

Original sponsor: Rules/Governor

Offered: 3/5/82  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board;

11 \* Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010) --  
13 June 30, 1984 [1982].

14 \* Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-  
17 poses of licensing and regulating the activities of guides in the best  
18 interests of the state's wildlife resources, there [THERE] is created  
19 in the Department of Commerce and Economic Development the Guide [LI-  
20 CENSING AND CONTROL] Board consisting of seven members. Three members  
21 of the board must be licensed registered or master guides who are ac-  
22 tively involved in the guiding profession. The other members of the  
23 board shall be knowledgeable and experienced with the fish and game  
24 resources of the state but may not be licensed guides. Each member  
25 shall have been a resident of the state for at least 10 years [NO MORE  
26 THAN THREE MEMBERS OF THE BOARD SHALL HAVE A GUIDE LICENSE. THE OTHER  
27 MEMBERS SHALL HAVE A GENERAL KNOWLEDGE OF THE GAME RESOURCES OF THE  
28 STATE. A MINIMUM OF 10 YEARS RESIDENCE IN THE STATE IS REQUIRED FOR  
29 ALL MEMBERS OF THE BOARD].

1 \* Sec. 4. AS 08.54.020 is amended to read:

2       Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of  
3 the board shall be appointed by the governor and confirmed by the  
4 legislature for staggered terms of three years or until their successors  
5 are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE  
6 YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.] A  
7 member may be removed at the pleasure of the governor.

8 \* Sec. 5. AS 08.54.030 is amended to read:

9       Sec. 08.54.030. CHAIRMAN OF THE BOARD. The board shall elect one  
10 of its members to serve as chairman for a period of two years. If a  
11 chairman resigns or his term as a board member expires sooner than two  
12 years after his election as chairman and he is not reappointed to the  
13 board, the board may elect an acting chairman. When all vacancies on  
14 the board are filled, the board shall elect a new chairman.

15 \* Sec. 6. AS 08.54 is amended by adding a new section to read:

16       Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of  
17 the board constitute a quorum for the transaction of business, for the  
18 performance of any duty, and for the exercise of any power under this  
19 chapter. However, the board may not adopt a regulation, revoke, sus-  
20 pend, or deny renewal of a license, unless the action is approved by a  
21 vote of a majority of the full membership of the board.

22 \* Sec. 7. AS 08.54.040(a)(2) is amended to read:

23       (2) determine [AND PASS ON] qualifications of applicants for  
24 licenses and authorize the issuance of licenses to those who qualify;

25 \* Sec. 8. AS 08.54.040(a)(4) is amended to read:

26       (4) compile, maintain and publish a [GUIDE] register of  
27 guides who have not been convicted of a violation of a [FEDERAL OR]  
28 state hunting [SPORT FISH, GAME,] or guiding statute or regulation  
29 during the five years immediately preceding publication; [A GUIDE

1 LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED SHALL BE  
2 REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUSPENDED;]

3 \* Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:  
4 (5) collect and maintain records of hunts conducted by  
5 guides;

6 \* Sec. 10. AS 08.54.040(b) is amended to read:  
7 (b) If a person is unable to competently understand the written  
8 portion of an examination given under (a)(1) of this section, the board  
9 shall substitute a special oral examination [HE SHALL BE GIVEN THE COM-  
10 PLETE EXAMINATION ORALLY IN A LANGUAGE WHICH HE UNDERSTANDS].

11 \* Sec. 11. AS 08.54.110(8) is amended to read:  
12 (8) has been licensed as and performed the services of an  
13 assistant guide or a special guide in the state for a part of each of  
14 three years;

15 \* Sec. 12. AS 08.54 is amended by adding a new section to read:  
16 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

17 An assistant guide  
18 (1) may not contract for guided hunts; and  
19 (2) shall be supervised by a registered or master guide at  
20 all times while the assistant guide is in the field on guided hunts.

21 \* Sec. 13. AS 08.54.170 is amended to read:  
22 Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE]  
23 fees for engaging in the profession of guiding are:

- 24 (1) master guide license [, ANNUAL] .....\$75  
25 (2) registered guide license [, ANNUAL] ..... 75  
26 (3) class-A assistant guide license [, ANNUAL] ..... 15  
27 (4) assistant guide license [, ANNUAL] ..... 10  
28 (5) special guide license ..... 25

29 (b) The annual [LICENSE] fee for a master guide, registered

1 guide, special guide, class-A assistant guide, or assistant guide  
2 license is in addition to the fee required for a hunting or fishing  
3 license.

4 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

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

6 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall  
7 administer the qualification examination required under AS 08.54.110 at  
8 least twice a year. At least once every other year the board shall  
9 give the examination at a location other than Anchorage.

10 \* Sec. 15. AS 08.54.190(a) is amended to read:

11 (a) A master guide, registered guide, special guide, class-A  
12 assistant guide, or assistant guide [OR TRANSPORTER] license expires on  
13 December 31, following issuance.

14 \* Sec. 16. AS 08.54.200(a) is amended to read:

15 (a) The board shall hold a hearing to determine if disciplinary  
16 action is necessary if during the five years immediately preceding the  
17 date of the hearing

18 (1) complaints concerning the licensee's guiding activities  
19 [LICENSEE] have been filed with the board or other state agency from  
20 three or more clients of separate parties and the division of fish and  
21 wildlife protection, Department of Public Safety, finds after investi-  
22 gation that the complaints appear to be valid; or

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

25 (3) a licensee has been convicted of a violation of a  
26 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]  
27 statute or regulation.

28 \* Sec. 17. AS 08.54.200(b) is amended to read:

29 (b) After a hearing, the board may revoke, suspend, or deny

1 renewal of a license if the board finds that the licensee

2 (1) engaged in unethical activity, unsafe activity, or acti-  
3 vity which adversely affects the natural resources of the state when  
4 such activity is unrelated to the legal and legitimate purposes of the  
5 contract hunt; [OR]

6 (2) violated a provision of a [FEDERAL OR] state hunting  
7 [SPORT FISH, GAME] or guiding [GUIDE] statute or regulation.

8 \* Sec. 18. AS 08.54.200(c)(2) is amended to read:

9 (2) is incompetent as a master guide, registered guide,  
10 special guide, class-A assistant guide, or assistant guide;

11 \* Sec. 19. AS 08.54.200(c)(3) is repealed and reenacted to read:

12 (3) during the five years immediately preceding the date of  
13 the hearing has been convicted of a violation of a statute or regulation  
14 prohibiting

15 (A) wanton waste of a wild food animal under AS 16.-  
16 30.010;

17 (B) hunting on the same day that the guide or his clients  
18 are airborne;

19 (C) hunting in an area closed under AS 16.05.255(a)(2);  
20 or

21 (D) hunting during a hunting season closed under AS 16.-  
22 05.255(a)(2).

23 \* Sec. 20. AS 08.54.200(d) is amended to read:

24 (d) A [NO] person who is disciplined under this section may not  
25 engage in any guiding [OR TRANSPORTING] activity during the period of  
26 license revocation or disciplinary action. A person licensed under this  
27 chapter may not hire a person whose license is suspended or revoked to  
28 guide, and a guide whose license is suspended or revoked may not guide  
29 in the employ of a person licensed under this chapter [NO PERSON LICENSED

1 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-  
2 PENDED OR REVOKED UNDER THIS SECTION].

3 \* Sec. 21. AS 08.54.200 is amended by adding new subsections to read:

4 (f) If a certified copy of a judgment of a conviction of a guide  
5 for a crime described in (c)(3) of this section is filed with the board,  
6 the board may immediately suspend the guide's license. The suspension  
7 may be ordered even if the conviction resulted from a plea of nolo  
8 contendere or the conviction is under appeal to a higher court. The  
9 order remains in effect until after the final disposition of the disci-  
10 plinary proceeding under this section.

11 (g) A certified copy of a judgment of conviction of a guide for  
12 any crime is conclusive evidence of the commission of that crime in any  
13 disciplinary proceeding instituted under this section.

14 \* Sec. 22. AS 08.54.210 is repealed and reenacted to read:

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

16 (1) a master guide, registered guide, special guide, class-A  
17 assistant guide, or assistant guide to fail to report violations of a  
18 state hunting or guiding statute or regulation to the Department of  
19 Public Safety, division of fish and wildlife protection, within 30 days  
20 after becoming aware of the violations;

21 (2) a master guide, registered guide, special guide, class-A  
22 assistant guide, or assistant guide to aid the commission of a violation  
23 of this chapter or of AS 16.05 or a regulation adopted under either  
24 chapter, or permit the commission of a violation in his sight without  
25 attempting (short of using force) to prevent the violation;

26 (3) a person to advertise as or represent himself to be a  
27 licensed master guide, registered guide, special guide, class-A assis-  
28 tant guide, or assistant guide without being currently licensed, or to  
29 falsely advertise services;

1 (4) a person to guide without having a current valid hunting  
2 license in his possession;

3 (5) a master or registered guide to employ or have under his  
4 supervision more than four assistant guides who are simultaneously and  
5 actively guiding;

6 (6) a person to guide without being licensed under this  
7 chapter;

8 (7) a person to guide during a period in which his license is  
9 suspended, revoked or lapsed under this chapter.

10 (b) A person who violates (a)(1) - (6) of this section is, upon  
11 conviction, guilty of a class A misdemeanor, and, in addition to the  
12 other penalties prescribed by law, the court may revoke the guide license  
13 for a period of up to five years.

14 (c) A person who violates (a)(6) or (7) of this section is, upon a  
15 second conviction of (a)(6) or a conviction of (a)(7), guilty of a class  
16 C felony, and, in addition to other penalties prescribed by law, the  
17 court may revoke the guide license for a period of up to five years. In  
18 addition to punishment for a felony, all guns, fishing tackle, boats,  
19 aircraft, automobiles or other vehicles, camping gear and other equipment  
20 and paraphernalia used in, or in aid of, a second violation of (a)(6) or  
21 a violation of (a)(7) of this section, shall be confiscated by persons  
22 authorized to enforce this chapter.

23 \* Sec. 23. AS 08.54.240(1) is amended to read:

24 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

25 \* Sec. 24. AS 08.54.240(2) is repealed and reenacted to read:

26 (2) "to guide" or "guiding" means assisting another person in  
27 the field either directly or through an agent, employee, or associate in  
28 locating, taking, or attempting to take big game with the intent of  
29 receiving monetary or other material remuneration for the service;

1 \* Sec. 25. AS 08.54.240(4) is amended to read:

2 (4) "unethical activity" means

3 (A) deception or misrepresentation [IN ANY DEGREE] in-  
4 volving prospective or actual clients either before, during, or  
5 following a contract hunt including, but not limited to, misrepre-  
6 sentation through private or public advertising of the type, dura-  
7 tion, cost, or conditions of the contract hunt [HUNTS];

8 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMUNI-  
9 CATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION, COST,  
10 OR OTHER CONDITIONS OF CONTRACT HUNTS.]

11 (C) making a guaranty or money-back promise that a  
12 species or certain number of species of game will be taken on a  
13 contract hunt;

14 (D) unsafe or unsportsmanlike activities that are det-  
15 ributional to the game resources of the state, as defined by regula-  
16 tions of the board, including violations of state or federal hunt-  
17 ing, sport fishing, trapping, or guiding laws or regulations; [.]

18 \* Sec. 26. AS 08.54.142 - 08.54.146, 08.54.185, 08.54.240(5); and AS 16.-  
19 05.340(e) are repealed.

20 \* Sec. 27. The terms of the members of the Guide Licensing and Control  
21 Board are terminated as of the effective date of this Act. The members of  
22 the Guide Board shall be appointed by the governor in accordance with the  
23 provisions of AS 08.54 within 30 days of the effective date of this Act.  
24 Three of the members initially appointed to serve on the Guide Board shall be  
25 appointed to serve a one-year term, two members shall be appointed to serve a  
26 two-year term, and two members shall be appointed to serve a three-year term.

27 \* Sec. 28. The Guide Board shall elect a new chairman under AS 08.54.030  
28 not later than September 1, 1982.

29 \* Sec. 29. This Act takes effect July 1, 1982.