

SENATE CS FOR CS FOR HOUSE BILL NO. 151(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 5/6/97

Referred: Rules

Sponsor(s): REPRESENTATIVES OGAN, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to personal hunting of big game by big game guides while
2 clients are in the field, to activities of transporters in the field, to use area
3 registration for portions of additional guide use areas by registered guides, to oral
4 examinations for a registered guide license or a game management unit
5 certification, and to eligibility for big game guide licenses, game management
6 unit certifications, or a transporter license."

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

8 * **Section 1.** AS 08.54.600 is amended by adding a new subsection to read:

9 (b) The department shall provide for administration of an oral examination for
10 a registered guide license or for a game management unit certification if an applicant
11 experiences a specific language disability.

12 * **Sec. 2.** AS 08.54.605(b) is amended to read:

13 (b) Notwithstanding (a) of this section, (a)(1)(B) and (C) [(a)(1)(C)] of this

section are not applicable to offenses committed by a person who receives or received any class of guide license or a transporter license under sec. 13 [SECTION 13], ch. 33, SLA 1996, if the offense was committed before May 23, 1996. **This subsection does not apply when a person applies for a license that is different from the class of guide license or the transporter license received under sec. 13, ch. 33, SLA 1996.**

* **Sec. 3.** AS 08.54.605 is amended by adding a new subsection to read:

(c) A person may not receive a certification for a game management unit if the person is prohibited by (a) of this section from receiving or renewing a registered guide license or master guide license.

* **Sec. 4.** AS 08.54.610(a) is amended to read:

(a) A natural person is entitled to a registered guide license if the person

(1) is 21 years of age or older;

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

(3) **either**

(A) has passed the qualification examination prepared and administered by the department under AS 08.54.600; **or**

(B) provides evidence of 25 years of experience as a class-A assistant guide or class-A assistant guide-outfitter;

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

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

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

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

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

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

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

* **Sec. 5.** AS 08.54.720(a) is amended to read:

(a) It is unlawful for a

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

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

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

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

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

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

(B) a use area for which the registered guide is registered under AS 08.54.750 unless the registration requirement for the area has been

- 1 suspended by the Department of Fish and Game;
- 2 (6) person to knowingly guide without having a current registered
- 3 guide, class-A assistant guide, or assistant guide license and hunting license in actual
- 4 possession;
- 5 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);
- 6 (8) person who is licensed under this chapter to knowingly
- 7 (A) commit or aid in the commission of a violation of this
- 8 chapter, a regulation adopted under this chapter, or a state game statute or
- 9 regulation; or
- 10 (B) permit the commission of a violation of this chapter, a
- 11 regulation adopted under this chapter, or a state game statute or regulation that
- 12 the person knows or reasonably believes is being or will be committed without
- 13 (i) attempting to prevent it, short of using force; and
- 14 (ii) reporting the violation;
- 15 (9) person without a current registered guide license to knowingly
- 16 guide, advertise as a registered guide, or represent to be a registered guide;
- 17 (10) person without a current master guide license to knowingly
- 18 advertise as, or represent to be, a master guide;
- 19 (11) person without a current registered guide license to knowingly
- 20 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be
- 21 an outfitter of big game hunts;
- 22 (12) person to knowingly provide transportation services to big game
- 23 hunters without holding a current registered guide license or transporter license;
- 24 (13) person without a current transporter license to knowingly advertise
- 25 as, or represent to be, a transporter;
- 26 (14) class-A assistant guide or an assistant guide to knowingly contract
- 27 to guide or outfit a hunt;
- 28 (15) person licensed under this chapter to knowingly violate a state
- 29 statute or regulation prohibiting waste of a wild food animal or hunting on the same
- 30 day airborne; [OR]
- 31 (16) person to knowingly provide big game hunting service or

1 transportation services during the period for which the person's license to provide that
2 service is suspended or revoked;

3 (17) registered guide, except in the defense of life or property, to
4 knowingly personally take

5 (A) big game while accompanying a client in the field; or

6 (B) a species of big game if the registered guide is under
7 contract with a client to provide a guided hunt for that species of big game
8 and the client is in the field;

9 (18) person who is licensed as a registered guide, a class-A assistant
10 guide, or an assistant guide, except in the defense of life or property, to knowingly
11 personally take big game while a client of the registered guide by whom the
12 person is employed is in the field unless the person is not participating in,
13 supporting, or otherwise assisting in providing big game hunting services to a
14 client of the registered guide by whom the person is employed; or

15 (19) person who is licensed as a transporter, or who provides
16 transportation services under a transporter license, to knowingly accompany or
17 remain in the field with a big game hunter who is a client of the person except as
18 necessary to perform the specific duties of embarking or disembarking big game
19 hunters, their equipment, or big game animals harvested by hunters; this
20 paragraph does not apply to a person who holds both a transporter license and
21 any class of guide license issued under this chapter.

22 * **Sec. 6.** AS 08.54.720(b) is amended to read:

23 (b) In addition to a disciplinary sanction imposed under AS 08.54.710, a
24 person who commits an offense set out in (a)(1) - (7), (17), (18), or (19) of this
25 section is guilty of a misdemeanor and is punishable by a fine of not more than
26 \$10,000 or by imprisonment up to one year, or both.

27 * **Sec. 7.** AS 08.54.720(f) is amended to read:

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

30 (1) the court may order the department to suspend the guide license or
31 transporter license of a person who commits a misdemeanor offense set out in (a)(1),

1 (3) - (5), [OR] (7), (17), (18), or (19) of this section for a specified period of not more
 2 than three years;

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

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

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

15 * **Sec. 8.** AS 08.54.750 is amended by adding a new subsection to read:

16 (e) Notwithstanding (b) of this section, a registered guide who is registered in
 17 three guide use areas may also register for and conduct big game hunting services in
 18 a portion of one additional guide use area on federal land adjacent to a guide use area
 19 in which the registered guide is already registered if the department finds that the
 20 portion of the adjacent guide use area for which the registered guide is seeking to be
 21 registered would otherwise remain unused by a registered guide because the boundaries
 22 of guide use areas do not coincide with boundaries of federal big game guide
 23 concession or permit areas.