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1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)
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 08.54.040(a) is amended to read:
15 (a) Except as provided in AS 08.54.045, the board shall
16 (1) prepare, grade, and administer
17 (A) a written and oral examination of an applicant for
18 a registered guide license that requires demonstration that the
19 applicant is qualified generally to provide guided hunts and, in
20 particular, to guide in each game management unit the applicant
21 has selected; if an applicant demonstrates limited ability to
22 read or write the English language, the entire examination shall
23 be administered orally; and
24 (B) an oral examination of a registered or master
25 guide who seeks an amendment of a game management unit certifica-
26 tion; the examination must require demonstration that the guide
27 is qualified to provide guided hunts in each new game management
28 unit for which the guide seeks to be certified [EXAMINATIONS,
29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

- 1 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];
- 2 (2) determine qualifications of applicants for licenses and
3 authorize the issuance of licenses to those who qualify;
- 4 (3) establish guide performance standards and regulate
5 activity;
- 6 (4) compile, maintain, and publish an annual register of
7 master and registered guides who have not been convicted of a vio-
8 lation of a state game or guiding statute or regulation; a guide
9 listed in the register whose license is revoked or suspended shall be
10 removed from the register while the guide's license is revoked or
11 suspended;
- 12 (5) prohibit guiding activities which are unsportsmanlike,
13 unethical, unsafe, against principles of conservation, degrading to
14 the guiding profession, or which adversely affect the natural re-
15 sources;
- 16 (6) after a hearing, revoke, suspend, or deny renewal of a
17 license in accordance with AS 08.54.200;
- 18 (7) establish a quota of licensed operating guides who may
19 operate within designated geographical game units or subunits of the
20 state and provide for an equitable, reasonable, and consistent pro-
21 cedure for limiting the number of guides to that quota; preference may
22 be given to qualified available and willing licensed guides who reside
23 within the designated game unit or subunit;
- 24 (8) meet at least twice annually, once in Anchorage and
25 once in another municipality.

26 * Sec. 3. AS 08.54.210 is amended to read:

- 27 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for
28 (1) a master guide, registered guide, special guide, class
29 A assistant guide, or assistant guide to fail to timely report to the

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

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

10 (3) a person to guide without having a current valid guide
11 license and resident hunting license in actual possession;

12 (4) a person without a current valid registered or master
13 guide license to advertise as or represent to be

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

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

20 (6) a person for compensation or hire to transport a hunter
21 to or from the field in an aircraft for which the person does not hold
22 a current valid air taxi commercial operator (ATCO) operating certifi-
23 cate issued by the Federal Aviation Administration under 14 C.F.R.
24 Part 135, except that it is not a violation of this paragraph if a
25 licensed guide transports a hunter to or from a restricted or joint-
26 use guide area assigned to the guide or to the guide's employer in an
27 aircraft owned by the guide and operated under 14 C.F.R. Part 91; in
28 this paragrph, "for compensation or hire" means receiving any mone-
29 tary consideration for the transportation, regardless of whether the

1 consideration is directly attributable to the transportation;
2 (7) a person to guide without being validly licensed as a
3 guide under this chapter and as a resident hunter under AS 16;
4 (8) [(7)] an assistant guide to contract to conduct a
5 guided hunt;
6 (9) [(8)] an assistant guide to be in the field on a
7 guided hunt except while employed and supervised by a registered or
8 master guide.
9 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
10 section is guilty of a misdemeanor and upon conviction is punishable
11 by a fine of not more than \$1,000 or by imprisonment for not more than
12 one year, or by both, and the person's license may be revoked for a
13 period up to five years. However, a person who engages in guiding
14 activity during the period for which the person's license is suspended
15 or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) -
16 (8)] of this section, is guilty of a felony punishable, upon con-
17 viction, by a fine of not more than \$5,000 and by imprisonment for not
18 less than one year nor more than three years. In addition to punish-
19 ment for a felony, all guns, fishing tackle, boats, aircraft, automo-
20 biles or other vehicles, camping gear and other equipment and para-
21 phernalia used in, or in aid of, guiding activity engaged in during
22 the period of suspension or revocation may be seized by persons au-
23 thorized to enforce this chapter and may be forfeited to the state as
24 provided under AS 16.05.195."
25 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:
26 (3) "guide" or "guiding" means accompanying or being pre-
27 sent with, or providing a personal service for, a big game hunter in
28 the field, personally or through an assistant, for compensation or
29 with the intent or an agreement to receive compensation; "guide" or

1 "guiding" does not include

2 (A) accompanying or being present with a hunter

3 (i) in a boat with permanent living quarters;

4 (ii) at a lawfully established cabin or permanent
5 lodge;

6 (iii) while providing transportation to or from the
7 field, if the persons providing transportation and the
8 persons being transported do not stalk, pursue, track, kill,
9 or attempt to kill big game; or

10 (iv) in a base camp while attending to horses that
11 are being used to transport big game hunters to or from the
12 field; or

13 (B) setting up a base camp for a big game hunter while
14 the hunter is not in the field;

15 (C) selling, leasing, or renting goods, if the trans-
16 action does not take place in the field;

17 * Sec. 5. AS 16.05.407(d) is amended to read:

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

23 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

24 (e) An applicant for a nonresident big game tag for the taking
25 of moose or caribou shall first furnish to the state, on a form pro-
26 vided by the state, an affidavit showing where the applicant will be
27 hunting and what guiding, transportation, or other big game hunting
28 services the applicant will be employing. A person who falsifies an
29 affidavit under this subsection is guilty of perjury under

1 AS 11.56.200.

2 * Sec. 7. AS 16.05 is amended by adding a new section to read:

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

11 (b) A person who violates this section is guilty of a misde-
12 meanor and upon conviction is punishable by a fine of not more than
13 \$2,000 or by imprisonment for not more than one year, or by both.

14 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
15 on the Guide Board and the commercial taking of big game is established
16 under the jurisdiction of the legislative council. The task force consists
17 of the commissioners of fish and game, commerce and economic development,
18 and public safety, or their designees; two members of the senate appointed
19 by the president of the senate; two members of the house of representatives
20 appointed by the speaker of the house; and six members appointed by the
21 governor as follows: one member of the Guide Board; one big game guide
22 licensed under AS 08.54 who is not a member of the Guide Board; and one
23 person engaged in a business, other than guiding, that includes transport-
24 ing big game hunters to and from the field; and three public members, at
25 least one of whom has no financial interest in any business involving or
26 related to the commercial taking of game. The governor shall appoint at
27 least one member from each judicial district in the state.

28 (b) The task force shall review the operations of the Guide Board and
29 shall study problems and issues concerning the commercial taking of big

1 game in the state and the businesses or professions that provide goods and
2 services to big game hunters in the state. The task force shall submit to
3 the legislative council, not later than January 15, 1989, a report on its
4 findings and proposed legislation to address the problems and issues cover-
5 ed in the report.

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

7 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).