

SENATE CS FOR CS FOR HOUSE BILL NO. 335(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/11/96

Referred: Rules

Sponsor(s): REPRESENTATIVES OGAN, Toohey, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to big game guides and transporters; and providing for an
2 effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of big game guides and transporters under AS 08.54.

6 * Sec. 2. AS 08.01.050(a) is amended to read:

7 (a) The department shall perform the following administrative and budgetary
8 services when appropriate:

9 (1) collect and record fees;

10 (2) maintain records and files;

11 (3) issue and receive application forms;

12 (4) notify applicants of acceptance or rejection as determined by the

13 board or as determined by the department under AS 08.06 for acupuncturists, under

14 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical

1 and mechanical administrators, under AS 08.45 for naturopaths, **under AS 08.54 for big**
2 **game guides and transporters,** under AS 08.55 for hearing aid dealers, or under
3 AS 08.70 for nursing home administrators;

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or as
9 authorized by the department under AS 08.06 for acupuncturists, under AS 08.11 for
10 audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths, **under AS 08.54 for big**
12 **game guides and transporters,** under AS 08.55 for hearing aid dealers, or under
13 AS 08.70 for nursing home administrators;

14 (10) issue duplicate licenses upon submission of a written request by the
15 licensee attesting to loss of or the failure to receive the original and payment by the
16 licensee of a fee established by regulation adopted by the department;

17 (11) notify licensees of renewal dates at least 30 days before the
18 expiration date of their licenses;

19 (12) compile and maintain a current register of licensees;

20 (13) answer routine inquiries;

21 (14) maintain files relating to individual licensees;

22 (15) arrange for printing and advertising;

23 (16) purchase supplies;

24 (17) employ additional help when needed;

25 (18) perform other services that may be requested by the board;

26 (19) provide inspection, enforcement, and investigative services to the
27 boards and for the occupations listed in AS 08.01.010 [,] regarding all licenses issued by
28 or through the department;

29 (20) retain and safeguard the official seal of a board and prepare, sign,
30 and affix a board seal, as appropriate, for licenses approved by a board;

31 (21) issue business licenses under AS 43.70.

32 * **Sec. 3.** AS 08.54 is amended by adding new sections to read:

1 ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

2 Sec. 08.54.600. DUTIES AND POWERS OF DEPARTMENT. The Department
3 of Commerce and Economic Development shall

4 (1) prepare, grade, and administer

5 (A) a qualification examination for a registered guide license that
6 requires demonstration that the applicant is qualified generally to provide guided
7 and outfitted hunts and, in particular, possesses knowledge of fishing, hunting,
8 and guiding laws and regulations; and

9 (B) a certification examination for each game management unit
10 in which the registered guide intends to provide big game hunting services; the
11 examination must require demonstration that the registered guide is qualified to
12 provide guided and outfitted hunts in the game management unit for which the
13 registered guide seeks to be certified and, in particular, must require
14 demonstration that the registered guide possesses knowledge of the terrain,
15 transportation problems, game, and other characteristics of the game management
16 unit;

17 (2) issue registered guide, master guide, class-A assistant guide, assistant
18 guide, and transporter licenses;

19 (3) compile, maintain, and publish an annual roster of registered guides
20 and master guides licensed under this chapter; a person listed in the roster whose license
21 is revoked or suspended shall be removed from the roster while the person's license is
22 revoked or suspended;

23 (4) impose appropriate disciplinary sanctions on a licensee under
24 AS 08.54.600 - 08.54.790;

25 (5) require an applicant for issuance or renewal of any class of guide
26 license or of a transporter license to state in a written and signed document whether the
27 applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding,
28 outfitting, or transportation services license is revoked or suspended in this state or
29 another state or in Canada;

30 (6) regularly disseminate information regarding examinations and other
31 qualifications for all classes of guide licenses to residents of the rural areas of the state;

32 (7) adopt procedural and substantive regulations required by this chapter;

1 (8) administer examinations for registered guides at least twice a year;
2 an examination may not be given within 90 days after the previous examination; at least
3 once every other year the department shall give the examination at a location other than
4 Anchorage.

5 Sec. 08.54.605. ELIGIBILITY FOR LICENSES. (a) Notwithstanding
6 AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not
7 receive or renew a registered guide license, master guide license, class-A assistant
8 guide license, assistant guide license, or transporter license if

9 (1) the person has been convicted of

10 (A) a state hunting, guiding, or transportation services statute
11 or regulation within the last five years for which the person was fined more
12 than \$1,000 or imprisoned for more than five days;

13 (B) a felony within the last five years; or

14 (C) a felony offense against the person under AS 11.41 within
15 the last 10 years; or

16 (2) the person's right to obtain, or exercise the privileges granted by,
17 a hunting, guiding, outfitting, or transportation services license is suspended or revoked
18 in this state or another state or in Canada.

19 (b) Notwithstanding (a) of this section, (a)(1)(B) and (a)(1)(C) of this section are
20 not applicable to offenses committed by a person who receives or received any class of
21 guide license or a transporter license under sec. 13 of this Act if the offense was
22 committed before the effective date of this Act.

23 Sec. 08.54.610. REGISTERED GUIDE LICENSE. (a) A natural person is
24 entitled to a registered guide license if the person

25 (1) is 21 years of age or older;

26 (2) has practical field experience in the handling of firearms, hunting,
27 judging trophies, field preparation of meat and trophies, first aid, photography, and
28 related guiding and outfitting activities;

29 (3) has passed the qualification examination prepared and administered
30 by the department under AS 08.54.600;

31 (4) has passed a certification examination prepared and administered by
32 the department under AS 08.54.600 for at least one game management unit;

1 (5) has legally hunted in the state for part of each of any five years in
2 a manner directly contributing to the person's experience and competency as a guide;

3 (6) has been licensed as and performed the services of a class-A assistant
4 guide or assistant guide, or of a class-A assistant guide-outfitter or assistant guide-
5 outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each of three
6 years;

7 (7) is capable of performing the essential duties associated with guiding
8 and outfitting;

9 (8) has been favorably recommended in writing by eight big game
10 hunters whose recommendations have been solicited by the department from a list
11 provided by the applicant, including at least two favorable recommendations for each
12 year of any three years during which the person was a class-A assistant guide or assistant
13 guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under former
14 AS 08.54.300 - 08.54.590;

15 (9) has provided proof of financial responsibility if required by the
16 department under AS 08.54.680; and

17 (10) has applied for a registered guide license on a form provided by the
18 department and paid the license application fee and the registered guide license fee.

19 (b) A master guide license authorizes a registered guide to use the title master
20 guide, but is for all other purposes under this chapter a registered guide license. A
21 natural person is entitled to receive a renewable master guide license if the person

22 (1) is, at the time of application for a master guide license, licensed as
23 a registered guide under this section;

24 (2) has been licensed in this state as a registered guide or a guide-
25 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
26 this chapter, for at least 12 of the last 15 years, including the year immediately preceding
27 the year in which the person applies for a master guide license;

28 (3) submits a list to the department of at least 25 clients for whom the
29 person has personally provided guiding or outfitting services and the person receives a
30 favorable evaluation from 10 of the clients selected from the list by the department; and

31 (4) applies for a master guide license on a form provided by the
32 department and pays the application fee, if any.

1 (c) A registered guide may contract to guide or outfit hunts for big game and
2 may provide transportation services, personally or through an assistant, to big game
3 hunters who are clients of the guide.

4 (d) A person who is licensed as a registered guide may be employed by another
5 registered guide to perform the functions of a registered guide or class-A assistant guide
6 in the game management unit for which the person is certified under AS 08.54.600 or
7 of an assistant guide in any game management unit.

8 (e) A registered guide who contracts for a guided hunt shall be
9 (1) physically present in the field with the client at least once during the
10 contracted hunt; and

11 (2) in the field and participating in the contracted hunt, unless the hunt
12 is being conducted by a class-A assistant guide or a registered guide employed by the
13 contracting registered guide.

14 Sec. 08.54.620. CLASS-A ASSISTANT GUIDE LICENSE. (a) A natural
15 person is entitled to a class-A assistant guide license if the person

16 (1) is 21 years of age or older;
17 (2) applies for a class-A assistant guide license on a form provided by
18 the department and pays the license application fee and the license fee; and

19 (3) either
20 (A) has
21 (i) been employed during at least three calendar years as
22 any class of licensed guide in the game management unit for which the
23 license is sought; and

24 (ii) at least 10 years' hunting experience in the state;
25 military service outside of the state for not more than three years shall be
26 accepted as part of the required 10 years' hunting experience; or

27 (B) provides
28 (i) evidence that the person physically resides in the game
29 management unit in which the person is to be employed;
30 (ii) evidence that the person has had at least 15 years'
31 hunting experience in the game management unit in which the person is
32 to be employed; military service outside of the state for not more than

1 three years shall be accepted as part of the required 15 years' hunting
2 experience; and

3 (iii) a written recommendation from a registered guide,
4 state trooper, state fish and wildlife law enforcement officer, or state fish
5 or game biologist who is familiar with the person or who intends to
6 employ the person as a class-A assistant guide.

7 (b) A class-A assistant guide

8 (1) may not contract to guide or outfit a big game hunt;

9 (2) shall be employed by and under the supervision of a registered guide
10 who has contracted with the client for whom the class-A assistant guide is conducting
11 the hunt;

12 (3) may take charge of a camp and conduct guide activities from the
13 camp without the contracting registered guide being in the field and participating in the
14 contracted hunt if the contracting registered guide is supervising the guiding activities;

15 (4) may not perform functions of a class-A assistant guide outside of the
16 game management unit for which the license is issued; and

17 (5) may be employed by a registered guide to perform the functions of
18 an assistant guide in any game management unit.

19 Sec. 08.54.630. ASSISTANT GUIDE LICENSE. (a) A natural person is
20 entitled to an assistant guide license if the person

21 (1) is 18 years of age or older;

22 (2) has legally hunted in the state during two calendar years;

23 (3) possesses a first aid card issued by the Red Cross or a similar
24 organization;

25 (4) obtains a written recommendation from a registered guide, state
26 trooper, state fish and wildlife law enforcement officer, or state fish or game biologist
27 who is familiar with the person or who intends to employ the person as an assistant
28 guide; and

29 (5) applies for an assistant guide license on a form provided by the
30 department and pays the license application fee and the license fee.

31 (b) An assistant guide

32 (1) may not contract to guide or outfit a big game hunt;

1 (2) shall be employed by a registered guide and under the supervision of
2 a registered guide or class-A assistant guide while the assistant guide is in the field on
3 guided hunts; and

4 (3) may not take charge of a camp or conduct guide activities unless the
5 contracting registered guide is in the field and participating in the contracted hunt or a
6 registered guide or class-A assistant guide employed by the contracting guide is
7 physically present and supervising the hunt.

8 Sec. 08.54.640. LAW ENFORCEMENT OFFICERS AND GAME
9 BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided
10 in (b) of this section, a person may not hold, or earn experience credits to apply for, a
11 registered guide license under this chapter, while the person is a law enforcement officer
12 and for three months after terminating the person's status as a law enforcement officer.

13 (b) A registered guide license, class-A assistant guide license, or assistant guide
14 license issued under this chapter, or under former provisions of AS 08.54.300 -
15 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued
16 subsequently becomes a law enforcement officer. A person whose license is subject to
17 suspension under this subsection shall notify the department that the person has become
18 a law enforcement officer within 30 days after becoming a law enforcement officer. The
19 suspension of a license under this subsection remains in effect until three months have
20 elapsed from the date on which the licensee provides written notification to the
21 department of the fact that the person is no longer a law enforcement officer. A person
22 whose license is suspended under this subsection is not required to renew the license or
23 pay license renewal fees for the period of suspension. Once a suspension of a license
24 is terminated, the licensee may provide, without further payment of a guide license fee,
25 the guide services authorized by the license for the remainder of the licensing period in
26 which the suspension is terminated. Notwithstanding other provisions of this subsection,
27 if a person whose license is suspended under this subsection fails to notify the
28 department within one year after the person is no longer a law enforcement officer, the
29 person's license lapses and the person is eligible for reissuance of the license only as
30 provided in AS 08.54.670. The department may adopt regulations to implement this
31 subsection.

32 (c) A person who holds any class of guide license and who is employed by the

1 Department of Fish and Game or a federal wildlife management agency may not, while
2 employed by the department or agency as a game or wildlife biologist and for 12 months
3 after leaving employment with the department or agency as a game or wildlife biologist,
4 engage in providing big game hunting services in a game management unit in which the
5 person conducted game or wildlife management or research activities for the department
6 or agency at any time during the preceding 12 months.

7 (d) In this section, "law enforcement officer" means a person who is

8 (1) employed by the Department of Public Safety as a state trooper or
9 as a law enforcement officer engaged in fish and wildlife protection; or

10 (2) employed as a fish and wildlife law enforcement officer by the United
11 States Department of the Interior or the United States Department of Agriculture.

12 Sec. 08.54.650. TRANSPORTER LICENSE. (a) A person is entitled to a
13 transporter license if the person

14 (1) applies for a transporter license on a form provided by the
15 department; and

16 (2) pays the license application fee and the license fee.

17 (b) A transporter may provide transportation services and accommodations to big
18 game hunters in the field at a permanent lodge, house, or cabin owned by the transporter
19 or on a boat with permanent living quarters located on salt water. A transporter may not
20 provide big game hunting services without holding the appropriate license.

21 (c) A transporter shall provide an annual activity report on a form provided by
22 the department. An activity report must contain information required by the department
23 by regulation.

24 Sec. 08.54.660. RENEWAL OF GUIDE AND TRANSPORTER LICENSES.

25 (a) An applicant for renewal of a registered guide, class-A assistant guide, assistant
26 guide, or transporter license shall submit

27 (1) a request for renewal of the license on a form provided by the
28 department; and

29 (2) the appropriate license fee for the next licensing period.

30 (b) The department may not renew a registered guide license under this section
31 unless all fees have been paid in full and all hunt records due during the term of the
32 current license have been filed with the department.

1 (c) The department may not renew a transporter license unless all fees have been
2 paid in full and all activity reports due during the term of the current license have been
3 filed with the department.

4 Sec. 08.54.670. FAILURE TO RENEW. The department may not issue a
5 license to a person who held a registered guide, class-A assistant guide, or assistant guide
6 license and who has failed to renew the license under this chapter for four consecutive
7 years unless the person again meets the qualifications for initial issuance of the license.

8 Sec. 08.54.680. FINANCIAL RESPONSIBILITY AND OTHER
9 REQUIREMENTS FOR GUIDES AND TRANSPORTERS. (a) The department may
10 require a registered guide, who contracts to guide or outfit a big game hunt, or a
11 transporter to provide proof of financial responsibility up to the amount of \$100,000.
12 A registered guide or transporter may demonstrate financial responsibility by assets,
13 insurance, or a bond in the requisite amount.

14 (b) If a registered guide, class-A assistant guide, or an assistant guide personally
15 pilots an aircraft to transport clients during the provision of big game hunting services,
16 the registered guide, class-A assistant guide, or assistant guide shall have a commercial
17 pilot's rating or a minimum of 500 hours of flying time in the state.

18 ARTICLE 6. ENFORCEMENT.

19 Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The
20 department may impose a disciplinary sanction in a timely manner under (c) of this
21 section if the department finds after a hearing that a licensee

22 (1) is convicted of a violation of a state statute or regulation relating to
23 hunting or to provision of big game hunting services or transportation services; or

24 (2) has failed to file records or reports required under this chapter.

25 (b) The department may impose a disciplinary sanction in a timely manner
26 under (c)(3) - (7) of this section if the department finds after a hearing that a licensee
27 is incompetent as a registered guide, class-A assistant guide, assistant guide, or
28 transporter.

29 (c) The department may impose the following disciplinary sanctions, singly or
30 in combination:

31 (1) permanently revoke a license;

32 (2) suspend a license for a specified period;

- 1 (3) censure or reprimand a licensee;
- 2 (4) impose limitations or conditions on the professional practice of a
- 3 licensee;
- 4 (5) impose requirements for remedial professional education to correct
- 5 deficiencies in the education, training, and skill of the licensee;
- 6 (6) impose probation requiring a licensee to report regularly to the
- 7 department on matters related to the grounds for probation;
- 8 (7) impose a civil fine not to exceed \$1,000.

9 (d) The department shall permanently revoke a transporter license or any class

10 of guide license if the department finds after a hearing that the license was obtained

11 through fraud, deceit, or innocent misrepresentation.

12 (e) The department shall suspend or permanently revoke a transporter license

13 or any class of guide license without a hearing if the court orders the department to

14 suspend or permanently revoke the license as a penalty for conviction of an unlawful

15 act under AS 08.54.720. If the department suspends or permanently revokes a license

16 under this subsection, the department may not also impose an administrative

17 disciplinary sanction of suspension or permanent revocation of the same license for the

18 same offense for which the court ordered the suspension or permanent revocation

19 under AS 08.54.720.

20 (f) A certified copy of a judgment of conviction of a licensee for an offense is

21 conclusive evidence of the commission of that offense in a disciplinary proceeding

22 instituted against the licensee under this section based on that conviction, regardless of

23 whether the conviction resulted from a plea of nolo contendere or the conviction is under

24 appeal, unless the conviction is overturned on appeal.

25 (g) A person whose license is suspended or revoked under this section may not

26 engage in the provision of big game hunting services or transportation services during

27 the period of license suspension or revocation.

28 (h) If the department revokes a license under this section, the person whose

29 license has been revoked shall immediately surrender the license to the department.

30 (i) The department may summarily suspend a licensee from practice of the

31 profession under this chapter, for a period of not more than 30 days, before a final

32 hearing is held or during an appeal if the department finds that the licensee poses a

1 clear and immediate danger to the public health and safety. A person is entitled to a
2 hearing before the department to appeal the summary suspension within seven days
3 after the order of suspension is issued. A person may appeal an adverse decision of
4 the department on an appeal of summary suspension to a court of competent
5 jurisdiction.

6 Sec. 08.54.720. UNLAWFUL ACTS. (a) It is unlawful for a

7 (1) person who is licensed under this chapter to knowingly fail to
8 promptly report to the Department of Public Safety, division of fish and wildlife
9 protection, and in no event later than 20 days, a violation of a state game, guiding, or
10 transportation services statute or regulation that the person reasonably believes was
11 committed by a client or an employee of the person;

12 (2) person who is licensed under this chapter to intentionally obstruct
13 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who
14 is not a client of the person;

15 (3) class-A assistant guide or an assistant guide to knowingly guide a
16 hunt except while employed and supervised by a registered guide;

17 (4) person who holds any class of guide license to knowingly enter or
18 remain on private land without prior authorization during the course of providing big
19 game hunting services;

20 (5) registered guide to knowingly engage in providing big game hunting
21 services outside of

22 (A) a game management unit for which the registered guide is
23 certified; or

24 (B) a use area for which the registered guide is registered under
25 AS 08.54.750 unless the registration requirement for the area has been
26 suspended by the Department of Fish and Game;

27 (6) person to knowingly guide without having a current registered
28 guide, class-A assistant guide, or assistant guide license and hunting license in actual
29 possession;

30 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);

31 (8) person who is licensed under this chapter to knowingly

1 (A) commit or aid in the commission of a violation of this
2 chapter, a regulation adopted under this chapter, or a state game statute or
3 regulation; or

4 (B) permit the commission of a violation of this chapter, a
5 regulation adopted under this chapter, or a state game statute or regulation that
6 the person knows or reasonably believes is being or will be committed without

7 (i) attempting to prevent it, short of using force; and

8 (ii) reporting the violation;

9 (9) person without a current registered guide license to knowingly
10 guide, advertise as a registered guide, or represent to be a registered guide;

11 (10) person without a current master guide license to knowingly
12 advertise as, or represent to be, a master guide;

13 (11) person without a current registered guide license to knowingly
14 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be
15 an outfitter of big game hunts;

16 (12) person to knowingly provide transportation services to big game
17 hunters without holding a current registered guide license or transporter license;

18 (13) person without a current transporter license to knowingly advertise
19 as, or represent to be, a transporter;

20 (14) class-A assistant guide or an assistant guide to knowingly contract
21 to guide or outfit a hunt;

22 (15) person licensed under this chapter to knowingly violate a state
23 statute or regulation prohibiting waste of a wild food animal or hunting on the same
24 day airborne; or

25 (16) person to knowingly provide big game hunting service or
26 transportation services during the period for which the person's license to provide that
27 service is suspended or revoked.

28 (b) In addition to a disciplinary sanction imposed under AS 08.54.710, a
29 person who commits an offense set out in (a)(1) - (7) of this section is guilty of a
30 misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment
31 up to one year, or both.

1 (c) In addition to a disciplinary sanction imposed under AS 08.54.710, a
2 person who commits an offense set out in (a)(8) - (14) of this section is guilty of a
3 misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment
4 up to one year, or both.

5 (d) In addition to a disciplinary sanction imposed under AS 08.54.710, a
6 person who commits an offense set out in (a)(15) of this section is guilty,

7 (1) for a first offense, of a misdemeanor and is punishable by a fine of
8 not more than \$30,000 or by imprisonment up to one year, or both;

9 (2) for a second or subsequent offense, of a class C felony.

10 (e) In addition to a disciplinary sanction imposed under AS 08.54.710, a person
11 who violates (a)(16) of this section is guilty of a class C felony.

12 (f) In addition to the penalties set out in (b) - (e) of this section and a
13 disciplinary sanction imposed under AS 08.54.710,

14 (1) the court may order the department to suspend the guide license or
15 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
16 (3) - (5), or (7) of this section for a specified period of not more than three years;

17 (2) the court shall order the department to suspend the guide license or
18 transporter license of a person who commits a misdemeanor offense set out in (a)(2)
19 or (8) - (14) of this section for a specified period of not less than one year and not
20 more than five years;

21 (3) the court shall order the department to suspend the guide license or
22 transporter license for a specified period of not less than three years, or to permanently
23 revoke the guide license or transporter license, of a person who commits an offense set
24 out in (a)(15) or (16) of this section; and

25 (4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles,
26 camping gear, and other equipment and paraphernalia used in, or in aid of, a violation
27 of (a) of this section may be seized by persons authorized to enforce this chapter and
28 may be forfeited to the state as provided under AS 16.05.195.

29 (g) Upon conviction of a person for committing an offense set out in (a) of this
30 section, the execution of sentence may not be suspended and probation may not be
31 granted except on the condition that the minimum term of imprisonment is served.
32 Imposition of sentence may not be suspended.

1 Sec. 08.54.730. INJUNCTION AGAINST UNLAWFUL ACTION. When in
2 the judgment of the department, a person has engaged in an act in violation of
3 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
4 regulations adopted under these statutes, the department may apply to the appropriate
5 court for an order enjoining the action. Upon a showing by the department that the
6 person is engaging in the act, the court shall grant injunctive relief or other appropriate
7 order without bond.

8 Sec. 08.54.740. RESPONSIBILITY OF GUIDE OR TRANSPORTER FOR
9 VIOLATIONS. (a) A registered guide who contracts to guide or outfit a big game hunt
10 is equally responsible under AS 08.54.710 for a violation of a state game, guiding, or
11 transportation services statute or regulation committed by a person while in the course
12 of the person's employment for the registered guide.

13 (b) A transporter who provides transportation services is equally responsible
14 under AS 08.54.710 for a violation of a state game, guiding, or transportation services
15 statute or regulation committed by a person while in the course of the person's
16 employment for the transporter.

17 ARTICLE 7. MISCELLANEOUS PROVISIONS.

18 Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before
19 conducting big game hunting services within a guide use area, a registered guide shall
20 inform the department, in person or by registered mail on a registration form provided
21 by the department, that the guide will be conducting big game hunting services in the use
22 area.

23 (b) A registered guide may not register for or conduct big game hunting services
24 in

25 (1) more than three guide use areas during a calendar year; or

26 (2) a guide use area that is outside of a game management unit for which
27 the registered guide is certified under AS 08.54.600.

28 (c) Notwithstanding (a) and (b) of this section, a registered guide may register
29 to conduct big game hunting services within a guide use area at any time before
30 beginning operations in the guide use area and may conduct big game hunting services
31 in a guide use area, or for a big game species in a guide use area, that is not one of the
32 three guide use areas for which the registered guide has registered under (b) of this

1 section if the Department of Fish and Game has determined by regulation that it is in the
2 public interest to suspend the registration requirements for that guide use area or for all
3 guide use areas in a game management unit or game management subunit for a big game
4 species within those guide use areas.

5 (d) In this section, "guide use area" means a geographic area of the state
6 identified as a guide-outfitter use area by the former Big Game Commercial Services
7 Board and described on a set of maps titled Guide-Outfitter Use Area Maps, dated
8 June 22, 1994.

9 Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT
10 RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain
11 hunt records provided by a registered guide. A registered guide shall submit to the
12 department a hunt record for each contracted hunt within 30 days after the completion
13 of the hunt. A hunt record must include a list of all big game hunters who used the
14 guiding or outfitting services of the registered guide, the number of each big game
15 species taken, and other information required by the department. The department shall
16 provide forms for reporting hunt records.

17 (b) The department shall make hunt records received under this section, and
18 activity reports received under AS 08.54.650, available to state agencies and federal fish
19 and wildlife law enforcement agencies charged with the enforcement of statutes and
20 regulations relating to guiding, outfitting, transportation services, or game or with
21 management of game if requested for game management or law enforcement purposes.
22 Aggregated data compiled from hunt records and activity reports may be included in
23 reports by the department. For all other purposes, the hunt records and activity reports
24 are confidential and are not subject to inspection or copying under AS 09.25.110 -
25 09.25.125.

26 Sec. 08.54.770. LICENSE AND EXAMINATION FEES. (a) The department
27 shall set fees under AS 08.01.065 for each of the following:

- 28 (1) registered guide license;
- 29 (2) class-A assistant guide license;
- 30 (3) assistant guide license;
- 31 (4) transporter license;
- 32 (5) license application fee.

1 (b) The license fee for the registered guide, class-A assistant guide, or assistant
2 guide license is in addition to the fee required for a hunting license.

3 (c) An applicant for a qualifying examination for a registered guide license shall
4 pay a fee established by regulations adopted under AS 08.01.065.

5 (d) The fee for the transporter license must be equal to the fee for the registered
6 guide license.

7 (e) For licenses issued under this chapter for 1997 and subsequent years, the
8 amount of the license fee for a nonresident shall be two times the amount of the
9 license fee for a resident.

10 Sec. 08.54.790. DEFINITIONS. In this chapter,

11 (1) "big game" means brown bear, grizzly bear, caribou, moose, black
12 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall
13 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

14 (2) "big game hunting service" means a service for which the provider
15 of the service must obtain a registered guide, class-A assistant guide, or assistant guide
16 license; "big game hunting service" includes guiding services and outfitting services;

17 (3) "compensation" means payment for services including wages or other
18 remuneration but not including reimbursement for actual expenses incurred;

19 (4) "department" means the Department of Commerce and Economic
20 Development;

21 (5) "field" means an area outside of established year-round dwellings,
22 businesses, or other developments usually associated with a city, town, or village; "field"
23 does not include permanent hotels or roadhouses on the state road system or state or
24 federally maintained airports;

25 (6) "game management unit" means one of the 26 geographic areas
26 defined by the Board of Game for game management purposes;

27 (7) "guide" means to provide, for compensation or with the intent or with
28 an agreement to receive compensation, services, equipment, or facilities to a big game
29 hunter in the field by a person who accompanies or is present with the big game hunter
30 in the field either personally or through an assistant; in this paragraph, "services"
31 includes

32 (A) contracting to guide or outfit big game hunts;

1 (B) stalking, pursuing, tracking, killing, or attempting to kill big
2 game;

3 (C) packing, preparing, salvaging, or caring for meat, except that
4 which is required to properly and safely load the meat on the mode of
5 transportation being used by a transporter;

6 (D) field preparation of trophies, including skinning and caping;

7 (E) selling, leasing, or renting goods when the transaction occurs
8 in the field;

9 (F) using guiding or outfitting equipment, including spotting
10 scopes and firearms, for the benefit of a hunter; and

11 (G) providing camping or hunting equipment or supplies which
12 are already located in the field;

13 (8) "outfit" means to provide, for compensation or with the intent to
14 receive compensation, services, supplies, or facilities to a big game hunter in the field,
15 by a person who neither accompanies nor is present with the big game hunter in the field
16 either personally or by an assistant;

17 (9) "transportation services" means the carriage for compensation of big
18 game hunters, their equipment, or big game animals harvested by hunters to, from, or in
19 the field; "transportation services" does not include the carriage by aircraft of big game
20 hunters, their equipment, or big game animals harvested by hunters

21 (A) on nonstop flights between airports listed in the Alaska
22 supplement to the Airmen's Guide published by the Federal Aviation
23 Administration; or

24 (B) by an air taxi operator or air carrier for which the carriage of
25 big game hunters, their equipment, or big game animals harvested by hunters is
26 only an incidental portion of its business; in this subparagraph, "incidental"
27 means transportation provided to a big game hunter by an air taxi operator or air
28 carrier who does not

29 (i) charge more than the usual tariff or charter rate for the
30 carriage of big game hunters, their equipment, or big game animals
31 harvested by hunters; or

32 (ii) advertise transportation services or big game hunting

1 services to the public; in this sub-subparagraph, "advertise" means
2 soliciting big game hunters to be customers of an air taxi operator or air
3 carrier for the purpose of providing air transportation to, from, or in the
4 field through the use of print or electronic media, including advertising
5 at trade shows, or the use of hunt broker services or other promotional
6 services.

7 * **Sec. 4.** AS 12.55.125(e) is amended to read:

8 (e) A defendant convicted of a class C felony may be sentenced to a definite
9 term of imprisonment of not more than five years, and shall be sentenced to the
10 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
11 12.55.175:

12 (1) if the offense is a second felony conviction, two years;

13 (2) if the offense is a third felony conviction, three years;

14 (3) if the offense is a first felony conviction, and the defendant
15 knowingly directed the conduct constituting the offense at a uniformed or otherwise
16 clearly identified peace officer, fire fighter, correctional officer, emergency medical
17 technician, paramedic, ambulance attendant, or other emergency responder who was
18 engaged in the performance of official duties at the time of the offense, one year;

19 (4) if the offense is a first felony conviction, and the defendant violated
20 AS 08.54.720(a)(15) [AS 08.54.520(a)(7) - (10)], one year.

21 * **Sec. 5.** AS 16.05.195(a) is amended to read:

22 (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds,
23 and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54,
24 or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish
25 and game or nests or eggs of birds taken, transported, or possessed contrary to the
26 provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54
27 [IT], may be forfeited to the state

28 (1) upon conviction of the offender in a criminal proceeding of a
29 violation of this title or AS 08.54 in a court of competent jurisdiction; or

30 (2) upon judgment of a court of competent jurisdiction in a proceeding
31 in rem that an item specified above was used in or in aid of a violation of this title or
32 AS 08.54 or a regulation adopted under this title or AS 08.54 [IT].

1 * **Sec. 6.** AS 16.05.407(a) is amended to read:

2 (a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly
3 bear, mountain goat, or sheep in this state, unless personally accompanied by

4 (1) a person who is licensed as a **registered guide, master guide, class-**
5 **A assistant guide, or an assistant guide under AS 08.54** [GUIDE-OUTFITTER,
6 CLASS-A ASSISTANT GUIDE-OUTFITTER, OR ASSISTANT GUIDE-OUTFITTER
7 BY THE BIG GAME COMMERCIAL SERVICES BOARD]; or

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

9 (A) the spouse of the nonresident; or

10 (B) related to the nonresident, within and including the second
11 degree of kindred, by marriage or blood.

12 * **Sec. 7.** AS 16.05.407(f) is amended to read:

13 (f) An applicant for a nonresident hunt permit for the taking of an animal
14 specified in (a) of this section shall, if requested by the department, first furnish to the
15 department proof of prior authorization to use [STATE,] federal [,] or private land where
16 the permit hunt will occur. The authorization shall be provided to the applicant by the
17 **registered guide or master guide** [GUIDE-OUTFITTER] with whom the applicant has
18 contracted to **guide** [GUIDE-OUTFIT] the permit hunt.

19 * **Sec. 8.** AS 16.05.408(a) is amended to read:

20 (a) It is a class A misdemeanor for a nonresident alien

21 [(1) TO HUNT, PURSUE, OR TAKE MARINE MAMMALS UNLESS
22 PERSONALLY ACCOMPANIED BY A LICENSED MARINE MAMMAL GUIDE-
23 OUTFITTER; OR

24 (2)] to hunt, pursue, or take a big game animal as defined by the Board
25 of Game unless personally accompanied by a **registered guide, master guide, class-A**
26 **assistant guide, or assistant guide** [GUIDE-OUTFITTER, A CLASS-A ASSISTANT
27 GUIDE-OUTFITTER, OR AN ASSISTANT GUIDE-OUTFITTER] licensed under
28 AS 08.54.

29 * **Sec. 9.** AS 16.05.408(c) is amended to read:

30 (c) Before obtaining a nonresident hunt permit for the taking of an animal
31 specified in (a) of this section, a nonresident alien shall, if requested by the department,
32 first furnish to the department proof of prior authorization to use [STATE,] federal [,]

1 or private land where the permit hunt will occur. The authorization shall be provided
2 to the nonresident alien by the **registered guide or master guide** [GUIDE-OUTFITTER
3 OR MARINE MAMMAL GUIDE-OUTFITTER] with whom the nonresident alien has
4 contracted to **guide** [GUIDE-OUTFIT] the permit hunt.

5 * **Sec. 10.** AS 23.10.055 is amended by adding a new paragraph to read:

6 (14) a person who holds a license under AS 08.54 and who is employed
7 by a registered guide or master guide licensed under AS 08.54, for the first 60 work days
8 in which the person is employed by the registered guide or master guide during a
9 calendar year.

10 * **Sec. 11.** AS 41.23.420(d) is amended to read:

11 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of
12 (1) the Department of Fish and Game, the Board of Fisheries, the Board
13 of Game, or the **Department of Commerce and Economic Development** [BIG GAME
14 COMMERCIAL SERVICES BOARD] under AS 08.54, AS 16, or AS 41.99.010;

15 (2) the Department of Environmental Conservation under AS 46.03; or

16 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
17 AS 46.40.100.

18 * **Sec. 12.** AS 44.62.330(a)(35) is amended to read:

19 (35) **Department of Commerce and Economic Development under**
20 **AS 08.54 as to licensing and related functions for big game guides and transporters**
21 [BIG GAME COMMERCIAL SERVICES BOARD];

22 * **Sec. 13.** TRANSITION; LICENSES, FEES, REGULATIONS. (a) Notwithstanding
23 AS 08.54.610, added by sec. 3 of this Act, a person who held a guide-outfitter license in good
24 standing under the provisions of AS 08.54.300 - 08.54.590 on June 30, 1995, and who did not
25 renew the license between June 30, 1995, and the effective date of this section shall receive a
26 registered guide license valid until December 31, 1996, upon payment of a license fee of \$65.
27 A license issued under this subsection is for all purposes a registered guide license issued under
28 AS 08.54.610.

29 (b) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
30 reliance upon the apparent authority of the Department of Commerce and Economic
31 Development, obtained a guide-outfitter license from the Department of Commerce and
32 Economic Development after June 30, 1995, and before the effective date of this section shall

1 receive a registered guide license valid until December 31, 1996, without payment of a license
2 fee. A license issued under this subsection is for all purposes a registered guide license issued
3 under AS 08.54.610.

4 (c) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who held a
5 master guide-outfitter license in good standing under the provisions of AS 08.54.300 - 08.54.590
6 on June 30, 1995, and who did not renew the license between June 30, 1995, and the effective
7 date of this section, shall receive a master guide license valid until December 31, 1996, upon
8 payment of a license fee of \$65. A license issued under this subsection is for all purposes a
9 master guide license issued under AS 08.54.610.

10 (d) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
11 reliance upon the apparent authority of the Department of Commerce and Economic
12 Development, obtained a master guide-outfitter license from the Department of Commerce and
13 Economic Development after June 30, 1995, and before the effective date of this section shall
14 receive a master guide license valid until December 31, 1996, without payment of a license fee.
15 A license issued under this subsection is for all purposes a master guide license issued under
16 AS 08.54.610.

17 (e) Notwithstanding AS 08.54.620, added by sec. 3 of this Act, a person who held a
18 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
19 08.54.590 on June 30, 1995, shall receive a class-A assistant guide license valid until
20 December 31, 1996, without payment of a license fee. A license issued under this subsection
21 is for all purposes a class-A assistant guide license issued under AS 08.54.620.

22 (f) Notwithstanding AS 08.54.620, added by sec. 3 of this Act, a person who, in reliance
23 upon the apparent authority of the Department of Commerce and Economic Development,
24 obtained a class-A assistant guide-outfitter license from the Department of Commerce and
25 Economic Development after June 30, 1995, and before the effective date of this section shall
26 receive a class-A assistant guide license valid until December 31, 1996, without payment of a
27 license fee. A license issued under this subsection is for all purposes a class-A assistant guide
28 license issued under AS 08.54.620.

29 (g) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held an
30 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
31 08.54.590 on June 30, 1995, shall receive an assistant guide license valid until December 31,
32 1996, without payment of a license fee. A license issued under this subsection is for all

1 purposes an assistant guide license issued under AS 08.54.630.

2 (h) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who, in
3 reliance upon the apparent authority of the Department of Commerce and Economic
4 Development, obtained an assistant guide-outfitter license from the Department of Commerce
5 and Economic Development after June 30, 1995, and before the effective date of this section
6 shall receive an assistant guide license valid until December 31, 1996, without payment of a
7 license fee. A license issued under this subsection is for all purposes an assistant guide license
8 issued under AS 08.54.630.

9 (i) A person may receive only one guide license of any class under (a) - (h) of this
10 section.

11 (j) Notwithstanding AS 08.54.650, added by sec. 3 of this Act, a person who held a
12 transporter license in good standing under the provisions of AS 08.54.300 - 08.54.590 on
13 June 30, 1995, and who did not renew the license between June 30, 1995, and the effective date
14 of this section, shall receive a transporter license valid until December 31, 1996, upon payment
15 of a license fee of \$75. A license issued under this subsection is for all purposes a transporter
16 license issued under AS 08.54.650.

17 (k) Notwithstanding AS 08.54.650, added by sec. 3 of this Act, a person who, in
18 reliance upon the apparent authority of the Department of Commerce and Economic
19 Development, obtained a transporter license from the Department of Commerce and Economic
20 Development after June 30, 1995, and before the effective date of this section shall receive a
21 transporter license valid until December 31, 1996, without payment of a license fee. A license
22 issued under this subsection is for all purposes a transporter license issued under AS 08.54.650.

23 (l) A person who, before the effective date of this section, has paid a license fee for a
24 commercial use permit or a use area registration application for 1996 shall receive a refund of
25 the full amount paid from the Department of Commerce and Economic Development.

26 (m) Pending the adoption of regulations under AS 08.01.065 and (n) of this section to
27 implement this Act, the fee for the

28 (1) biennial registered guide license or biennial master guide license is \$200;

29 (2) biennial class-A assistant guide license is \$100;

30 (3) biennial assistant guide license is \$100;

31 (4) biennial transporter license is \$200.

32 (n) Notwithstanding AS 44.62.250, the Department of Commerce and Economic

1 Development may adopt emergency regulations under AS 44.62.250 and 44.62.260 to implement
2 this Act without making a written finding under AS 44.62.250. The legislature finds that the
3 adoption of emergency regulations necessary to implement this Act is necessary for the
4 immediate preservation of the public peace and general welfare.

5 * **Sec. 14.** TRANSITION; USE AREA REGISTRATION. Notwithstanding AS 08.54.750(a),
6 added by sec. 3 of this Act, during the first 60 days that this Act is in effect, a registered guide
7 shall inform the Department of Commerce and Economic Development, in person or by
8 registered mail, that the guide will be conducting big game hunting services in a guide use area.
9 The registered guide shall provide the information required to be submitted to the Department
10 of Commerce and Economic Development under this section at any time before beginning
11 operations in the use area. After the first 60 days that this Act is in effect, a registered guide
12 shall provide information required under AS 08.54.750, in accordance with AS 08.54.750(a).

13 * **Sec. 15.** CONSTRUCTION OF ACT. Nothing in this Act shall be construed as ratifying
14 or validating acts of the Department of Commerce and Economic Development or of the
15 governor relating to the licensing or regulation of guide-outfitters and related occupations under
16 former provisions of AS 08.54.300 - 08.54.590.

17 * **Sec. 16.** AS 08.01.010(5); AS 08.03.010(c)(5); AS 08.54.300, 08.54.310, 08.54.320,
18 08.54.330, 08.54.350, 08.54.360, 08.54.370, 08.54.380, 08.54.390, 08.54.393, 08.54.395,
19 08.54.400, 08.54.410, 08.54.420, 08.54.430, 08.54.440, 08.54.450, 08.54.460, 08.54.470,
20 08.54.500, 08.54.505, 08.54.510, 08.54.520, 08.54.530, 08.54.540, 08.54.550, 08.54.590; and
21 AS 39.50.200(b)(48) are repealed.

22 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).