



LAWS OF ALASKA

1996

Source
SCS CSHB 335(FIN)

Chapter No.

33

AN ACT

Relating to big game guides and transporters; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 22, 1996
Actual Effective Date: May 23, 1996

AN ACT

1 Relating to big game guides and transporters; and providing for an effective date.

2

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

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

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

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

8 (1) collect and record fees;

9 (2) maintain records and files;

10 (3) issue and receive application forms;

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

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

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

Chapter 33

- 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.

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

2 ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

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

5 (1) prepare, grade, and administer

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

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

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

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

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

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

31 (6) regularly disseminate information regarding examinations and other

Chapter 33

1 qualifications for all classes of guide licenses to residents of the rural areas of the state;
2 (7) adopt procedural and substantive regulations required by this chapter;
3 (8) administer examinations for registered guides at least twice a year;
4 an examination may not be given within 90 days after the previous examination; at least
5 once every other year the department shall give the examination at a location other than
6 Anchorage.

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

11 (1) the person has been convicted of

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

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

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

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

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

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

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

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

31 (3) has passed the qualification examination prepared and administered

1 by the department under AS 08.54.600;

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

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

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

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

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

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

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

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

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

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

31 (3) submits a list to the department of at least 25 clients for whom the

Chapter 33

1 person has personally provided guiding or outfitting services and the person receives a
2 favorable evaluation from 10 of the clients selected from the list by the department; and

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

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

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

12 (e) A registered guide who contracts for a guided hunt shall be

13 (1) physically present in the field with the client at least once during the
14 contracted hunt; and

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

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

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

21 (2) applies for a class-A assistant guide license on a form provided by
22 the department and pays the license application fee and the license fee; and

23 (3) either

24 (A) has

25 (i) been employed during at least three calendar years as
26 any class of licensed guide in the game management unit for which the
27 license is sought; and

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

31 (B) provides

1 (i) evidence that the person physically resides in the game
2 management unit in which the person is to be employed;

3 (ii) evidence that the person has had at least 15 years'
4 hunting experience in the game management unit in which the person is
5 to be employed; military service outside of the state for not more than
6 three years shall be accepted as part of the required 15 years' hunting
7 experience; and

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

12 (b) A class-A assistant guide

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

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

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

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

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

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

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

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

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

30 (4) obtains a written recommendation from a registered guide, state
31 trooper, state fish and wildlife law enforcement officer, or state fish or game biologist

Chapter 33

1 who is familiar with the person or who intends to employ the person as an assistant
2 guide; and

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

5 (b) An assistant guide

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

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

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

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

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

1 which the suspension is terminated. Notwithstanding other provisions of this subsection,
2 if a person whose license is suspended under this subsection fails to notify the
3 department within one year after the person is no longer a law enforcement officer, the
4 person's license lapses and the person is eligible for reissuance of the license only as
5 provided in AS 08.54.670. The department may adopt regulations to implement this
6 subsection.

7 (c) A person who holds any class of guide license and who is employed by the
8 Department of Fish and Game or a federal wildlife management agency may not, while
9 employed by the department or agency as a game or wildlife biologist and for 12 months
10 after leaving employment with the department or agency as a game or wildlife biologist,
11 engage in providing big game hunting services in a game management unit in which the
12 person conducted game or wildlife management or research activities for the department
13 or agency at any time during the preceding 12 months.

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

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

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

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

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

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

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

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

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

Chapter 33

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

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

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

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

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

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

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

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

26 ARTICLE 6. ENFORCEMENT.

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

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

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

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

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

8 (1) permanently revoke a license;

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

10 (3) censure or reprimand a licensee;

11 (4) impose limitations or conditions on the professional practice of a
12 licensee;

13 (5) impose requirements for remedial professional education to correct
14 deficiencies in the education, training, and skill of the licensee;

15 (6) impose probation requiring a licensee to report regularly to the
16 department on matters related to the grounds for probation;

17 (7) impose a civil fine not to exceed \$1,000.

18 (d) The department shall permanently revoke a transporter license or any class
19 of guide license if the department finds after a hearing that the license was obtained
20 through fraud, deceit, or innocent misrepresentation.

21 (e) The department shall suspend or permanently revoke a transporter license
22 or any class of guide license without a hearing if the court orders the department to
23 suspend or permanently revoke the license as a penalty for conviction of an unlawful
24 act under AS 08.54.720. If the department suspends or permanently revokes a license
25 under this subsection, the department may not also impose an administrative
26 disciplinary sanction of suspension or permanent revocation of the same license for the
27 same offense for which the court ordered the suspension or permanent revocation
28 under AS 08.54.720.

29 (f) A certified copy of a judgment of conviction of a licensee for an offense is
30 conclusive evidence of the commission of that offense in a disciplinary proceeding
31 instituted against the licensee under this section based on that conviction, regardless of

Chapter 33

1 whether the conviction resulted from a plea of nolo contendere or the conviction is under
2 appeal, unless the conviction is overturned on appeal.

3 (g) A person whose license is suspended or revoked under this section may not
4 engage in the provision of big game hunting services or transportation services during
5 the period of license suspension or revocation.

6 (h) If the department revokes a license under this section, the person whose
7 license has been revoked shall immediately surrender the license to the department.

8 (i) The department may summarily suspend a licensee from practice of the
9 profession under this chapter, for a period of not more than 30 days, before a final
10 hearing is held or during an appeal if the department finds that the licensee poses a
11 clear and immediate danger to the public health and safety. A person is entitled to a
12 hearing before the department to appeal the summary suspension within seven days
13 after the order of suspension is issued. A person may appeal an adverse decision of
14 the department on an appeal of summary suspension to a court of competent
15 jurisdiction.

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

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

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

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

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

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

- 1 (A) a game management unit for which the registered guide is
2 certified; or
- 3 (B) a use area for which the registered guide is registered under
4 AS 08.54.750 unless the registration requirement for the area has been
5 suspended by the Department of Fish and Game;
- 6 (6) person to knowingly guide without having a current registered
7 guide, class-A assistant guide, or assistant guide license and hunting license in actual
8 possession;
- 9 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);
- 10 (8) person who is licensed under this chapter to knowingly
11 (A) commit or aid in the commission of a violation of this
12 chapter, a regulation adopted under this chapter, or a state game statute or
13 regulation; or
14 (B) permit the commission of a violation of this chapter, a
15 regulation adopted under this chapter, or a state game statute or regulation that
16 the person knows or reasonably believes is being or will be committed without
17 (i) attempting to prevent it, short of using force; and
18 (ii) reporting the violation;
- 19 (9) person without a current registered guide license to knowingly
20 guide, advertise as a registered guide, or represent to be a registered guide;
- 21 (10) person without a current master guide license to knowingly
22 advertise as, or represent to be, a master guide;
- 23 (11) person without a current registered guide license to knowingly
24 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be
25 an outfitter of big game hunts;
- 26 (12) person to knowingly provide transportation services to big game
27 hunters without holding a current registered guide license or transporter license;
- 28 (13) person without a current transporter license to knowingly advertise
29 as, or represent to be, a transporter;
- 30 (14) class-A assistant guide or an assistant guide to knowingly contract
31 to guide or outfit a hunt;

Chapter 33

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

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

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

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

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

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

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

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

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

24 (1) the court may order the department to suspend the guide license or
25 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
26 (3) - (5), or (7) of this section for a specified period of not more than three years;

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

31 (3) the court shall order the department to suspend the guide license or

1 transporter license for a specified period of not less than three years, or to permanently
2 revoke the guide license or transporter license, of a person who commits an offense set
3 out in (a)(15) or (16) of this section; and

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

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

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

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

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

28 ARTICLE 7. MISCELLANEOUS PROVISIONS.

29 Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before
30 conducting big game hunting services within a guide use area, a registered guide shall
31 inform the department, in person or by registered mail on a registration form provided

Chapter 33

1 by the department, that the guide will be conducting big game hunting services in the use
2 area.

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

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

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

8 (c) Notwithstanding (a) and (b) of this section, a registered guide may register
9 to conduct big game hunting services within a guide use area at any time before
10 beginning operations in the guide use area and may conduct big game hunting services
11 in a guide use area, or for a big game species in a guide use area, that is not one of the
12 three guide use areas for which the registered guide has registered under (b) of this
13 section if the Department of Fish and Game has determined by regulation that it is in the
14 public interest to suspend the registration requirements for that guide use area or for all
15 guide use areas in a game management unit or game management subunit for a big game
16 species within those guide use areas.

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

21 Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT
22 RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain
23 hunt records provided by a registered guide. A registered guide shall submit to the
24 department a hunt record for each contracted hunt within 30 days after the completion
25 of the hunt. A hunt record must include a list of all big game hunters who used the
26 guiding or outfitting services of the registered guide, the number of each big game
27 species taken, and other information required by the department. The department shall
28 provide forms for reporting hunt records.

29 (b) The department shall make hunt records received under this section, and
30 activity reports received under AS 08.54.650, available to state agencies and federal fish
31 and wildlife law enforcement agencies charged with the enforcement of statutes and

1 regulations relating to guiding, outfitting, transportation services, or game or with
2 management of game if requested for game management or law enforcement purposes.
3 Aggregated data compiled from hunt records and activity reports may be included in
4 reports by the department. For all other purposes, the hunt records and activity reports
5 are confidential and are not subject to inspection or copying under AS 09.25.110 -
6 09.25.125.

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

- 9 (1) registered guide license;
10 (2) class-A assistant guide license;
11 (3) assistant guide license;
12 (4) transporter license;
13 (5) license application fee.

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

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

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

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

23 Sec. 08.54.790. DEFINITIONS. In this chapter,

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

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

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

Chapter 33

- 1 (4) "department" means the Department of Commerce and Economic
2 Development;
- 3 (5) "field" means an area outside of established year-round dwellings,
4 businesses, or other developments usually associated with a city, town, or village; "field"
5 does not include permanent hotels or roadhouses on the state road system or state or
6 federally maintained airports;
- 7 (6) "game management unit" means one of the 26 geographic areas
8 defined by the Board of Game for game management purposes;
- 9 (7) "guide" means to provide, for compensation or with the intent or with
10 an agreement to receive compensation, services, equipment, or facilities to a big game
11 hunter in the field by a person who accompanies or is present with the big game hunter
12 in the field either personally or through an assistant; in this paragraph, "services"
13 includes
- 14 (A) contracting to guide or outfit big game hunts;
- 15 (B) stalking, pursuing, tracking, killing, or attempting to kill big
16 game;
- 17 (C) packing, preparing, salvaging, or caring for meat, except that
18 which is required to properly and safely load the meat on the mode of
19 transportation being used by a transporter;
- 20 (D) field preparation of trophies, including skinning and caping;
- 21 (E) selling, leasing, or renting goods when the transaction occurs
22 in the field;
- 23 (F) using guiding or outfitting equipment, including spotting
24 scopes and firearms, for the benefit of a hunter; and
- 25 (G) providing camping or hunting equipment or supplies which
26 are already located in the field;
- 27 (8) "outfit" means to provide, for compensation or with the intent to
28 receive compensation, services, supplies, or facilities to a big game hunter in the field,
29 by a person who neither accompanies nor is present with the big game hunter in the field
30 either personally or by an assistant;
- 31 (9) "transportation services" means the carriage for compensation of big

1 game hunters, their equipment, or big game animals harvested by hunters to, from, or in
2 the field; "transportation services" does not include the carriage by aircraft of big game
3 hunters, their equipment, or big game animals harvested by hunters

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

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

12 (i) charge more than the usual tariff or charter rate for the
13 carriage of big game hunters, their equipment, or big game animals
14 harvested by hunters; or *

15 (ii) advertise transportation services or big game hunting
16 services to the public; in this sub-subparagraph, "advertise" means
17 soliciting big game hunters to be customers of an air taxi operator or air
18 carrier for the purpose of providing air transportation to, from, or in the
19 field through the use of print or electronic media, including advertising
20 at trade shows, or the use of hunt broker services or other promotional
21 services.

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

23 (e) A defendant convicted of a class C felony may be sentenced to a definite
24 term of imprisonment of not more than five years, and shall be sentenced to the
25 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
26 12.55.175:

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

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

29 (3) if the offense is a first felony conviction, and the defendant
30 knowingly directed the conduct constituting the offense at a uniformed or otherwise
31 clearly identified peace officer, fire fighter, correctional officer, emergency medical

Chapter 33

1 technician, paramedic, ambulance attendant, or other emergency responder who was
2 engaged in the performance of official duties at the time of the offense, one year;

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

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

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

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

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

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

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

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

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

25 (A) the spouse of the nonresident; or

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

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

29 (f) An applicant for a nonresident hunt permit for the taking of an animal
30 specified in (a) of this section shall, if requested by the department, first furnish to the
31 department proof of prior authorization to use [STATE,] federal [,] or private land where

1 the permit hunt will occur. The authorization shall be provided to the applicant by the
2 registered guide or master guide [GUIDE-OUTFITTER] with whom the applicant has
3 contracted to guide [GUIDE-OUTFIT] the permit hunt.

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

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

6 [(1) TO HUNT, PURSUE, OR TAKE MARINE MAMMALS UNLESS
7 PERSONALLY ACCOMPANIED BY A LICENSED MARINE MAMMAL GUIDE-
8 OUTFITTER; OR

9 (2)] to hunt, pursue, or take a big game animal as defined by the Board
10 of Game unless personally accompanied by a registered guide, master guide, class-A
11 assistant guide, or assistant guide [GUIDE-OUTFITTER, A CLASS-A ASSISTANT
12 GUIDE-OUTFITTER, OR AN ASSISTANT GUIDE-OUTFITTER] licensed under
13 AS 08.54.

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

15 (c) Before obtaining a nonresident hunt permit for the taking of an animal
16 specified in (a) of this section, a nonresident alien shall, if requested by the department,
17 first furnish to the department proof of prior authorization to use [STATE,] federal [,]
18 or private land where the permit hunt will occur. The authorization shall be provided
19 to the nonresident alien by the registered guide or master guide [GUIDE-OUTFITTER
20 OR MARINE MAMMAL GUIDE-OUTFITTER] with whom the nonresident alien has
21 contracted to guide [GUIDE-OUTFIT] the permit hunt.

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

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

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

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

Chapter 33

1 (2) the Department of Environmental Conservation under AS 46.03; or
2 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
3 AS 46.40.100.

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

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

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

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

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

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

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

4 (e) Notwithstanding AS 08.54.620, added by sec. 3 of this Act, a person who held a
5 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
6 08.54.590 on June 30, 1995, shall receive a class-A assistant guide license valid until
7 December 31, 1996, without payment of a license fee. A license issued under this subsection
8 is for all purposes a class-A assistant guide license issued under AS 08.54.620.

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

16 (g) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held an
17 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
18 08.54.590 on June 30, 1995, shall receive an assistant guide license valid until December 31,
19 1996, without payment of a license fee. A license issued under this subsection is for all
20 purposes an assistant guide license issued under AS 08.54.630.

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

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

30 (j) Notwithstanding AS 08.54.650, added by sec. 3 of this Act, a person who held a
31 transporter license in good standing under the provisions of AS 08.54.300 - 08.54.590 on

Chapter 33

1 June 30, 1995, and who did not renew the license between June 30, 1995, and the effective date
2 of this section, shall receive a transporter license valid until December 31, 1996, upon payment
3 of a license fee of \$75. A license issued under this subsection is for all purposes a transporter
4 license issued under AS 08.54.650.

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

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

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

- 16 (1) biennial registered guide license or biennial master guide license is \$200;
17 (2) biennial class-A assistant guide license is \$100;
18 (3) biennial assistant guide license is \$100;
19 (4) biennial transporter license is \$200.

20 (n) Notwithstanding AS 44.62.250, the Department of Commerce and Economic
21 Development may adopt emergency regulations under AS 44.62.250 and 44.62.260 to implement
22 this Act without making a written finding under AS 44.62.250. The legislature finds that the
23 adoption of emergency regulations necessary to implement this Act is necessary for the
24 immediate preservation of the public peace and general welfare.

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

- 1 shall provide information required under AS 08.54.750, in accordance with AS 08.54.750(a).
- 2 * **Sec. 15.** CONSTRUCTION OF ACT. Nothing in this Act shall be construed as ratifying
3 or validating acts of the Department of Commerce and Economic Development or of the
4 governor relating to the licensing or regulation of guide-outfitters and related occupations under
5 former provisions of AS 08.54.300 - 08.54.590.
- 6 * **Sec. 16.** AS 08.01.010(5); AS 08.03.010(c)(5); AS 08.54.300, 08.54.310, 08.54.320,
7 08.54.330, 08.54.350, 08.54.360, 08.54.370, 08.54.380, 08.54.390, 08.54.393, 08.54.395,
8 08.54.400, 08.54.410, 08.54.420, 08.54.430, 08.54.440, 08.54.450, 08.54.460, 08.54.470,
9 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
10 AS 39.50.200(b)(48) are repealed.
- 11 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).