



LAWS OF ALASKA

1988

Source

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Chapter No.

160

AN ACT

Relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 16, 1988

Actual Effective Date: Sections 1, 2, 5, 7 - 11, and 14 take effect June 17, 1988; sections 4, 6, 12, 13, and 15 take effect June 30, 1989; section 3 takes effect January 1, 1989

AN ACT

Relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date.

* Section 1. AS 08.03.010(c)(20) is amended to read:

(20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

* Sec. 2. AS 08.54.040(a) is amended to read:

(a) Except as provided in AS 08.54.045, the board shall

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a registered guide license that requires demonstration that the applicant is qualified generally to provide guided hunts and, in particular, to guide in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS, WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

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LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

(6) after a hearing, revoke, suspend, or deny renewal of a license in accordance with AS 08.54.200;

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality.

* Sec. 3. AS 08.54.210 is amended to read:

Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the

1 Department of Public Safety, division of fish and wildlife protection,
2 and in no event later than 30 days, a violation of a state fish, game,
3 or guiding statute or regulation that the guide reasonably believes
4 was committed by a client or an employee of the guide;

5 (2) a guide to commit or aid the commission of a violation
6 of this chapter or of a state game or guiding statute or regulation or
7 to permit the commission of a violation that the guide knows or rea-
8 sonably believes is being or will be committed without attempting to
9 prevent it, short of using force, and without reporting it;

10 (3) a person to guide without having a current valid guide
11 license and [RESIDENT] hunting license in actual possession;

12 (4) a person without a current valid registered or master
13 guide license to advertise as or represent to be

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

17 (5) a guide to intentionally obstruct or hinder or attempt
18 to obstruct or hinder lawful hunting engaged in by a person who is not
19 a client of the guide;

20 (6) a person to guide without being validly licensed as a
21 guide under this chapter and as a [RESIDENT] hunter under AS 16;

22 (7) an assistant guide to contract to conduct a guided
23 hunt;

24 (8) an assistant guide to be in the field on a guided hunt
25 except while employed and supervised by a registered or master guide.

26 (b) A person who violates (a)(1) - (5) of this section is guilty
27 of a misdemeanor and upon conviction is punishable by a fine of not
28 more than \$2,000 [\$1,000] or by imprisonment for not more than one
29 year, or by both, and the person's license may be revoked for a period

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1 up to five years. However, a person who engages in guiding activity
2 during the period for which the person's license is suspended or
3 revoked under this chapter, or who violates (a)(6) - (8) of this
4 section, is guilty of a felony punishable, upon conviction, by a fine
5 of not more than \$5,000 and by imprisonment for not more than three
6 years. In addition to punishment for a felony, all guns, fishing
7 tackle, boats, aircraft, automobiles or other vehicles, camping gear
8 and other equipment and paraphernalia used in, or in aid of, guiding
9 activity engaged in during the period of suspension or revocation may
10 be seized by persons authorized to enforce this chapter and may be
11 forfeited to the state as provided under AS 16.05.195.

12 * Sec. 4. AS 08.54.210 is repealed and reenacted to read:

13 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

14 (1) a master guide, registered guide, special guide, class
15 A assistant guide, or assistant guide to fail to timely report to the
16 Department of Public Safety, division of fish and wildlife protection,
17 and in no event later than 30 days, a violation of a state fish, game,
18 or guiding statute or regulation that the guide reasonably believes
19 was committed by a client or an employee of the guide;

20 (2) a guide to commit or aid the commission of a violation
21 of this chapter or of a state game or guiding statute or regulation or
22 to permit the commission of a violation that the guide knows or rea-
23 sonably believes is being or will be committed without attempting to
24 prevent it, short of using force, and without reporting it;

25 (3) a person to guide without having a current valid guide
26 license and hunting license in actual possession;

27 (4) a person without a current valid registered or master
28 guide license to advertise as or represent to be

29 (A) a guide; or
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1 (B) an outfitter offering big game hunting services;

2 (5) a guide to intentionally obstruct or hinder or attempt
3 to obstruct or hinder lawful hunting engaged in by a person who is not
4 a client of the guide;

5 (6) a person for compensation or hire to transport a hunter
6 to or from the field in an aircraft for which the person does not hold
7 a current valid air taxi commercial operator (ATCO) operating certificate
8 issued by the Federal Aviation Administration under 14 C.F.R.
9 Part 135; in this paragraph, "for compensation or hire" means receiving
10 any monetary consideration for the transportation, regardless of
11 whether the consideration is directly attributable to the transportation;
12 "for compensation or hire" does not include reimbursement for
13 actual expenses incurred for aircraft fuel for the transportation;

14 (7) a person to guide without being validly licensed as a
15 guide under this chapter and as a hunter under AS 16;

16 (8) an assistant guide to contract to conduct a guided
17 hunt;

18 (9) an assistant guide to be in the field on a guided hunt
19 except while employed and supervised by a registered or master guide.

20 (b) A person who violates (a)(1) - (6) of this section is guilty
21 of a misdemeanor and upon conviction is punishable by a fine of not
22 more than \$2,000 or by imprisonment for not more than one year, or by
23 both, and the person's license may be revoked for a period up to five
24 years. However, a person who engages in guiding activity during the
25 period for which the person's license is suspended or revoked under
26 this chapter, or who violates (a)(7) - (9) of this section, is guilty
27 of a felony punishable, upon conviction, by a fine of not more than
28 \$5,000 and by imprisonment for not more than three years. In addition
29 to punishment for a felony, all guns, fishing tackle, boats, aircraft,
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1 automobiles or other vehicles, camping gear and other equipment and
2 paraphernalia used in, or in aid of, guiding activity engaged in
3 during the period of suspension or revocation may be seized by persons
4 authorized to enforce this chapter and may be forfeited to the state
5 as provided under AS 16.05.195.

6 * Sec. 5. AS 08.54.240(3) is repealed and reenacted to read:

7 (3) "guide" or "guiding" means accompanying or being pre-
8 sent with a big game hunter in the field, personally or through an
9 assistant, for compensation or with the intent or an agreement to
10 receive compensation; "in the field" does not include a lawfully
11 established base camp, cabin, or permanent lodge registered with the
12 division of fish and wildlife protection under AS 16.05.787 or a boat
13 with permanent living quarters; "guide" or "guiding" does not include

14 (A) providing transportation to or from the field, if
15 the persons providing transportation and the persons being trans-
16 ported do not stalk, pursue, track, kill, or attempt to kill big
17 game during the transportation; or

18 (B) selling, leasing, or renting goods, if the trans-
19 action does not take place in the field;

20 * Sec. 6. AS 08.54.240(3) is amended to read:

21 (3) "guide" or "guiding" means accompanying or being pre-
22 sent with a big game hunter in the field, personally or through an
23 assistant, for compensation or with the intent or an agreement to
24 receive compensation; "in the field" does not include a lawfully
25 established [BASE CAMP,] cabin [,] or permanent lodge registered with
26 the division of fish and wildlife protection under AS 16.05.787 or a
27 boat with permanent living quarters; "guide" or "guiding" does not
28 include

29 (A) providing transportation to or from the field, if
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1 the persons providing transportation and the persons being trans-
2 ported do not stalk, pursue, track, kill, or attempt to kill big
3 game during the transportation; or

4 (B) selling, leasing, or renting goods, if the trans-
5 action does not take place in the field;

6 * Sec. 7. AS 08.54.240 is amended by adding a new paragraph to read:

7 (7) "base camp" does not include a spike camp, fly camp, or
8 overnight camp.

9 * Sec. 8. AS 16.05.370 is amended by adding new subsections to read:

10 (b) A person who sells big game tags shall give to each buyer a
11 game report form provided by the department, to be completed and
12 returned by the hunter after big game is taken. The department shall
13 pay the cost of return postage for the report. The report must speci-
14 fy the location, amount, and kinds or species of game taken.

15 (c) A person who transports big game from the field for compen-
16 sation shall, within seven days after providing the transportation,
17 notify the department of the amount and kinds or species of game
18 transported.

19 * Sec. 9. AS 16.05.407(d) is amended to read:

20 (d) A nonresident who violates (a) of this section, or who fails
21 to furnish an affidavit under (b) or (e) of this section, is guilty of
22 a misdemeanor and upon conviction is punishable by imprisonment for
23 not more than one year, or by a fine of not more than \$5,000, or by
24 both.

25 * Sec. 10. AS 16.05.407 is amended by adding a new subsection to read:

26 (e) An applicant for a nonresident big game tag for the taking
27 of moose or caribou shall first furnish to the state, on a form pro-
28 vided by the state, an affidavit showing where the applicant will be
29 hunting and what guiding, transportation, or other big game hunting
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1 services the applicant will be employing. A person who falsifies an
2 affidavit under this subsection is guilty of perjury under AS 11.56.-
3 200.

4 * Sec. 11. AS 16.05 is amended by adding new sections to read:

5 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
6 LATIONS. (a) A person who transports a big game hunter to or from
7 the field for compensation, or with the intent or an agreement to
8 receive compensation, shall promptly report to the Department of
9 Public Safety, division of fish and wildlife protection, and in no
10 event later than 30 days, a violation of a state fish, game, or guid-
11 ing statute or regulation that the person reasonably believes was
12 committed by a client or employee of the person.

13 (b) A person who violates this section is guilty of a misde-
14 meanor and upon conviction is punishable by a fine of not more than
15 \$2,000 or by imprisonment for not more than one year, or by both.

16 Sec. 16.05.787. REGISTRATION OF BIG GAME HUNTING BASE CAMPS,
17 CABINS, AND LODGES. (a) A person who is not licensed as a guide
18 under AS 08.54 may accompany or be present with a hunter at a base
19 camp, cabin, or permanent lodge in connection with a big game hunt and
20 for compensation only if the person has not been convicted of violat-
21 ing a game law or regulation during the preceding five years and has
22 furnished an affidavit to the Department of Public Safety, division of
23 fish and wildlife protection, at least two weeks in advance. A person
24 who is not licensed as a guide may not register more than two base
25 camps. The affidavit must be signed by the person and must provide
26 the following information:

- 27 (1) the specific location of the camp, cabin, or lodge;
28 (2) the number of big game hunters in each party that will
29 use the camp, cabin, or lodge; and

1 (3) the kinds or species of big game that will be hunted.

2 (b) A person who furnishes an affidavit under (a) of this sec-
3 tion shall notify the Department of Public Safety of the amount and
4 kinds or species of big game taken by each hunter who uses the base
5 camp, cabin, or permanent lodge to which the affidavit relates.
6 Notice shall be given within 30 days after the game is taken.

7 (c) The Department of Public Safety shall send the information
8 received under (b) of this section and a copy of each affidavit under
9 this section to the Department of Fish and Game.

10 (d) A person who falsifies an affidavit under this section is
11 guilty of perjury under AS 11.56.200.

12 * Sec. 12. AS 16.05.787(a) is amended to read:

13 (a) A person who is not licensed as a guide under AS 08.54 may
14 accompany or be present with a hunter at a [BASE CAMP,] cabin [,] or
15 permanent lodge in connection with a big game hunt and for compensa-
16 tion only if the person has not been convicted of violating a game law
17 or regulation during the preceding five years and has furnished an
18 affidavit to the Department of Public Safety, division of fish and
19 wildlife protection, at least two weeks in advance. The affidavit
20 must be signed by the person and must provide the following informa-
21 tion:

22 (1) the specific location of the [camp,] cabin [,] or
23 lodge;

24 (2) the number of big game hunters in each party that will
25 use the [CAMP,] cabin [,] or lodge; and

26 (3) the kinds or species of big game that will be hunted.

27 * Sec. 13. AS 16.05.787(b) is amended to read:

28 (b) A person who furnished an affidavit under (a) of this sec-
29 tion shall notify the Department of Public Safety of the amount and
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1 kinds or species of big game taken by each hunter who uses the [BASE
2 CAMP,] cabin [,] or permanent lodge to which the affidavit relates.
3 Notice shall be given within 30 days after the game is taken.

4 * Sec. 14. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
5 on the Guide Board and the commercial taking of big game is established
6 under the jurisdiction of the legislative council. The task force consists
7 of the commissioners of fish and game, commerce and economic development,
8 and public safety, or their designees; two members of the senate appointed
9 by the president of the senate and two members of the house of representa-
10 tives appointed by the speaker of the house, of whom only one member from
11 each body may have a financial interest in any business involving or relat-
12 ed to the commercial taking of game; and six members appointed by the
13 governor as follows: one member of the Guide Board; one big game guide
14 licensed under AS 08.54 who is not a member of the Guide Board; and two
15 persons engaged in a business, other than guiding, that includes transport-
16 ing big game hunters to and from the field, but only one of whom may be an
17 air taxi operator; and two public members, neither of whom has a financial
18 interest in any business involving or related to the commercial taking of
19 game. The governor shall appoint at least one member from each judicial
20 district in the state. The members shall elect a person to chair the task
21 force.

22 (b) The task force shall review the operations of the Guide Board and
23 shall study problems and issues concerning the commercial taking of big
24 game in the state and the businesses or professions that provide goods and
25 services to big game hunters in the state. The task force shall submit to
26 the legislative council, not later than January 15, 1989, a report on its
27 findings and proposed legislation to address the problems and issues cover-
28 ed in the report.

29 (c) A subpoena requiring the attendance of a witness before the task
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1 force may be issued by the person chairing the task force if authorized to
2 do so by a majority of the membership of the task force. The provisions of
3 AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection
4 and to witnesses called by the task force.

5 (d) The task force terminates January 15, 1989.

6 * Sec. 15. AS 08.54.240(7) is repealed.

7 * Sec. 16. Sections 1, 2, 5, 7 - 11, and 14 of this Act take effect
8 immediately under AS 01.10.070(c).

9 * Sec. 17. Sections 4, 6, 12, 13, and 15 of this Act take effect
10 June 30, 1989.

11 * Sec. 18. Section 3 of this Act takes effect January 1, 1989.