

1 IN THE HOUSE

BY HUDSON

2

HOUSE BILL NO. 331

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding; and providing for an effective date."

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

9 * Section 1. AS 08.54.030 is repealed and reenacted to read:

10 Sec. 08.54.030. BOARD CHAIR. The governor shall designate one
11 member to chair the board.

12 * Sec. 2. AS 08.54 is amended by adding a new section to read:

13 Sec. 08.54.194. TRANSFER OF GUIDE DISTRICT CERTIFICATION. When
14 considering an application by a guide to transfer certification to
15 another guide district the board may not consider evidence that,
16 because of a depletion of game in the guide's district, refusal to
17 permit the transfer will result in substantial hardship to the guide.

18 * Sec. 3. AS 08.54.195(a) is amended to read:

19 (a) Under AS 08.54.040(a)(7), the board may establish and assign
20 restricted guide areas for master guides or registered guides. The
21 board shall adopt regulations that establish uniform and consistent
22 criteria, including a point system, to be used by the board when it
23 establishes and assigns a restricted guide area. The board shall
24 establish restricted guide areas in each game management unit if, in
25 the board's judgment, doing so would be consistent with sound conser-
26 vation policies and would maintain or improve the quality of hunts for
27 hunters.

28 * Sec. 4. AS 08.54.195(d) is amended to read:

29 (d) Unless the board determines after a public hearing that it

1 is not in the public interest to do so, the board shall [MAY] transfer
2 a restricted guide area to a person qualified for assignment who has
3 been recommended by the guide to whom the area is assigned, or by a
4 person authorized to represent the guide, if the recommendation is
5 made

6 (1) after five years have elapsed from the date of the
7 assignment of the guide area; or

8 (2) during the first five years after the date of assign-
9 ment and the guide has died or suffered a major disability, as defined
10 by the board.

11 * Sec. 5. AS 08.54.195 is amended by adding new subsections to read:

12 (f) The transfer of a restricted guide area under this section
13 must include the entire guide area.

14 (g) Portions of a restricted guide area subject to joint use
15 shall be withdrawn from joint use if all the guides entitled to the
16 joint use agree in writing to eliminate the joint use and the agree-
17 ment is presented to the board.

18 (h) The board may not change the boundaries of a restricted
19 guide area while a petition for transfer of the guide area is pending
20 before the board.

21 (i) In assigning a redefined restricted guide area for which a
22 petition for transfer is not pending before the board, the board shall
23 use the same criteria, point system, and factors provided under (a)
24 and (b) of this section.

25 * Sec. 6. AS 08.54.210 is amended to read:

26 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

27 (1) a master guide, registered guide, special guide,
28 class-A assistant guide, or assistant guide to fail to timely report
29 to the Department of Public Safety, division of fish and wildlife

1 protection, and in no event later than 30 days, a violation of a state
2 fish, game, or guiding statute or regulation that the guide reasonably
3 believes was committed by a client or an employee of the guide;

4 (2) a guide to commit or aid the commission of a violation
5 of this chapter or of a state game or guiding statute or regulation or
6 to permit the commission of a violation that the guide knows or rea-
7 sonably believes is being or will be committed without attempting to
8 prevent it, short of using force, and without reporting it;

9 (3) a person to guide without having a current valid guide
10 license and [RESIDENT] hunting license in actual possession;

11 (4) a person to advertise as or represent to be

12 (A) a guide without holding a current valid registered
13 or master guide license; or

14 (B) an outfitter unless a restricted guide area is
15 assigned to the person;

16 (5) a guide to intentionally obstruct or hinder or attempt
17 to obstruct or hinder lawful hunting engaged in by a person who is not
18 a client of the guide;

19 (6) a person to guide without being validly licensed as a
20 guide under this chapter and as a [RESIDENT] hunter under AS 16;

21 (7) an assistant guide to contract to conduct a guided
22 hunt;

23 (8) an assistant guide to be in the field on a guided hunt
24 except while employed and supervised by a registered or master guide;

25 (9) a person to compensate or agree to compensate another
26 person for guiding in violation of (6) of this subsection.

27 (b) A person who violates (a)(1) - (5) or (9) of this section is
28 guilty of a misdemeanor and upon conviction is punishable by a fine of
29 not more than \$1,000 or by imprisonment for not more than one year, or

1 by both, and the person's license may be revoked for a period up to
2 five years. However, a person who engages in guiding activity during
3 the period for which the person's license is suspended or revoked
4 under this chapter, or who violates (a)(6) - (8) of this section, is
5 guilty of a felony punishable, upon conviction, by a fine of not more
6 than \$5,000 and by imprisonment for not less than one year nor more
7 than three years. In addition to punishment for a felony, all guns,
8 fishing tackle, boats, aircraft, automobiles or other vehicles, camp-
9 ing gear and other equipment and paraphernalia used in, or in aid of,
10 guiding activity engaged in during the period of suspension or revoca-
11 tion may be seized by persons authorized to enforce this chapter and
12 may be forfeited to the state as provided under AS 16.05.195.

13 * Sec. 7. AS 08.54.240(3) is repealed and reenacted to read:

14 (3) "guide" or "guiding" means accompanying or being pre-
15 sent with, or providing an established camp for, a big game hunter in
16 the field, personally or through an assistant, for compensation or
17 with the intent or an agreement to receive compensation; "guide" or
18 "guiding" does not include accompanying or being present with a hunter

19 (A) in a boat with living quarters;

20 (B) at a permanent lodge or structure; or

21 (C) while providing transportation to or from the
22 field, if the persons providing transportation and the persons
23 being transported do not stalk, pursue, track, kill, or attempt
24 to kill big game;

25 * Sec. 8. AS 08.54.240 is amended by adding a new paragraph to read:

26 (7) "compensation" means any money, thing of value, or
27 economic benefit conferred on or received by a person in return for
28 services rendered or to be rendered by the person for another.

29 * Sec. 9. AS 16.05.407(a) is repealed and reenacted to read:

1 (a) A nonresident may not hunt, pursue, or take a moose, black
2 bear, brown bear, grizzly bear, polar bear, goat, or sheep in the
3 state, unless personally accompanied by a licensed master guide,
4 registered guide, class-A assistant guide, or assistant guide. A
5 nonresident may not hunt, pursue, or take a walrus in the state unless
6 personally accompanied by a licensed marine mammal guide or assistant
7 marine mammal guide.

8 * Sec. 10. AS 39.50.200(b)(48) is repealed.

9 * Sec. 11. 12 AAC 38.040(f)(1)(C), 12 AAC 38.054(e), and 12 AAC 38.-
10 056(d)(1) are annulled.

11 * Sec. 12. This Act takes effect January 1, 1989.