

1 IN THE HOUSE

BY SPECKING

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CS HOUSE BILL NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to guides; and providing for an effective date."

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

* Section 1. AS 16 is amended by adding a new chapter to read:

CHAPTER 48. GUIDES.

ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

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

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

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

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

- (1) prepare, grade and administer examinations;
- (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
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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 federa.

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 3. 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. 2. AS 44.62.330 is amended by adding a new paragraph to read:

19 (35) Guide Licensing and Control Board.

20 * Sec. 3. 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. 4. 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. 5. AS 16.50 is repealed.

28 * Sec. 6. This Act takes effect on the day after its passage and
29 approval or on the day it becomes law without approval.