

Original sponsor: Specking by request

Offered: 6/16/72

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR SENATE CS FOR CS FOR HOUSE BILL NO. 185

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game; and providing for
7 an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. INTENT. It is the intent of this Act to provide authority
10 for increased local participation in the regulation of fish and game by the
11 formation of regional advisory authority and by sec. 10 of this Act, to
12 institute a pilot regional advisory board program in the first year, to
13 allow for further legislative scrutiny before the statewide program becomes
14 operative on July 1, 1973.

15 * Sec. 2. AS 16.05 is amended by adding new sections to read:

16 ARTICLE 2. THE MASTER BOARD OF FISH AND GAME.

17 Sec. 16.05.225. CREATION. There is created a Master Board of
18 Fish and Game consisting of 13 members, all of whom shall be citizens
19 of the United States.

20 Sec. 16.05.235. APPOINTMENT OF MEMBERS. (a) The 13 members of
21 the board shall be appointed by the governor within 30 days from the
22 date the regional boundaries are established by the department under
23 sec. 322(b) of this chapter. A member shall be appointed who is a
24 resident from each regional area specified in sec. 322(a) of this
25 chapter and one member shall be appointed from the state at large.
26 Each member is subject to confirmation by a majority of the members of
27 the legislature in joint session. Members of the board shall possess
28 an ability in management and an interest in and knowledge of the fish
29 and game resources of the state.

1 (b) The 13 members are entitled to the expenses, travel, and
2 per diem allowances provided by law.

3 (c) A member may act and receive compensation from his appoint-
4 ment before his confirmation or rejection by the legislature.

5 Sec. 16.05.245. TERM OF OFFICE. The term of office for members
6 of the board is four years. The first members appointed serve as
7 follows: three members shall serve for one year, three for two years,
8 three for three years, and three for four years, respectively. The
9 13th member appointed shall serve a term of four years. Initial
10 terms date from the first of February immediately preceding appointment.
11 If a vacancy occurs, the governor shall fill it by appointment for
12 the unexpired term. The appointment shall be submitted to the legis-
13 lature for confirmation at the next regular or special session.

14 Sec. 16.05.253. MASTER BOARD REGULATIONS. The master board may
15 make regulations it considers advisable in accordance with the Adminis-
16 trative Procedure Act (AS 44.62) for

17 (1) setting apart fish and game reserve areas, refuges and
18 sanctuaries in the waters or on the lands of the state over which it
19 has jurisdiction, subject to the approval of the legislature;

20 (2) establishment of open and closed seasons and areas for
21 fish and game;

22 (3) establishment of the means and methods employed in the
23 pursuit, capture, and transport of fish and game;

24 (4) setting quotas and bag limits on the taking of fish
25 and game;

26 (5) classifying fish and game as commercial fish, sport fish,
27 game birds, song birds, big game animals, fur bearing animals, predators,
28 vermin, or other categories essential for regulatory purposes;

29 (6) engaging in biological research, watershed and habitat

1 improvement, fish and game management, protection, propagation and
2 stocking;

3 (7) investigating and determining the extent and effect of
4 predation and competition among fish and game in the state, exercising
5 control measures considered necessary to the resources of the state
6 and designating game management units or parts of game management
7 units in which bounties for predatory animals shall be paid;

8 (8) entering into cooperative agreements with educational
9 institutions and state, federal, or other agencies to promote fish and
10 game research, management, education and information and to train men
11 for fish and game management;

12 (9) prohibiting the live capture, possession, transport or
13 release of native or exotic fish or game or their eggs;

14 (10) establishing additional qualifications relating to the
15 eligibility requirements for gear licenses;

16 (11) establishing seasons, areas, quotas and methods of
17 harvest for aquatic plants;

18 (12) establishment of the times and dates during which the
19 issuance of fish and game licenses, permits and registrations and the
20 transfer of permits and registrations between registration areas, game
21 management units or subunits is allowed.

22 Sec. 16.05.255. QUORUM AND CHAIRMAN. (a) Seven members consti-
23 tute a quorum; however, a majority vote of the full board membership
24 is required to pass substantive measures.

25 (b) The board shall elect one member of the board as the chairman
26 and he shall serve as a chairman of the board at the pleasure of the
27 board.

28 Sec. 16.05.275. MEETINGS. The board shall meet at least once a
29 year. Meetings may be called by the chairman or by a majority of the

1 members of the board. The board shall determine the time and place
2 of its meetings but the board, in conjunction with all established
3 regional advisory boards, shall establish a meeting schedule so that a
4 maximum of coordination exists in the submission of regional advisory
5 board recommendations for regulations to the master board in order to
6 allow full and timely consideration of all regional advisory board
7 recommendations before the publication of proposed regulations by the
8 master board under AS 44.62.190.

9 Sec. 16.05.285. LEGAL ASSISTANCE. The Department of Law shall
10 provide all legal services for the master board and the regional
11 advisory boards, unless otherwise provided by law.

12 ARTICLE 2A. REGIONS, ADVISORY COMMITTEES

13 AND REGIONAL ADVISORY BOARDS.

14 Sec. 16.05.322. CREATION OF REGIONS. (a) There are created the
15 following 12 fish and game management regions in the state:

- 16 (1) Bristol Bay,
- 17 (2) Cook Inlet-Kenai Peninsula,
- 18 (3) Arctic,
- 19 (4) Interior,
- 20 (5) Prince William Sound-Copper River Basin,
- 21 (6) Norton Sound-Seward Peninsula-Kotzebue Sound,
- 22 (7) Kodiak,
- 23 (8) Southeastern,
- 24 (9) Yukon,
- 25 (10) Alaska Peninsula-Aleutian,
- 26 (11) Anchorage-Susitna Basin,
- 27 (12) Kuskokwim.

28 (b) After 15 days of statewide public notice, the department
29 shall hold at least one public hearing in the major population center

1 of each of the regions specified in (a) of this section. Within 30
2 days after the hearings have been concluded the boundaries of the
3 regions shall be established by the department, based on a considera-
4 tion of fish and game areas, geographic areas, and other resource
5 considerations.

6 Sec. 16.05.323. ADVISORY COMMITTEES. (a) The department
7 shall divide each region into five areas, with as nearly equal
8 representation as possible based on a consideration of fish and
9 game areas, geographic areas, and other resource considerations.
10 An advisory committee may be established and organized by
11 interested residents of the area for each of the five areas within
12 a region. Each advisory committee at its initial organizational
13 meeting shall elect a steering committee consisting of three members,
14 one of whom shall be designated chairman. The Department of Fish and
15 Game shall give public notice of the initial organizational meeting
16 at least two weeks before the date of the meeting. Public notice of
17 subsequent meetings shall be given by the chairman of the area advisory
18 committee. All meetings shall be conducted according to Roberts Rules
19 of Order. All residents of an area in attendance shall have voting
20 privileges at their respective area advisory committee meetings. The
21 chairman may require satisfactory proof of area residency before a
22 person may exercise his voting privileges. If there are competing or
23 conflicting advisory committees within one area the master board shall
24 attempt to achieve a voluntary consolidation of the groups into one
25 group. If a consolidation cannot be achieved, the master board shall
26 designate the official advisory committee for the area. Recommenda-
27 tions for regulations from area advisory committees shall be submitted
28 to the regional advisory board having jurisdiction over the area.

29 (b) If a regional advisory board has not been created which

1 encompasses an advisory committee's area of jurisdiction, recommendations
2 for regulations from the advisory committee shall be forwarded to the
3 master board for its consideration.

4 (c) The commissioner shall delegate authority to advisory com-
5 mittees for emergency closures during established seasons. The com-
6 missioner may countermand and make null and void any authority delegated
7 or order issued under this subsection. The master board shall estab-
8 lish the necessary rules governing such closures.

9 Sec. 16.05.324. REGIONAL ADVISORY BOARDS. If each of the five area
10 advisory committees within a region certifies to the department that it
11 desires a regional advisory board for the region, and forwards the name
12 of the person elected under sec. 325 of this chapter by the area advis-
13 ory committee to serve on the regional advisory board, the department
14 shall send to each area advisory committee in the region a certificate
15 evidencing the establishment of the regional advisory board and a state-
16 ment confirming the membership of the regional advisory board as elected
17 by the area advisory committee.

18 Sec. 16.05.325. REGIONAL ADVISORY BOARD MEMBERSHIP. (a) A
19 regional advisory board shall consist of five members. Within the
20 boundaries of the areas designated by the department in sec. 323 of this
21 chapter each area advisory committee established under sec. 323 of this
22 chapter shall elect one member for that area to serve on the regional
23 advisory board.

24 (b) The term of office for members of a regional advisory board is two
25 years. Initial appointments shall be as follows: three members for
26 two years and two members for one year. If a vacancy occurs, the
27 regional advisory board shall fill it by election of a new member for
28 the unexpired term.

29 Sec. 16.05.326. QUORUM AND CHAIRMAN. (a) Three members of a

1 regional advisory board constitute a quorum; however, a majority vote
2 of a full regional advisory board membership is required to pass sub-
3 stantive measures.

4 (b) A regional advisory board shall elect one member of the
5 regional advisory board as the chairman and he shall serve as a chairman
6 of the regional advisory board at the pleasure of the regional advisory
7 board.

8 Sec. 16.05.327. COMPENSATION AND MEETINGS OF REGIONAL ADVISORY
9 BOARD MEMBERS. (a) Each member of a regional advisory board is en-
10 titled to travel expenses allowed by law for going to and from two
11 regional advisory board meetings a year in a community within its area
12 as created in sec. 323 of this chapter. Per diem is allowed for each
13 day of travel and actual attendance at a regional advisory board meet-
14 ing, but no per diem is allowed for more than eight days a year.

15 (b) A regional advisory board shall hold at least two meetings a
16 year in conformity with the schedule established in sec. 275 of this
17 chapter.

18 Sec. 16.05.328. REGIONAL ADVISORY BOARD RECOMMENDATIONS FOR REGU-
19 LATIONS. (a) After public hearings on recommendations submitted to
20 it by the department, or an advisory committee as provided for in sec.
21 323 of this chapter, a regional advisory board may make recommendations
22 to the master board for regulations it considers advisable for the area
23 it represents.

24 (b) A regional advisory board shall elect one of its members to
25 present its final recommendations for regulations to the master board.
26 The member elected under this subsection is entitled to the allowances
27 provided by law for expenses, travel, and per diem necessary to present
28 the regional advisory board's recommendations at two master board
29 meetings a year.

1 * Sec. 3. AS 16.05.940(1) is amended to read:

2 (1) "board" means the Master Board of Fish and Game unless
3 otherwise specified;

4 * Sec. 4. A regulation promulgated by the Board of Fish and Game under
5 AS 16.05.253 in effect before the effective date of this Act remains in
6 effect after the effective date of this Act until revoked or modified by the
7 master board.

8 * Sec. 5. AS 16 is amended by adding a new chapter to read:

9 CHAPTER 48. GUIDES.

10 ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

11 Sec. 16.48.010. CREATION AND MEMBERSHIP OF BOARD. There is
12 created the Guide Licensing and Control Board consisting of five
13 members: the director of the division of fish and wildlife protection
14 and four other members having a general knowledge of the game resources
15 of the state. Two members of the board shall have held a master
16 guide's license. A minimum of 10 years residence in the state is
17 required for all members of the board with the exception of the
18 director of the division of fish and wildlife protection.

19 Sec. 16.48.020. APPOINTMENT AND TERM OF OFFICE. The members of
20 the board shall be appointed by the governor and confirmed by the
21 legislature for staggered terms of five years or until their successors
22 are appointed. A member may be removed at the pleasure of the
23 governor.

24 Sec. 16.48.030. CHAIRMAN OF BOARD. The board shall elect one
25 of its members as chairman.

26 Sec. 16.48.040. POWERS AND DUTIES. (a) Except as provided in
27 sec. 45 of this chapter, the board shall

28 (1) prepare, grade and administer examinations;

29 (2) determine and pass on qualifications of applicants for

1 licenses and authorize the issuance of licenses to those who qualify;

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

4 (4) compile, maintain and publish a guide register of guides
5 who have not been convicted of a violation of a federal or state sport
6 fish, game, or guiding statute or regulation; a guide listed in the
7 register whose license is revoked or suspended shall be removed from
8 the register while his license is revoked or suspended;

9 (5) prohibit guiding activities which are unsportsmanlike,
10 unethical, unsafe, against principles of conservation, degrading to
11 the guiding profession, or which adversely affect the natural
12 resources;

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

15 (b) If a person is unable to competently understand the written
16 portion of an examination given under (a) of this section, he shall be
17 given the complete examination orally in a language which he under-
18 stands.

19 Sec. 16.48.045. SPECIAL GUIDING PERMIT. This chapter does not
20 limit the power of the board or its authorized designee, to issue a
21 special guiding permit, in place of a guide license, to a person to
22 guide in a specifically designated area, if the person is considered suf-
23 ficiently experienced to perform the services of a guide and is limited
24 solely by language barriers from securing a regular guide license.

25 Sec. 16.48.050. BOARD REGULATIONS. The board shall adopt pro-
26 cedural and substantive regulations, under the Administrative Procedure
27 Act (AS 44.62), required by this chapter or reasonably necessary for
28 its administration.

29 Sec. 16.48.060. BOARD HEARING. The Administrative Procedure Act

1 (AS 44.62) applies to proceedings and hearings under this chapter.

2 Sec. 16.48.070. COMPENSATION AND EXPENSES. Members of the board
3 receive no salary, but are entitled to per diem and travel expenses
4 authorized by law for other boards.

5 ARTICLE 2. LICENSING.

6 Sec. 16.48.100. QUALIFICATIONS FOR A MASTER GUIDE LICENSE. A
7 person is entitled to be licensed as a master guide if he

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

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

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

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

22 (5) meets additional qualifications which the board may
23 require.

24 Sec. 16.48.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.
25 A person is entitled to be licensed as a registered guide if he

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

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

29 (3) has practical field experience in the handling of

1 firearms, hunting, judging trophies, field preparation of trophies,
2 first aid and photography;

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

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

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

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

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

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

17 (10) is capable of performing the physical duties associated
18 with guiding activities;

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

23 (12) meets additional qualifications which the board may
24 require.

25 Sec. 16.48.120. QUALIFICATIONS FOR A CLASS-A ASSISTANT GUIDE
26 LICENSE. A person is entitled to be licensed as a class-A assistant
27 guide if he

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

1 (2) has had at least 20 years experience in the guide dis-
2 trict in which he is to be employed; for the purposes of this paragraph
3 physical presence at some time of the year during each of the 20 years
4 constitutes adequate evidence of experience, and military service out-
5 side the state for no more than six years shall be accepted as part
6 of the required 20 years experience;

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

9 Sec. 16.48.130. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT
10 GUIDES. A class-A assistant guide

11 (1) may not contract for hunts;

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

15 (3) may take charge of a camp and conduct hunts from it
16 without the registered or master guide necessarily being present in the
17 area if the registered or master guide is physically present in the
18 state and is actively participating in guiding activities.

19 Sec. 16.48.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A
20 person is entitled to be licensed as an assistant guide if he

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

22 (2) is a resident of the state;

23 (3) is favorably recommended by a registered guide;

24 (4) meets additional qualifications which the board may
25 require;

26 (5) is in sound physical condition.

27 Sec. 16.48.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE FOR
28 VIOLATIONS. A registered or master guide contracting for a hunt is
29

1 equally responsible for a violation of a federal or state sport fish,
2 game or guide statute or regulation committed by a class-A assistant
3 guide or assistant guide while in the course of his employment.

4 Sec. 16.48.170. LICENSE FEES. (a) License fees for engaging
5 in the profession of guiding are:

- 6 (1) master guide license, annual \$50
7 (2) registered guide license, annual 50
8 (3) class-A assistant guide, annual 10
9 (4) assistant guide license, annual 5

10 (b) The license fee for a master guide, registered guide, class-A
11 assistant guide or assistant guide license is in addition to the fee
12 required for a hunting or fishing license.

13 Sec. 16.48.180. EXAMINATION FEE. An applicant for a guide
14 examination shall pay a fee of \$25.

15 Sec. 16.48.190. EXPIRATION AND RENEWAL. (a) A master guide,
16 registered guide, class-A assistant guide or assistant guide license
17 expires on December 31.

18 (b) A license may not be issued to a master guide, registered
19 guide, class-A guide or assistant guide who has failed to renew his
20 license for two consecutive years unless he again meets the qualifica-
21 tions for initial issuance of the license.

22 Sec. 16.48.200. GROUNDS FOR DISCIPLINING A LICENSEE. (a) The
23 board shall hold a hearing to determine if disciplinary action is
24 necessary if

25 (1) complaints concerning the licensee have been filed with
26 the board from three or more clients of separate parties; or

27 (2) a licensee has been charged with a violation of federal
28 or state sport fish, game or guide statutes or regulations; or

29 (3) a licensee has been convicted of a violation of federal

1 or state sport fish, game or guide statute or regulation.

2 (b) After a hearing, the board may revoke, suspend, or deny re-
3 newal of a license if the board finds that the licensee

4 (1) engaged in activity which is unsportsmanlike, unethi-
5 cal, unsafe or degrading to the outfitting and guiding profession or
6 which adversely affect the natural resources or principles of conserva-
7 tion; or

8 (2) violated a provision of a federal or state sport fish,
9 game or guide statute or regulation.

10 (c) After a hearing, the board shall revoke a license if the
11 board finds that the licensee

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

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

16 (3) has been convicted of two violations of federal or state
17 sport fish, game or guide statutes or regulations.

18 (d) No person who is disciplined under this section may engage in
19 any outfitting or guiding activity during the period of license revo-
20 cation or disciplinary action. No person licensed under this chapter
21 may hire or work for a guide whose license is suspended or revoked
22 under this section.

23 (e) If the board revokes a license it shall notify the Department
24 of Revenue, and the person whose license has been revoked shall return
25 the license to the Department of Fish and Game.

26 Sec. 16.48.210. UNLAWFUL ACTS. (a) It is unlawful for

27 (1) a master guide, registered guide, class-A assistant guide
28 or assistant guide to fail to timely report to the Department of Fish
29 and Game, and in no event later than 30 days, violations by a client of

1 a state fish, game or guiding statute or regulation;

2 (2) a master guide, registered guide, class-A assistant guide
3 or assistant guide to aid the commission of a violation of this chapter
4 or of ch. 5 of this title or a regulation promulgated under either chap-
5 ter, or permit the commission of a violation in his sight without at-
6 tempting to prevent it, short of using force, and without reporting
7 it;

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

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

15 (5) a person to guide as defined in this chapter without
16 having a current valid hunting and fishing license in his possession.

17 (b) A person who violates this section is guilty of a misdemeanor
18 and upon conviction is punishable by a fine of not more than \$1,000 or
19 by imprisonment for not more than one year, or by both, and may have his
20 license revoked for a period up to five years. However, a person who
21 engages in outfitting or guiding activity during the period of dis-
22 ciplinary action under sec. 200(e) of this chapter is guilty of a felony
23 punishable by a fine of not more than \$5,000 and by imprisonment for not
24 less than one year nor more than three years. In addition to punishment
25 for a felony under sec. 200(e) of this chapter, all guns, fishing
26 tackle, boats, aircraft, automobiles or other vehicles, camping gear
27 and other equipment and paraphernalia used in or in aid of a violation
28 of sec. 200(e) of this chapter shall be confiscated by persons autho-
29 rized to enforce this chapter.

1 Sec. 16.48.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
2 judgment of the board a person or corporation or other entity has
3 engaged in an act in violation of secs. 100 - 200 of this chapter or
4 the regulations promulgated under sec. 210 of this chapter, the
5 board may apply to the appropriate court for an order enjoining the
6 act. Upon a showing by the board that the person is engaging in the
7 act, the court shall grant injunctive relief or other appropriate
8 order without bond.

9 ARTICLE 4. GENERAL PROVISIONS.

10 Sec. 16.48.240. DEFINITIONS. In this chapter

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

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

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

18 * Sec. 6. AS 44.62.330 is amended by adding a new paragraph to read:

19 (34) Guide Licensing and Control Board.

20 * Sec. 7. AS 16.05.050 is amended by adding a new paragraph to read:

21 (11) require submission of such reports on guiding as con-
22 sidered necessary for game management purposes.

23 * Sec. 8. A person licensed as a registered or master guide, class-A
24 assistant guide or assistant guide at the time this Act takes effect shall,
25 upon application, be issued a registered guide license, master guide license,
26 class-A assistant guide license or assistant guide license, respectively.

27 * Sec. 9. AS 16.05.220 - 16.05.230; 16.05.250 - 16.05.320; AS 44.39.030 -
28 44.39.050; and AS 16.50 are repealed.

29 * Sec. 10. AS 16.05.322(a)(1) and (3) - (12) and (b), enacted in sec. 2 of

1 this Act, take effect July 1, 1973, and AS 16.05.322(a)(2) and all other
2 provisions of this Act take effect July 15, 1972.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29