

HOUSE BILL NO. 151

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE OGAN

Introduced: 2/21/97

Referred: Resources

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 and to use area registration for portions of additional
3 guide use areas by registered guides."

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

5 * **Section 1.** AS 08.54.720(a) is amended to read:

6 (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;

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

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

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

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

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

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

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

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

18 (A) commit or aid in the commission of a violation of this
19 chapter, a regulation adopted under this chapter, or a state game statute or
20 regulation; or

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

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

25 (ii) reporting the violation;

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

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

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

1 an outfitter of big game hunts;

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

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

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

8 (15) person licensed under this chapter to knowingly violate a state
9 statute or regulation prohibiting waste of a wild food animal or hunting on the same
10 day airborne; [OR]

11 (16) person to knowingly provide big game hunting service or
12 transportation services during the period for which the person's license to provide that
13 service is suspended or revoked;

14 **(17) registered guide, except in the defense of life or property, to**
15 **knowingly personally take big game while a client of the registered guide is in the**
16 **field; or**

17 **(18) class-A assistant guide or an assistant guide, except in the**
18 **defense of life or property, to knowingly personally take big game while a client**
19 **of the registered guide by whom the class-A assistant guide or the assistant guide**
20 **is employed is in the field unless the class-A assistant guide or assistant guide is**
21 **not participating in, supporting, or otherwise assisting in providing big game**
22 **hunting services to a client of the registered guide by whom the class-A assistant**
23 **guide or assistant guide is employed.**

24 * **Sec. 2.** AS 08.54.720(b) is amended to read:

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

29 * **Sec. 3.** AS 08.54.720(f) is amended to read:

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

1 (1) the court may order the department to suspend the guide license or
2 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
3 (3) - (5), [OR] (7), (17), or (18) of this section for a specified period of not more than
4 three years;

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

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

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

17 * **Sec. 4.** AS 08.54.750 is amended by adding a new subsection to read:

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