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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 185

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE -- FIRST 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  
14 members: a licensed master guide, a licensed registered guide, a  
15 licensed class-A assistant guide, and two persons having a general know-  
16 ledge of the game resources of the state. A minimum of 10-year resi-  
17 dence in the state is required for all members of the board.

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

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

25 Sec. 08.54.040. POWERS AND DUTIES. (a) The board shall  
26 (1) prepare, grade and administer examinations;  
27 (2) determine and pass on qualifications of applicants for  
28 licenses and authorize the issuance of licenses to those who qualify;  
29 (3) establish guide performance standards and regulate

1 activity;

2 (4) compile, maintain and publish a guide register;

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

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

8 (b) If a person is unable to competently understand the written  
9 portion of an examination given under (a) of this section, he shall be  
10 given the complete examination orally in a language which he understands.

11 Sec. 08.54.050. BOARD REGULATIONS. The board shall adopt pro-  
12 cedural and substantive regulations, under the Administrative Procedure  
13 Act (AS 44.62), required by this chapter or reasonably necessary for  
14 its administration.

15 Sec. 08.54.060. BOARD HEARING. The administrative Procedure Act  
16 (AS 44.62) applies to proceedings and hearings under this chapter.

17 Sec. 08.54.070. COMPENSATION AND EXPENSES. Members of the  
18 board receive no salary, but are entitled to per diem and travel ex-  
19 penses authorized by law for other boards.

20 ARTICLE 2. LICENSING.

21 Sec. 08.54.100. QUALIFICATIONS FOR A MASTER GUIDE LICENSE. A  
22 person is entitled to be licensed as a master guide if he

23 (1) has legally hunted in the state for a part of each of  
24 10 years during which time a substantial source of his income was  
25 from guiding or related activities directly contributing to his  
26 experience and competency as a guide;

27 (2) meets all the requirements of a registered guide and  
28 has been actively engaged in licensed guiding activities in the state  
29 for at least five years preceding application;

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

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

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

10 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.

11 A person is entitled to be licensed as a registered guide if he

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

13 (2) is a resident of the state and maintains a permanent  
14 place of abode in the state;

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

18 (4) is familiar with the terrain and transportation prob-  
19 lems in the district for which the license is requested;

20 (5) has passed the qualification examination prepared and  
21 administered by the board;

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

25 (7) has legally hunted in the state for all or part of  
26 each of five years in a manner directly contributing to his experience  
27 and competency as a guide;

28 (8) has been licensed as and performed the services of an  
29 assistant guide in the state for a part of each of three years;

1 (9) submits a written recommendation to the board from a  
2 registered guide for whom the applicant has worked;

3 (10) is in sound physical condition;

4 (11) has been favorably recommended in writing by two  
5 hunters that he has guided or assisted in guiding during each year of  
6 his three years as an assistant guide, whose recommendations have  
7 been solicited by the board from a list provided by the applicant;

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

10 Sec. 08.54.120. QUALIFICATIONS FOR A CLASS-A ASSISTANT GUIDE  
11 LICENSE. A person is entitled to be licensed as a class-A assistant  
12 guide if he

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

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

21 (3) has been recommended in writing as qualified by a  
22 registered or master guide to the board.

23 Sec. 08.54.130. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT  
24 GUIDES. A class-A assistant guide

25 (1) may not contract for hunts;

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

29 (3) may take charge of a camp and conduct hunts from it

1 without the registered or master guide necessarily being present in  
2 the area if the registered or master guide is physically present in  
3 the state and is actively participating in guiding activities.

4 Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A  
5 person is entitled to be licensed as an assistant guide if he

- 6 (1) is 19 years of age or more;  
7 (2) is a resident of the state;  
8 (3) is favorably recommended by a registered guide;  
9 (4) meets additional qualifications which the board may  
10 require;  
11 (5) is in sound physical condition.

12 Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE FOR  
13 VIOLATIONS. A registered or master guide contracting for a hunt is  
14 equally responsible for a violation of a federal or state sport fish,  
15 game or guide statute or regulation committed by a class-A assistant  
16 guide or assistant guide while in the course of his employment.

17 Sec. 08.54.160. SPECIAL GUIDING PERMIT. The board may issue a  
18 special guiding permit, in lieu of a guide license, authorizing a  
19 person to guide in a specifically designated area, if the person is  
20 considered sufficiently experienced to perform the services of a  
21 guide and is limited solely by language barriers from securing a  
22 regular guide license.

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

- 25 (1) master guide license, biennial.....\$100  
26 (2) registered guide license, biennial..... 100  
27 (3) class-A assistant guide, biennial..... 20  
28 (4) assistant guide license, biennial..... 10  
29 (b) The license fee for a master guide, registered guide, class-A

1 assistant guide or assistant guide license is in addition to the fee  
2 required for a hunting or fishing license.

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

5 Sec. 08.54.190. EXPIRATION AND RENEWAL. (a) A master guide,  
6 registered guide, class-A assistant guide or assistant guide license  
7 expires on December 31.

8 (b) A license may not be issued to a master guide, registered  
9 guide, class-A guide or assistant guide who has failed to renew  
10 his license for two consecutive years unless he again meets the  
11 qualifications for initial issuance of the license.

12 ARTICLE 3. VIOLATIONS AND PENALTIES.

13 Sec. 08.54.200. GROUNDS FOR DISCIPLINING A LICENSEE. After a  
14 hearing, the board may revoke, suspend or deny renewal of a license  
15 if the board finds that the license

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

18 (2) engages in activities which are unsportsmanlike,  
19 unethical, unsafe or degrading to the guiding profession or which  
20 adversely affect the natural resources or the principles of conserva-  
21 tion;

22 (3) is incompetent as a master guide, registered guide,  
23 class-A guide or assistant guide;

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

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

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

28 (1) a master guide, registered guide, class-A assistant  
29 guide or assistant guide to fail to report to the Department of

1 Commerce, within 60 days, violations by a client of a state fish,  
2 game or guiding statute or regulation;

3 (2) a master guide, registered guide, class-A assistant  
4 guide or assistant guide to aid the commission of a violation of this  
5 chapter or of AS 16.05 or a regulation promulgated under either  
6 chapter, or permit the commission of a violation in his sight without  
7 attempting to prevent it, short of using force, and without reporting  
8 it;

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

12 (4) a person to advertise as or represent himself to be a  
13 licensed master guide, registered guide, class-A assistant guide or  
14 assistant guide without being licensed, or to falsely advertise  
15 services.

16 (b) A person who violates this section is guilty of a misdemeanor  
17 and upon conviction is punishable by a fine of not more than \$1,000,  
18 or by imprisonment for not more than one year, or by both, and may  
19 have his license revoked for a period up to five years.

20 Sec. 08.54.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the  
21 judgment of the board a person or corporation or other entity has  
22 engaged in an act in violation of secs. 100 - 200 of this chapter or  
23 the regulations promulgated under sec. 210 of this chapter, the board  
24 may apply to the appropriate court for an order enjoining the act.  
25 Upon a showing by the board that the person is engaging in the act,  
26 the court shall grant injunctive relief or other appropriate order  
27 without bond.

28 ARTICLE 4. GENERAL PROVISIONS.

29 Sec. 08.54.240. DEFINITIONS. In this chapter

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

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

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

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

9 (19) Guide Licensing and Control Board.

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

11 (34) 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 guiding as  
14 considered necessary for game management purposes.

15 \* Sec. 5. AS 16.50 is repealed.

16 \* Sec. 6. A person licensed as a registered or master guide, class-A  
17 assistant guide or assistant guide at the time this Act takes effect shall,  
18 upon application, be issued a registered guide license, master guide  
19 license, class-A assistant guide license or assistant guide license, respec-  
20 tively.

21 \* Sec. 7. All guiding regulations in effect on the effective date of  
22 this Act and all regulations adopted by the board before the effective  
23 date of this Act, so far as they are not in conflict with this Act, remain  
24 valid until amended or revoked by the Guide Licensing and Control Board.  
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