

Original sponsors: Harris and Waugaman

Offered: 2/8/68  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 50

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTH LEGISLATURE - SECOND 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. DESIGNATION OF BOARD. In addition to its other  
13 duties, the Board of Fish and Game shall serve as the Guide Licensing  
14 and Control Board.

15

Sec. 16.50.020. POWERS AND DUTIES. The board shall

16

(1) prepare, grade, and administer examinations;

17

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

19

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

21

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

23

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

26

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

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

3 Sec. 16.50.030. BOARD REGULATIONS. The board shall adopt pro-  
4 cedural and substantive regulations under the Administrative Procedure  
5 Act (AS 44.62) required by this chapter or reasonably necessary for  
6 its administration.

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

9 ARTICLE 2. VIOLATIONS AND PENALTIES.

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

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

15 (2) engages in activities which are unsportsmanlike, un-  
16 ethical, unsafe or degrading to the outfitting and guiding profession or  
17 which adversely affect the natural resources or the principles of  
18 conservation;

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

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

23 (5) has been convicted of a crime involving moral turpi-  
24 tude.

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

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

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

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

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

11 (5) A person who violates this section is guilty of a misdemeanor  
12 and upon conviction is punishable by a fine of not more than \$1,000,  
13 or by imprisonment for not more than one year, or by both.

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

22 **ARTICLE 3. LICENSING.**

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

- 25 (1) is a licensed master or registered guide;  
26 (2) has permanently established camps in at least one of his  
27 authorized hunting districts;  
28 (3) has demonstrated to the board his ability to outfit  
29 hunts;

1 (4) has provided a surety bond in the amount of \$5,000  
2 approved by the board, conditioned to protect the contract existing  
3 between outfitter and client.

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

6 (1) has legally hunted in Alaska for a part of each of 10  
7 years during which time a substantial source of his income was from  
8 guiding or related activities directly contributing to his experience  
9 and competency as a guide;

10 (2) meets all requirements of a registered guide and has  
11 been actively engaged in licensed guiding activities in Alaska for at  
12 least five years preceding application;

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

16 (4) has consistently performed in a superior manner as  
17 evidenced by required reports submitted to the board and by inquiries  
18 made by the board to at least two of the guide's clients of record; and

19 (5) meets additional qualifications which the board may  
20 require.

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

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

24 (2) is a legal resident of Alaska and maintains a permanent  
25 place of abode within the state;

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

29 (4) is familiar with the terrain and transportation problems

1 in the district for which the license is requested;

2 (5) has passed the qualification examination prepared and  
3 administered by the board;

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

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

10 (8) has been licensed as and performed the services of an  
11 assistant guide in Alaska for a part of each of three years; and

12 (9) meets additional qualifications which the board may  
13 require.

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

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

17 (2) is a legal resident of Alaska and maintains a permanent  
18 place of abode within the state;

19 (3) is favorably recommended by a registered guide; and

20 (4) meets additional qualifications which the board may  
21 require.

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

- 24 (1) outfitter's license . . . . . \$10  
25 (2) master guide license . . . . . 50  
26 (3) registered guide license . . . . . 50  
27 (4) assistant guide license . . . . . 5

28 (b) The license fee for an outfitter, master guide, registered  
29 guide or assistant guide license shall be in addition to the fee

1 required for a hunting or fishing license.

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

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

9 ARTICLE 4. MISCELLANEOUS PROVISIONS.

10 Sec. 16.50.310. PEACE OFFICERS. (a) If the commissioner  
11 determines it is in the best interests of the state's wildlife resources  
12 he may designate individual master guides and registered guides as  
13 peace officers of the state with authority to detain for the purpose  
14 of obtaining name, address and hunting or fishing license number or  
15 other pertinent identification, a person violating a provision of this  
16 chapter or ch. 5 of this title or a regulation promulgated under either  
17 chapter.

18 (b) A person designated as a peace officer under (a) of this  
19 section shall display at all times a badge or patch issued by the de-  
20 partment evidencing his authority and shall identify himself when  
21 questioning another person.

22 (c) The authority of the commissioner to designate peace officers  
23 under (a) of this section is in addition to his authority under AS 16.05.  
24 150(3), but it is intended that the provisions for enforcement powers and  
25 duties specified in AS 16.05.160 - 16.05.200 do not apply to peace  
26 officers designated under (a) of this section.

27 (d) No person other than a master guide may be required to accept  
28 designation as a peace officer under this section.

29 ARTICLE 5. GENERAL PROVISIONS.

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

4           Sec. 16.50.420. DEFINITIONS. In this chapter

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

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

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

14       \* Sec. 2. The following sections are repealed: AS 16.05.250(6);  
15 16.05.340(11), (12), and (17); 16.05.410(d) and (e); 16.05.420(c) and (d);  
16 16.05.792; 16.05.795; 16.05.796; 16.05.798 and 16.05.940(10).

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

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

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