

1 IN THE SENATE BY SENATOR POLLOCK

2 SENATE BILL NO. 60

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the profession of
7 guiding; and providing for an effective
8 date."

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

10 * Section 1. AS 08 is amended by adding a new chapter to read:

11 CHAPTER 54. GUIDES

12 ARTICLE 1. BOARD OF PROFESSIONAL GUIDES

13 Sec. 08.54.010. CREATION AND MEMBERSHIP. There is
14 created the Board of Professional Guides, composed of five
15 members, each of whom shall be a licenses registered guide
16 in this state who has been active in the profession of
17 guiding in Alaska for three years immediately preceding his
18 appointment. Members shall be appointed by the governor and
19 confirmed by the legislature in joint session.

20 Sec. 08.54.020. TERM OF OFFICE. The term of service
21 for a member of the board is five years. Terms shall be
22 staggered so that the term of one member expires on Febru-
23 ary 1 of each year. A member appointed to fill a vacancy
24 occurring other than by expiration of a term shall serve for
25 the unexpired term of the member he succeeds.

26 Sec. 08.54.030. CHAIRMAN. At the first regular meeting
27 of every odd-numbered year the board shall elect a chairman
28 from its membership.

29 Sec. 08.54.040. COMPENSATION AND EXPENSES. Members of

1 the board receive no salary, but are entitled to per diem
2 and travel expenses authorized by law for other boards.

3 Sec. 08.54.050. QUORUM. A majority of the board
4 constitutes a quorum for the transaction of business.

5 Sec. 08.54.060. DUTIES. The board shall

6 (1) pass on qualifications of applicants for
7 guide licenses and issue licenses to those who qualify;

8 (2) prepare and grade examinations;

9 (3) adopt regulations prescribing standards of
10 conduct designed to promote the safety of client and guide;

11 (4) conduct a hearing to suspend or revoke a
12 license when it appears that grounds for suspension or revo-
13 cation exist;

14 (5) adopt regulations required by this chapter
15 or reasonably necessary for its proper administration;

16 (6) maintain a guide register.

17 Sec. 08.54.070. BOARD REGULATIONS. (a) The board
18 shall adopt procedural regulations describing how a person
19 applies for and takes an examination under this chapter.

20 (b) The board shall adopt substantive regulations

21 (1) prescribing standards of conduct designed
22 to promote the safety of client and guide;

23 (2) defining conduct which, if engaged in by a
24 guide, is unethical practice or evidence of incompetence;

25 (3) specifying the subject matter to be covered
26 in an examination for guides.

27 Sec. 08.54.080. ADMINISTRATIVE PROCEDURE ACT. The
28 Administrative Procedure Act (AS 44.62) applies to regulations
29 and proceedings under this chapter.

ARTICLE 2. LICENSING

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2 Sec. 08.54.100. LICENSE REQUIRED. No person may engage
3 in guiding unless he is licensed under this chapter.

4 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE
5 LICENSE. A person is entitled to be licensed as a registered
6 guide if he

- 7 (1) is 21 years of age or more;
8 (2) is a legal resident of Alaska;
9 (3) is of sound physical condition;
10 (4) has practical field experience in the handling
11 of firearms, hunting, judging trophies, field preparation
12 of trophies, first aid, and photography;

13 (5) is familiar with the terrain and transporta-
14 tion problems in the district for which the license is re-
15 quested;

16 (6) has passed a written and oral examination
17 approved by the board;

18 (7) has demonstrated to the board sufficient
19 standards of competence and ethical conduct; and

20 (8) has legally hunted in Alaska for a part of
21 each of five years in a manner directly contributing to his
22 experience and competency as a guide or has been licensed
23 and performed the services of an assistant guide in Alaska
24 for a part of each of three years.

25 Sec. 08.54.120. QUALIFICATIONS FOR ASSISTANT GUIDE
26 LICENSE. A person is entitled to be licensed as an assistant
27 guide if he

28 (1) is 19 years of age or more;

29 (2) is a legal resident of Alaska;

- 1 (3) is of sound physical condition;
2 (4) is favorably recommended by a registered
3 guide.

4 Sec. 08.54.130. FEES. (a) License fees for engaging
5 in the profession of guiding are as follows:

- 6 (1) Registered guide license \$50
7 (2) Assistant guide license 5

8 (b) The fee for a guide license shall be in addition
9 to the fee required for a hunting or fishing license.

10 Sec. 08.54.140. RENEWALS. (a) A license to practice
11 guiding shall be renewed annually upon payment of the pre-
12 scribed license fee.

13 (b) A license shall not be issued to a registered
14 guide who has failed to renew his license for two consecu-
15 tive years unless he passes the written and oral examination
16 given by the board.

17 (c) An assistant guide license may be renewed succes-
18 sively without the necessity of obtaining another recommenda-
19 tion from a registered guide.

20 Sec. 08.54.150. GROUNDS FOR REFUSING, SUSPENDING, OR
21 REVOKING A LICENSE. The board may, after hearing, refuse to
22 issue, or may revoke or suspend the license of a registered
23 or assistant guide who

24 (1) does not meet the qualifications specified
25 in secs. 110 and 120 of this chapter;

26 (2) is incompetent;

27 (3) is guilty of unethical conduct in relation
28 to guiding; or

29 (4) violates a provision of a federal or state

1 sport fish, game or guide law or regulation.

2 ARTICLE 3. GUIDE REGISTER

3 Sec. 08.54.160. GUIDE REGISTER. The names of all
4 persons holding a registered guide license shall be entered
5 on a register maintained by the board at Juneau.

6 Sec. 08.54.170. INFORMATION. On a form provided by
7 the board, all registered guides shall indicate the guide
8 district or districts in which they guide, types of camps
9 and transportation provided to clients, and such other
10 information considered pertinent by the board. This infor-
11 mation, in brief form, shall be entered on the register.

12 Sec. 08.54.180. AVAILABILITY TO PUBLIC. The board
13 shall furnish a guide register to a person requesting in-
14 formation on hunting in Alaska.

15 ARTICLE 4. UNLAWFUL ACTS

16 Sec. 08.54.190. LICENSE FORFEITURE. (a) A registered
17 or assistant guide upon conviction of a violation of a
18 provision of a federal or state sport fish, game, or guide
19 law or regulation may have his guide license revoked by the
20 court for any period up to five years.

21 (b) This section shall not be construed to divest the
22 board of the power to revoke, suspend, or refuse issuance
23 of a registered or assistant guide license in the exercise
24 of its powers of regulation.

25 Sec. 08.54.200. VIOLATIONS. A registered or assistant
26 guide violates a fish and game statute or regulation if

27 (1) he has knowledge of a violation and fails
28 to report it to the department of fish and game; or

29 (2) he aids or abets, or suffers or permits the

1 violation of a fish and game statute or regulation to occur
2 in his presence or view.

3 Sec. 08.54.210. PENALTIES. (a) A person who commits
4 a violation described in sec. 200 of this chapter is guilty
5 of a misdemeanor and upon conviction is punishable by a
6 fine of not more than \$1,000, or by imprisonment for not
7 more than six months, or by both.

8 (b) The proceeds of all fines shall be transmitted
9 by the court to the proper state officer for deposit in the
10 general fund of the state.

11 ARTICLE 5. GENERAL PROVISIONS

12 Sec. 08.54.220. DEFINITIONS. As used in this chapter,

13 (1) "guiding" means accompanying or assisting
14 another person to take or photograph game, with the intent
15 of receiving monetary or material remuneration for the
16 services;

17 (2) "game" means any species of bird and mammal,
18 including a feral domestic animal, found or introduced in
19 the state, except domestic birds and mammals.

20 * Sec. 2. AS 16.05.250(6), AS 16.05.340 (11) (12) and (17),
21 AS 16.05.410 (d) and (e), and AS 16.05.420(a) and (d) are repealed.

22 * Sec. 3. Within 30 days after the effective date of this Act
23 the governor shall appoint the Board of Professional Guides. At
24 the time of these appointments, the governor shall designate
25 which members have been appointed for the terms of service pro-
26 vided by AS 08.54.020. Within 14 days after the last of the
27 original appointments have been made, the board shall meet and
28 organize by electing a chairman from its membership.

29 * Sec. 4. This Act takes effect on the day after its passage

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and approval or on the day it becomes law without such approval.