

CS FOR HOUSE BILL NO. 151(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/21/97

Referred: Rules

Sponsor(s): REPRESENTATIVE OGAN

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 use area registration for portions of additional guide
3 use areas by registered guides, and to eligibility for big game guide licenses or
4 a transporter license."

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

6 * **Section 1.** AS 08.54.605(b) is amended to read:

7 (b) Notwithstanding (a) of this section, (a)(1)(B) and (C) [(a)(1)(C)] of this
8 section are not applicable to offenses committed by a person who receives or received
9 any class of guide license or a transporter license under sec. 13 [SECTION 13], ch.
10 33, SLA 1996, if the offense was committed before May 23, 1996. This subsection
11 does not apply when a person applies for a license that is different from the class
12 of guide license or the transporter license received under sec. 13, ch. 33, SLA
13 1996.

14 * **Sec. 2.** AS 08.54.720(a) is amended to read:

1 (a) It is unlawful for a

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

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

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

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

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

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

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

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

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

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

27 (A) commit or aid in the commission of a violation of this
28 chapter, a regulation adopted under this chapter, or a state game statute or
29 regulation; or

30 (B) permit the commission of a violation of this chapter, a
31 regulation adopted under this chapter, or a state game statute or regulation that

1 the person knows or reasonably believes is being or will be committed without

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

3 (ii) reporting the violation;

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

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

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

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

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

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

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

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

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

26 **(18) person who is licensed as a registered guide, a class-A assistant**
27 **guide, or an assistant guide, except in the defense of life or property, to knowingly**
28 **personally take big game while a client of the registered guide by whom the**
29 **person is employed is in the field unless the person is not participating in,**
30 **supporting, or otherwise assisting in providing big game hunting services to a**
31 **client of the registered guide by whom the person is employed.**

1 * **Sec. 3.** AS 08.54.720(b) is amended to read:

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

6 * **Sec. 4.** AS 08.54.720(f) is amended to read:

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

9 (1) the court may order the department to suspend the guide license or
10 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
11 (3) - (5), [OR] (7), (17), or (18) of this section for a specified period of not more than
12 three years;

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

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

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

25 * **Sec. 5.** AS 08.54.750 is amended by adding a new subsection to read:

26 (e) Notwithstanding (b) of this section, a registered guide who is registered in
27 three guide use areas may also register for and conduct big game hunting services in
28 a portion of one additional guide use area on federal land adjacent to a guide use area
29 in which the registered guide is already registered if the department finds that the
30 portion of the adjacent guide use area for which the registered guide is seeking to be
31 registered would otherwise remain unused by a registered guide because the boundaries

1 of guide use areas do not coincide with boundaries of federal big game guide
2 concession or permit areas.