

**HB**

**151**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: HB 151

Revision Date: 3/4/97  
Title: An Act relating to personal hunting of big game guides while clients are in the field...  
Sponsor: Representative Ogan  
Requestor: H. Resources

Dept. Affected: Public Safety  
BRU: Fish and Wildlife Protection  
Component: Detachments  
COMPONENT SERIAL NO. 0490

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ -0-

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS: (Attach a separate page if necessary.)**

This Bill will return to statute the prohibition of big game guides personally hunting while clients are in the field. It will also allow guides to register for more than three guide use areas if the lands requested would otherwise not be used and the request is approved by DOC. It should not impact our Division's program objectives or budget.

Prepared By: Lt. Joel L. Hard Phone: 269-5409  
 Division: Fish and Wildlife Protection Date: March 4, 1997  
 Approved by Commissioner: *Joel Smith* Date: 3/4/97  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 151

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Big Game Guides and Registration Areas BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Representative Ogan  
 Requester: House Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( 1024 )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Wayne Regelin, Director *WR*  
 Division: Wildlife Conservation  
 Approved by Commissioner: [Signature]  
 Agency: Department of Fish and Game

Phone: 464-4190  
 Date: 2/28/97  
 Date: 3/5/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 151

Revision Date: \_\_\_\_\_  
 Title: An Act relating to personal hunting of big game by  
big game guides while clients are in the field.....  
 Sponsor: Representative Ogan  
 Requestor: House Resources

Department: Commerce and Economic Development  
 BRU: Occupational Licensing  
 Component: Operations  
 COMPONENT SERIAL NO. 1844

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 97) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

HB 151 amends the big game guide statutes in AS 08.54 making it unlawful for big game guide licensees to take big game while guiding clients in the field. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager  
 Division: Occupational Licensing  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: 3/3/97  
 Date: 3-4-97

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# Alaska State Legislature

Co-Chair Resources Committee  
Special Committee on Oil & Gas  
Legislative Council  
Community and Regional Affairs  
Fisheries



State Capitol, Rm 128  
Juneau, Alaska 99801  
907-465-3878  
Fax: 907-465-3265  
1-800-862-3878

## Representative Scott Ogan

House District 27

### SPONSOR STATEMENT - HB 151

This bill is a good faith effort to cleanup a statute that was passed last year in the form of the Big Game Guide Bill HB 335.

HB 151 Accomplishes the following:

- Makes it illegal for registered guides, class-A assistant guides, and assistant guides to hunt while a client of theirs is in the field.
- Makes it a misdemeanor to break the law created above.
- Closes a loophole that had allowed felons to apply for a new class of license under a grandfather clause. A person is still protected by the grandfather clause so that they may maintain their current license. However, they would no longer be able to apply for a new class license.
- Creates the ability for guides to register for one more guide use area if the federal lands requested would otherwise not be used and are adjacent to the existing guide use area. This is subject to approval by the Department of Commerce.

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## Representative Scott Ogan

House District 27

### SECTIONAL ANALYSIS HB 151

**BILL SECTION 1:** AS 08.54.605(b) is amended by adding language that closes a loophole that had allowed felons to apply for and receive a new class license even if there was warranted concern for public safety. This is simply an alteration of a grandfather clause that protected those who possessed a certain class license prior to the passage of the existing statute.

**BILL SECTION 2:** AS 08.54.720(a) is amended by adding subsections (17) & (18) which make it an illegal act for registered guides, class-A assistant guides or assistant guides to take big game while clients are in the field.

**BILL SECTION 3:** AS 08.54.720(b) is amended by adding subsections (17) & (18) which makes it a misdemeanor for violating the crimes set forth in Bill Section 2. Violation is punishable by a fine of not more than \$10,000 or by imprisonment of up to one year, or both.

**BILL SECTION 4:** AS 08.54.720(f) is amended by adding subsections (17) & (18) which allows the court to order the department to suspend the guide license of a person who commits a misdemeanor offense.

**BILL SECTION 5:** AS 08.54.750 is amended by adding a new subsection (e). This section allows guides to register for one more guide use area if the federal lands requested would otherwise not be used and are adjacent to the existing guide use area. The request is subject to approval by the Department of Commerce.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: Draft CSHB 151(RES) (Dated 3/11/97)

1 Page 3, line 26:

2 Delete "class-A assistant guide"

3 Insert "person who is licensed as a registered guide, a class-A assistant guide,"

4 Page 3, line 28:

5 Delete "class-A assistant guide or the assistant guide"

6 Insert "person"

7 Page 3, line 29:

8 Delete "class-A assistant guide or assistant guide"

9 Insert "person"

10 Page 3, line 31, through page 4, line 1:

11 Delete "class-A assistant guide or assistant guide"

12 Insert "person"

0-LS0618\B  
Utermohle  
3/11/97

CS FOR HOUSE BILL NO. 151(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE OGAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to personal hunting of big game by big game guides while  
2 clients are in the field, to use area registration for portions of additional guide  
3 use areas by registered guides, and to eligibility for big game guide licenses or  
4 a transporter license."

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

6 \* Section 1. AS 08.54.605(b) is amended to read:

7 (b) Notwithstanding (a) of this section, (a)(1)(B) and (C) [(a)(1)(C)] of this  
8 section are not applicable to offenses committed by a person who receives or received  
9 any class of guide license or a transporter license under sec. 13 [SECTION 13], ch.  
10 33, SLA 1996, if the offense was committed before May 23, 1996. This subsection  
11 does not apply when a person applies for a license that is different from the class  
12 of guide license or the transporter license received under sec. 13, ch. 33, SLA  
13 1996.

14 \* Sec. 2. AS 08.54.720(a) is amended to read:

- 1 (a) It is unlawful for a
- 2 (1) person who is licensed under this chapter to knowingly fail to
- 3 promptly report to the Department of Public Safety, division of fish and wildlife
- 4 protection, and in no event later than 20 days, a violation of a state game, guiding, or
- 5 transportation services statute or regulation that the person reasonably believes was
- 6 committed by a client or an employee of the person;
- 7 (2) person who is licensed under this chapter to intentionally obstruct
- 8 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who
- 9 is not a client of the person;
- 10 (3) class-A assistant guide or an assistant guide to knowingly guide a
- 11 hunt except while employed and supervised by a registered guide;
- 12 (4) person who holds any class of guide license to knowingly enter or
- 13 remain on private land without prior authorization during the course of providing big
- 14 game hunting services;
- 15 (5) registered guide to knowingly engage in providing big game hunting
- 16 services outside of
- 17 (A) a game management unit for which the registered guide is
- 18 certified; or
- 19 (B) a use area for which the registered guide is registered under
- 20 AS 08.54.750 unless the registration requirement for the area has been
- 21 suspended by the Department of Fish and Game;
- 22 (6) person to knowingly guide without having a current registered
- 23 guide, class-A assistant guide, or assistant guide license and hunting license in actual
- 24 possession;
- 25 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);
- 26 (8) person who is licensed under this chapter to knowingly
- 27 (A) commit or aid in the commission of a violation of this
- 28 chapter, a regulation adopted under this chapter, or a state game statute or
- 29 regulation; or
- 30 (B) permit the commission of a violation of this chapter, a
- 31 regulation adopted under this chapter, or a state game statute or regulation that

- 1 the person knows or reasonably believes is being or will be committed without  
2 (i) attempting to prevent it, short of using force; and  
3 (ii) reporting the violation;
- 4 (9) person without a current registered guide license to knowingly  
5 guide, advertise as a registered guide, or represent to be a registered guide;
- 6 (10) person without a current master guide license to knowingly  
7 advertise as, or represent to be, a master guide;
- 8 (!1) person without a current registered guide license to knowingly  
9 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be  
10 an outfitter of big game hunts;
- 11 (12) person to knowingly provide transportation services to big game  
12 hunters without holding a current registered guide license or transporter license;
- 13 (13) person without a current transporter license to knowingly advertise  
14 as, or represent to be, a transporter;
- 15 (14) class-A assistant guide or an assistant guide to knowingly contract  
16 to guide or outfit a hunt;
- 17 (15) person licensed under this chapter to knowingly violate a state  
18 statute or regulation prohibiting waste of a wild food animal or hunting on the same  
19 day airborne; [OR]
- 20 (16) person to knowingly provide big game hunting service or  
21 transportation services during the period for which the person's license to provide that  
22 service is suspended or revoked;
- 23 (17) registered guide, except in the defense of life or property, to  
24 knowingly personally take big game while a client of the registered guide is in the  
25 field; or
- 26 (18) class-A assistant guide or an assistant guide, except in the  
27 defense of life or property, to knowingly personally take big game while a client  
28 of the registered guide by whom the class-A assistant guide or the assistant guide  
29 is employed is in the field unless the class-A assistant guide or assistant guide is  
30 not participating in, supporting, or otherwise assisting in providing big game  
31 hunting services to a client of the registered guide by whom the class-A assistant

1        **guide or assistant guide is employed.**

2        \* **Sec. 3.** AS 08.54.720(b) is amended to read:

3                (b) In addition to a disciplinary sanction imposed under AS 08.54.710, a  
4                person who commits an offense set out in (a)(1) - (7), (17), or (18) of this section is  
5                guilty of a misdemeanor and is punishable by a fine of not more than \$10,000 or by  
6                imprisonment up to one year, or both.

7        \* **Sec. 4.** AS 08.54.720(f) is amended to read:

8                (f) In addition to the penalties set out in (b) - (e) of this section and a  
9                disciplinary sanction imposed under AS 08.54.710,

10                (1) the court may order the department to suspend the guide license or  
11                transporter license of a person who commits a misdemeanor offense set out in (a)(1),  
12                (3) - (5), [OR] (7), (17), or (18) of this section for a specified period of not more than  
13                three years;

14                (2) the court shall order the department to suspend the guide license or  
15                transporter license of a person who commits a misdemeanor offense set out in (a)(2)  
16                or (8) - (14) of this section for a specified period of not less than one year and not  
17                more than five years;

18                (3) the court shall order the department to suspend the guide license or  
19                transporter license for a specified period of not less than three years, or to permanently  
20                revoke the guide license or transporter license, of a person who commits an offense  
21                set out in (a)(15) or (16) of this section; and

22                (4) all guns, fishing tackle, boats, aircraft, automobiles, or other  
23                vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of,  
24                a violation of (a) of this section may be seized by persons authorized to enforce this  
25                chapter and may be forfeited to the state as provided under AS 16.05.195.

26        \* **Sec. 5.** AS 08.54.750 is amended by adding a new subsection to read:

27                (e) Notwithstanding (b) of this section, a registered guide who is registered in  
28                three guide use areas may also register for and conduct big game hunting services in  
29                a portion of one additional guide use area on federal land adjacent to a guide use area  
30                in which the registered guide is already registered if the department finds that the  
31                portion of the adjacent guide use area for which the registered guide is seeking to be

1  
2  
3

registered would otherwise remain unused by a registered guide because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.