

CS FOR HOUSE BILL NO. 151(RES) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Amended: 4/23/97

Offered: 3/21/97

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 cannot read English or suffers from a reading 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

1 section are not applicable to offenses committed by a person who receives or received
 2 any class of guide license or a transporter license under sec. 13 [SECTION 13], ch.
 3 33, SLA 1996, if the offense was committed before May 23, 1996. **This subsection**
 4 **does not apply when a person applies for a license that is different from the class**
 5 **of guide license or the transporter license received under sec. 13, ch. 33, SLA**
 6 **1996.**

7 * **Sec. 3.** AS 08.54.610(a) is amended to read:

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

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

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

13 (3) **either**

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

16 **(B) provides evidence of 25 years of experience as a class-A**
 17 **assistant guide, class-A assistant guide-outfitter, or equivalent guiding**
 18 **experience in the state;**

19 (4) **either**

20 **(A)** has passed a certification examination prepared and
 21 administered by the department under AS 08.54.600 for at least one game
 22 management unit; **or**

23 **(B) provides evidence of 10 years of experience as a class-A**
 24 **assistant guide or class-A assistant guide-outfitter in at least one game**
 25 **management unit;**

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

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

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

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

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

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

13 * **Sec. 4.** AS 08.54.610 is amended by adding a new subsection to read:

14 (f) Notwithstanding other provisions of this chapter, a person may receive
15 certification for a game management unit if the person provides evidence of 10 years
16 of experience as a class-A assistant guide or class-A assistant guide-outfitter in the
17 game management unit.

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

19 (a) It is unlawful for a

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

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

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

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

1 game hunting services;

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

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

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

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

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

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

14 (A) commit or aid in the commission of a violation of this
15 chapter, a regulation adopted under this chapter, or a state game statute or
16 regulation; or

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

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

21 (ii) reporting the violation;

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

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

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

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

31 (13) person without a current transporter license to knowingly advertise

1 as, or represent to be, a transporter;

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

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

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

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

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

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

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

27 (b) In addition to a disciplinary sanction imposed under AS 08.54.710, a
28 person who commits an offense set out in (a)(1) - (7), **(17), (18), or (19)** of this
29 section is guilty of a misdemeanor and is punishable by a fine of not more than
30 \$10,000 or by imprisonment up to one year, or both.

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

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

3 (1) the court may order the department to suspend the guide license or
4 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
5 (3) - (5), [OR] (7), (17), (18), or (19) of this section for a specified period of not more
6 than three years;

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

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

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

19 * **Sec. 8.** AS 08.54.750(b) is amended to read:

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

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

23 (2) a guide use area that is outside of a game management unit for
24 which the registered guide is certified under AS 08.54.600 or 08.54.610(f).

25 * **Sec. 9.** 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.