

Introduced: 4/29/85  
Referred: Labor and Commerce  
and Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

SENATE BILL NO. 304

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing sport-fishing guide licenses."

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

8 \* Section 1. AS 08.54 is amended by adding new sections to read:

9

ARTICLE 4. GUIDES FOR SPORT-FISHING.

10

Sec. 08.54.700. LICENSE ISSUANCE. (a) The department shall issue a registered sport-fishing guide license to an individual who satisfies the requirements of AS 08.54.700 - 08.54.900 for a registered sport-fishing guide license.

14

(b) The department shall issue an assistant sport-fishing guide license to an individual who satisfies the requirements of AS 08.54.-700 - 08.54.900 for an assistant sport-fishing guide license.

17

Sec. 08.54.710. QUALIFICATIONS FOR REGISTERED SPORT-FISHING GUIDE. An individual is entitled to be licensed as a registered sport-fishing guide if the individual

20

(1) is 21 years of age or more;

21

(2) has been licensed as and performed the services of an assistant sport-fishing guide in the state for a part of each of three years;

24

(3) submits a written recommendation to the department from a registered sport-fishing guide for whom the individual has worked;

26

(4) has been favorably recommended in writing by two fishing clients that the individual has guided or assisted in guiding during each year of the individual's three years as an assistant sport-fishing guide, whose recommendations have been solicited by the

29

1 department from a list provided by the individual;

2 (5) is capable of performing the physical duties associated  
3 with being a sport-fishing guide;

4 (6) has filed with the department a bond running to the  
5 state in the amount of \$5,000, with a corporate surety qualified to do  
6 business in the state or two individual sureties who shall each be  
7 qualified to act as a surety for a sum equal to the amount of the  
8 bond;

9 (7) has liability insurance for guides in the amount of  
10 \$100,000;

11 (8) has not been convicted of a violation of a felony, or a  
12 federal or state fish, game or guiding law or regulation within the  
13 preceding three years;

14 (9) has passed a qualification examination prepared and  
15 administered by the department to test the individual's knowledge of  
16 first aid, water safety, emergency procedures, practical field experi-  
17 ence, state and federal land use regulations, conservation practices,  
18 stream ecology, ethical conduct for guides, the different species of  
19 sport fish, and the judging and handling of trophies; the individual  
20 may satisfy the first aid and water safety portions of the examination  
21 by submitting proof satisfactory to the department that the individual  
22 has been issued a motorboat operator's license or an operator's li-  
23 cense by the U.S. Coast Guard.

24 Sec. 08.54.720. QUALIFICATIONS FOR ASSISTANT SPORT-FISHING GUIDE  
25 LICENSE. An individual is entitled to be an assistant sport-fishing  
26 guide if the individual

27 (1) is employed and recommended in writing by a licensed  
28 registered sport-fishing guide;

29 (2) is 18 years or older;

1 (3) is in sound physical condition;  
2 (4) meets additional requirements that the department may  
3 require.

4 Sec. 08.54.730. DURATION OF SPORT-FISHING LICENSES. (a) A  
5 registered sport-fishing guide license expires two years from the date  
6 of issuance.

7 (b) An assistant sport-fishing guide license expires one year  
8 from the date of issuance.

9 Sec. 08.54.740. FAILURE TO RENEW LICENSE. (a) A registered  
10 sport-fishing guide who fails for two consecutive years to renew a  
11 license issued under AS 08.54.700 - 08.54.900 must requalify under  
12 AS 08.54.710(5) - (9).

13 (b) An assistant sport-fishing guide who fails for two consecu-  
14 tive years to renew a license issued under AS 08.54.700 - 08.54.900  
15 must requalify under AS 08.54.720.

16 Sec. 08.54.750. LICENSE FEES. (a) License fees for registered  
17 sport-fishing guides and assistant sport-fishing guides are as  
18 follows:

- 19 (1) nonresident registered sport-fishing, biennial ....\$450
- 20 (2) resident sport-fishing, biennial ..... 150
- 21 (3) assistant sport-fishing, annual ..... 25

22 (b) The license fee for a sport-fishing guide license is in  
23 addition to the fee required for a hunting or fishing license.

24 Sec. 08.54.760. EXAMINATION FEE. An applicant for a sport-fish-  
25 ing guide license shall pay an examination fee of \$25.

26 Sec. 08.54.770. COMPLAINTS. The department shall notify an  
27 individual licensed under AS 08.54.700 - 08.54.900 of each complaint  
28 received against the individual within two weeks of receiving the com-  
29 plaint.

1           Sec. 08.54.780. GROUND FOR DISCIPLINING A LICENSEE. (a) The  
2 department 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 department from three or more clients of separate parties in one  
6 calendar year, and the department has determined that the complaints  
7 are valid; or

8           (2) a licensee has been convicted of a violation of a  
9 federal or state fishing, hunting, or guiding statute or regulation.

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

12           (1) engaged in unethical activity, unsafe activity, or  
13 activity that adversely affects the natural resources of the state  
14 when the activity is unrelated to the legal and legitimate purposes of  
15 the sport-fishing trip; or

16           (2) violated a provision of a federal or state fishing,  
17 hunting, or guiding statute or regulation.

18          (c) After a hearing, the department shall revoke a license if  
19 the department 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 registered sport-fishing guide or  
23 assistant sport-fishing guide; or

24           (3) has been convicted of two violations of federal or  
25 state fishing, hunting, or guiding statutes or regulations.

26          (d) A licensee who is disciplined under this section may not  
27 engage in sport-fish guiding activity while the license is suspended  
28 or revoked.

29          (e) The department shall notify each state and federal agency

1 that issues guiding permits of a revocation of a sport-fishing guide  
2 license.

3 Sec. 08.54.790. UNLAWFUL ACTS. (a) A registered sport-fishing  
4 guide or assistant sport-fishing guide shall report in a timely manner  
5 to the Department of Public Safety, division of fish and wildlife  
6 protection, and in any event within 30 days, violations by a client of  
7 a state fish, game or guiding statute or regulation.

8 (b) A registered sport-fishing guide or assistant sport-fishing  
9 guide may not aid in the commission of a violation of this chapter, of  
10 AS 16.05, or of a regulation adopted under either chapter, or permit  
11 the commission of a violation in the guide's sight without attempting  
12 to prevent it, short of using force, and without reporting it.

13 (c) A person may not act as a sport-fishing guide, without being  
14 licensed under AS 08.54.700 - 08.54.900 and without having the license  
15 in actual possession.

16 (d) A person may not advertise or represent that the person is a  
17 registered sport-fishing guide or assistant sport-fishing guide with-  
18 out being currently licensed, or advertise services falsely.

19 (e) A person may not guide without having a current valid sport-  
20 fishing license in the person's possession.

21 (f) A registered sport-fishing guide may not employ or supervise  
22 more than three assistant sport-fishing guides at the same time.

23 (g) An assistant sport-fishing guide may not contract for or  
24 advertise for a sport-fishing trip, or guide on a sport-fishing trip  
25 without being supervised by a registered sport-fishing guide.

26 (h) A person who violates this section is guilty of a class B  
27 misdemeanor.

28 Sec. 08.54.800. RESPONSIBILITY OF REGISTERED SPORT-FISHING GUIDE  
29 FOR VIOLATIONS. A registered sport-fishing guide is equally

1 responsible under AS 08.54.780 for a violation of a federal or state  
2 fishing, hunting, or guiding statute or regulation committed by an  
3 assistant sport-fishing guide during the course of the assistant  
4 sport-fishing guide's employment for the registered sport-fishing  
5 guide.

6 Sec. 08.54.810. DEFINITIONS. In AS 08.54.700 - 08.54.810

7 (1) "department" means the Department of Commerce and  
8 Economic Development;

9 (2) "guide," "guides" or "guiding" means assisting another  
10 person to sport fish with the intent of receiving monetary or material  
11 remuneration for the services,

12 (A) by accompanying and directing the person  
13 personally or through a licensed assistant sport-fishing guide  
14 for the duration of a sport-fishing trip, and not solely for the  
15 purpose of providing transportation services, or

16 (B) by providing the person with equipment for the  
17 sport-fishing trip, and providing the person either with  
18 transportation to the site of the sport-fishing trip or with  
19 transportation during the sport-fishing trip;

20 (3) "resident" has the meaning given in AS 08.54.240;

21 (4) "unethical activity" means

22 (A) deception involving prospective or actual clients  
23 either before, during, or following guided sport-fishing trips;

24 (B) misrepresentation either through private communi-  
25 cation or public advertising of the nature, type, duration, cost,  
26 or other conditions of guided sport-fishing trips;

27 (C) making a guaranty that a species, a certain number  
28 of species of fish, or a certain number or size of fish will be  
29 taken on a guided sport-fishing trip.

- 1 \* Sec. 2. AS 08.01.010(20) is amended to read:  
2 (20) Game Guide Licensing and Control Board (AS 08.54.010);
- 3 \* Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:  
4 (25) licensing of sport-fishing guides under AS 08.54.700 -  
5 08.54.900.
- 6 \* Sec. 4. AS 08.01.050(a) is amended to read:  
7 (a) The department shall perform [PROVIDE] the following admin-  
8 istrative and budgetary services when appropriate:  
9 (1) collect fees and issue receipts;  
10 (2) maintain records and files;  
11 (3) issue and receive application forms;  
12 (4) notify applicants of acceptance or rejection of appli-  
13 cants as determined by the board or as determined by the department  
14 under AS 08.54.700 - 08.54.900 for sport-fishing guides;  
15 (5) designate dates examinations are to be held and notify  
16 applicants;  
17 (6) publish notice of examination;  
18 (7) arrange space for holding examinations;  
19 (8) notify applicants of results of examinations;  
20 (9) issue licenses and certificates or temporary licenses  
21 or certificates as authorized by the board or as authorized by the  
22 department under AS 08.54.700 - 08.54.900 for sport-fishing guides;  
23 (10) issue duplicate licenses or certificates upon proof by  
24 the licensee of loss of the original and payment by the licensee of a  
25 fee of \$2 except as otherwise provided in this title;  
26 (11) notify licensees of renewal dates at least 30 days  
27 before the expiration date of their licenses;  
28 (12) compile and maintain current a register of licenses;  
29 (13) answer routine inquiries;

- 1           (14) maintain files relating to individual licensees;  
2           (15) arrange for printing and advertising;  
3           (16) purchase supplies;  
4           (17) employ secretarial help when needed;  
5           (18) perform other services that [WHICH] may be requested by  
6 the board;  
7           (19) provide investigative services to the boards estab-  
8 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68,  
9 AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for  
10 the purpose of assisting those boards in matters of professional  
11 discipline and in responding to consumer complaints.

12 \* Sec. 5. AS 08.01.087 is amended to read:

13           Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The  
14 department may, upon its own motion, conduct investigations to deter-  
15 mine whether a [ANY] person has violated a provision of this chapter  
16 or a regulation adopted under it, or a provision of [A CHAPTER IN]  
17 this title or regulation adopted under this title dealing with an  
18 occupation or board [ONE OF THE BOARDS] listed in AS 08.01.010 [OR A  
19 REGULATION ADOPTED BY ONE OF THOSE BOARDS], or to secure information  
20 useful in the administration of this chapter.

21           (b) If it appears to the commissioner that a person has engaged  
22 in or is about to engage in an act or practice in violation of a  
23 provision of this chapter or a regulation adopted under it, or a  
24 provision of this title or regulation adopted under this title dealing  
25 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR  
26 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010, the commis-  
27 sioner may, if the commissioner considers it in the public interest,  
28 and after notification of a proposed order or action by telephone or  
29 telegraph to all board members, if a board regulates the act or

1 practice involved. [BY TELEPHONE OR TELEGRAPH OF A PROPOSED ORDER OR  
2 ACTION] unless a majority of the members of the board object within 10  
3 days,

4 (1) issue an order directing the person to stop the act or  
5 practice; however, reasonable notice of and an opportunity for a  
6 hearing must first be given to the person, except that the commis-  
7 sioner may issue a temporary order before a hearing is held; a tempo-  
8 rary order remains in effect until a final order affirming, modifying,  
9 or reversing the temporary order is issued or until 15 days after the  
10 person receives the notice and has not requested a hearing by that  
11 time; a temporary order becomes final if the person to whom the notice  
12 is addressed does not request a hearing within 15 days after receiving  
13 the notice; the commissioner or the commissioner's designee shall be  
14 the hearing officer at the hearing and shall issue a final order  
15 within 10 days after the hearing;

16 (2) bring an action in the superior court to enjoin the  
17 acts or practices and to enforce compliance with this chapter, a  
18 regulation adopted under it, [OR] an order issued under it, or with a  
19 provision of this title or regulation adopted under this title dealing  
20 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR  
21 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010;

22 (3) examine or have examined the books and records of a  
23 [ANY] person whose business activities require licensure by a board  
24 listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010;  
25 the commissioner [AND HE] may require the [THAT] person to pay the  
26 reasonable costs of the examination; and

27 (4) issue subpoenas for the attendance of witnesses, and  
28 the production of books, records and other documents.

29 \* Sec. 6. AS 08.01.110 is amended to read:

1           Sec. 08.01.110. DEFINITIONS. In this chapter

2           (1) "board" includes the boards and commissions listed in  
3 AS 08.01.010;

4           (2) "department" means the Department of Commerce and  
5 Economic Development;

6           (3) "commissioner" means the commissioner of commerce and  
7 economic development;

8           (4) "license" means a [ANY] license, certificate, permit,  
9 or registration or similar evidence of authority issued for an occupa-  
10 tion or board [BY ONE OF THE BOARDS] listed in AS 08.01.010;

11           (5) "licensee" means a [ANY] person who holds a license;

12           (6) "occupation" means a trade or profession [ANY OF THE  
13 TRADES OR PROFESSIONS FOR WHICH LICENSURE IS REQUIRED BY ONE OF THE  
14 BOARDS] listed in AS 08.01.010.

15 \* Sec. 7. AS 08.03.010(20) is amended to read:

16           (20) Game Guide Licensing and Control Board (AS 08.54.-  
17 010) -- June 30, 1986.

18 \* Sec. 8. AS 08.54.010 is amended to read:

19           Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is  
20 created the Game Guide Licensing and Control Board consisting of seven  
21 members. No more than three members of the board shall have a game  
22 guide license. The other members shall have a general knowledge of  
23 the game resources of the state. A minimum of 10 years residence in  
24 the state is required for all members of the board.

25 \* Sec. 9. AS 08.54.040(a) is amended to read:

26           (a) Except as provided in AS 08.54.045, the board shall

27           (1) prepare, grade and administer examinations;

28           (2) determine and pass on qualifications of applicants for  
29 licenses and authorize the issuance of licenses to those who qualify;

1 (3) establish game guide performance standards and regulate  
2 activity;

3 (4) compile, maintain and publish a [GUIDE] register of  
4 game guides who have not been convicted of a violation of a federal or  
5 state sport fish, game, or guiding statute or regulation; a game guide  
6 listed in the register whose license is revoked or suspended shall be  
7 removed from the register while the game guide's license is revoked or  
8 suspended;

9 (5) compile, maintain and publish a record of registered or  
10 master game guides who have completed a contract hunt in any of three  
11 years immediately preceding the publishing of the record;

12 (6) prohibit game guiding activities which are unsportsman-  
13 like, unethical, unsafe, against principles of conservation, degrading  
14 to the guiding profession, or which adversely affect the natural  
15 resources;

16 (7) after a hearing, revoke, suspend or deny renewal of a  
17 license in accordance with AS 08.54.200;

18 (8) establish a quota of licensed operating game guides who  
19 may operate within designated geographical game units or subunits of  
20 the state and provide for an equitable and reasonable procedure for  
21 limiting the number of game guides to that quota; preference shall be  
22 given to qualified available and willing licensed game guides who  
23 reside within the designated game unit or subunit.

24 \* Sec. 10. AS 08.54.045 is amended to read:

25 Sec. 08.54.045. SPECIAL GAME GUIDING PERMIT. AS 08.54.010 -  
26 08.54.240 [THIS CHAPTER] does not limit the power of the board or its  
27 authorized designee, to issue a special game guiding permit, in place  
28 of a game guide license, to a person to guide in a specifically des-  
29 ignated area, if the person is considered sufficiently experienced to

1 perform the services of a game guide and is limited solely by language  
2 barriers from securing a regular game guide license.

3 \* Sec. 11. AS 08.54.050 is amended to read:

4 Sec. 08.54.050. BOARD REGULATIONS. The board shall adopt proce-  
5 dural and substantive regulations, under the Administrative Procedure  
6 Act (AS 44.62), required by [THIS CHAPTER] or reasonably necessary for  
7 the [ITS] administration of AS 08.54.010 - 08.54.240.

8 \* Sec. 12. AS 08.54.060 is amended to read:

9 Sec. 08.54.060. BOARD HEARING. The Administrative Procedure Act  
10 (AS 44.62) applies to proceedings and hearings under AS 08.54.010 -  
11 08.54.240 [THIS CHAPTER].

12 \* Sec. 13. AS 08.54.100 is amended to read:

13 Sec. 08.54.100. QUALIFICATIONS FOR A MASTER GAME GUIDE LICENSE.

14 A person is entitled to be licensed as a master game guide if the  
15 person

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

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

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

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

1 (5) meets additional qualifications that [WHICH] the board  
2 may require.

3 \* Sec. 14. AS 08.54.110 is amended to read:

4 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GAME GUIDE LI-  
5 CENSE. A person is entitled to be licensed as a registered game guide  
6 if the person

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

8 (2) [Repealed

9 (3)] has practical field experience in the handling of  
10 firearms, hunting, judging trophies, field preparation of trophies,  
11 first aid and photography;

12 (3) [(4)] is familiar with the terrain and transportation  
13 problems in the district for which the license is requested;

14 (4) [(5)] has passed the qualification examination prepared  
15 and administered by the board;

16 (5) [(6)] has demonstrated to the board sufficient stan-  
17 dards of competence and ethical conduct and has not been convicted of  
18 a crime involving moral turpitude;

19 (6) [(7)] has legally hunted in the state for all or part  
20 of each of five years in a manner directly contributing to the per-  
21 son's experience and competency as a game guide;

22 (7) [(8)] has been licensed as and performed the services  
23 of an assistant game guide in the state for a part of each of three  
24 years;

25 (8) [(9)] submits a written recommendation to the board  
26 from a registered game guide for whom the applicant has worked;

27 (9) [(10)] is capable of performing the physical duties  
28 associated with guiding activities;

29 (10) [(11)] has been favorably recommended in writing by two

1 hunters that the person has guided or assisted in guiding during each  
2 year of the person's three years as an assistant game guide, whose  
3 recommendations have been solicited by the board from a list provided  
4 by the applicant;

5 (11) [(12)] meets additional qualifications which the board  
6 may require.

7 \* Sec. 15. AS 08.54.120 is amended to read:

8 Sec. 08.54.120. QUALIFICATIONS FOR A CLASS-A ASSISTANT GAME  
9 GUIDE LICENSE. A person is entitled to be licensed as a class-A  
10 assistant game guide if the person

11 (1) has been employed for at least one season as a licensed  
12 assistant game guide;

13 (2) has had at least 20 years experience in the guide  
14 district in which the person is to be employed; for the purposes of  
15 this paragraph physical presence at some time of the year during each  
16 of the 20 years constitutes adequate evidence of experience, and  
17 military service outside the state for no more than six years shall be  
18 accepted as part of the required 20 years experience;

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

21 \* Sec. 16. AS 08.54.130 is amended to read:

22 Sec. 08.54.130. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT  
23 GAME GUIDES. A class-A assistant game guide

24 (1) may not contract for hunts;

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

28 (3) may take charge of a camp and conduct hunts from it  
29 without the registered or master game guide necessarily being present

1 in the area if the registered or master game guide is physically  
2 present in the state and is actively supervising in game guiding  
3 activities.

4 \* Sec. 17. AS 08.54.140 is amended to read:

5 Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GAME GUIDE LICENSE.  
6 A person is entitled to be licensed as an assistant game guide if the  
7 person

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

9 (2) [Repealed

10 (3)] is favorably recommended to the board, in writing, by  
11 a registered game guide;

12 (3) [(4)] meets additional qualifications that [WHICH] the  
13 board may require;

14 (4) [(5)] is in sound physical condition.

15 \* Sec. 18. AS 08.54.142(a) is amended to read:

16 (a) A person may not engage in the activity of transporting  
17 unless the person is licensed as a transporter under AS 08.54.010 -  
18 08.54.240 [THIS CHAPTER]. A person may be licensed as a transporter  
19 if the person

20 (1) [Repealed

21 (2)] is familiar with the terrain and transportation prob-  
22 lems in the district or districts for which the license is requested;

23 (2) [(3)] obtains a business license to do business as a  
24 transporter under AS 43.70.030.

25 \* Sec. 19. AS 08.54.144(b) is amended to read:

26 (b) Air carriers that [WHO] transport persons between airports,  
27 landing strips or other landing areas officially listed in the United  
28 States government Flight Information Publication, Alaska Supplement,  
29 as revised, or the United States government Sectional Aeronautical

1 Charts, as revised, are exempted from the license requirements for  
2 transporters under AS 08.54.010 - 08.54.240 [THIS CHAPTER BUT SHALL  
3 COMPLY WITH THE REPORTING PROVISIONS AS PRESCRIBED IN AS 02.05.170-  
4 (f)].

5 \* Sec. 20. AS 08.54.144(c) is amended to read:

6 (c) Master game guides, registered game guides, class-A assis-  
7 tant game guides, or assistant game guides are exempted from the  
8 license requirements for transporters under AS 08.54.010 - 08.54.240  
9 [THIS CHAPTER BUT SHALL COMPLY WITH THE REPORTING PROVISIONS AS PRE-  
10 SCRIBED IN AS 02.05.170(f)].

11 \* Sec. 21. AS 08.54.150 is amended to read:

12 Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GAME  
13 GUIDE FOR VIOLATIONS. A registered or master game guide contracting  
14 for a hunt is equally responsible under AS 08.54.200 for a violation  
15 of a federal or state sport fish, game or guide statute or regulation  
16 committed by a class-A assistant game guide or assistant game guide  
17 while in the course of the class-A assistant game guide's or assistant  
18 game guide's employment.

19 \* Sec. 22. AS 08.54.170 is amended to read:

20 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in  
21 the profession of game guiding are:

- 22 (1) master game guide license, biennial .....\$150
- 23 (2) registered game guide license, biennial .....150
- 24 (3) class-A assistant game guide, biennial .....30
- 25 (4) assistant game guide license, biennial .....20

26 (b) The license fee for a game [MASTER] guide [, REGISTERED  
27 GUIDE, CLASS-A ASSISTANT GUIDE OR ASSISTANT GUIDE] license is in  
28 addition to the fee required for a hunting or fishing license.

29 (c) The license fee for a transporter is \$10.

1 \* Sec. 23. AS 08.54.180 is amended to read:

2 Sec. 08.54.180. EXAMINATION FEE. An applicant for a game guide  
3 examination shall pay a fee of \$25.

4 \* Sec. 24. AS 08.54.185 is amended to read:

5 Sec. 08.54.185. ADDITIONAL FEES. In addition to the license and  
6 examination fees provided for under AS 08.54.010 - 08.54.240 [THIS  
7 CHAPTER], master game guides and registered game guides are subject to  
8 fees imposed under AS 16.05.340(e).

9 \* Sec. 25. AS 08.54.190(b) is amended to read:

10 (b) A license may not be issued to a class-A assistant game  
11 guide or assistant game guide who has failed to renew a license issued  
12 under AS 08.54.010 - 08.54.240 [THIS CHAPTER] for two consecutive  
13 years unless the class-A assistant game guide or assistant game guide  
14 again meets the qualifications for initial issuance of the license.

15 \* Sec. 26. AS 08.54.190(c) is amended to read:

16 (c) A master or registered game guide who fails to renew a  
17 license is not required to requalify under AS 08.54.100(2) or 08.54.-  
18 110(7) [08.54.110(8)], respectively.

19 \* Sec. 27. AS 08.54.200(c) is amended to read:

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

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

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

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

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

29 (d) A A [NO] person who is disciplined under this section may not

1 engage in [ANY] guiding or transporting activities [ACTIVITY] during  
2 the period of license revocation or disciplinary action. A [NO]  
3 person licensed under AS 08.54.010 - 08.54.240 [THIS CHAPTER] may not  
4 hire or work for a guide whose license is suspended or revoked under  
5 this section.

6 \* Sec. 29. AS 08.54.210 is amended to read:

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

8 (1) a master game guide, registered game guide, class-A  
9 assistant game guide, assistant game guide or transporter to fail to  
10 timely report to the Department of Public Safety, division of fish and  
11 wildlife protection, and in no event later than 30 days, violations by  
12 a client of a state fish, game or guiding statute or regulation;

13 (2) a master game guide, registered game guide, class-A  
14 assistant game guide, assistant game guide or transporter to aid the  
15 commission of a violation of AS 08.54.010 - 08.54.240 [THIS CHAPTER]  
16 or of AS 16.05 or a regulation adopted [PROMULGATED] under AS 08.54.-  
17 010 - 08.54.240 or AS 16.05 [EITHER CHAPTER], or permit the commission  
18 of a violation in the guide's or transporter's sight without attempt-  
19 ing to prevent it, short of using force, and without reporting it;

20 (3) a person to guide or transport as defined in AS 08.54.-  
21 010 - 08.54.240 [THIS CHAPTER] without being licensed under AS 08.54.-  
22 010 - 08.54.240 [THIS CHAPTER] and without having the license in  
23 actual possession; however, for purposes of transporting by air, in  
24 the case of a corporation, company, partnership or other business  
25 entity, the license may remain at the principal place of business of  
26 the business entity;

27 (4) a person to advertise as or represent to be a licensed  
28 master game guide, registered game guide, class-A assistant game  
29 guide, assistant game guide or transporter without being currently

1 licensed, or to falsely advertise services;

2 (5) a person to guide as defined in AS 08.54.010 - 08.54.-  
3 240 [THIS CHAPTER] without having a current valid hunting and fishing  
4 license in the person's possession; [.]

5 (6) a master or registered game guide to employ or super-  
6 vise more than three assistant game guides at the same time; [.]

7 (7) a person to guide as defined in AS 08.54.010 - 08.54.-  
8 240 [THIS CHAPTER] without paying a fee as prescribed in AS 16.05.-  
9 340(e).

10 (b) A person who violates (a)(1) - (6) of this section is guilty  
11 of a misdemeanor and upon conviction is punishable by a fine not  
12 exceeding [OF NOT MORE THAN] \$1,000 or by imprisonment for not more  
13 than one year, or by both, and the person's license may be revoked for  
14 a period up to five years. However, a person who engages in guiding  
15 or transporting activity during the period the person's license is  
16 suspended or revoked under AS 08.54.010 - 08.54.240 [THIS CHAPTER] is  
17 guilty of a felony punishable, upon conviction, by a fine not exceed-  
18 ing [OF NOT MORE THAN] \$5,000 and by imprisonment for not less than  
19 one year nor more than three years. In addition to punishment for a  
20 felony, all guns, fishing tackle, boats, aircraft, automobiles or  
21 other vehicles, camping gear and other equipment and paraphernalia  
22 used in, or in aid of, guiding or transporting activity engaged in  
23 during the period of suspension or revocation shall be seized [CON-  
24 FISCATED] by persons authorized to enforce AS 08.54.010 - 08.54.240  
25 [THIS CHAPTER]. A person who violates (a)(7) of this section, upon  
26 conviction, is subject to the same license revocation provision as for  
27 a violation of (a)(1) - (6) of this section and, in addition, is  
28 punishable by a fine of not more than \$5,000, or by imprisonment for  
29 not more than one year, or by both.

1 \* Sec. 30. AS 08.54.240 is amended to read:

2 Sec. 08.54.240. DEFINITIONS. In AS 08.54.010 - 08.54.240 [THIS  
3 CHAPTER]

4 (1) "board" means the Game Guide Licensing and Control  
5 Board;

6 (2) "guide," "guides" or "guiding" means assisting another  
7 person to take game with the intent of receiving monetary or material  
8 remuneration for the service [SERVICES], by accompanying and directing  
9 that person personally or through a licensed assistant game guide for  
10 the duration of a hunt, and not solely for the purpose of providing  
11 transportation services;

12 (3) "resident" means a person who

13 (A) maintains a place of residence within the state;

14 (B) demonstrates [Repealed

15 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES] the inten-  
16 tion to permanently reside in this state;

17 (4) "transporting" or the "activity of transporting" means  
18 conveying a person by [ANY] lawful means to an area for remuneration  
19 or material benefit in excess of normal operating costs, when the  
20 primary purpose of the person being conveyed is the taking of big game  
21 and the associated removing of big game meat and parts of big game  
22 after big game has been taken; big game as used in this paragraph  
23 means game which, if taken by a nonresident, would require a big game  
24 tag;

25 (5) "unethical activity" means

26 (A) deception [IN ANY DEGREE] involving prospective or  
27 actual clients either before, during, or following contract  
28 hunts;

29 (B) misrepresentation either through private

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

3 (C) making a guaranty that a species or certain number  
4 of species of game will be taken on a contract hunt.

5 \* Sec. 31. AS 16.05.340(e) is amended to read:

6 (e) Each master game guide licensed under AS 08.54.100 and each  
7 registered game guide licensed under AS 08.54.110 shall pay a fee in  
8 the following amount for each caribou, sheep, moose, brown or grizzly  
9 bear and polar bear taken on a hunt guided by or under the active  
10 supervision of the game guide:

11 (1) polar, brown or grizzly bear:

12 (A) for each polar, brown or grizzly bear taken over a  
13 total of 5 polar, brown or grizzly bear per season and up to a  
14 total of 10 polar, brown or grizzly bear - \$20;

15 (B) for each polar, brown or grizzly bear taken over a  
16 total of 10 polar, brown or grizzly bear per season and up to a  
17 total of 25 polar, brown or grizzly bear - \$100;

18 (C) for each polar, brown or grizzly bear taken over a  
19 total of 25 polar, brown or grizzly bear per season - \$500;

20 (2) moose:

21 (A) for each moose taken over a total of 5 and up to a  
22 total of 10 per season - \$20;

23 (B) for each moose taken over 10 and up to a total of  
24 25 per season - \$100;

25 (C) for each moose taken over 25 per season - \$500;

26 (3) sheep:

27 (A) for each sheep taken over a total of 5 and up to a  
28 total of 10 per season - \$20;

29 (B) for each sheep taken over 10 and up to a total of

1 25 per season - \$100;

2 (C) for each sheep taken over 25 per season - \$500;

3 (4) caribou:

4 (A) for each caribou taken over 5 and up to a total of  
5 10 per season - \$20;

6 (B) for each caribou taken over 10 and up to a total  
7 of 25 per season - \$100;

8 (C) for each caribou taken over 25 per season - \$500.

9 \* Sec. 32. AS 16.05.407(a) is amended to read:

10 (a) A nonresident may not [IT IS UNLAWFUL FOR A NONRESIDENT TO]  
11 hunt, pursue or take brown bear, grizzly bear, polar bear, or sheep in  
12 the [THIS] state, unless personally accompanied by

13 (1) a person who is licensed as a master game guide, regis-  
14 tered game guide, or assistant game guide by the Game Guide Licensing  
15 and Control Board; or

16 (2) a resident over 19 years of age who is

17 (A) the spouse of the nonresident; or

18 (B) is related to the nonresident, within and includ-  
19 ing the second degree of kindred, by marriage or blood.

20 \* Sec. 33. AS 16.05.407(c) is amended to read:

21 (c) A nonresident may not [IT IS UNLAWFUL FOR A NONRESIDENT TO]  
22 import polar bear hides or parts into this state unless personally  
23 accompanied by a person who is licensed as a master game guide, regis-  
24 tered game guide, or assistant game guide by the Game Guide Licensing  
25 and Control Board.

26 \* Sec. 34. AS 16.05.408(a) is amended to read:

27 (a) It is a class A misdemeanor for a nonresident alien (1) to  
28 hunt, pursue, or take marine mammals unless personally accompanied by  
29 a licensed marine mammal guide; or (2) to hunt, pursue, or take a big

1 game animal as defined by the Board of Game unless personally accom-  
2 panied by a [LICENSED] master game guide, registered game guide, or  
3 class-A assistant game guide licensed under AS 08.54.010 - 08.54.240  
4 [AS 08.54].

5 \* Sec. 35. AS 44.62.330(a)(35) is amended to read:

6 (35) Game Guide Licensing and Control Board

7 \* Sec. 36. (a) Notwithstanding AS 08.54.710 as enacted in sec. 1 of  
8 this Act, a person may apply for and receive an original license as a  
9 registered sport-fishing guide if the person

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

11 (2) has performed the services of a sport-fishing guide in the  
12 state for a part of each of three years before the effective date of this  
13 Act;

14 (3) satisfies the requirements of AS 08.54.710(6) - (8) as  
15 enacted in sec. 1 of this Act.

16 (b) Notwithstanding AS 08.54.720 as enacted in sec. 1 of this Act, a  
17 person may apply for and receive an original license as an assistant sport-  
18 fishing guide if the person

19 (1) is 18 years of age or more;

20 (2) has performed the services of an assistant sport-fishing  
21 guide in the state before the effective date of this Act.

22 (c) An application for a license under this section must be filed  
23 within one year after the effective date of this Act.

24 \* Sec. 37. AS 08.54.142(b) is repealed.