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1 IN THE SENATE BY THE RULES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Rules)
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 to guide without being validly licensed as a
21 guide under this chapter and as a resident hunter under AS 16;

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

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

26 (b) A person who violates (a)(1) - (5) of this section is guilty
27 of a misdemeanor and upon conviction is punishable by a fine of not
28 more than \$2,000 [\$1,000] or by imprisonment for not more than one
29 year, or by both, and the person's license may be revoked for a period

1 up to five years. However, a person who engages in guiding activity
2 during the period for which the person's license is suspended or
3 revoked under this chapter, or who violates (a)(6) - (8) of this
4 section, is guilty of a felony punishable, upon conviction, by a fine
5 of not more than \$5,000 and by imprisonment for not less than one year
6 nor more than three years. In addition to punishment for a felony,
7 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
8 cles, camping gear and other equipment and paraphernalia used in, or
9 in aid of, guiding activity engaged in during the period of suspension
10 or revocation may be seized by persons authorized to enforce this
11 chapter and may be forfeited to the state as provided under AS 16.05.-
12 195.

13 * Sec. 4. AS 08.54.210 is repealed and reenacted to read:

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

15 (1) a master guide, registered guide, special guide, class
16 A assistant guide, or assistant guide to fail to timely report to the
17 Department of Public Safety, division of fish and wildlife protection,
18 and in no event later than 30 days, a violation of a state fish, game,
19 or guiding statute or regulation that the guide reasonably believes
20 was committed by a client or an employee of the guide;

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

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

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

- 1 (A) a guide; or
- 2 (B) an outfitter offering big game hunting services;
- 3 (5) a guide to intentionally obstruct or hinder or attempt
- 4 to obstruct or hinder lawful hunting engaged in by a person who is not
- 5 a client of the guide;
- 6 (6) a person for compensation or hire to transport a hunter
- 7 to or from the field in an aircraft for which the person does not hold
- 8 a current valid air taxi commercial operator (ATCO) operating certifi-
- 9 cate issued by the Federal Aviation Administration under 14 C.F.R.
- 10 Part 135; in this paragraph, "for compensation or hire" means receiv-
- 11 ing any monetary consideration for the transportation, regardless of
- 12 whether the consideration is directly attributable to the transporta-
- 13 tion; "for compensation or hire" does not include reimbursement for
- 14 actual expenses incurred for aircraft fuel for the transportation;
- 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) an assistant guide to contract to conduct a guided
- 18 hunt;
- 19 (9) an assistant guide to be in the field on a guided hunt
- 20 except while employed and supervised by a registered or master guide.
- 21 (b) A person who violates (a)(1) - (6) of this section is guilty
- 22 of a misdemeanor and upon conviction is punishable by a fine of not
- 23 more than \$2,000 or by imprisonment for not more than one year, or by
- 24 both, and the person's license may be revoked for a period up to five
- 25 years. However, a person who engages in guiding activity during the
- 26 period for which the person's license is suspended or revoked under
- 27 this chapter, or who violates (a)(7) - (9) of this section, is guilty
- 28 of a felony punishable, upon conviction, by a fine of not more than
- 29 \$5,000 and by imprisonment for not less than one year nor more than

1 three years. In addition to punishment for a felony, all guns, fish-
2 ing tackle, boats, aircraft, automobiles or other vehicles, camping
3 gear and other equipment and paraphernalia used in, or in aid of,
4 guiding activity engaged in during the period of suspension or revoca-
5 tion may be seized by persons authorized to enforce this chapter and
6 may be forfeited to the state as provided under AS 16.05.195.

7 * Sec. 5. AS 08.54.240(3) is repealed and reenacted to read:

8 (3) "guide" or "guiding" means accompanying or being pre-
9 sent with a big game hunter in the field, personally or through an
10 assistant, for compensation or with the intent or an agreement to
11 receive compensation; "in the field" does not include a lawfully
12 established base camp, cabin, or permanent lodge registered with the
13 division of fish and wildlife protection under AS 16.05.787 or a boat
14 with permanent living quarters; "guide" or "guiding" does not include

15 (A) providing transportation to or from the field, if
16 the persons providing transportation and the persons being trans-
17 ported do not stalk, pursue, track, kill, or attempt to kill big
18 game during the transportation; or

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

21 * Sec. 6. AS 08.54.240(3) is amended to read:

22 (3) "guide" or "guiding" means accompanying or being pre-
23 sent with a big game hunter in the field, personally or through an
24 assistant, for compensation or with the intent or an agreement to
25 receive compensation; "in the field" does not include a lawfully
26 established [BASE CAMP,] cabin [,] or permanent lodge registered with
27 the division of fish and wildlife protection under AS 16.05.787 or a
28 boat with permanent living quarters; "guide" or "guiding" does not
29 include

1 (A) providing transportation to or from the field, if
2 the persons providing transportation and the persons being trans-
3 ported do not stalk, pursue, track, kill, or attempt to kill big
4 game during the transportation; or

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

7 * Sec. 7. AS 08.54.240 is amended by adding a new paragraph to read:

8 (7) "base camp" does not include a spike camp, fly camp, or
9 overnight camp.

10 * Sec. 8. AS 16.05.370 is amended by adding new subsections to read:

11 (b) A person who sells big game tags shall give to each buyer a
12 game report form provided by the department, to be completed and
13 returned by the hunter after big game is taken. The department shall
14 pay the cost of return postage for the report. The report must speci-
15 fy the location, amount, and kinds or species of game taken.

16 (c) A person who transports big game from the field for compen-
17 sation shall, within seven days after providing the transportation,
18 notify the department of the amount and kinds or species of game
19 transported.

20 * Sec. 9. 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. 10. 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. 11. AS 16.05 is amended by adding new sections 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. 16.05.787. REGISTRATION OF BIG GAME HUNTING BASE CAMPS,
18 CABINS, AND LODGES. (a) A person who is not licensed as a guide
19 under AS 08.54 may accompany or be present with a hunter at a base
20 camp, cabin, or permanent lodge in connection with a big game hunt and
21 for compensation only if the person has furnished an affidavit to the
22 Department of Public Safety, division of fish and wildlife protection,
23 at least two weeks in advance. The affidavit must be signed by the
24 person and must provide the following information:

- 25 (1) the specific location of the camp, cabin, or lodge;
26 (2) the number of big game hunters in each party that will
27 use the camp, cabin, or lodge; and
28 (3) the kinds or species of big game that will be hunted.

29 (b) The Department of Public Safety shall send a copy of each

1 affidavit under this section to the Department of Fish and Game.

2 (c) A person who falsifies an affidavit under this section is
3 guilty of perjury under AS 11.56.200.

4 * Sec. 12. AS 16.05.787(a) is amended to read:

5 (a) A person who is not licensed as a guide under AS 08.54 may
6 accompany or be present with a hunter at a [BASE CAMP,] cabin [,] or
7 permanent lodge in connection with a big game hunt and for compensa-
8 tion only if the person has furnished an affidavit to the Department
9 of Public Safety, division of fish and wildlife protection, at least
10 two weeks in advance. The affidavit must be signed by the person and
11 must provide the following information:

12 (1) the specific location of the [camp,] cabin [,] or
13 lodge;

14 (2) the number of big game hunters in each party that will
15 use the [CAMP,] cabin [,] or lodge; and

16 (3) the kinds or species of big game that will be hunted.

17 * Sec. 13. 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 and two members of the house of representa-
23 tives appointed by the speaker of the house, of whom only one member from
24 each body may have a financial interest in any business involving or relat-
25 ed to the commercial taking of game; and six members appointed by the
26 governor as follows: one member of the Guide Board; one big game guide
27 licensed under AS 08.54 who is not a member of the Guide Board; and two
28 persons engaged in a business, other than guiding, that includes transport-
29 ing big game hunters to and from the field, but only one of whom may be an

1 air taxi operator; and two public members, neither of whom has a financial
2 interest in any business involving or related to the commercial taking of
3 game. The governor shall appoint at least one member from each judicial
4 district in the state. The members shall elect a person to chair the task
5 force.

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 cover-
12 ed in the report.

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

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

19 * Sec. 14. AS 08.54.240(7) is repealed.

20 * Sec. 15. Sections 1 - 3, 5, 7 - 11, and 13 of this Act take effect
21 immediately under AS 01.10.070(c).

22 * Sec. 16. Sections 4, 6, 12, and 14 of this Act take effect June 30,
23 1989.