



# LAWS OF ALASKA

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Chapter No.

32

## AN ACT

Relating to the professions of guiding and outfitting; and providing for an effective date.

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

\* Section 1. AS 16 is amended by adding a new chapter to read:

#### CHAPTER 50. GUIDES AND OUTFITTERS.

##### ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

Sec. 16.50.010. DESIGNATION OF BOARD. In addition to its other duties, the Board of Fish and Game shall serve as the Guide Licensing and Control Board.

Sec. 16.50.020. POWERS AND DUTIES. The board shall

- (1) prepare, grade, and administer examinations;
- (2) determine and pass on qualifications of applicants for licenses and issue licenses to those who qualify;
- (3) establish guide performance standards and regulate activity;
- (4) compile, maintain and publish an outfitter and guide register;
- (5) require submission of reports on outfitting and guiding activities as considered necessary by the Board of Fish and Game for game management purposes;
- (6) restrict outfitting and guiding activities which are unsportsmanlike, unethical, unsafe, against

principles of conservation or degrading to the outfitting and guiding profession or which adversely affect the natural resources;

(7) after hearing, revoke, suspend or deny renewal of a license in accordance with sec. 110 of this chapter.

Sec. 16.50.030. BOARD REGULATIONS. The board shall adopt procedural and substantive regulations under the Administrative Procedure Act (AS 44.62) required by this chapter or reasonably necessary for its administration.

Sec. 16.50.040. BOARD HEARING. The Administrative Procedure Act (AS 44.62) applies to proceedings and hearings under this chapter.

#### ARTICLE 2. VIOLATIONS AND PENALTIES.

Sec. 16.50.110. GROUNDS FOR DISCIPLINING A LICENSEE. After a hearing, the board may revoke, suspend or deny renewal of a license if the board finds that the licensee

(1) does not meet the qualifications specified by statute or regulations for the class of license held;

(2) engages in activities which are unsportsmanlike, unethical, unsafe or degrading to the outfitting and guiding profession or which adversely affect the natural resources or the principles of conservation;

(3) is incompetent as an outfitter, master guide, registered guide or assistant guide;

(4) violates a provision of a federal or state sport fish, game or guide statute or regulation; or

(5) has been convicted of a crime involving moral turpitude.

Sec. 16.50.120. UNLAWFUL ACTS. (a) It is unlawful for

(1) an outfitter; master guide, registered guide or assistant guide to fail to report within 60 days violations by a client of a state fish, game or guiding statute or regulation to the Department of Fish and Game;

(2) an outfitter, master guide, registered guide or assistant guide to aid the commission of a violation of this chapter or ch. 5 of this title or a regulation promulgated under either chapter, or permit the commission of a violation in his sight without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide as defined in this chapter without being licensed under this chapter;

(4) a person to advertise as or represent himself to be a licensed outfitter, master guide, registered guide or assistant guide without being licensed.

(b) A person who violates this section is guilty

of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

Sec. 16.50.130. INJUNCTION AGAINST UNLAWFUL ACTION. When in the judgment of the board a person or corporation or other entity has engaged in an act in violation of secs. 120 and 210 - 240 of this chapter or the regulations promulgated under sec. 30 of this chapter, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

ARTICLE 3. LICENSING.

Sec. 16.50.210. QUALIFICATIONS FOR OUTFITTER LICENSE. A person is entitled to be licensed as an outfitter if he

- (1) is a licensed master or registered guide;
- (2) has permanently established camps in at least one of his authorized hunting districts;
- (3) has demonstrated to the board his ability to outfit hunts;
- (4) has provided a surety bond in the amount of \$5,000 approved by the board, conditioned to protect the contract existing between outfitter and client.

Sec. 16.50.220. QUALIFICATIONS FOR MASTER GUIDE LICENSE. A person is entitled to be licensed as a master guide if he

- (1) has legally hunted in Alaska for a part of each of 10 years during which time a substantial source of his income was from guiding or related activities directly contributing to his experience and competency as a guide;
- (2) meets all requirements of a registered guide and has been actively engaged in licensed guiding activities in Alaska for at least five years preceding application;
- (3) has not been convicted of a violation of federal or state sport fishing, game or guiding laws or regulations within the preceding five years;
- (4) has consistently performed in a superior manner as evidenced by required reports submitted to the board and by inquiries made by the board to at least two of the guide's clients of record; and
- (5) meets additional qualifications which the board may require.

Sec. 16.50.230. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A person is entitled to be licensed as a registered guide if he

- (1) is 21 years of age or more;
- (2) is a legal resident of Alaska and maintains a permanent place of abode in the state;
- (3) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of trophies, first aid and photography;
- (4) is familiar with the terrain and transportation problems in the district for which the license is requested;
- (5) has passed the qualification examination prepared and administered by the board;
- (6) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime involving moral turpitude;
- (7) has legally hunted in Alaska for all or part of each of five years in a manner directly contributing to his experience and competency as a guide;
- (8) has been licensed as and performed the services of an assistant guide in Alaska for a part of each of three years; and
- (9) meets additional qualifications which the board may require.

Sec. 16.50.240. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A person is entitled to be licensed as an assistant guide if he

- (1) is 19 years of age or more;
- (2) is a legal resident of Alaska and maintains a permanent place of abode within the state;
- (3) is favorably recommended by a registered guide; and
- (4) meets additional qualifications which the board may require.

Sec. 16.50.250. FEES. (a) License fees for engaging in the profession of guiding are:

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| (1) outfitter's license. . . . .       | \$10 |
| (2) master guide license . . . . .     | 50   |
| (3) registered guide license . . . . . | 50   |
| (4) assistant guide license. . . . .   | 5    |

(b) The license fee for an outfitter, master guide, registered guide or assistant guide license shall be in addition to the fee required for a hunting or fishing license.

Sec. 16.50.260. EXPIRATION AND RENEWAL. (a) An outfitter, master guide, registered guide or assistant guide license shall expire on December 31, following issuance.

(b) A license may not be issued to an outfitter, master guide, registered guide or assistant guide who has failed to renew his license for two consecutive years unless he again meets the qualifications for initial issuance of the license.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 16.50.410. ADMINISTRATION. The administration, enforcement and protection required by this chapter shall be carried out by the Department of Fish and Game.

Sec. 16.50.420. DEFINITIONS. In this chapter

(1) "board" means the Board of Fish and Game;

(2) "guide," "guides" or "guiding" means accompanying, guiding, or assisting another person to take or photograph game with the intent of receiving monetary or material remuneration for the services;

(3) "licensed outfitter" means a bonded licensed master or registered guide who contracts with clients for hunts, employs guides, furnishes camps, hunting equipment and supplies; provided, however, that this does not include the operation of a retail sales business.

\* Sec. 2. The following sections are repealed: AS 16.05.-250(6); 16.05.340(11), (12) and (17); 16.05.410(d) and (e); 16.05.420(c) and (d); 16.05.792; 16.05.795; 16.05.796; 16.05.-798 and 16.05.940(10).

\* Sec. 3. A person licensed as a registered or master guide or assistant guide at the time this Act takes effect shall, upon application, be issued a registered guide license, master guide license, or assistant guide license, respectively.

\* Sec. 4. The regulations presently in effect relating to guiding, Alaska Administrative Code, title 5, chapter 4, so far as they are not in conflict with this Act shall remain in effect until repealed or amended by the Guide Licensing and Control Board.

\* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.