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1888

## 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

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

Offered: 4/10/84  
Referred: Rules

Original sponsor: Ringstad

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 188 (Finance) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to big game hunting by nonresi-  
7 dents."

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

9 \* Section 1. AS 16.05.407 is repealed and reenacted to read:

10 Sec. 16.05.407. NONRESIDENT HUNTING BIG GAME ANIMALS MUST BE  
11 ACCOMPANIED. (a) It is unlawful for a nonresident to hunt, pursue or  
12 take brown bear, grizzly bear, polar bear, or sheep in this state,  
13 unless personally accompanied by

14 (1) a person who is licensed as a master guide, registered  
15 guide, or assistant guide by the Guide Licensing and Control Board; or

16 (2) a resident over 19 years of age who is

17 (A) the spouse of the nonresident; or

18 (B) is related to the nonresident, within and includ-  
19 ing the second degree of kindred, by marriage or blood.

20 (b) An applicant for a nonresident big game tag for the taking  
21 of an animal specified in (a) of this section shall first furnish to  
22 the state, on a form provided by the state, an affidavit showing that  
23 the applicant will be personally accompanied while hunting by a person  
24 who is qualified under the terms of (a) of this section. A person who  
25 falsifies the required affidavit is guilty of perjury under AS 11.-  
26 56.200.

27 (c) It is unlawful for a nonresident to import polar bear hides  
28 or parts into this state unless personally accompanied by a person who  
29 is licensed as a master guide, registered guide, or assistant guide by

*Already covered  
elsewhere in  
Statute*

1 the Guide Licensing and Control Board.

2 (d) A nonresident who violates (a) or (c) of this section, or  
3 who fails to furnish an affidavit under (b) of this section, is guilty  
4 of a misdemeanor and upon conviction is punishable by imprisonment for  
5 not more than one year, or by a fine of not more than \$5,000, or by  
6 both. 2500

HB 188 TITLE & SPONSOR SUMMARY 16:55 5/22/84 PAGE 1 OF 3  
 AMENDED TITLE: CSHB 188(FIN)AM  
 AN ACT RELATING TO BIG GAME HUNTING BY NONRESIDENTS  
 GENERAL DOLLARS: \$0 (F. NOTE)

PRIME SPONSOR: RINGSTAD.

OTHER DOLLARS: \$0

CO-SPONSORS:

CURRENT STATUS: 5/15/84 IN (S) RULES

HB 188 HOUSE ACTION 16:55 5/22/84 PAGE 2 OF 3  
 DATE SEQ PAGE LEGISLATIVE ACTION

02/11/83 01 0227 FIRST READING -- COMMITTEE REPORTS  
 03/09/83 02 0431 RES -- DP06, NR01  
 03/09/83 03 0431 RES F/NOTES EQUAL ZERO  
 04/18/83 04 0895 JUD -- DP05, NR01  
 04/18/83 05 0895 JUD F/NOTE EQUALS ZERO  
 04/10/84 06 3264 FIN -- CS03, NR05  
 04/10/84 07 3264 FIN F/NOTE EQUALS ZERO  
 05/05/84 08 3672 SECOND READING  
 05/05/84 09 3672 FIN CS ADOPTED BY UNAN CONSENT  
 05/05/84 10 3673 AM01 ADOPTED BY UNAN CONSENT  
 05/05/84 11 3673 ADVANCED TO 3RD READING BY UNAN CONSENT  
 05/05/84 14 3673 AM02 ADOPTED BY UNAN CONSENT  
 05/05/84 12 3673 THIRD READING  
 05/05/84 13 3673 RETURNED TO 2ND READING BY UNAN CONSENT  
 05/05/84 15 3674 PASSED BY DIV 31-05-04  
 05/05/84 13 3674 NOTICE OF RECONSIDERATION GIVEN  
 05/06/84 17 3713 RECONSIDERATION NOT TAKEN UP

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HB 188 SENATE ACTION 16:55 5/22/84 PAGE 3 OF 3  
 DATE SEQ PAGE LEGISLATIVE ACTION

05/07/84 18 2946 FIRST READING -- COMMITTEE REPORTS  
 05/15/84 19 3093 RES -- DP05  
 RULES

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# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STJRGULEWSKI



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

#### MINUTES

May 14, 1984  
3:13 pm

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Ziegler, Vice-chairman  
Senator Eliason  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

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#### CALENDAR

HB 188, An Act relating to big game hunting by nonresidents.

HB 458, An Act relating to agricultural rights to land.

HE 546, An Act relating to harassment of persons lawfully engaged in hunting, fishing, or trapping.

HB 709, An Act relating to fees for guided tours through historical sites.

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#### HB 188

Dave Stancliff, Aide to the House Resources Committee, explained that this bill would allow nonresident hunters of big game to be accompanied by Alaska residents of the second degree of kindred, including "marriage relations". It would also increase the fine for violation of this provision from \$2500 to \$5000.

Paddy McGuire, Alaska Department of Fish and Game, spoke in support of the bill.

Senator Mulcahy moved CS HE 188 (Finance)am from committee with individual recommendations. There was no objection.

HB 709

Carol Wilson, Special Assistant to the Commissioner, Department of Natural Resources, spoke in support of the bill, which would authorize DNR to establish and collect fees for guided tours through historical sites.

Senator Mulcahy moved CS HB 709 (State Affairs) from committee with individual recommendations. There was no objection.

HB 546

Dave Stancliff, Aide to the House Resources Committee, spoke in support of the bill and explained that the problems with HB 163, a similar bill that was vetoed by the Governor last year, have been solved in HB 546.

Lisa Nelson, Criminal Division, Department of Law, testified that there is no Constitutional problem with the bill as currently written.

Ron Sommerville, Alaska Outdoor Council, spoke in support of the bill.

Senator Mulcahy moved CS HB 546 (Resources) from committee with individual recommendations. Senator Sturgulewski objected and then withdrew her objection.

HB 458

Representative Bob Bettisworth, sponsor of the bill, explained that the bill was intended to help those purchasers of "agricultural rights" land who are having difficulty obtaining financing for home construction by issuing a fee simple conditional title to those purchasers.

Senator Kerttula reviewed the history of federal homesteading, the problems of diminishing farm land in other states, and the importance of preserving agricultural land in Alaska.

Betty Cook, Alaska Housing Finance Corporation, Anchorage, testified that even if fee simple title were issued, AHFC's regulations would prohibit loans being made on land that produces significant income, and prohibit refinancing of loans. There would be additional problems if there were other liens on the property and because of AHFC's lack of experience with agricultural loans.

Ralph Bennett, Aide to Representative Bettisworth, testified that his research indicated that banks were willing to make loans on land for which fee simple conditional title was held.

The meeting adjourned at 3:58 pm.

(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;



# Alaska

## Professional Hunters Association, Inc.

P. O. BOX 4-1932  
ANCHORAGE, ALASKA 99509

Phone (907) 562-2639

### MEMORANDUM

TO: MEMBERS HOUSE FINANCE COMMITTEE & REP. JOHN RINGSTAD

FROM: ALASKA PROFESSIONAL HUNTERS ASSO.

DATE: March 28, 1984

Re: HB 188

As this piece of legislation may have some impact upon our profession, we feel it warrants some consideration and comment on our part.

For the record, we are not opposed to HB 188. In our opinion, this is a positive piece of legislation which will resolve an inequity which currently exists under the present statute.

This bill will allow a person to accompany a spouse's non-resident in-law with-in certain limits, (second degree of kindred), on hunts for sheep, brown bear and grizzly bear. That is a reasonable proposition as far as we are concerned; however, we would oppose any further liberalization in this area, as it could negatively effect prudent game management in Alaska.

PLEGGED FAIR CHASE



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3115

## M E M O R A N U M

To: Members House Finance Committee  
From: Rep. John Ringstad  
Date: March 20, 1984  
Re: HB 188 Spouses Relatives

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To save time and confusion please note that HB 188 makes only one change in present statutes.

That change is a broadening of the definition of second degree of kindred for the purposes of being able to hunt certain big game species in Alaska with your relatives.

As it now stands big game guides are required of non-residents to hunt dall sheep, brown and grizzly bear, however there is an exemption for blood relatives if they are within the second degree of kindred. The question then arises what about in-laws?

Keep in mind a typical guided sheep hunt costs several thousand dollars on top of travel, licenses, and tag fees, and as the law now reads your in-laws must pay these prices to retain a guide even if they are going to hunt with you for sheep or bear in Alaska.

As best can be determined, Public Safety has not aggressively enforced this technicality, however in-laws who are in the field hunting sheep or bear with their Alaskan relatives are in violation of the law under present statutes and could be heavily fined. In addition, you as an Alaskan, hunting with your in-laws for sheep or bear could be considered in violation of the present guide statutes and subject to stiff fines and possible imprisonment.

It's important to note that no other changes are being made to the statutes or present law, and that legal services merely redrafted the format of the appropriate section in statute to read more clearly and logically and incorporate my request into law.

The whole idea of this bill is to create a reasonable and equitable means for family members to enjoy Alaska with their relatives. With due respect, I ask my colleagues in their considerations not to stray beyond the original purposes of this bill.

Thank you.

CSHB 188 (Finance) am - AN ACT RELATING TO BIG GAME HUNTING BY  
NON-RESIDENTS

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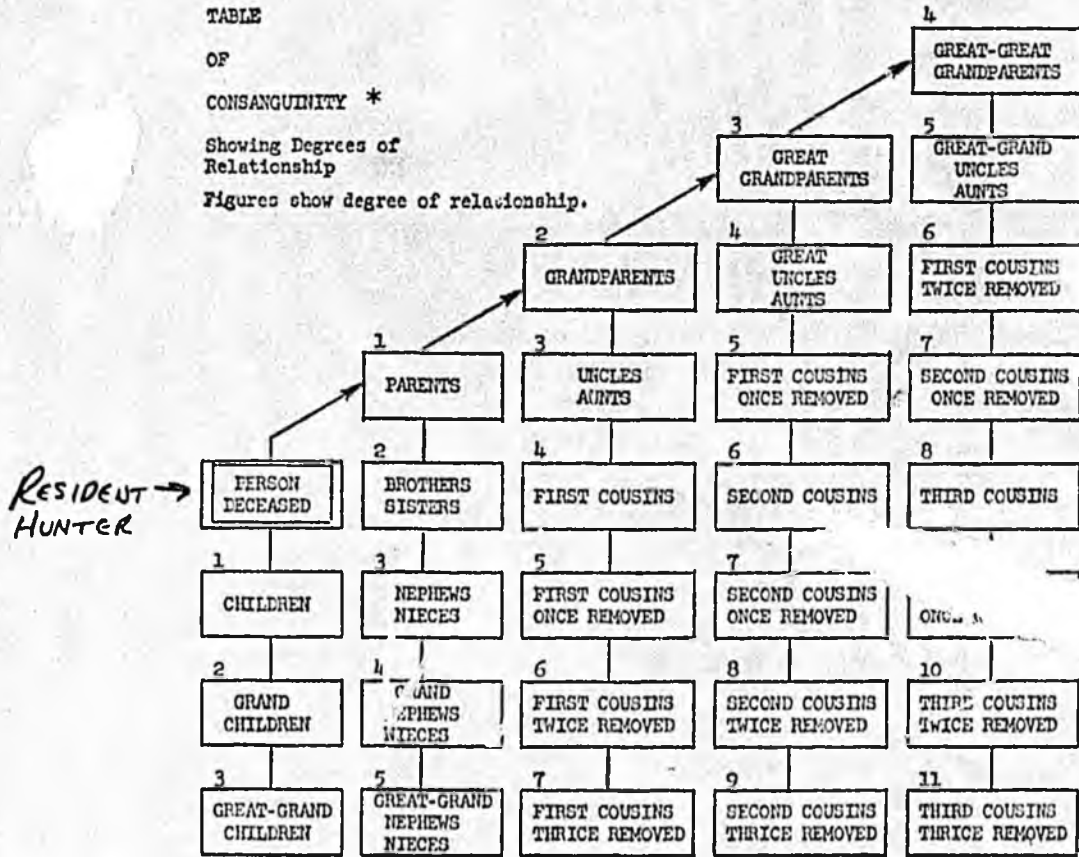
HB 188 repeals and reenacts AS 16.05.407. The bill allows an Alaska resident over 19 years of age to accompany his or her nonresident in-laws without a guide while hunting brown bear, grizzly bear, polar bear or sheep. Under existing law, the nonresident must be related to the resident by blood within the second degree in order to hunt without a guide. In this bill, the nonresident must be related in the second degree but not, by blood.

*↳ necessarily*  
The difference between the original and current versions are:

1) In reference to importing polar bear, the latest version refers specifically to "polar hides or other part's" while the original simply refers to polar bears.

2) With respect to violations, the latest version cites *those in* violation of (a) or (c) guilty of a fine of not more than \$5,000. The original omits reference to violation of (c) and sets the fine limit to \$2,500.

TABLE  
OF  
CONSANGUINITY \*  
Showing Degrees of  
Relationship  
Figures show degree of relationship.



\*applicable by degree to affines as well (those connected by marriage as opposed to those connected by blood.

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 \_\_\_\_\_

ERU, 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)

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 2/25/83

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)