

Original sponsor: Rules Committee by re-
quest of the Governor

Offered: 4/20/70
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 579

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the creation of a guide licensing
7 and control board."

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. GUIDE LICENSING AND CONTROL BOARD.

12 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is
13 created the Guide Licensing and Control Board consisting of five mem-
14 bers, three of whom are licensed registered guides and two are from
15 recognized sportsman's organizations.

16 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members
17 of the board shall be appointed by the governor and confirmed by the
18 legislature for staggered terms of five years or until their successors
19 are appointed. A member may be removed at the pleasure of the governor.

20 Sec. 08.54.030. CHAIRMAN OF BOARD. The board shall elect one of
21 its members as chairman.

22 Sec. 08.54.040. BOARD MEETINGS. The board shall hold a regular
23 annual meeting and such other meetings as it may consider necessary.

24 Sec. 08.54.050. POWERS AND DUTIES. The board shall

- 25 (1) prepare, grade and administer examinations;
26 (2) determine and pass on qualifications of applicants for
27 licenses and authorize the issuance of licenses to those who qualify;
28 (3) establish guide performance standards and regulate
29 activity;

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

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

7 (6) after hearing, revoke, suspend or deny renewal of a
8 license in accordance with sec. 200 of this chapter.

9 Sec. 08.54.060. BOARD REGULATIONS. The board shall adopt pro-
10 cedural and substantive regulations, under the Administrative Procedure
11 Act (AS 44.62), required by this chapter or reasonably necessary for
12 its administration.

13 Sec. 08.54.070. BOARD HEARING. The Administrative Procedure
14 Act (AS 44.62) applies to proceedings and hearings under this chapter.

15 Sec. 08.54.080. COMPENSATION AND EXPENSES. Members of the
16 board receive no salary, but are entitled to per diem and travel
17 expenses authorized by law for other boards.

18 ARTICLE 2. LICENSING.

19 Sec. 08.54.100. QUALIFICATIONS FOR OUTFITTER LICENSE. A person
20 is entitled to be licensed as an outfitter if he

21 (1) is a licensed master or registered guide;

22 (2) has permanently established camps in at least one of
23 his authorized hunting districts;

24 (3) has demonstrated to the board his ability to outfit
25 hunts; and

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

29 Sec. 08.54.110. QUALIFICATIONS FOR MASTER GUIDE LICENSE. A

1 person is entitled to be licensed as a master guide if he

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

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

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

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

15 (5) meets additional qualifications which the board may
16 require.

17 Sec. 08.54.120. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
18 person is entitled to be licensed as a registered guide if he

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

20 (2) is a resident of Alaska;

21 (3) has practical field experience in the handling of
22 firearms, hunting, judging trophies, field preparation of trophies,
23 first aid and photography;

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

26 (5) has passed the qualification examination prepared and
27 administered by the board;

28 (6) has demonstrated to the board sufficient standards of
29 competence and ethical conduct and has not been convicted of a crime

1 involving moral turpitude;

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

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

7 (9) meets additional qualifications which the board may
8 require.

9 Sec. 08.54.130. QUALIFICATIONS FOR CLASS-A ASSISTANT GUIDE
10 LICENSE. A person is entitled to be licensed as a class-A assistant
11 guide if he

12 (1) has been employed for at least one season as a licensed
13 assistant guide;

14 (2) has had at least 20 years experience in the guide dis-
15 trict in which he is to be employed; for the purposes of this paragraph
16 physical presence at some time of year during each of 20 years con-
17 stitutes adequate evidence of experience, and military service outside
18 the state for no more than six years shall be accepted as part of the
19 required 20 years experience;

20 (3) has been recommended in writing as qualified by a
21 registered or master guide to the Department of Fish and Game.

22 Sec. 08.54.140. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT
23 GUIDES. A class-A assistant guide

24 (1) may not contract for hunts;

25 (2) shall be under the supervision of a registered or master
26 guide who has contracted with the client for whom the class-A assistant
27 guide is conducting the hunt;

28 (3) may take charge of a camp and conduct hunts from it
29 without the registered or master guide necessarily being present in

1 the area if the registered or master guide is physically present in
2 the state and is actively participating in guiding activities.

3 Sec. 08.54.150. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A
4 person is entitled to be licensed as an assistant guide if he

- 5 (1) is 19 years of age or more;
- 6 (2) is a resident of Alaska;
- 7 (3) is favorably recommended by a registered guide; and
- 8 (4) meets additional qualifications which the board may

9 require.

10 Sec. 08.54.160. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE FOR
11 VIOLATIONS. A registered or master guide contracting for a hunt is
12 equally responsible for a violation of a federal or state sport fish,
13 game or guide statute or regulation committed by a class-A assistant
14 guide or assistant guide while in the course of his employment.

15 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging
16 in the profession of guiding are:

- 17 (1) outfitter's license, biennial..... \$ 20
- 18 (2) master guide license, biennial..... 100
- 19 (3) registered guide license, biennial..... 100
- 20 (4) class-A assistant guide license, biennial..... 20
- 21 (5) assistant guide license, biennial..... 10

22 (b) The license fee for an outfitter, master guide, registered
23 guide, class-A assistant guide or assistant guide license shall be in
24 addition to the fee required for a hunting or fishing license.

25 Sec. 08.54.180. EXAMINATION FEE. An applicant for a guide
26 examination shall pay a fee of \$25.

27 Sec. 08.54.190. EXPIRATION AND RENEWAL. (a) An outfitter,
28 master guide, registered guide, class-A assistant guide or assistant
29 guide license expires on December 31.

1 (b) A license may not be issued to an outfitter, master guide,
2 registered guide, class-A assistant guide or assistant guide who has
3 failed to renew his license for two consecutive years unless he again
4 meets the qualifications for initial issuance of the license.

5 ARTICLE 3. VIOLATIONS AND PENALTIES.

6 Sec. 08.54.200. GROUNDS FOR DISCIPLINING A LICENSEE. After a
7 hearing, the board may revoke, suspend or deny renewal of a license if
8 the board finds that the licensee

9 (1) does not meet the qualifications specified by statute
'0 or regulations for the class of license held;

11 (2) engages in activities which are unsportsmanlike,
12 unethical, unsafe or degrading to the outfitting and guiding profession
13 or which adversely affect the natural resources or the principles of
14 conservation;

15 (3) is incompetent as an outfitter, master guide, registered
16 guide, class-A assistant guide or assistant guide;

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

19 (5) has been convicted of a crime involving moral turpitude.

20 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

21 (1) an outfitter, master guide, registered guide, class-A
22 assistant guide or assistant guide to fail to report to the Department
23 of Commerce within 60 days violations by a client of a state fish,
24 game or guiding statute or regulation;

25 (2) an outfitter, master guide, registered guide, class-A
26 assistant guide or assistant guide to aid the commission of a violation
27 of this chapter or of AS 16.05 or a regulation promulgated under either
28 chapter, or permit the commission of a violation in his sight without
29 attempting to prevent it, short of using force, and without reporting

1 it;

2 (3) a person to guide as defined in this chapter without
3 being licensed under this chapter and without having the license in
4 his actual possession;

5 (4) a person to advertise as or represent himself to be a
6 licensed outfitter, master guide, registered guide, class-A assistant
7 guide or assistant guide without being licensed.

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

11 Sec. 08.54.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
12 judgment of the board a person or corporation or other entity has
13 engaged in an act in violation of secs. 100 - 190 of this chapter or
14 the regulations promulgated under sec. 210 of this chapter, the board
15 may apply to the appropriate court for an order enjoining the act.
16 Upon a showing by the board that the person is engaging in the act,
17 the court shall grant injunctive relief or other appropriate order
18 without bond.

19 ARTICLE 4. GENERAL PROVISIONS.

20 Sec. 08.54.310. ENFORCEMENT. The enforcement and protection
21 required by this chapter shall be carried out by the Department of
22 Fish and Game.

23 Sec. 08.54.320. DEFINITIONS. In this chapter

24 (1) "board" means the Guide Licensing and Control Board;

25 (2) "guide", "guides" or "guiding" means accompanying,
26 guiding, or assisting another person to take or photograph game with
27 the intent of receiving monetary or material remuneration for the
28 services;

29 (3) "licensed outfitter" means a bonded licensed master or

1 registered guide who contracts with clients for hunts, employs guides,
2 furnishes camps, hunting equipment and supplies; however, this does not
3 include the operation of a retail sales business;

4 (4) "resident" means a person who has resided and domiciled
5 regularly within the state for a period of not less than 12 consecutive
6 months immediately preceding the date of application for a license,
7 certificate or permit.

* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

9 (18) Guide Licensing and Control Board.

10 * Sec. 3. AS 44.62.330 is amended by adding a new paragraph to read:

11 (33) Guide Licensing and Control Board.

12 * Sec. 4. AS 16.05.050 is amended by adding a new paragraph to read:

13 (11) require submission of such reports on outfitting and
14 guiding as considered necessary for game management purposes.

15 * Sec. 5. AS 16.05.407(b) is amended to read:

16 (b) It is unlawful for a nonresident to import polar bear into
17 this state unless personally accompanied by a person who is licensed as
18 a master guide, registered guide, class-A assistant guide or assistant
19 guide [BY THE DEPARTMENT].

20 * Sec. 6. AS 16.50 is repealed.

21 * Sec. 7. A person licensed as a registered or master guide, class-A
22 assistant guide or assistant guide at the time this Act takes effect shall,
23 upon application, be issued a registered guide license, master guide license
24 class-A assistant guide license or assistant guide license, respectively.

25 * Sec. 8. The regulations presently in effect relating to guiding,
26 Alaska Administrative Code, title 5, ch. 4, so far as they are not in con-
27 flict with this Act, shall remain in effect until repealed or amended by
28 the Guide Licensing and Control Board.