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1 IN THE HOUSE

BY MENARD, LARSON, HOFFMAN,
GOLL, FOSTER AND SWACKHAMMER

2

HOUSE BILL NO. 267

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the licensing of sport fishing
7 guides."

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

9 * Section 1. FINDINGS. Sport fishing is an important part of a sound
10 fisheries resource management system. The state realizes significant
11 social and economic benefits by maintaining a viable sport fishing indus-
12 try. The legislature finds that licensing of sport fishing guides will
13 protect the fishery resources of the state, ensure the continued viability
14 of the sport fishing industry in the state, and ensure that consumers of
15 sport fishing guide services have a positive recreational experience.

16 * Sec. 2. AS 08.54 is amended by adding new sections to read:

17 ARTICLE 4. SPORT FISHING GUIDES.

18 Sec. 08.54.300. QUALIFICATIONS FOR LICENSES. (a) The depart-
19 ment shall issue a sport fishing guide license to a natural person who

20 (1) is 21 years of age or older;

21 (2) applies on a form provided by the department;

22 (3) has a business license to provide sport fishing guide
23 services;

24 (4) provides proof, satisfactory to the department, of a
25 practical knowledge of advanced first aid and advanced cardiopulmonary
26 resuscitation;

27 (5) provides proof of liability insurance in the amounts of
28 at least \$300,000 per occurrence and an aggregate of at least \$500,000
29 per year;

1 (6) has not been convicted of violating a statute or regu-
2 lation relating to fishing or hunting or to sport fishing guide ser-
3 vices during the preceding three years for which the person was fined
4 \$100 or more or was imprisoned; and

5 (7) passes a minimum proficiency test developed by the
6 department, in conjunction with the Department of Fish and Game, that
7 includes

8 (A) boating safety and boat handling skills;

9 (B) wilderness survival;

10 (C) fish identification; and

11 (D) sport fishing regulations.

12 (b) The department shall issue an assistant sport fishing guide
13 license to a natural person who

14 (1) is 18 years of age or older;

15 (2) applies on a form provided by the department;

16 (3) provides proof, satisfactory to the department, of a
17 practical knowledge of advanced first aid and advanced cardiopulmonary
18 resuscitation; and

19 (4) has not been convicted of violating a statute or regu-
20 lation relating to fishing or hunting or to sport fishing guide ser-
21 vices during the preceding three years for which the person was fined
22 \$100 or more or was imprisoned.

23 Sec. 08.54.310. FEES. The department shall set fees under
24 AS 08.01.065 for licenses issued under AS 08.54.300 - 08.54.390;
25 however, the minimum license fee for residents is \$100. The license
26 fee for nonresidents shall be three times the license fee for resi-
27 dents.

28 Sec. 08.54.320. REGISTER OF SPORT FISHING GUIDES. The depart-
29 ment shall annually compile a register of licensed sport fishing

1 guides and shall make the register available to the public.

2 Sec. 08.54.330. UNLAWFUL ACTS. (a) A person may not provide
3 sport fishing guide services without holding a sport fishing guide
4 license issued under AS 08.54.300 - 08.54.390.

5 (b) A person may not assist, for compensation, in providing
6 sport fishing guide services without holding an assistant sport fish-
7 ing guide license issued under AS 08.54.300 - 08.54.390 and without
8 being employed by a licensed sport fishing guide.

9 (c) A person who violates this section is guilty of a class B
10 misdemeanor.

11 Sec. 08.54.390. DEFINITIONS. In AS 08.54.300 - 08.54.390

12 (1) "compensation" means payment for services including
13 wages or other remuneration but not including reimbursement for actual
14 expenses incurred;

15 (2) "department" means the Department of Commerce and
16 Economic Development;

17 (3) "field" means an area outside of established year-round
18 dwellings, businesses, or other developments usually associated with a
19 city, town, or village; "field" does not include permanent hotels or
20 roadhouses on the state road system;

21 (4) "sport fishing guide services" means accompanying or
22 being present with a sport fisherman in the field, personally or
23 through an assistant, for compensation or with the intent or agreement
24 to receive compensation.

25 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

26 (31) regulation of sport fishing guides under AS 08.54.

27 * Sec. 4. AS 08.01.050(a)(4) is amended to read:

28 (4) notify applicants of acceptance or rejection as de-
29 termined by the board or as determined by the department under

1 AS 08.11 for audiologists, under AS 08.45 for naturopaths, under
2 AS 08.54 for sport fishing guides, or under AS 08.55 for hearing aid
3 dealers;

4 * Sec. 5. AS 08.01.050(a)(9) is amended to read:

5 (9) issue licenses or temporary licenses as authorized by
6 the board or as authorized by the department under AS 08.11 for audi-
7 ologists, under AS 08.45 for naturopaths, under AS 08.54 for sport
8 fishing guides, or under AS 08.55 for hearing aid dealers;