

SB

328

Bill History/Action Display



BILL: SB 328

SHORT TITLE: BIG GAME HUNTERS ACCOMPANIED BY GUIDE

BILL VERSION:

SPONSOR(S): SENATOR(S) HALFORD BY REQUEST

CURRENT STATUS: (H) RES

STATUS DATE: 04/04/02

HEARING: (H) RES Apr 15 1:00 PM CAPITOL 124 TELECONFERENCE

TITLE: "An Act requiring that a nonresident big game hunter be accompanied by a big game guide who is providing big game hunting services to the nonresident under a contract with the nonresident or who is employed by a big game guide who has a contract to provide big game hunting services to the nonresident."

Jrn-Date	Jrn-Page	Action
02/19/02	<u>2238</u>	(S) READ THE FIRST TIME - REFERRALS
02/19/02	<u>2238</u>	(S) L&C
03/06/02	<u>2386</u>	(S) L&C RPT 4DP
03/06/02	<u>2386</u>	(S) DP: STEVENS, TORGERSON, DAVIS, LEMAN
03/06/02	<u>2386</u>	(S) FN1: ZERO(DPS)
03/06/02	<u>2386</u>	(S) FN2: ZERO(CED)
04/03/02	<u>2610</u>	(S) RULES TO CALENDAR 4/3/02
04/03/02	<u>2611</u>	(S) READ THE SECOND TIME
04/03/02	<u>2611</u>	(S) ADVANCED TO THIRD READING UNAN CONSENT
04/03/02	<u>2612</u>	(S) READ THE THIRD TIME SB 328
04/03/02	<u>2612</u>	(S) PASSED Y19 N- E1
04/03/02	<u>2619</u>	(S) TRANSMITTED TO (H)
04/03/02	<u>2619</u>	(S) VERSION: SB 328
04/04/02	<u>2793</u>	(H) READ THE FIRST TIME - REFERRALS
04/04/02	<u>2793</u>	(H) RES
04/04/02	<u>2793</u>	(H) REFERRED TO RESOURCES

Similar Subject Match or Exact Subject Match

CONTRACTS

CRIMES

FISH & GAME (GAME)

GUIDES

Bill Root:



TO REPORT PROBLEMS WITH BASIS INQUIRY

LIVE KTOO STREAMS 

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[Return to Legislature Home Page](#)

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 328
S) Publish Date: 3/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title An Act requiring a non-resident big game BRU: Occupational Licensing (117)
hunter be accompanied by a big game guide Component Occupational Licensing
Sponsor Senator Halford
Requester Senate Labor & Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 328 clarifies the requirements of nonresident hunters and hunters who are nonresident aliens to hire a big game guide. New funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 3/4/02 3:15 PM
Approved by: Deborah B. Sedwick, Commissioner Date 3/4/2002
Agency: Department of Community & Economic Development

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 328
(S) Publish Date: 3/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act requiring nonresident big BRU Fish & Wildlife Protection
game hunters to be accompanied by a big game guide Component Enforcement & Investigations
Sponsor Senator Halford
Requester Senate Labor & Commerce Component No. 490

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0					
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CHANGE IN REVENUES ()	0.0					
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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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

This bill does not conflict with the Department's programs objectives. We anticipate no impact on our budget.

Prepared by: Captain Al Cain Phone 269-5589
Division Fish & Wildlife Protection Date/Time 3/4/02 11:11 AM
Approved by: Commissioner Glenn G. Godfrey Date 3/4/2002
Agency Department of Public Safety



Official Business

Alaska State Legislature
President of the Senate

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**SPONSOR STATEMENT
SB 328**

Senate Bill 328 makes changes to AS.16.05 to clarify the language in order to conform with the original legislative intent that nonresidents must obtain the services of a registered guide or a master guide to hunt big game in Alaska, as well as the requirements for guiding nonresident big game hunters.

Alaska law states that non-resident or non-resident alien cannot hunt brown and grizzly bear, mountain goat or sheep without the services of a registered or mater guide. An interpretation of the current law created a loophole that allows non-resident or non-resident alien assistant guides, who only have to meet a minimal threshold of qualifications, to hunt these big game species without the services of a registered or master guide. This recent interpretation of current law allows these non-resident assistant guides to act as their own guides.

Under the proposed changes to AS 16.05.407 (a) an assistant guide would be able to accompany the nonresident or nonresident alien only if a registered or master guide employs him, and the hunter has a contract with the registered or master guide.

AS 16.05.408(a), the statute requiring nonresident aliens to obtain guide services in order to hunt big game in Alaska is also amended to provide the same requirement for assistant guides accompanying nonresident aliens.

These proposed amendments to the current statute would close this loophole and return to the original intent of the legislature.

(3) either

(A) has

- (i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and
- (ii) at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; or

(B) provides

- (i) evidence that the person physically resides in the game management unit in which the person is to be employed;
- (ii) evidence that the person has had at least 15 years' hunting experience in the game management unit in which the person is to be employed; military service outside of the state for not more than three years shall be accepted as part of the required 15 years' hunting experience; and
- (iii) a written recommendation from a registered guide, state trooper, state fish and wildlife law enforcement officer, or state fish or game biologist who is familiar with the person or who intends to employ the person as a class-A assistant guide.

(b) A class-A assistant guide

- (1) may not contract to guide or outfit a big game hunt;
- (2) shall be employed by and under the supervision of a registered guide who has contracted with the client for whom the class-A assistant guide is conducting the hunt;
- (3) may take charge of a camp and conduct guide activities from the camp without the contracting registered guide being in the field and participating in the contracted hunt if the contracting registered guide is supervising the guiding activities;
- (4) may not perform functions of a class-A assistant guide outside of the game management unit for which the license is issued; and
- (5) may be employed by a registered guide to perform the functions of an assistant guide in any game management unit.

Sec. 08.54.630. ASSISTANT GUIDE LICENSE. (a) A natural person is entitled to an assistant guide license if the person

- (1) is 18 years of age or older;
- (2) has legally hunted in the state during two calendar years;
- (3) possesses a first aid card issued by the Red Cross or a similar organization;
- (4) obtains a written recommendation from a registered guide, state trooper, state fish and wildlife law enforcement officer, or state fish or game biologist who is familiar with the person or who intends to employ the person as an assistant guide; and
- (5) applies for an assistant guide license on a form provided by the department and pays the license application fee and the license fee.

(b) An assistant guide

- (1) may not contract to guide or outfit a big game hunt;
- (2) shall be employed by a registered guide and under the supervision of a registered guide or class-A assistant guide while the assistant guide is in the field on guided hunts; and
- (3) may not take charge of a camp or conduct guide activities unless the contracting registered guide is in the field and participating in the contracted hunt or a registered guide or class-A assistant guide employed by the contracting guide is physically present and supervising the hunt.

Sec. 08.54.640. LAW ENFORCEMENT OFFICERS AND GAME BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered guide license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

(b) A registered guide license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license renewal fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

P.O. BOX 20526
JUNEAU, ALASKA 99802-5626
PHONE: (907) 465-4100
FAX: (907) 465-6142

August 23, 2001

Mr. Tom Burgess
661 34th Avenue NE
St. Petersburg, FL 33704

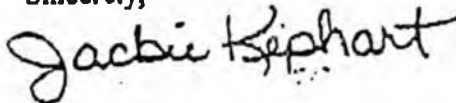
Dear Mr. Burgess,

This letter is to confirm our phone conversation of August 22, 2001 regarding your hunting brown bears in our state as a nonresident Alaska-licensed assistant guide.

I contacted Kevin Saxby with the Attorney General's office, and he confirmed that you may hunt brown bears in Alaska while acting as your own guide. As long as you are an Alaska-licensed assistant guide, this meets the terms of the statute to guide yourself on a brown bear hunt. However, you are still required to purchase a nonresident hunting license and a nonresident big game tag prior to hunting for big game in Alaska.

If you have any questions, please contact me at (907) 465-6197.

Sincerely,



Jackie Kephart
Wildlife Biologist

cc: Jack Whitman, Area Biologist, Sitka

ADF:67

MPFB / WC JONENH

2001 SEP 10 10:07

2001 SEP 10 10:07