

Original Sponsor: Harris and Waugaman

Offered: 2/20/67
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR 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 16 is amended by adding a new chapter to read:

10 CHAPTER 50. GUIDES AND OUTFITTERS.

11 ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

12 Sec. 16.50.010. CREATION AND MEMBERSHIP. There is created the
13 Guide Licensing and Control Board composed of seven members.

14 Sec. 16.50.020. APPOINTMENT OF MEMBERS. (a) The seven members
15 of the board, four of whom shall be licensed guides, shall be appointed
16 by the governor without regard to political affiliation, subject to
17 confirmation by a majority of the members of the legislature in joint
18 session.

19 (b) The seven members are not entitled to receive compensation
20 other than necessary expenses, travel and per diem allowances.

21 (c) A member may act and receive necessary expenses, travel
22 and per diem allowances from his appointment until his confirmation
23 or rejection by the legislature.

24 Sec. 16.50.030. TERM OF OFFICE. The members of the board shall
25 be appointed for overlapping four-year terms. The first members
26 appointed serve as follows: two members shall serve for one year, two
27 members for two years, two for three years and one for four respectively.
28 Initial terms date from the first of February immediately preceding
29 appointment. If a vacancy occurs, the governor shall fill it by

1 appointment for the unexpired term. The appointment shall be submitted
2 to the legislature for confirmation at the next regular or special
3 session.

4 **Sec. 16.50.040. QUORUM AND CHAIRMAN.** (a) Four members constitute
5 a quorum.

6 (b) The board shall elect a chairman for a term set by the board.

7 **Sec. 16.50.050. REMOVAL OF BOARD MEMBERS.** The governor may remove
8 a board member for inefficiency, neglect of duties, or misconduct in
9 office, by delivering to him a written copy of the charges and giving
10 him an opportunity to be heard in person or through counsel at a public
11 hearing before the governor or his designee upon at least 10 days'
12 notice by registered mail. The member has the right to confrontation
13 by and cross-examination of all witnesses against him. Upon removal,
14 the governor or his designee shall file a complete statement of all
15 charges made against the member and the findings in the state office
16 as provided by law.

17 **Sec. 16.50.060. MEETINGS.** The board shall hold one regular
18 meeting annually at the state capital and one or more additional meet-
19 ings at the time and place within the state the board selects for the
20 transaction of business. The board shall maintain its office at the
21 principal office of the Department of Fish and Game. Meetings shall
22 be called by the chairman or by a majority of the members of the board.

23 **Sec. 16.50.070. LEGAL SERVICES FOR THE BOARD.** The Department of
24 Law shall provide all legal services for the board.

25 **Sec. 16.50.080. LIMITATIONS ON BOARD MEMBERS.** No member of the
26 board may be a candidate for state office or member of the legislature
27 during his term of office.

28 **Sec. 16.50.090. POWERS AND DUTIES.** The board shall:

29 (1) prepare, grade, and administer examinations;

1 (2) determine and pass on qualifications of applicants for
2 licenses and issue license to those who qualify;

3 (3) establish guide performance standards and regulate
4 activity;

5 (4) compile, maintain and publish an outfitter and guide
6 register;

7 (5) require submission of reports on outfitting and guiding
8 activities as considered necessary by the Board of Fish and Game for
9 game management purposes;

10 (6) restrict outfitting and guiding activities which are
11 unsportsmanlike, unethical, unsafe, against principles of conservation
12 or degrading to the outfitting and guiding profession or which adversely
13 affect the natural resources;

14 (7) after hearing, revoke, suspend or deny renewal of a
15 license in accordance with sec. 210 of this chapter.

16 Sec. 16.50.100. BOARD REGULATIONS. The board shall adopt pro-
17 cedural and substantive regulations under the Administrative Procedure
18 Act (AS 44.62) required by this chapter or reasonably necessary for
19 its administration.

20 Sec. 16.50.110. BOARD HEARING. The Administrative Procedure Act
21 (AS 44.62) applies to proceedings and hearings under this chapter.

22 **ARTICLE 2. VIOLATIONS AND PENALTIES.**

23 Sec. 16.50.210. GROUNDS FOR DISCIPLINING A LICENSEE. After a
24 hearing, the board may revoke, suspend or deny renewal of a license
25 if the board finds that the licensee

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

28 (2) engages in activities which are unsportsmanlike, unethical,
29 unsafe or degrading to the outfitting and guiding profession or which

1 adversely affect the natural resources or the principles of conserva-
2 tion;

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

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

7 (5) has been convicted of a crime involving moral turpi-
8 tude.

9 Sec. 16.50.220. VIOLATIONS. (a) It is unlawful for

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

14 (2) an outfitter, master guide, registered or assistant guide
15 to aid or abet the commission or a violation of this chapter or a rule
16 or regulation promulgated under this chapter or permit the commission
17 of a violation in his presence or view;

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

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

23 (b) A person who is convicted of violating this section is guilty
24 of a misdemeanor and upon conviction is punishable by a fine of not
25 more than \$1,000, or by imprisonment for not more than one year, or by
26 both.

27 Sec. 16.50.230. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
28 judgment of the board a person or corporation or other entity has
29 engaged in an act in violation of secs. 220, 310 - 330 of this chapter

1 or the regulations promulgated under sec. 110 of this chapter, the
2 board may apply to the appropriate court for an order enjoining the
3 act. Upon a showing by the board that the person is engaging in the
4 act, the court shall grant injunctive relief or other appropriate order
5 without bond.

6 **ARTICLE 3. LICENSING.**

7 **Sec. 16.50.310. QUALIFICATIONS FOR OUTFITTER LICENSE.** A person
8 is entitled to be licensed as an outfitter if he

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

17 **Sec. 16.50.320. QUALIFICATIONS FOR MASTER GUIDE LICENSE.** A person
18 is entitled to be licensed as a master guide if he

- 19 (1) has legally hunted in Alaska for a part of each of 10
20 years during which time a substantial source of his income was from
21 guiding or related activities directly contributing to his experience
22 and competency as a guide;
23 (2) meets all requirements of a registered guide and has
24 been actively engaged in licensed guiding activities in Alaska for at
25 least five years preceding application;
26 (3) has not been convicted of a violation of federal or
27 state sport fishing, game or guiding laws or regulations within the
28 preceding five years;
29 (4) has consistently performed in a superior manner as

1 evidenced by required reports submitted to the board and by inquiries
2 made by the board to at least two of the guide's clients of record;

3 (5) meets additional qualifications which the board may
4 require.

5 **Sec. 16.50.330. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.** A
6 person is entitled to be licensed as a registered guide if he

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

8 (2) is a legal resident of Alaska;

9 (3) has practical field experience in the handling of fire-
10 arms, hunting, judging trophies, field preparation of trophies, first
11 aid and photography;

12 (4) is familiar with the terrain and transportation problems
13 in the district for which the license is requested;

14 (5) has passed the qualification examination prepared and
15 administered by the board;

16 (6) has demonstrated to the board sufficient standards of
17 competence and ethical conduct and has not been convicted of a crime
18 involving moral turpitude;

19 (7) has legally hunted in Alaska for all or part of each of
20 five years in a manner directly contributing to his experience and
21 competency as a guide;

22 (8) has been licensed as and performed the services of an
23 assistant guide in Alaska for a part of each of three years.

24 (9) meets additional qualifications which the board may
25 require.

26 **Sec. 16.50.340. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE.** A
27 person is entitled to be licensed as an assistant guide if he

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

29 (2) is a legal resident of Alaska;

1 (3) is favorably recommended by a registered guide,
2 (4) meets additional qualifications which the board may
3 require.

4 Sec. 16.50.350. FEES. (a) License fees for engaging in the
5 profession of guiding are:

- 6 (1) outfitter's license \$10
7 (2) master guide license \$50
8 (3) registered guide license \$50
9 (4) assistant guide license \$ 5

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

13 Sec. 16.50.360. EXPIRATION AND RENEWAL. (a) An outfitter, master
14 guide, registered guide or assistant guide license shall expire on
15 December 31, following issuance.

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

20 ARTICLE 4. GENERAL PROVISIONS.

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

24 Sec. 16.50.420. DEFINITIONS. In this chapter

- 25 (1) "board" means the Guide Licensing and Control Board;
26 (2) "guide," "guides" or "guiding" means accompanying,
27 guiding, or assisting another person to take or photograph game with
28 the intent of receiving monetary or material remuneration for the
29 services.

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

5 * Sec. 2. The following sections are repealed: AS 16.05.250(6);
6 16.05.340(11); (12) and (17); 16.05.410(d) and (e); 16.05.420(c) and (d);
7 16.05.729(a), (2), (3) and (4); 16.05.795; 16.05.796(a) and (b); 16.05.798
8 and 16.05.940(10).

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

13 * Sec. 4. Within 60 days after the effective date of this Act, the
14 governor shall appoint the Guide Licensing and Control Board. At the time
15 of these appointments, the governor shall designate which members have been
16 appointed for the terms of service provided by AS 16.50.030.

17 * Sec. 5. The regulations presently in effect relating to guiding,
18 Alaska Administrative Code, title 5, chapter 4, so far as they are not in
19 conflict with this Act shall remain in effect until January 1, 1968 or until
20 repealed or amended by this Board, whichever is later.

21 * Sec. 6. This Act takes effect on the day after its passage and appro-
22 val or on the day it becomes law without approval.
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