

Original Sponsor: Senator
Pollock

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR 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 guid-
7 ing; and providing for an effective date."

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

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

10 CHAPTER 54. GUIDES

11 ARTICLE 1. BOARD OF PROFESSIONAL GUIDES

12 Sec. 08.54.010. CREATION AND MEMBERSHIP. There is
13 created the Board of Professional Guides, composed of five
14 members, each of whom shall be a licensed master or register-
15 ed guide in this state who has been active in the profession
16 of guiding in Alaska for three years immediately preceding
17 his appointment.

18 Sec. 08.54.020. APPOINTMENT. Members of the board
19 shall be appointed by the governor and confirmed by the legis-
20 lature in joint session. Appointments shall be made from a
21 list of prospective appointees recommended by the board. To
22 the extent possible the list shall contain the names of at
23 least two qualified persons residing in the guide district
24 from which a member is to be appointed. No more than one
25 member of the board may be appointed from any one guide
26 district.

27 Sec. 08.54.030. TERM OF OFFICE. The term of office for
28 a member of the board is five years. Terms shall be stagger-
29 ed so that the term of one member expires on February 1 of

1 each year. A member appointed to fill a vacancy occurring
2 other than by expiration of a term shall serve for the un-
3 expired term of the member he succeeds. A member may act
4 and receive compensation from his appointment until his con-
5 firmation or rejection by the legislature. A member serves
6 at the pleasure of the governor.

7 Sec. 08.54.040. CHAIRMAN. At the first regular meeting
8 of every odd-numbered year the board shall elect a chairman
9 from its membership.

10 Sec. 08.54.050. COMPENSATION AND EXPENSES. Members of
11 the board receive no salary, but are entitled to per diem
12 and travel expenses authorized by law for other boards.

13 Sec. 08.54.060. QUORUM. A majority of the board con-
14 stitutes a quorum for the transaction of business.

15 Sec. 08.54.070. DUTIES. The board shall

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

18 (2) prepare and grade examinations;

19 (3) conduct a hearing to suspend or revoke a
20 license when it appears that grounds for suspension or revo-
21 cation exist;

22 (4) adopt regulations required by this chapter or
23 reasonably necessary for its proper administration;

24 (5) maintain a guide register.

25 Sec. 08.54.080. BOARD REGULATIONS. (a) The board
26 shall adopt procedural regulations describing how a person
27 applies for and takes an examination under this chapter.

28 (b) The board shall adopt substantive regulations

29 (1) prescribing standards of conduct designed to

1 promote the safety of client and guide;

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

4 (3) specifying the subject matter to be covered in
5 an examination for guides;

6 (4) requiring submission of reports on guiding
7 activities as considered necessary by the Board of Fish and
8 Game for game management procedures;

9 (5) restricting activities in connection with
10 guiding which are unsportsmanlike, unethical or degrading to
11 the guiding profession, the natural resources or the prin-
12 ciples of conservation.

13 Sec. 08.54.090. ADMINISTRATIVE PROCEDURE ACT. The
14 Administrative Procedure Act (AS 44.62) applies to regula-
15 tions and proceedings under this chapter.

16 ARTICLE 2. LICENSING

17 Sec. 08.54.120. LICENSE REQUIRED. No person may engage
18 in guiding unless he is licensed under this chapter.

19 Sec. 08.54.130. QUALIFICATIONS FOR MASTER GUIDE LICENSE.
20 A person is entitled to be licensed as a master guide if he

21 (1) has legally hunted in Alaska for a part of
22 each of 10 years during which time a principal source of his
23 income was from guiding or related activities directly con-
24 tributing to his experience and competency as a guide;

25 (2) meets all requirements of a registered guide,
26 holds a registered guide license and has been actively engag-
27 ed in licensed guiding activities in Alaska under either
28 state or federal programs for at least five years immediately
29 preceding application;

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1 (3) has not been convicted of a violation of
2 federal or state sport fishing, game or guiding laws or
3 regulations within the preceding five years;

4 (4) has consistently performed in a superior
5 manner as evidenced by required reports submitted to the
6 board and by inquiries made by the board to at least two of
7 the guide's clients of record.

8 Sec. 08.54.140. QUALIFICATIONS FOR REGISTERED GUIDE
9 LICENSE. A person is entitled to be licensed as a registered
10 guide if he

11 (1) is 21 years of age or more;

12 (2) is a legal resident of Alaska;

13 (3) is of sound physical condition;

14 (4) has practical field experience in the handling
15 of firearms, hunting, judging trophies, field preparation of
16 trophies, first aid, and photography;

17 (5) is familiar with the terrain and transporta-
18 tion problems in the district for which the license is
19 requested;

20 (6) has passed a written and oral or other exami-
21 nation approved by the board;

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

24 (8) has legally hunted in Alaska for a part of
25 each of five years in a manner directly contributing to his
26 experience and competency as a guide and has been licensed
27 as and performed the services of an assistant guide in Alaska
28 for a part of each of three years.

29 Sec. 08.54.150. QUALIFICATIONS FOR ASSISTANT GUIDE

1 LICENSE. A person is entitled to be licensed as an assistant
2 guide if he

- 3 (1) is 19 years of age or more;
- 4 (2) is domiciled in Alaska;
- 5 (3) is of sound physical condition;
- 6 (4) is favorably recommended by a registered guide.

7 Sec. 08.54.160. FEES. (a) License fees for engaging
8 in the profession of guiding are as follows:

- 9 (1) master guide license. \$ 60
- 10 (2) registered guide license. 50
- 11 (3) assistant guide license 25

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

14 Sec. 08.54.170. RENEWALS. (a) A license to practice
15 guiding shall be renewed annually upon payment of the pre-
16 scribed license fee.

17 (b) A license shall not be issued to a master or
18 registered guide who has failed to renew his license for two
19 consecutive years unless he passes the written and oral
20 examination given by the board.

21 (c) An assistant guide license may be renewed succes-
22 sively without obtaining another recommendation from a
23 master or registered guide.

24 ARTICLE 3. GUIDE REGISTER AND DISTRICTS

25 Sec. 08.54.190. GUIDE REGISTER. The names of all per-
26 sons holding a master or registered guide license shall be
27 entered on a register maintained by the board at Juneau.

28 Sec. 08.54.200. INFORMATION. On a form provided by the
29 board, all master and registered guides shall indicate the

1 guide district or districts in which they guide, types of
2 camps and transportation provided to clients, and other in-
3 formation considered pertinent by the board. This informa-
4 tion, in brief form, shall be entered on the register.

5 Sec. 08.54.210. AVAILABILITY TO PUBLIC. The board
6 shall furnish a guide register to a person requesting infor-
7 mation on hunting in Alaska.

8 Sec. 08.54.220. GUIDE DISTRICTS. The state shall be
9 divided into five guide districts consisting of

- 10 (1) Southeastern - units 1 - 5;
11 (2) Southcentral - units 6, 7, 11, 12, 13, 14, 15,
12 and 16;
13 (3) Southwestern - units 8, 9, 10, and 17;
14 (4) Central - units 18, 19, 20, 21, 24, and 25;
15 (5) Arctic - units 22, 23, and 26.

16 ARTICLE 4. INCOMPETENCE, VIOLATIONS AND PENALTIES

17 Sec. 08.54.240. GROUNDS FOR DISCIPLINING A LICENSEE.
18 After hearing, the board may revoke, suspend, or annul a
19 license, or may reprimand, censure, or discipline a licensee,
20 if the licensee

- 21 (1) does not meet the qualifications specified in
22 secs. 130 - 150 of this chapter;
23 (2) is guilty of unethical conduct in relation to
24 guiding;
25 (3) is found incompetent as a guide; or
26 (4) violates a provision of a federal or state
27 sport fish, game, or guide law or regulation.

28 Sec. 08.54.250. VIOLATIONS. A master, registered, or
29 assistant guide violates a fish and game statute or regulation

1 if he aids or voluntarily permits the violation of a fish
2 and game statute or regulation to occur in his presence or
3 view.

4 Sec. 08.54.260. LICENSE FORFEITURE. (a) A master
5 guide, registered guide, or assistant guide, upon conviction
6 of a violation of a provision of a federal or state sport
7 fish, game, or guide law or regulation, may have his guide
8 license revoked by the court for any period up to five years.

9 (b) This section shall not be construed to divest the
10 board of the power to revoke, suspend, or refuse issuance of
11 a master guide, registered guide, or assistant guide license
12 in the exercise of its powers of regulation.

13 Sec. 08.54.270. POWER TO COMPEL TESTIMONY. The board
14 shall have the power to compel a master, registered or
15 assistant guide to testify in regard to a suspected fish
16 and game violation of his client.

17 Sec. 08.54.280. PENALTIES. (a) A person who commits
18 a violation described in sec. 250 of this chapter is guilty
19 of a misdemeanor and upon conviction is punishable by a fine
20 of not more than \$1,000, or by imprisonment for not more
21 than six months, or by both.

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

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 08.54.290. DEFINITIONS. As used in this chapter,

27 (1) "guiding" means accompanying or assisting
28 another person to take or photograph game, with the intent
29 of receiving monetary or material remuneration for the

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services;

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

(3) "unit" means one of the 26 geographical areas designated in Regulation No. 16, dated July 1964 (5) Alaska Adm. Code 310.02 - 310.27) as a game management unit by the Board of Fish and Game.

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

* Sec. 3. A person licensed as a master registered or assistant guide at the time this Act takes effect is not required to meet the licensing qualifications specified in Article 3 of this Act in order to renew the license held.

* Sec. 4. Within 60 days after the effective date of this Act the governor shall appoint the Board of Professional Guides from a list of recommended appointees submitted by the Association of Outfitters and Guides which contains the names of at least two qualified persons from each of the five guide districts. At the time of these appointments, the governor shall designate which members have been appointed for the terms of service provided by AS 08.54.020.

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