

Original sponsor: Specking, Wilson
and M. Miller

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1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 1 *AM*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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 seven
14 members. No more than three members of the board shall have a guide
15 license. One member of the board shall be the director of game of the
16 Department of Fish and Game. The other members shall have a general
17 knowledge of the game resources of the state. A minimum of 10 years
18 residence in the state is required for all members of the board with
19 the exception of the director of the division of game.

20 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
21 the board shall be appointed by the governor and confirmed by the legis-
22 lature for staggered terms of three years or until their successors are
23 appointed. Initial terms are as follows: three members for one year,
24 two members for two years, and two members for three years. A member
25 may be removed at the pleasure of the governor.

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

28 Sec. 08.54.040. POWERS AND DUTIES. (a) Except as provided in
29 sec. 45 of this chapter, the board shall

- 1 (1) prepare, grade and administer examinations;
- 2 (2) determine and pass on qualifications of applicants for
3 licenses and authorize the issuance of licenses to those who qualify;
- 4 (3) establish guide performance standards and regulate
5 activity;
- 6 (4) compile, maintain and publish a guide register of guides
7 who have not been convicted of a violation of a federal or state sport
8 fish, game, or guiding statute or regulation; a guide listed in the
9 register whose license is revoked or suspended shall be removed from
10 the register while his license is revoked or suspended;
- 11 (5) compile, maintain and publish a record of registered or
12 master guides who have completed a contract hunt in any of three years
13 immediately preceding the publishing of the record;
- 14 (6) prohibit guiding activities which are unsportsmanlike,
15 unethical, unsafe, against principles of conservation, degrading to
16 the guiding profession, or which adversely affect the natural
17 resources;
- 18 (7) after a hearing, revoke, suspend or deny renewal of a
19 license in accordance with sec. 200 of this chapter.

20 (b) If a person is unable to competently understand the written
21 portion of an examination given under (a)(1) of this section, he shall
22 be given the complete examination orally in a language which he under-
23 stands.

24 Sec. 08.54.045. SPECIAL GUIDING PERMIT. This chapter does not
25 limit the power of the board or its authorized designee, to issue a
26 special guiding permit, in place of a guide license, to a person to
27 guide in a specifically designated area, if the person is considered
28 sufficiently experienced to perform the services of a guide and is
29 limited solely by language barriers from securing a regular guide

1 license.

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

6 Sec. 08.54.060. BOARD HEARING. The Administrative Procedure Act
7 (AS 44.62) applies to proceedings and hearings under this chapter.

8 Sec. 08.54.070. COMPENSATION AND EXPENSES. Members of the board
9 receive no salary, but are entitled to per diem and travel expenses
10 authorized by law for other boards.

11 ARTICLE 2. LICENSING.

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

14 (1) has legally hunted in the state for a part of each of
15 10 years during which time a substantial source of his income was from
16 guiding or related activities directly contributing to his experience
17 and competency as a guide;

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

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

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

28 (5) meets additional qualifications which the board may
29 require.

1 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.

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

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

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

6 (3) has practical field experience in the handling of
7 firearms, hunting, judging trophies, field preparation of trophies,
8 first aid and photography;

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

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

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

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

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

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

23 (10) is capable of performing the physical duties associated
24 with guiding activities;

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

29 (12) meets additional qualifications which the board may

1 require.

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

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

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

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

15 Sec. 08.54.130. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT
16 GUIDES. A class-A assistant guide

17 (1) may not contract for hunts;

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

21 (3) may take charge of a camp and conduct hunts from it
22 without the registered or master guide necessarily being present in the
23 area if the registered or master guide is physically present in the
24 state and is actively supervising in guiding activities.

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

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

28 (2) is a resident of the state;

29 (3) is favorably recommended to the board, in writing, by a

1 registered guide;

2 (4) meets additional qualifications which the board may
3 require;

4 (5) is in sound physical condition.

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

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

- 12 (1) master guide license, annual \$75
13 (2) registered guide license, annual 75
14 (3) class-A assistant guide, annual 15
15 (4) assistant guide license, annual 10

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

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

21 Sec. 08.54.190. EXPIRATION AND RENEWAL. (a) A master guide,
22 registered guide, class-A assistant guide or assistant guide license
23 expires on December 31.

24 (b) No license may be issued to a class-A guide or assistant guide
25 who has failed to renew his license for two consecutive years unless he
26 again meets the qualifications for initial issuance of the license.

27 (c) A master or registered guide who fails to renew a license is
28 not required to requalify under sec. 100(2) or sec. 110(8) of this
29 chapter, respectively.

1 Sec. 08.54.200. GROUNDS FOR DISCIPLINING A LICENSEE. (a) The
2 board shall hold a hearing to determine if disciplinary action is
3 necessary if

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

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

8 (3) a licensee has been convicted of a violation of federal
9 or state sport fish, game or guide statute or regulation.

10 (b) After a hearing, the board may revoke, suspend, or deny
11 renewal of a license if the board finds that the licensee

12 (1) engaged in unethical activity, unsafe activity, or
13 activity which adversely affects the natural resources of the state
14 when such activity is unrelated to the legal and legitimate purposes
15 of the contract hunt; or

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

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

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

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

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

26 (d) No person who is disciplined under this section may engage
27 in any guiding activity during the period of license revocation or
28 disciplinary action. No person licensed under this chapter may hire
29 or work for a guide whose license is suspended or revoked under this

1 section.

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

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

6 (1) a master guide, registered guide, class-A assistant
7 guide or assistant guide to fail to timely report to the Department of
8 Fish and Game, and in no event later than 30 days, violations by a
9 client of a state fish, game or guiding statute or regulation;

10 (2) a master guide, registered guide, class-A assistant
11 guide or assistant guide to aid the commission of a violation of this
12 chapter or of ch. 5 of this title or a regulation promulgated under
13 either chapter, or permit the commission of a violation in his sight
14 without attempting to prevent it, short of using force, and without
15 reporting it;

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

19 (4) a person to advertise as or represent himself to be a
20 licensed master guide, registered guide, class-A assistant guide or
21 assistant guide without being currently licensed, or to falsely adver-
22 tise services;

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

25 (b) A person who violates this section is guilty of a misdemeanor
26 and upon conviction is punishable by a fine of not more than \$1,000 or
27 by imprisonment for not more than one year, or by both, and may have his
28 license revoked for a period up to five years. However, a person who
29 engages in outfitting or guiding activity during the period of

1 disciplinary action under sec. 200(e) of this chapter is guilty of a
2 felony punishable by a fine of not more than \$5,000 and by imprisonment
3 for not less than one year nor more than three years. In addition to
4 punishment for a felony under sec. 200(e) of this chapter, all guns,
5 fishing tackle, boats, aircraft, automobiles or other vehicles, camping
6 gear and other equipment and paraphernalia used in or in aid of a
7 violation of sec. 200(e) of this chapter shall be confiscated by persons
8 authorized to enforce this chapter.

9 Sec. 08.54.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
10 judgment of the board a person or corporation or other entity has
11 engaged in an act in violation of secs. 100 - 200 of this chapter or
12 the regulations promulgated under sec. 210 of this chapter, the board
13 may apply to the appropriate court for an order enjoining the act.
14 Upon a showing by the board that the person is engaging in the act,
15 the court shall grant injunctive relief or other appropriate order
16 without bond.

17 ARTICLE 3. GENERAL PROVISIONS.

18 Sec. 08.54.240. DEFINITIONS. In this chapter

- 19 (1) "board" means the Guide Licensing and Control Board;
- 20 (2) "guide", "guides" or "guiding" means accompanying,
21 guiding, or assisting another person to take game with the intent of
22 receiving monetary or material remuneration for the services;
- 23 (3) "resident" means a person who has resided and domiciled
24 regularly within the state for a period of not less than 12 consecutive
25 months immediately preceding the date of application for a license;
- 26 (4) "unethical activity" means
- 27 (A) deception in any degree involving prospective or
28 actual clients either before, during, or following contract hunts;
- 29 (B) misrepresentation either through private

1 communication or public advertising of the nature, type, duration,
2 cost, or other conditions of contract hunts.

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

4 (35) Guide Licensing and Control Board.

5 * Sec. 3. A person licensed as a registered or master guide, class-A
6 assistant guide or assistant guide at the time this Act takes effect shall,
7 upon application, be issued a registered guide license, master guide license,
8 class-A assistant guide license or assistant guide license, respectively.

9 * Sec. 4. AS 16.50 is repealed.

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

12 * Sec. 6. A regulation promulgated by the Guide Licensing and Control
13 Board in effect before the effective date of this Act remains in effect after
14 the effective date of this Act until revoked or modified by the Guide
15 Licensing and Control Board created by this Act.