in-laws without a guide while hunting brown bear, grizzly bear, polar bear or sheep. Under existing law, the nonresident must be related to the resident by blood within the second degree of kinship in order to hunt without a guide. Under this bill, the relationship between the resident and the nonresident, whether by blood or marriage, would still have to be within the second degree of kinship. This includes the parents, grandparents, brothers and sisters, children and grandchildren of the resident or the resident's spouse.

The change proposed by this bill does not affect the constitutionality or unconstitutionality of AS 16.05.407.

EHH:ljb

## Bill Analysis

### HB 188

Under current law, blood relatives of resident Alaskans can hunt brown bear, grizzly bear, polar bear, or sheep without a guide if they are within and including second degree of kindred and are personally accompanied by their Alaska relative.

HB 188 would allow the same criteria to also apply to persons related by marriage.

Example: Your brother comes to Alaska to hunt Dall Sheep. You may legally take him without a guide.

However, you cannot legally take your brother-in-law on the same hunt.

HB 188: Under the changes proposed in this law, your brother-in-law would legally be able to participate in the hunt.

Second Degree of kindred includes, under present law:

- 1) Son, Daughter
- 2) Father, Mother
- 3) Grandfather, Grandmother
- 4) Grandchildren
- 5) Brother, Sister - their children

In addition, under HB 188, the following relatives would be included:

- 1) Son, Daughter of Spouse
- 2) Father-in-law, Mother-in-law
- 3) Grandfather, Grandmother of Spouse
- 4) Grandchildren of Spouse
- 5) Brother-in-law, Sister-in-law - their children

(B) Subunit 26(B) – that portion of Unit 26 lying east of Subunit 26(A) and west of the west banks of the Canning River and Marsh Fork of the Canning River between the Arctic Ocean and Carter Pass;

(C) Subunit 26(C) – that portion of Unit 26 lying east of Subunit 26(B). (In effect before 1980; am 7/4/80, Reg. 75; am 4/5/81, Reg. 78; am 9/3/81 – 9/12/81, Reg. 80; am 9/30/81, Reg. 79)

Authority: AS 16.05.255(a)(1),(2) and (7)

5 AAC 90.020. DEFINITIONS. In 5 AAC 81 – 5 AAC 90

(1) "airport" means an Alaska airport listed in the Federal Aviation Agency Alaska Airman's Guide and chart supplement;

(2) "bag limit" means the greatest number of game species permitted to be taken by any one person in the unit or portion of a unit in which the taking occurs; however, additional numbers of a species may be taken in another designated open unit or portion of a unit where a greater limit on that species is prescribed; in no case may the total or cumulative bag for one person exceed the limit set for the unit or portion of a unit in which the additional game was taken;

(3) "big game animals" includes black bear, brown and grizzly bear, polar bear, bison, caribou, Sitka blacktail deer, elk, mountain goat, moose, muskoxen, mountain or Dall sheep, wolf and wolverine;

(4) "camp" means a structure erected for the purpose of providing overnight shelter and equipped with bedding and eating facilities for occupants;

(5) "closed season" means the time during which game may not be taken;

(6) repealed 7/2/75;

(7) "cub bear" means a brown, grizzly or polar bear in its first or second year of life, or a black bear (including the cinnamon and blue color phases) in its first year of life;

(8) "fur animals" includes beaver, coyote, arctic fox, red fox, lynx, marten, mink and weasel, muskrat, land otter, sea otter, raccoon,

red squirrel, flying squirrel, ground squirrel and marmot, wolf and wolverine, excepting domestically raised fur animals;

(9) "highway" means the driveable surface of any constructed road;

(10) repealed 7/2/75;

(11) "motorized vehicle" means a motor-driven land, water or air conveyance;

(12) "open season" means the time during which game may lawfully be taken; each period of time prescribed as an open season includes the first and last days of the period prescribed;

(13) "poison" means any substance which is toxic or poisonous upon contact or ingestion;

(14) "raw ivory" means a walrus tusk (upper canine tooth) which has not been endowed with functional, cultural or aesthetic qualities by altering its natural form or surface through carving, drilling, cutting, filing, or engraving; raw ivory is not altered, in the connotation of this definition, by surface polishing or for a head mount; the latter consisting of ivory (tusks) in a skull or part of a skull;

(15) "regulatory year" means July 1 to June 30, inclusive;

(16) "seal pup" means a seal that weighs less than 50 pounds;

(17) "second degree of kindred" means the relatives who are parents, grandparents, children, grandchildren and sisters or brothers of the person acting as a guide;

(18) "small game" means all species of grouse, hares, rabbits, ptarmigan and waterfowl, and Wilson or jacksnipe;

(19) "three-quarter curl horn" means the horn of a mature mountain sheep, the tip of which has grown through three-quarters of a circle (270°) described by the outer surface of the horn, as viewed from the side;

(20) "transport" means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export;

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(19) "three-quarter curl horn" means the horn of a mature mountain sheep, the tip of which has grown through three-quarters of a circle (270°) described by the outer surface of the horn, as viewed from the side;

(20) "transport" means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export;

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 188  
 Title: "Big Game Hunting by Nonresidents"  
 Sponsor: Representative Ringstad  
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: F&WP  
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul A. Conger Phone: 465-4338  
 Division: Administrative Services Date: 3/22/83

Approved by Commissioner: [Signature] Date: 3/22/83  
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 188 Date on Bill: Introduced 2/11/83  
 Title: Relating to big game hunting by nonresidents  
 Sponsor: Kingstad  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Col. Robert J Stickle Phone: 269-5532  
 Division: Fish & Wildlife Protection Date: 2-18-83

Approved by Commissioner:  Date: 2/25/83  
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 188

Title An Act relating to big game hunting by nonresidents

Requested by Ringstad

Date 2/25/83

II. FISCAL DETAIL

Agency Affected Department of Fish and Game

Program Category Affected \_\_\_\_\_

BRU, Program, Or Subprogram(s) Affected Game

(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY	0	0	0	0	0	0

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

IV. DATE 2/25/83

PREPARED BY

*Robert A. Hinman*  
Robert A. Hinman

AGENCY

Department of Fish and Game

Original: Legislative Finance

PHONE 465-4190

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

HOUSE RESOURCES COMMITTEE

February 25, 1983

3:05 p.m.

Members Present:           Rep. Shultz, Chair  
                              Rep. Ringstad  
                              Rep. Bussell  
                              Rep. Cowdery  
                              Rep. Goll  
                              Rep. Liska  
                              Rep. Uehling

Members Absent:           Rep. Vaska

COMMITTEE CALENDAR

HB 187                    "An Act relating to regulation, licensing,  
                              and fee for fur farming."  
  
HB 188                    "An Act to big game hunting by non-  
                              residents."

WITNESS REGISTER

Bob Hinman, Dep. Director  
AK. Dept. of Fish & Game  
Juneau, Alaska 99811  
465-4190  
Position Statement: In favor of HB 187; neutral position on  
HB 188 (gave no testimony on HB 188--open for questions)

Ron Somerville  
Interior Wildlife  
Juneau  
789-3450  
Position Statement: Testified on HB 188.

PREVIOUS ACTION

HB 187                    No previous action to record.  
  
HB 188                    No previous action to record.

ACTION NARRATIVE

TAPE #7, SIDE A  
Number 006               Meeting called to order by Rep. Dick Shultz,  
                              Chairman for today's meeting.  
  
Number 018               HB 188 was brought before the committee.  
  
Number 021               Rep. John Ringstad, sponsor of HB 188:  
                              Basically, the intent of this legislation is

just to do some clean up of what a lot of people have assumed was already on the books. Currently, in order for a non-resident to hunt brown bear, grizzly bear and polar bear and sheep, they need to be accompanied by a guide or a relative of the second degree of kindred who is an Alaskan resident. The part that was left out on a lot of these was a second degree of kindred and it was suggested that we change it and put it as second degree of kindred by blood or marriage. The "or marriage" part would include the in-laws so that, on the sheet that is in your file, you can have your in-laws going hunting without requiring the guide.

The bill the way it is physically written, is to repeal and re-enact and what our legal people did is restructure the (d), (b), (c) and the 1, 2, 3 part but the only real change is where it says "by marriage" on line 19, in the existing statute. There has been a question posted in our listing of which relatives are included. We had asked our legal people across the street to give us a list of who is included currently, and who would be included under the law if this bill is passed. They gave us the list on the bill analysis sheet before you. However, Rep. Larson was just pointing out that in the State Affairs Committee they were giving a different definition or giving different options for that definition. So, at this point, I am questioning what their actual definition is and maybe we should take a further look into that. Most of the people that I've spoken with have been under the assumption that that was the intent of the law all along and you could legally do that. My guess is that most of the in-laws that wanted to come up and go hunting have gone out and done it anyway, assuming that it was legal.

- Number 063      Rep. Uehling made a point of clarification.
- Number 067      Rep. Ringstad confirmed Uehling's statement.
- Number 079      Bob Hinman, Deputy Director from the Division of Game: The Department's position on this bill is neutral and my only comments or reason for showing up here is just to answer questions. I certainly have no objection to this legislation.

- Number 084 Rep. Ringstad: Mr. Hinman, do you have with you, a list of how the Fish and Game Regulations now lists second degree kindred? Is there a definition in there that would differ from what our attorneys gave us?
- Number 089 Hinman: I'd have to try to recite it from memory. We do have it in regulations...of the person you're talking about; his father, mother, his son or daughter, grandfather, grandmother, grandson, granddaughter relationship would not include under the present definition in being related by marriage.
- Number 097 Rep. Liska: Bob, I think you can recall several years ago, Ron Somerville was in Fish & Game self-central district at that time, why sheep got on there in the first place was because, if you recall we had a estimate in the Wrangell Mountains, we had a non-resident running around up in the mountains and was lost. The way this pertains to us in this particular issue, Mr. Chairman, is that most of us have hunted in Alaska, we've been up here a few years, and we know of the dangers experienced up here. I'm sure that most of us could guide our next of kin just about as good as a guide could. I think that's a good section to have in this, that at least gives us an opportunity to hunt with our kin, and give the Alaskans a break.
- Number 122 Bob Hinman was excused.
- Number 125 Ron Somerville, representing the Interior Wildlife Association (a trappers and sportsmen group in Fairbanks), also as Legislative Chairman for the Alaska Sportsmen Council: I haven't taken a position for or against it, I would like to comment briefly, pretty well pointing out the misconceptions as Rep. Ringstad has indicated of people feeling that they could probably do that anyway has been occurring. One thing they wanted me to point out was there was some concern for how many additional non-residents might be allowed to hunt.
- Number 158 Rep. Cowdery: If they were a non-resident it would still require licensing.
- Number 164 Rep. Liska made a point of clarification - it would still require the purchasing of a

license, but he wouldn't have to pay the expense of a guide.

- Number 171 Ron Somerville was excused.
- Number 173 Rep. Cowdery: In State Affairs they were addressing nepotism and we got a ruling that we might like to review before going on.
- Number 178 Rep. Ringstad referred to the memo to the Chairman of the State Affairs Committee from our Committee Council, Lynn Asper. It says that "first degree of kindred to a person includes the parents and children of that person. Second degree includes brothers, sisters, grandparents and grandchildren. Third degree includes nephews, nieces, aunts and uncles. It says in the proposed CSHB 49 which is the nepotism bill which the committee was referring to; aunts and uncles are included within the definition of second degree of kindred, although they would normally be considered to be third degree of kindred. So, in this one condition, it would appear to me that they're being put into a different category. At this point I'm not sure what the intent of the other committee is to do. It should be pointed out since the definition of second degree of kindred is the proposed CSHB 49 only applies to the section in which it appears. So, it would not necessarily apply here. From that, my understanding would be that this definition that they provided us earlier would be proper.
- Number 208 Rep. Ringstad: This is in our Fish & Game Regulations here; second degree of kindred is defined as "means of relatives who are parents, grandparents, children or grandchildren, sisters, or brothers of a person acting as the guide. What "by marriage" would do is to allow the in-laws there. What I might suggest that we do would be with the other idea here, go back and answer some of the questions on legal position, if we want to adjust that the way they are adjusting it here.
- Number 226 Rep. Shultz: We will be holding this bill over for additional clarification.

HOUSE RESOURCES COMMITTEE

March 7, 1983

3:08pm

Members Present:           Rep. Shultz, Chair  
                              Rep. Cowdery  
                              Rep. Goll  
                              Rep. Larson  
                              Rep. Liska  
                              Rep. Ringstad  
                              Rep. Vaska

Members Absent:           Rep. Bussell  
                              Rep. Uehling

COMMITTEE CALENDAR

HB 188                    "An Act related to big game hunting by non-residents."

WITNESS REGISTER

HB 188                    No witnesses to record.

PREVIOUS ACTION

HB 188                    See minutes from 2/25/83.

ACTION NARRATIVE

TAPE #11, Side A

Number 006            Rep. Shultz, Chair, called the meeting to order at 3:08pm.

Number 011            HB 187 cancelled from today's meeting.

Number 012            Reason for cancellation: the two commissioners from DNR and DEC, who were to testify, but were not prepared at that time.

Number 019            Shultz: At this time we will hear testimony on HB 188.

Number 025            Ringstad: Last time we had this up, Rep Larson had mentioned that they were working in State Affairs; there was a memo sent to the State Affairs Committee dealing with the definition of kindred. In the last paragraph they point out that in defining in HB 49, that definition only applies to the section that that bill applied to. We have also been told, basically that there is nowhere in the statutes that's generally defined how it applies all the way across the board. In Fish & Game matters it's basically set up in regulation. It does not appear that there is a real problem with conflicting definitions. Our original analysis of who would be added to the list was

accurate, and that basically, would include your in-laws. The change is not necessarily defining anything in statute; what it is doing is changing or adding to the guidelines under which the definition is made in regulation.

- Number 052 Ringstad: Basically, we have a guideline at this point, (second degree of kindred by blood), and have a regulation set out under that guideline and all this does is expand it by marriage to allow the in-laws.
- Number 061 Shultz: If there are no additional questions, it is the intention of the Chair to move this out of committee today.
- Number 063 Cowdery made a motion that HB 188 be moved out of committee with individual recommendations.
- Number 065 Shultz: No objections,..it is so ordered.
- Number 069 Ringstad: Rep. Shultz and I have been discussing the subject of confirmations. We have a list of commissioners and boards of commissions that the committee will be addressing for confirmation. We're hoping to get the subject on the table and working with it. We will have some more information; given resumes, names, etc. We're hoping to take the first look on Friday. Commissioner Wunnicke, Commissioner Neve and Commissioner Collinsworth will be coming up for that.
- Number 107 Ringstad: I will get a list of who this committee confirms to all of the committee members in the next day or two.
- Number 110 Vaska: Basically, we make recommendation to the full body.
- Number 117 Larson: I think this, for further clarification, is the full body in joint session.....
- Number 120 Ringstad: We will have a joint session, specifically to deal with confirmations at a date sometime in the future.
- Number 129 Shultz: The work session on wednesday on the homestead bills..... As a result of the teleconference we had last Friday...we're going to go over some of the concerns that were raised.
- Number 141 Ringstad: It is our intent, on Wednesday, to get different ideas on what is and isn't homesteading.
- Number 148 Cowdery: Will it be your intention, before the next meeting on the homestead bill to do a one page summary

of the teleconference on the points, to refresh our minds?

Number 157 Shultz: We will have some of the major points itemized.

Number 162 Ringstad: There will be a committee substitute coming out.

Number 168 Shultz adjourned the meeting at 3:20p.m.

END OF TAPE #11, Side A