

Original sponsor: Resources Committee

Offered: 5/15/80
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 1032

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide licensing; continuing the
7 existence of the Guide Licensing and Control Board,
8 annulling regulations relating to exclusive guide
9 licensing areas, and amending the law relating to the
10 board's powers and responsibilities; and providing for
11 an effective date."

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

13 * Section 1. AS 08.54.010 is amended to read:

14 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is created
15 in the division of fish and wildlife protection, Department of Public
16 Safety, the Guide Licensing and Control Board consisting of five [SEVEN]
17 members. Three [NO MORE THAN THREE] members of the board shall be master
18 guides or registered guides actively involved in guiding [HAVE A GUIDE
19 LICENSE]. The other members shall have a general knowledge of the game
20 resources of the state but may not (1) be engaged in guiding; (2) be
21 associated by legal contract with a guide except as a consumer of the
22 services provided by the guide; or (3) have a direct financial interest
23 in a guide business. A minimum of 10 years residence in the state is
24 required for all members of the board.

25 * Sec. 2. AS 08.54.020 is amended to read:

26 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
27 the board shall be appointed by the governor and confirmed by the legis-
28 lature for staggered terms of three years or until their successors are
29 appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE YEAR,

1 TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.] A member
2 may be removed at the pleasure of the governor. A person may not be
3 appointed to the board for more than two consecutive terms.

4 * Sec. 3. AS 08.54.030 is amended to read:

5 Sec. 08.54.030. CHAIRMAN OF BOARD. The board shall annually elect
6 one of its members as chairman and one of its members as vice-chairman.
7 A person elected as chairman may not serve for more than two consecutive
8 years.

9 * Sec. 4. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.035. QUORUM. Three members of the board constitute a
11 quorum for the conduct of business. However, the board may not under-
12 take action authorized under this chapter unless a majority of the whole
13 membership of the board concurs in the action.

14 * Sec. 5. AS 08.54 is amended by adding a new section to read:

15 Sec. 08.54.047. LIMITATION ON AUTHORITY OF BOARD. The board may
16 not limit the number of licensed operating guides allowed to guide in an
17 area of the state to the exclusion of other guides licensed to guide in
18 the guide district in which the area is located.

19 * Sec. 6. AS 08.54.170(a) is amended to read:

20 (a) License fees for engaging in the profession of guiding are:

- 21 (1) master guide license, biennial [ANNUAL]..... \$200 [\$75]
22 (2) registered guide license, biennial [ANNUAL].. \$200 [75]
23 (3) class-A assistant guide, biennial [ANNUAL] .. \$ 50 [15]
24 (4) assistant guide license, biennial [ANNUAL] .. \$ 30 [10]

25 * Sec. 7. AS 08.54 is amended by adding a new section to read:

26 Sec. 08.54.182. EXAMINATION. The qualification examination re-
27 quired to be passed by persons seeking a license under AS 08.54.100 and
28 08.54.110 shall be administered twice a year in both Juneau and
29 Anchorage.

1 * Sec. 8. AS 08.54.190(a) is amended to read:

2 (a) A master guide, registered guide, class-A assistant guide, or
3 assistant guide [OR TRANSPORTER] license expires on December 31 of the
4 calendar year following the calendar year in which the license was issued
5 [FOLLOWING ISSUANCE].

6 * Sec. 9. AS 08.54.190(b) is amended to read:

7 (b) No license may be issued to a class-A assistant guide or
8 assistant guide who has failed to renew his license for four [TWO]
9 consecutive years unless he again meets the qualifications for initial
10 issuance of the license.

11 * Sec. 10. AS 08.54.200(a) is amended to read:

12 (a) The board shall hold a hearing to determine if disciplinary
13 action is necessary if

14 (1) complaints concerning the licensee have been filed with
15 the board from three or more clients of separate parties within the past
16 five years; or

17 (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDERAL
18 OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR]

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

21 * Sec. 11. AS 08.54.200(c) is amended to read:

22 (c) After a hearing, the board shall revoke, suspend, or deny re-
23 newal of a license if the board finds that the licensee

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

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

28 (3) has been convicted of two violations of federal or state
29 sport fish, game or guide statutes or regulations within the past five

1 years.

2 * Sec. 12. AS 08.54.210(a)(1) is amended to read:

3 (1) a master guide, registered guide, class-A assistant
4 guide, or assistant guide [OR TRANSPORTER] to fail to timely report to
5 the Department of Public Safety, division of fish and wildlife protec-
6 tion, and in no event later than 30 days, violations by a client of a
7 state fish, game or guiding statute or regulation;

8 * Sec. 13. AS 08.54.210(a)(2) is amended to read:

9 (2) a master guide, registered guide, class A assistant
10 guide, or assistant guide [OR TRANSPORTER] to aid the commission of a
11 violation of this chapter or of AS 16.05 or a regulation adopted
12 [PROMULGATED] under either chapter, or permit the commission of a
13 violation in his sight without attempting to prevent it, short of using
14 force, and without reporting it;

15 * Sec. 14. AS 08.54.210(a)(4) is amended to read:

16 (4) a person to advertise as or represent himself to be a
17 licensed master guide, registered guide, class-A assistant guide, or
18 assistant guide [OR TRANSPORTER] without being currently licensed, or to
19 falsely advertise services;

20 * Sec. 15. AS 44.41.020 is amended to read:

21 Sec. 44.41.020. DUTIES OF DEPARTMENT. (a) The Department of
22 Public Safety shall administer functions relative to the protection of
23 life and property.

24 (b) The Department of Public Safety shall administer the Guide
25 Licensing and Control Board established under AS 08.54.010.

26 * Sec. 16. AS 08.03.010(c) is amended by adding a new paragraph to read:

27 (2) Guide Licensing and Control Board (AS 08.54.010) --
28 June 30, 1984.

29 * Sec. 17. The terms of the members of the Guide Licensing and Control

1 Board appointed under AS 08.54.020 terminate on the effective date of this
2 Act. The governor shall appoint members to the board for the following
3 initial terms: one member for one year, two members for two years, and two
4 members for three years.

5 * Sec. 18. 12 AAC 38.051 - 12 AAC 38.058 are annulled.

6 * Sec. 19. AS 08.01.010(20); AS 08.03.010(b)(7); AS 08.54.040(a)(8),
7 08.54.100(5), 08.54.110(12), 08.54.142, 08.54.144, 08.54.146, 08.54.170(c),
8 08.54.240(5); and AS 16.05.340(e) are repealed.

9 * Sec. 20. This Act takes effect immediately in accordance with AS 01.10.-
10 070(c).

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