

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Finance)  
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) -- December 31 [JUNE 30],  
14 1988.  
15 \* Sec. 2. AS 08.54.040(a) is amended to read:  
16 (a) Except as provided in AS 08.54.045, the board shall  
17 (1) prepare, grade, and administer  
18 (A) a written and oral examination of an applicant for  
19 a registered guide license that requires demonstration that the  
20 applicant is qualified generally to provide guided hunts and, in  
21 particular, to guide in each game management unit the applicant  
22 has selected; if an applicant demonstrates limited ability to  
23 read or write the English language, the entire examination shall  
24 be administered orally; and  
25 (B) an oral examination of a registered or master  
26 guide who seeks an amendment of a game management unit certifica-  
27 tion; the examination must require demonstration that the guide  
28 is qualified to provide guided hunts in each new game management  
29 unit for which the guide seeks to be certified [EXAMINATIONS,

1 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE  
2 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

3 (2) determine qualifications of applicants for licenses and  
4 authorize the issuance of licenses to those who qualify;

5 (3) establish guide performance standards and regulate  
6 activity;

7 (4) compile, maintain, and publish an annual register of  
8 master and registered guides who have not been convicted of a vio-  
9 lation of a state game or guiding statute or regulation; a guide  
10 listed in the register whose license is revoked or suspended shall be  
11 removed from the register while the guide's license is revoked or  
12 suspended;

13 (5) prohibit guiding activities which are unsportsmanlike,  
14 unethical, unsafe, against principles of conservation, degrading to  
15 the guiding profession, or which adversely affect the natural re-  
16 sources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a  
18 license in accordance with AS 08.54.200;

19 (7) establish a quota of licensed operating guides who may  
20 operate within designated geographical game units or subunits of the  
21 state and provide for an equitable, reasonable, and consistent pro-  
22 cedure for limiting the number of guides to that quota; preference may  
23 be given to qualified available and willing licensed guides who reside  
24 within the designated game unit or subunit;

25 (8) meet at least twice annually, once in Anchorage and  
26 once in another municipality.

27 \* Sec. 3. AS 08.54.210 is amended to read:

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

29 (1) a master guide, registered guide, special guide, class

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

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

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

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

15 (A) a guide; or

16 (B) an outfitter offering big game hunting services

17 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

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

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

1 monetary consideration for the transportation, regardless of whether  
2 the consideration is directly attributable to the transportation; "for  
3 compensation or hire" does not include reimbursement for actual ex-  
4 penses incurred for aircraft fuel for the transportation;

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

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

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

12 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this  
13 section is guilty of a misdemeanor and upon conviction is punishable  
14 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not  
15 more than one year, or by both, and the person's license may be re-  
16 voked for a period up to five years. However, a person who engages in  
17 guiding activity during the period for which the person's license is  
18 suspended or revoked under this chapter, or who violates (a)(7) - (9)  
19 [(a)(6) - (8)] of this section, is guilty of a felony punishable, upon  
20 conviction, by a fine of not more than \$5,000 and by imprisonment for  
21 not less than one year nor more than three years. In addition to  
22 punishment for a felony, all guns, fishing tackle, boats, aircraft,  
23 automobiles or other vehicles, camping gear and other equipment and  
24 paraphernalia used in, or in aid of, guiding activity engaged in  
25 during the period of suspension or revocation may be seized by persons  
26 authorized to enforce this chapter and may be forfeited to the state  
27 as provided under AS 16.05.195.

28 \* Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

29 (3) "guide" or "guiding" means accompanying or being

1 present with, or providing a personal service for, a big game hunter  
2 in the field, personally or through an assistant, for compensation or  
3 with the intent or an agreement to receive compensation; "guide" or  
4 "guiding" does not include

5 (A) accompanying or being present with a hunter

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

7 (ii) at a lawfully established base camp, cabin,  
8 or permanent lodge if the owner or operator has informed the  
9 division of fish and wildlife protection that the base camp,  
10 cabin, or permanent lodge will be used for big game hunting  
11 services during the current hunting season and has provided  
12 to the division an estimate of the total number of persons  
13 who will use the base camp, cabin, or permanent lodge; or

14 (iii) while providing transportation to or from the  
15 field, if the persons providing transportation and the  
16 persons being transported do not stalk, pursue, track, kill,  
17 or attempt to kill big game; or

18 (B) selling, leasing, or renting goods, if the trans-  
19 action does not take place in the field;

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

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

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

27 (e) An applicant for a nonresident big game tag for the taking  
28 of moose or caribou shall first furnish to the state, on a form pro-  
29 vided by the state, an affidavit showing where the applicant will be

1 hunting and what guiding, transportation, or other big game hunting  
2 services the applicant will be employing. A person who falsifies an  
3 affidavit under this subsection is guilty of perjury under AS 11.56.-  
4 200.

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

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

14 (b) A person who violates this section is guilty of a misde-  
15 meanor and upon conviction is punishable by a fine of not more than  
16 \$2,000 or by imprisonment for not more than one year, or by both.

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

1 least one member from each judicial district in the state. The members  
2 shall elect a person to chair the task force.

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

10 (c) A subpoena requiring the attendance of a witness before the task  
11 force may be issued by the person chairing the task force if authorized to  
12 do so by a majority of the membership of the task force. The provisions of  
13 AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection  
14 and to witnesses called by the task force.

15 (d) The task force terminates January 15, 1989.

16 \* Sec. 9. Sections 1, 2, and 5 - 8 of this Act take effect immediately  
17 under AS 01.10.070(c).

18 \* Sec. 10. Sections 3 and 4 of this Act take effect January 1, 1989.