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Offered: 1/30/73  
Referred: Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 1

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  
13 is created the Guide Licensing and Control Board consisting of  
14 seven members. No more than three members of the board shall  
15 have a guide license. The other members shall have a general  
16 knowledge of the game resources of the state. A minimum of 10  
17 years residence in the state is required for all members of the  
18 board.

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

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

28 Sec. 08.54.040. POWERS AND DUTIES. (a) Except as provided  
29 in 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 sec. 200 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 under sec. 200 of this chapter for a violation of a  
8 federal or state sport fish, game or guide statute or regulation commit-  
9 ted by a class-A assistant guide or assistant guide while in the course  
10 of his employment.

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

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

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

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

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

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

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

1 chapter, respectively.

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

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

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

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

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

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

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

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

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

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

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

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

1 or work for a guide whose license is suspended or revoked under this  
2 section.

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

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

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

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

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

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

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

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

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

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

18 ARTICLE 3. GENERAL PROVISIONS.

19 Sec. 08.54.240. DEFINITIONS. In this chapter

- 20 (1) "board" means the Guide Licensing and Control Board;  
21 (2) "guide," "guides" or "guiding" means accompanying,  
22 guiding, or assisting another person to take game with the intent of  
23 receiving monetary or material remuneration for the services;  
24 (3) "resident" means a person who maintains a place of  
25 residence within the state; has not claimed residency in another state  
26 for the immediately preceding 12 months; shows by all attending  
27 circumstances that his intent is to make this state his permanent  
28 residence;  
29 (4) "unethical activity" means

1 (A) deception in any degree involving prospective or  
2 actual clients either before, during, or following contract hunts;

3 (B) misrepresentation either through private  
4 communication or public advertising of the nature, type, duration,  
5 cost, or other conditions of contract hunts.

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

7 (35) Guide Licensing and Control Board.

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

13 \* Sec. 4. AS 16.50 is repealed.

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

16 \* Sec. 6. A regulation promulgated by the Guide Licensing and Control  
17 Board in effect before the effective date of this Act remains in effect  
18 after the effective date of this Act until revoked or modified by the  
19 Guide Licensing and Control Board created by this Act.  
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