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Referred: Resources

1 IN THE SENATE

BY HARRIS AND WAUGAMAN

2 SENATE BILL NO. 50

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the professions of guiding and  
7 outfitting 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 AND OUTFITTERS.

12 Sec. 08.54.010. CREATION AND MEMBERSHIP. There is created the  
13 Board of Professional Guides and Outfitters, composed of five members,  
14 each of whom shall be licensed as an outfitter or registered guide in  
15 Alaska and has been active in the profession of guiding in Alaska for  
16 at least five years immediately preceding his appointment.

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

25 Sec. 08.54.030. TERM OF OFFICE. The term of office for a member  
26 of the board is five years. Terms shall be staggered so that the term  
27 of one member expires on February 1 of each year. A member appointed  
28 to fill a vacancy occurring other than by expiration of a term shall  
29 serve for the unexpired term of the member he succeeds. A member may

1 act and receive per diem and travel expenses from his appointment until  
2 his confirmation or rejection by the legislature. A member serves at  
3 the pleasure of the governor.

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

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

9 Sec. 08.54.060. MEETINGS. The board shall hold its regular  
10 meetings biannually, commencing on the first Monday in June and the  
11 third Monday in November and at other times which the chairman or two  
12 members may specially call and one week before written notice is  
13 given to all members. A majority of the board constitutes a quorum for  
14 the transaction of business.

15 Sec. 08.54.070. DUTIES. The board shall

- 16 (1) prepare and grade examinations;
- 17 (2) determine and pass on qualifications of applicants for  
18 outfitter and guide licenses and issue licenses to those who qualify;
- 19 (3) conduct a hearing to suspend or revoke a license when it  
20 appears that grounds for suspension or revocation exist;
- 21 (4) maintain and publish an outfitter and guide register;
- 22 (5) define the boundaries of guide zones and provide for the  
23 exclusive right of guiding in the zones;
- 24 (6) prescribe and publish standards of conduct designed to  
25 promote the safety of client and guide;
- 26 (7) require submission of reports on outfitting and guiding  
27 activities as considered necessary by the Board of Fish and Game for  
28 game management procedures;
- 29 (8) restrict outfitting and guiding activities which are

1 unsportsmanlike, unethical or degrading to the outfitting and guiding  
2 profession or which adversely affect the natural resources or the  
3 principles of conservation.

4 Sec. 08.54.080. BOARD REGULATIONS. The board shall adopt  
5 procedural and substantive regulations pursuant to the Administrative  
6 Procedure Act (AS 44.62) required by this chapter or reasonably neces-  
7 sary for its proper administration.

8 Sec. 08.54.090. BOARD HEARINGS. The Administrative Procedure  
9 Act (AS 44.62) applies to proceedings and hearings under this chapter.

10 ARTICLE 2. LICENSING.

11 Sec. 08.54.130. QUALIFICATIONS FOR OUTFITTERS LICENSE. A person  
12 is entitled to be licensed as an outfitter if he

13 (1) has legally hunted in Alaska for a part of each of 10  
14 years during which time a principal source of his income was from guid-  
15 ing or related activities directly contributing to his experience and  
16 competency as a guide;

17 (2) meets all requirements of a registered guide, holds a  
18 registered guide license and has been actively engaged in licensed  
19 guiding activities in Alaska for at least five years immediately pre-  
20 ceding application;

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

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

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

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

- 1 (2) is a legal resident of Alaska;
- 2 (3) is of sound physical condition;
- 3 (4) has practical field experience in the handling of
- 4 firearms, hunting, judging trophies, field preparation of trophies,
- 5 first aid, and photography;
- 6 (5) is familiar with the terrain and transportation problems
- 7 in the district for which the license is requested;
- 8 (6) has passed the qualification examination prepared and
- 9 administered by the board;
- 10 (7) has demonstrated to the board sufficient standards of
- 11 competence and ethical conduct;
- 12 (8) has legally hunted in Alaska for all or a part of each
- 13 of five years in a manner directly contributing to his experience and
- 14 competency as a guide;
- 15 (9) has been licensed as and performed the services of an
- 16 assistant guide in Alaska for a part of each of three years.

17 **Sec. 08.54.150. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE.** A

18 person is entitled to be licensed as an assistant guide if he

- 19 (1) is 19 years of age or more;
- 20 (2) is a resident of Alaska;
- 21 (3) is of sound physical condition;
- 22 (4) is favorably recommended by a registered guide.

23 **Sec. 08.54.160. FEES.** (a) License fees for engaging in the

24 profession of guiding are as follows:

- 25 (1) outfitter license. . . . \$75
- 26 (2) registered guide license . \$50
- 27 (3) assistant guide license. . \$25

28 (b) The license fee for an outfitter, registered guide or

29 assistant guide license shall be in addition to the fee required for a

1 hunting or fishing license.

2 Sec. 08.54.170. RENEWALS. (a) An outfitter, registered guide  
3 or assistant guide license shall be renewed annually upon payment of  
4 the prescribed license fee.

5 (b) A license may not be issued to an outfitter, registered guide  
6 or assistant guide who has failed to renew his license for two consecu-  
7 tive years unless he again meets the qualifications for initial issuance  
8 of the license.

9 ARTICLE 3. GUIDE REGISTER AND DISTRICTS.

10 Sec. 08.54.190. GUIDE REGISTER. The names of all persons holding  
11 an outfitter or registered guide license shall be entered on a register  
12 maintained and published by the board at Juneau.

13 Sec. 08.54.200. INFORMATION. On a form provided by the board,  
14 all outfitters and registered guides shall indicate the guide district  
15 or districts in which they guide, the location of their guide zone, if  
16 any, types of camps and transportation provided to clients, and other  
17 information considered pertinent by the board. This information, in  
18 brief form, shall be entered on the register.

19 Sec. 08.54.210. AVAILABILITY TO PUBLIC. The board shall furnish  
20 an outfitter and guide register to a person requesting information on  
21 hunting in Alaska.

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

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

29 ARTICLE 4. INCOMPETENCE, VIOLATIONS AND PENALTIES.

1           **Sec. 08.54.240. GROUNDS FOR DISCIPLINING A LICENSEE.** After hear-  
2 ing, the board may revoke, suspend, or annul a license, or may reprimand,  
3 censure, or otherwise discipline a licensee, if the board finds  
4 that the licensee

5           (1) does not meet the qualifications specified in secs.  
6 130 - 150 of this chapter;

7           (2) is guilty of unethical conduct in relation to guiding;

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

10           (4) violates a provision of a federal or state sport fish,  
11 game, or guide law or regulation.

12           **Sec. 08.54.250. VIOLATIONS.** (a) An outfitter, registered, or  
13 assistant guide who aids, abets or knowingly permits the violation of  
14 a state fish, game or guide statute or regulation and who fails to give  
15 immediate notification of the violation to the Department of Fish and  
16 Game is guilty of a misdemeanor and is punishable by a fine of not more  
17 than \$5,000, or by imprisonment for not more than one year, or by both.

18           (b) A person who guides as defined in this chapter without being  
19 licensed is in violation of this chapter, is guilty of a misdemeanor,  
20 and is punishable by a fine of not more than \$5,000, or by imprisonment  
21 for not more than one year, or by both.

22           (c) Jurisdiction of the offenses set out in (a) and (b) of this  
23 section shall be in the superior court for the State of Alaska.

24           **Sec. 08.54.260. INJUNCTION AGAINST UNLAWFUL ACT.** When, in the  
25 judgment of the board, a person or corporation or other entity has  
26 engaged in an act in violation of secs. 130 - 250 of this chapter or  
27 the regulations promulgated under sec. 80 of this chapter, the board  
28 may apply to the appropriate court for an order enjoining the act.

29           Upon a showing by the board that the person is engaging in the act,

1 the court shall grant an injunctive relief or any other appropriate  
2 order without bond.

3 **ARTICLE 5. GENERAL PROVISIONS.**

4 **Sec. 08.54.290. DEFINITIONS.** In this chapter

5 (1) "guide", "guides" or "guiding" means accompanying or  
6 assisting another person to hunt, pursue, take or photograph game, with  
7 the intent of receiving monetary or material remuneration or for the  
8 receipt of monetary or material remuneration;

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

12 (3) "unit" means one of the 26 geographical areas designated  
13 in Regulation No. 16, dated July 1964 (5) Alaska Adm. Code 310.02 -  
14 310.27 as a game management unit by the Board of Fish and Game;

15 (4) "zone" means an area defined and limited by the board  
16 within which an outfitter or registered guide shall have the exclusive  
17 right of guiding.

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

20 \* Sec. 3. A person licensed as a registered or master guide at the time  
21 this Act takes effect shall upon application, be issued a registered guide  
22 license and a person licensed as an assistant guide at the time this Act  
23 takes effect shall, upon application, be issued an assistant guide license,  
24 and are not required to meet the licensing qualifications of AS 08.54.130 -  
25 08.54.170 before such licenses are issued to them.

26 \* Sec. 4. Within 60 days after the effective date of this Act the  
27 governor shall appoint the Board of Professional Guides and Outfitters from  
28 a list of recommended appointees submitted by Alaska Outfitters, Ltd., which  
29 contains the names of at least two qualified persons from each of the five

1 guide districts. At the time of these appointments, the governor shall  
2 designate which members have been appointed for the terms of service pro-  
3 vided by AS 08.54.030.

4 \* Sec. 6. This Act takes effect on the day after its passage and approv-  
5 al or on the day it becomes law without approval.

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