

Introduced: 3/1/79  
Referred: Resources and  
Finance

1 IN THE HOUSE

BY HURLBERT AND MOSS

2 HOUSE BILL NO. 315

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game; and providing for an  
7 effective date."

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

9 \* Section 1. AS 02.05.170(f) is amended to read:

10 (f) The commission shall require air carriers who act as trans-  
11 porters under AS 16.05.765 [AS 08.54.240] who transport persons between  
12 airports, landing strips or other landing areas officially listed in the  
13 United States government Flight Information Publication, Alaska Supple-  
14 ment, as revised, or the United States government Sectional Aeronautical  
15 Charts, as revised, to comply with the provisions of AS 16.05.765(f)  
16 [AS 08.54.146] relating to the filing of game transporter reports with  
17 the Department of Fish and Game. Air carriers maintaining regularly  
18 scheduled service between designated points are exempt from the report-  
19 ing requirement of this subsection when engaged in regularly scheduled  
20 service.

21 \* Sec. 2. AS 16.05 is amended by adding new sections to read:

22 ARTICLE 5. LICENSING OF GUIDES AND TRANSPORTERS.

23 Sec. 16.05.730. EXAMINATIONS. (a) The master board shall pre-  
24 pare, grade and administer examinations for guides.

25 (b) If a person is unable to competently understand the written  
26 portion of an examination given under (a) of this section, he shall be  
27 given the examination orally in a language which he understands.

28 Sec. 16.05.735. REGULATION OF GUIDE ACTIVITIES. (a) Each re-  
29 gional board shall adopt regulations in accordance with the Administra-

1       tive Procedure Act (AS 44.62) for the region which it represents to  
2       establish guide performance standards and to regulate the activities of  
3       guides.

4               (b) For the region which a regional board represents, the regional  
5       board shall

6                       (1) determine and pass on qualifications of applicants for  
7       guide licenses and issue guide licenses to those who qualify;

8                       (2) compile, maintain and publish a guide register of guides  
9       who have not been convicted of a violation of a federal or state sport  
10      fish, game, or guiding statute or regulation; a guide listed in the  
11      register whose license is revoked or suspended shall be removed from the  
12      register while his license is revoked or suspended;

13                      (3) compile, maintain and publish a record of guides who have  
14      completed a contract hunt in the region in any of three years immedi-  
15      ately preceding the publishing of the record;

16                      (4) prohibit guiding activities which are unsportsmanlike,  
17      unethical, unsafe, against principles of conservation, degrading to the  
18      guiding profession, or which adversely affect the natural resources.

19               (c) For the region which a regional board represents, the regional  
20      board may establish a quota of licensed operating guides who may operate  
21      within the region or part of the region and provide for an equitable and  
22      reasonable procedure for limiting the number of guides to that quota  
23      based upon protection of the fish and game resources in the region and  
24      upon the hardship which would be placed upon a guide by denying him an  
25      opportunity to guide.

26               (d) Achieving a minimum score established by the master board on  
27      the examination described in AS 16.05.730 is a minimum requirement for  
28      qualifying for a license under (b)(1) of this section. A regional board  
29      may establish additional qualifications for the issuance of a license to

1 guide in the area it represents based upon familiarity with the terrain  
2 and fish and game resources of the region.

3 Sec. 16.05.740. RESPONSIBILITY OF GUIDE FOR VIOLATIONS. A guide  
4 contracting for a hunt is equally responsible for a violation of a  
5 federal or state sport fish, game or guide statute or regulation com-  
6 mitted by an assistant or agent of the guide while in the course of his  
7 employment.

8 Sec. 16.05.745. LICENSE FEES. (a) The license fee for engaging  
9 in the profession of guiding is \$75 a year. The license fee is in  
10 addition to fees required for hunting or fishing licenses, examination  
11 fees, and fees imposed under AS 16.05.340(e).

12 (b) The license fee for a transporter is \$10 a year.

13 Sec. 16.05.750. EXPIRATION AND RENEWAL OF LICENSES. (a) A guide  
14 license expires on December 31, following issuance.

15 (b) A license may not be issued to a guide who has failed to renew  
16 his license for two consecutive years unless he again meets the qualifi-  
17 cations for initial issuance of the license.

18 Sec. 16.05.755. UNLAWFUL ACTS. (a) It is unlawful for

19 (1) a guide or transporter to fail to report to the Depart-  
20 ment of Public Safety, division of fish and wildlife protection, viola-  
21 tions by a client of a state fish, game or guiding statute or regulation  
22 within 30 days after the violation;

23 (2) a guide or transporter to aid the commission of a viola-  
24 tion of this chapter or a regulation adopted under this chapter, or  
25 permit the commission of a violation in his sight without attempting to  
26 prevent it, short of using force, and without reporting it;

27 (3) a person to guide or transport as defined in AS 16.05.765  
28 without being licensed under AS 16.05.730 - 16.05.765 and without having  
29 the license in his actual possession;

1 (4) a person to advertise as or represent himself to be a  
2 licensed guide or transporter without being currently licensed, or to  
3 falsely advertise services;

4 (5) a person to guide as defined in AS 16.05.765 without  
5 having a current valid hunting and fishing license in his possession;

6 (6) a guide to employ or have under his supervision more than  
7 three assistants at the same time.

8 (b) A person who violates (a)(1) - (6) of this section is guilty  
9 of a misdemeanor and upon conviction is punishable by a fine of not more  
10 than \$1,000, or by imprisonment for not more than one year, or by both,  
11 and may have his license revoked for a period up to five years. How-  
12 ever, a person who engages in guiding or transporting activity during  
13 the period his license is suspended or revoked under this chapter is  
14 guilty of a felony punishable, upon conviction, by a fine of not more  
15 than \$5,000 and by imprisonment for not less than one year nor more than  
16 three years. In addition to punishment for a felony, all guns, fishing  
17 tackle, equipment and paraphernalia used in, or in aid of, guiding or  
18 transporting activity engaged in during the period of suspension or  
19 revocation shall be confiscated by persons authorized to enforce AS 16.-  
20 05.730 - 16.05.765.

21 (c) It is unlawful for a person to guide as defined in AS 16.05.-  
22 765 without paying a fee as prescribed in AS 16.05.340(e). A person who  
23 violates this subsection, upon conviction, is subject to the same  
24 license revocation provision as for a violation of (a)(1) - (6) of this  
25 section and, in addition, is punishable by a fine of not more than  
26 \$5,000, or by imprisonment for not more than one year, or by both.

27 Sec. 16.05.760. INJUNCTION AGAINST UNLAWFUL ACTION. When in the  
28 judgment of a regional board a person has engaged in an act in violation  
29 of AS 16.05.755 or the regulations adopted under AS 16.05.755, the board

1 may apply to the appropriate court for an order enjoining the act. Upon  
2 a showing by the board that the person is engaging in the act, the court  
3 shall grant injunctive relief or other appropriate order without bond.

4 Sec. 16.05.765. TRANSPORTERS. (a) A person may not engage in the  
5 activity of transporting unless he is licensed by the appropriate re-  
6 gional board as a transporter. A person may be licensed by a regional  
7 board as a transporter if he

8 (1) is a resident of the state;

9 (2) is familiar with the terrain and transportation problems  
10 in the region for which the license is requested;

11 (3) obtains a business license to do business as a trans-  
12 porter under AS 43.70.030.

13 (b) A person may not engage in the activity of transporting by air  
14 without an air commerce certificate as required by AS 02.05.040.

15 (c) A licensed transporter may transport persons whose primary  
16 purpose is the taking of big game or the associated removing of big game  
17 meat and parts of big game, with the intent of receiving monetary or  
18 material remuneration for the transportation.

19 (d) Air carriers who transport persons between airports, landing  
20 strips or other landing areas officially listed in the United States  
21 government Flight Information Publication, Alaska Supplement, as re-  
22 vised, or the United States government Sectional Aeronautical Charts, as  
23 revised, are exempted from the license requirements for transporters  
24 under this section but shall comply with the reporting provisions as  
25 prescribed in AS 02.05.170(f).

26 (e) Guides are exempted from the license requirements for trans-  
27 porters under this section but shall comply with the reporting provi-  
28 sions as prescribed in AS 02.05.170(f).

29 (f) A transporter shall maintain a record of (1) the names and

1 addresses of all persons he transports; (2) the type of game trans-  
2 ported; (3) an estimate of the quantity of meat transported; (4) the  
3 date of transporting; and (5) if known, the locality where the game was  
4 taken. The report shall be submitted to the Department of Fish and Game  
5 within 90 days after transporting the game. After receiving a report  
6 required under this section, the Department of Fish and Game shall send  
7 a copy of it to the Department of Public Safety.

8 Sec. 16.05.770. DEFINITIONS. In AS 16.05.730 - 16.05.765,

9 (1) "guide" or "guiding" means a person who assists or the  
10 act of assisting another person to take game, with the intent of re-  
11 ceiving monetary or material remuneration for the services, by accom-  
12 panying and directing that person personally for the duration of a hunt,  
13 and not solely for the purpose of providing transportation services;

14 (2) "resident" means a person who

15 (A) maintains a place of residence within the state;

16 (B) does not claim residency in another state;

17 (C) shows by all attending circumstances that his intent  
18 is to make this state his permanent residence;

19 (3) "transporting" or the "activity of transporting" means  
20 conveying a person by any lawful means to an area for remuneration or  
21 material benefit in excess of normal operating costs, when the primary  
22 purpose of the person being conveyed is the taking of big game and the  
23 associated removing of big game meat and parts of big game after big  
24 game has been taken; "big game" as used in this paragraph means game  
25 which, if taken by a nonresident, would require a big game tag;

26 (4) "unethical activity" means

27 (A) deception in any degree involving prospective or  
28 actual clients either before, during or following contract hunts;

29 (B) misrepresentation either through private communica-

1 tion or public advertising of the nature, type, duration, cost or  
2 other conditions of contract hunts;

3 (C) making a guaranty that a species or certain number  
4 of species of game will be taken on a contract hunt.

5 \* Sec. 3. AS 16.05.340(e) is amended to read:

6 (e) Each [MASTER] guide licensed under AS 16.05.735 [AS 08.54.100  
7 AND EACH REGISTERED GUIDE LICENSED UNDER AS 08.54.110] shall pay a fee  
8 in the following amount for each caribou, sheep, moose, brown or grizzly  
9 bear and polar bear taken on a hunt guided by or under the active super-  
10 vision of the guide:

11 (1) polar, brown or grizzly bear:

12 (A) for each polar, brown or grizzly bear taken over a  
13 total of 5 polar, brown or grizzly bear per season and up to a  
14 total of 10 polar, brown or grizzly bear -- \$20;

15 (B) for each polar, brown or grizzly bear taken over a  
16 total of 10 polar, brown or grizzly bear per season and up to a  
17 total of 25 polar, brown or grizzly bear -- \$100;

18 (C) for each polar, brown or grizzly bear taken over a  
19 total of 25 polar, brown or grizzly bear per season -- \$500;

20 (2) moose:

21 (A) for each moose taken over a total of 5 and up to a  
22 total of 10 per season -- \$20;

23 (B) for each moose taken over 10 and up to a total of 25  
24 per season -- \$100;

25 (C) for each moose taken over 25 per season -- \$500;

26 (3) sheep:

27 (A) for each sheep taken over a total of 5 and up to a  
28 total of 10 per season -- \$20;

29 (B) for each sheep taken over 10 and up to a total of 25

1 per season -- \$100;

2 (C) for each sheep taken over 25 per season -- \$500;

3 (4) caribou:

4 (A) for each caribou taken over 5 and up to a total of  
5 10 per season -- \$20;

6 (B) for each caribou taken over 10 and up to a total of  
7 25 per season -- \$100;

8 (C) for each caribou taken over 25 per season -- \$500.

9 \* Sec. 4. AS 16.05.407(a) is amended to read:

10 (a) It is unlawful for a nonresident to hunt, pursue or take brown  
11 bear, grizzly bear, polar bear, black bear, moose, caribou, deer, goats  
12 or sheep in this state, unless personally accompanied by a person who is  
13 licensed as a guide under AS 16.05 [MASTER GUIDE, REGISTERED GUIDE OR  
14 ASSISTANT GUIDE BY THE DEPARTMENT], or who is personally accompanied by  
15 a resident Alaskan over 19 years of age who is the spouse of or is  
16 related by blood within and including the second degree of kindred. A  
17 person who applies for a nonresident big game tag for the taking of an  
18 animal specified in this section shall first furnish to the state, on a  
19 form provided by the state, an affidavit showing that he will be accom-  
20 panied in his hunt by a person who is qualified under the terms of this  
21 section. A person who falsifies the required affidavit is guilty of  
22 perjury.

23 \* Sec. 5. AS 16.05.407(b) is amended to read:

24 (b) It is unlawful for a nonresident to import polar bear into  
25 this state unless personally accompanied by a person who is licensed as  
26 a guide under AS 16.05 [MASTER GUIDE, REGISTERED GUIDE OR ASSISTANT  
27 GUIDE BY THE DEPARTMENT].

28 \* Sec. 6. The provisions of this Act relating to the licensing of guides  
29 and transporters do not apply to master guides, registered guides or trans-

1 porters licensed to conduct the activities of guiding or transporting on the  
2 effective date of this Act until one year after the effective date of this  
3 Act.

4 \* Sec. 7. The following laws are repealed: AS 08.01.010(20); AS 08.03.-  
5 010(b)(7); AS 08.54; and AS 44.62.330(a)(35).

6 \* Sec. 8. This Act takes effect on the effective date of a version of  
7 House Bill No. 193 (An Act relating to fish and game).

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