

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 191 (Finance) am
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, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 08.03.010(c)(20) is amended to read:
13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].
14 * Sec. 2. AS 08.54.210 is amended to read:
15 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for
16 (1) a master guide, registered guide, special guide, class
17 A assistant guide, or assistant guide to fail to timely report to the
18 Department of Public Safety, division of fish and wildlife protection,
19 and in no event later than 30 days, a violation of a state fish, game,
20 or guiding statute or regulation that the guide reasonably believes
21 was committed by a client or an employee of the guide;
22 (2) a guide to commit or aid the commission of a violation
23 of this chapter or of a state game or guiding statute or regulation or
24 to permit the commission of a violation that the guide knows or rea-
25 sonably believes is being or will be committed without attempting to
26 prevent it, short of using force, and without reporting it;
27 (3) a person to guide without having a current valid guide
28 license and resident hunting license in actual possession;
29 (4) a person to advertise as or represent to be a guide

1 without holding a current valid guide license;

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

5 (6) a person to transport a hunter to or from the field in
6 an aircraft for which the person does not hold a current valid air
7 taxi commercial operator (ATCO) operating certificate issued by the
8 Federal Aviation Administration under 14 C.F.R. Part 135 if the person
9 is providing the transportation or any other big game hunting service
10 to the hunter for compensation, except that it is not a violation of
11 this paragraph if a licensed guide transports a hunter to or from a
12 restricted or joint-use guide area assigned to the guide or to the
13 guide's employer in an aircraft owned by the guide and operated under
14 14 C.F.R. Part 91;

15 (7) a person to guide without being validly licensed as a
16 guide under this chapter and as a resident hunter under AS 16;

17 (8) [(7)] an assistant guide to contract to conduct a
18 guided hunt;

19 (9) [(8)] an assistant guide to be in the field on a
20 guided hunt except while employed and supervised by a registered or
21 master guide.

22 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
23 section is guilty of a misdemeanor and upon conviction is punishable
24 by a fine of not more than \$1,000 or by imprisonment for not more than
25 one year, or by both, and the person's license may be revoked for a
26 period up to five years. However, a person who engages in guiding
27 activity during the period for which the person's license is suspended
28 or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) -
29 (8)] of this section, is guilty of a felony punishable, upon

1 conviction, by a fine of not more than \$5,000 and by imprisonment for
2 not less than one year nor more than three years. In addition to
3 punishment for a felony, all guns, fishing tackle, boats, aircraft,
4 automobiles or other vehicles, camping gear and other equipment and
5 paraphernalia used in, or in aid of, guiding activity engaged in
6 during the period of suspension or revocation may be seized by persons
7 authorized to enforce this chapter and may be forfeited to the state
8 as provided under AS 16.05.195."

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

10 (3) "guide" or "guiding" means accompanying or being pre-
11 sent with, or providing personal service for, a big game hunter in the
12 field, personally or through an assistant, for compensation or with
13 the intent or an agreement to receive compensation; "guide" or "guid-
14 ing" does not include accompanying or being present with a hunter

15 (A) in a boat with living quarters;

16 (B) at a lawfully established cabin or permanent
17 lodge;

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

22 (D) in a camp while attending to horses that are being
23 used to transport big game hunters to or from the field;

24 * Sec. 4. AS 16.05.407(d) is amended to read:

25 (d) A nonresident who violates (a) of this section, or who fails
26 to furnish an affidavit under (b) or (e) of this section, is guilty of
27 a misdemeanor and upon conviction is punishable by imprisonment for
28 not more than one year, or by a fine of not more than \$5,000, or by
29 both.

1 * Sec. 5. AS 16.05.407 is amended by adding a new subsection to read:

2 (e) An applicant for a nonresident big game tag for the taking
3 of moose or caribou shall first furnish to the state, on a form pro-
4 vided by the state, an affidavit showing where the applicant will be
5 hunting and what guiding, transportation, or other big game hunting
6 services the applicant will be employing. A person who falsifies an
7 affidavit under this subsection is guilty of perjury under
8 AS 11.56.200.

9 * Sec. 6. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
11 LATIONS. (a) A person who transports a big game hunter to or from
12 the field for compensation, or with the intent or an agreement to
13 receive compensation, shall promptly report to the Department of
14 Public Safety, division of fish and wildlife protection, and in no
15 event later than 30 days, a violation of a state fish, game, or guid-
16 ing statute or regulation that the person reasonably believes was
17 committed by a client or employee of the person.

18 (b) A person who violates this section is guilty of a misde-
19 meanor and upon conviction is punishable by a fine of not more than
20 \$2,000 or by imprisonment for not more than one year, or by both.

21 * Sec. 7. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
22 on the Guide Board and the commercial taking of big game is established
23 under the jurisdiction of the legislative council. The task force consists
24 of the commissioners of fish and game, commerce and economic development,
25 and public safety, or their designees; two members of the senate appointed
26 by the president of the senate; two members of the house of representatives
27 appointed by the speaker of the house; and six members appointed by the
28 governor as follows: one member of the Guide Board; one big game guide
29 licensed under AS 08.54 who is not a member of the Guide Board; and one

1 person engaged in a business, other than guiding, that includes transport-
2 ing big game hunters to and from the field; and three public members, at
3 least one of whom has no financial interest in any business involving or
4 related to the commercial taking of game. The governor shall appoint at
5 least one member from each judicial district in the state.

6 (b) The task force shall review the operations of the Guide Board and
7 shall study problems and issues concerning the commercial taking of big
8 game in the state and the businesses or professions that provide goods and
9 services to big game hunters in the state. The task force shall submit to
10 the legislative council, not later than January 15, 1989, a report on its
11 findings and proposed legislation to address the problems and issues
12 covered in the report.

13 (c) The task force terminates January 15, 1989.

14 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).