

COMMITTEE REPORT

3/5

HOUSE

FURTHER: FINANCE

(7)

3/1/82

Date: Mar 3, 1982

Mr. Speaker: (Taken from Finance 3/1/82)

The Committee on JUDICIARY has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and (a majority of the committee) -- (the committee) ---- reports it back with the following recommendations:

- do pass [] do not pass
- [] do pass with attached amendments(s)
- replace with CS for ~~HB 199~~ HB 199 (Jud) same title new title and recommends _____
- [] AND attaches a "Letter of Intent" New Fiscal Note
- [] reports it back without recommendation *or 'as follows'*
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Charles Anderson

Freeman

ROD E PELL - Do Pass

MEMBERS HAVING OTHER RECOMMENDATIONS:

Richard D. Tennell No Rec

Melvin No Rec

James H. Barnes No Rec

James H. Barnes

CHAIRMAN

COMMITTEE REPORT

3/1/82

HOUSE

(7)

FURTHER: FINANCE

1/13/82

Date: Feb 25, 1982

Mr. Speaker: (Taken from Rules 5/4/81) (Taken from Finance 1/12/82)

The Committee on RESOURCES has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and ~~xxxxxxx~~ reports it back with the following recommendations:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for CS HB199 (2d Res) [] same title [X] new title
and recommends do pass
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the Committee

MEMBERS SIGNING DO PASS

Handwritten signatures of committee members who support the bill.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signatures and notes of committee members with other recommendations.

Ken Fanning CHAIRMAN

COMMITTEE REPORT

HOUSE

4/23

2/19/81

FURTHER: Rules

(11)

Date: 4/23/81

Mr. Speaker:

The Committee on RESOURCES has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HB 199 (Rev) [X] same title new title and recommends DO PASS

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Robert B. Bennett
Darron Fulber
James Vaska
Dale Smith
Terry Gardner

Rick Helford No REC
Eric G. Lutz No REC
Fred J. Zhauff No REC
Demora Jones No REC

Terry Gardner
Fred J. Zhauff CO-CHAIRMAN

Hein

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].

Fiscal Note

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 rimental 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.

Hein

Original sponsor: Rules/Governor

Offered: 3/1/82
Referred: Finance

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (2d Resources)
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:

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

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18 interests of the state's wildlife resources, there [THERE] is created
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25 shall have been a resident of the state for at least 10 years [NO MORE
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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
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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]

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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).

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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, may have his license revoked for a
13 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, may
17 have his license revoked for a period of up to five years. In addition
18 to punishment for a felony, all guns, fishing tackle, boats, aircraft,
19 automobiles or other vehicles, camping gear and other equipment and
20 paraphernalia used in, or in aid of, a second violation of (a)(6) or a
21 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 ritmental 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 Licensing and Control Board shall elect a new ch. r-
28 man under AS 08.54.030 not later than September 1, 1982.

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

Gov
Guthrie

Original sponsor: Rules/Governor

Offered: 4/23/81
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1983.

13 * Sec. 3. AS 08.54.010 is amended to read:

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

15 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
16 poses of licensing and regulating the activities of guides in the best
17 interests of the state's wildlife resources, there [THERE] is created
18 in the Department of Commerce and Economic Development the Guide [LI-
19 CENSING AND CONTROL] Board consisting of seven members. Three members
20 of the board must be licensed registered or master guides who are ac-
21 tively involved in the guiding profession. The other members of the
22 board shall be knowledgeable and experienced with the fish and game
23 resources of the state. Each member shall be a resident of the state
24 for at least 10 years [NO MORE THAN THREE MEMBERS OF THE BOARD SHALL
25 HAVE A GUIDE LICENSE. THE OTHER MEMBERS SHALL HAVE A GENERAL KNOWLEDGE
26 OF THE GAME RESOURCES OF THE STATE. A MINIMUM OF 10 YEARS RESIDENCE IN
27 THE STATE IS REQUIRED FOR ALL MEMBERS OF THE BOARD].

28 * Sec. 4. AS 08.54.020 is amended to read:

29 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of

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

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

7 Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of
8 the board constitute a quorum for the transaction of business, for the
9 performance of any duty, and for the exercise of any power under this
10 chapter. However, the board may not adopt a regulation, revoke, sus-
11 pend, or deny renewal of a license, or assign, modify, or revoke an
12 exclusive guide area, unless the action is approved by a vote of a
13 majority of the full membership of the board.

14 * Sec. 6. AS 08.54.040(a)(1) is amended to read:

15 (1) prepare, grade and administer examinations and may sub-
16 stitute special oral examinations for an applicant with limited English
17 language reading or writing ability;

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

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

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

22 (4) compile, maintain and publish a guide register of guides
23 who have not been convicted of a violation of a federal or state hunt-
24 ing, sport fishing, trapping [FISH, GAME], or guiding law [STATUTE] or
25 regulation within the five years immediately preceding publication; [A
26 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
27 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
28 PENDED;]

29 * Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:

1 (5) collect and maintain records of hunts conducted by
2 guides;

3 * Sec. 10. AS 08.54.040(a)(8) is amended to read:

4 (8) establish exclusive or joint-use guide areas for regis-
5 tered and master guides, determine the number of [A QUOTA OF LICENSED
6 OPERATING] guides who may operate within these designated geographical
7 areas, [GAME UNITS OR SUBUNITS OF THE STATE] and establish [PROVIDE
8 FOR] an equitable and reasonable procedure for determining [LIMITING]
9 the number of guides in an area giving [TO THAT QUOTA;] preference
10 [SHALL BE GIVEN] to [QUALIFIED AVAILABLE AND WILLING LICENSED] guides
11 who permanently reside within the designated area if all other quali-
12 fications of the guides who apply for an area are equal [GAME UNIT OR
13 SUBUNIT].

14 * Sec. 11. AS 08.54.045 is repealed and reenacted to read:

15 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board shall issue a
16 special guide license to a person who applies to conduct a guided hunt
17 for musk-ox or for a specific species of marine mammal in a specifically
18 designated area, if he

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

20 (2) is a resident of the state;

21 (3) has resided and hunted in the area of the state in which
22 he is to guide for at least 10 years;

23 (4) is physically able to perform the duties of a special
24 guide;

25 (5) has demonstrated knowledge of the following areas to an
26 extent and degree satisfactory to the board:

27 (A) fish and game laws and regulations;

28 (B) relevant characteristics of the specific species to

29 be hunted;

- (C) field preparation of trophies;
- (D) care of game meat;
- (E) use of guiding gear;
- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting.

* Sec. 12. AS 08.54.110(8) is amended to read:

(8) has been licensed as and performed the services of an assistant guide or guided under a special guide license in the state for a part of each of three years;

* Sec. 13. AS 08.54.110(9) is amended to read:

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked; however, the requirements of this paragraph do not apply to a person who has guided under a special guide license for three years;

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

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

An assistant guide

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

* Sec. 15. AS 08.54.170 is amended to read:

Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE] fees for engaging in the profession of guiding are:

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

1 (b) The annual [LICENSE] fee for a master guide, registered
2 guide, special guide, class-A assistant guide, or assistant guide
3 license is in addition to the fee required for a hunting or fishing
4 license.

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

6 * Sec. 16. AS 08.54 is amended by adding a new section to read:

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

11 * Sec. 17. AS 08.54.190(a) is amended to read:

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

15 * Sec. 18. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
17 board may establish and assign exclusive or joint-use guide areas for
18 big game guides. The board shall adopt regulations under the Adminis-
19 trative Procedure Act (AS 44.62) which establish uniform and consistent
20 criteria that will be used by the board when it creates an exclusive
21 or joint-use guide area.

22 (b) The board shall continue in effect all exclusive or joint-use
23 guide areas assigned before the effective date of this section. How-
24 ever, the board shall by regulation establish a deadline for guides to
25 request a hearing before the board to review the assignment of an area.
26 If requested by a guide, the board shall hold a hearing to determine if
27 an assignment of an exclusive or joint-use area made before the effec-
28 tive date of this section creates a substantial injustice as determined
29 by criteria set out in (c) of this section. If the board determines

1 that an injustice was created, the board shall modify, terminate or re-
2 assign the area, or take other reasonable steps to correct the injus-
3 tice.

4 (c) The board may find that an injustice was caused by the assign-
5 ment of an exclusive or joint-use guide area if

6 (1) a person was unfairly discriminated against;

7 (2) a person who applied for the exclusive or joint-use
8 guide area was denied a hearing; or

9 (3) a qualified person was not given a preference at the
10 time the area was assigned in accordance with AS 08.54.040(a)(8).

11 (d) The board shall consider the following before it assigns an
12 exclusive or joint-use guide area:

13 (1) the extent to which the guide who has applied for the
14 area has used the game management unit in which the area is located;

15 (2) the extent to which the guide occupied and invested in
16 the area;

17 (3) the effect on other guides which would result from
18 creation of the area;

19 (4) big game populations in the area; and

20 (5) the land ownership status of the area.

21 (e) The board may consider any relevant facts or circumstance
22 before assigning an exclusive or joint-use guide area.

23 (f) A guide who permanently resides in an exclusive or joint-use
24 guide area is entitled to a preference in accordance with AS 08.54.-
25 040(a)(8) for the assignment of the area. A guide may not be assigned
26 an exclusive or joint-use area in a guide district in which he is not
27 licensed.

28 (g) If after July 1, 1981, a guide has failed to use an exclusive
29 or joint-use guide area assigned to him for two consecutive years, the

1 board shall, after a hearing, revoke the area and reassign the area
2 permit. However, for good cause shown, including circumstances beyond
3 the guide's control, a guide may be excused for not using an area if he
4 is capable of, and intends to, use the area in the next calendar year.
5 Use of a guide area does not include use of the area by a subcontractor
6 of a guide or the loan of the use of the area to another master or
7 registered guide.

8 (h) A guide may not be assigned more than three exclusive or
9 joint-use guide areas which are in effect during the same year.

10 * Sec. 19. AS 08.54.200(a) is amended to read:

11 (a) The board shall hold a hearing to determine if disciplinary
12 action is necessary if within the five years immediately preceding the
13 hearing

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

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

21 (3) a licensee has been convicted of a violation of a feder-
22 al or state hunting, sport fishing, trapping, or guiding law [FISH,
23 GAME OR GUIDE STATUTE] or regulation; or

24 (4) a licensee has been convicted of criminal trespass in
25 the first or second degree (AS 11.46.320 - 11.46.330) during the con-
26 duct of guiding activities.

27 * Sec. 20. AS 08.54.200(b) is amended to read:

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

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

5 (2) violated a provision of a federal or state sport fish,
6 game or guide statute or regulation; or

7 (3) has been convicted of criminal trespass in the first
8 or second degree (AS 11.46.320 - 11.46.330) during the conduct of
9 guiding activities.

10 * Sec. 21. AS 08.54.200(c)(2) is amended to read:

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

13 * Sec. 22. AS 08.54.200(c)(3) is repealed and reenacted to read:

14 (3) has been convicted of one or more of the following
15 violations within the five years immediately preceding the hearing:

16 (A) waste of a wild food animal;

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

19 (C) hunting in an area closed by a state game law or
20 regulation;

21 (D) hunting during a closed hunting season.

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

23 (d) No person who is disciplined under this section may engage in
24 any guiding [OR TRANSPORTING] activity during the period of license re-
25 vocation or disciplinary action. A person licensed under this chapter
26 may not hire a person whose license is suspended or revoked to guide,
27 and a guide whose license is suspended or revoked may not guide in the
28 employ of a person licensed under this chapter [NO PERSON LICENSED
29 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-

1 PENDED OR REVOKED UNDER THIS SECTION].

2 * Sec. 24. AS 08.54.200 is amended by adding new subsections to read:

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

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

14 (h) The board may hold a hearing to determine if disciplinary
15 action is necessary if within the five years immediately preceding the
16 hearing

17 (1) a licensee has been charged with a violation of federal
18 or state hunting, sport fishing, trapping, or guiding laws or regula-
19 tions; or

20 (2) a complaint that the guide has trespassed on private
21 property during the conduct of guiding activities has been filed with
22 the board by a landowner.

23 * Sec. 25. AS 08.54.210 is amended to read:

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

25 (1) a master guide, registered guide, special guide, class-A
26 assistant guide, or assistant guide [OR TRANSPORTER] to fail to timely
27 report to the Department of Public Safety, division of fish and wildlife
28 protection, and in no event later than 30 days, violations known to
29 have been committed by a client or an employee other than a guide of a

1 state hunting, sport fishing, trapping, [FISH, GAME] or guiding law
2 [STATUTE] or regulation;

3 (2) a master guide, registered guide, special guide, class-A
4 assistant guide, or assistant guide [OR TRANSPORTER] to aid the commis-
5 sion of a violation of this chapter or of AS 16.05 or a regulation
6 adopted [PROMULGATED] under either chapter, or permit the commission of
7 a violation in his sight without attempting to prevent it, short of
8 using force, and without reporting it;

9 (3) a person to guide [OR TRANSPORT] as defined in this
10 chapter without being licensed under this chapter and without having
11 the license in his actual possession; [HOWEVER, FOR PURPOSES OF TRANS-
12 PORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
13 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE OF
14 BUSINESS OF THE BUSINESS ENTITY;]

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

19 (5) a person to guide as defined in this chapter without
20 having a current valid hunting [AND FISHING] license in his possession;
21 [.]

22 (6) a master or registered guide to employ or have under his
23 supervision more than three [ASSISTANT] guides guiding at the same
24 time.

25 [(7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (6) of this section is guilty
28 of a misdemeanor and upon conviction is punishable by a fine of not
29 more than \$1,000 or by imprisonment for not more than one year, or by

1 both, and may have his license revoked for a period up to five years.
2 However, a person who engages in guiding [OR TRANSPORTING] activity
3 during the period his license is suspended or revoked under this chap-
4 ter is guilty of a felony punishable, upon conviction, by a fine of not
5 more than \$5,000 and by imprisonment for not less than one year nor
6 more than three years. In addition to punishment for a felony, all
7 guns, fishing tackle, boats, aircraft, automobiles or other vehicles,
8 camping gear and other equipment and paraphernalia used in, or in aid
9 of, guiding [OR TRANSPORTING] activity engaged in during the period of
10 suspension or revocation shall be confiscated by persons authorized to
11 enforce this chapter. [A PERSON WHO VIOLATES (a)(7) OF THIS SECTION,
12 UPON CONVICTION, IS SUBJECT TO THE SAME LICENSE REVOCATION PROVISION AS
13 FOR A VIOLATION OF (a)(1) - (6) OF THIS SECTION AND, IN ADDITION, IS
14 PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR
15 NOT MORE THAN ONE YEAR, OR BY BOTH.]

16 * Sec. 26. AS 08.54.240(1) is amended to read:

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

18 * Sec. 27. AS 08.54.240(2) is amended to read:

19 (2) "guide" [, "GUIDES"] or "guiding"

20 (A) means assisting another person to take or attempt
21 to take big game with the intent of receiving monetary or material
22 remuneration for the service [SERVICES], by accompanying and
23 directing that person personally or through an employee or [A
24 LICENSED] assistant guide; and

25 (B) includes a person who transports another person to
26 a hunting area and supplies meat packers or other personal
27 services in a hunting area for monetary or material remuneration
28 [FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR THE PURPOSE OF
29 PROVIDING TRANSPORTATION SERVICES];

1 * Sec. 28. 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
15 detrimental to the game resources of the state, as defined by
16 regulations of the board, including violations of state or fed-
17 eral hunting, sport fishing, trapping, or guiding laws or regula-
18 tions; [.]

19 * Sec. 29. AS 08.54.240 is amended by adding a new paragraph to read:

20 (6) "big game" means brown bear, grizzly bear, polar bear,
21 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
22 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and marine
23 mammals.

24 * Sec. 30. AS 16.05.255(a) is amended by adding new paragraphs to read:

25 (11) designating the areas of the state to which AS 16.05.-
26 407(a) applies;

27 (12) designating additional species of big game to which
28 AS 16.05.407 applies.

29 * Sec. 31. AS 16.05.407(a) is amended to read:

1 (a) It is a class A misdemeanor [UNLAWFUL] for a nonresident,
2 except a nonresident subject to (d) of this section, to hunt, pursue or
3 take brown bear, grizzly bear, polar bear or sheep or other species of
4 big game designated in regulations adopted by the Board of Game in
5 areas of this state designated in regulations adopted by the Board of
6 Game, unless personally accompanied by a person who is licensed as a
7 master guide, registered guide or assistant guide under AS 08.54 [BY
8 THE DEPARTMENT] or [WHO IS PERSONALLY ACCOMPANIED] by a resident Alaskan
9 over 19 years of age who is the spouse of or is related by blood within
10 and including the second degree of kindred to the nonresident. A
11 nonresident [PERSON] who applies for a [NONRESIDENT] big game tag for
12 the taking of an animal specified in this section or in regulations
13 adopted under this section shall first furnish to the state, on a form
14 provided by the state, an affidavit showing that he will be accompanied
15 in his hunt by a person who is qualified under the terms of this sec-
16 tion. A person who falsifies the required affidavit is guilty of
17 perjury under AS 11.56.200.

18 * Sec. 32. AS 16.05.407 is amended by adding new subsections to read:

19 (d) It is a class A misdemeanor for a nonresident alien to hunt,
20 pursue or take brown bear, grizzly bear, polar bear, sheep, caribou, or
21 moose in this state unless personally accompanied by a person who is
22 licensed as a master guide, registered guide, or assistant guide under
23 AS 08.54 or by a resident Alaskan over 19 years of age who is the
24 spouse of or is related by blood within and including the second degree
25 of kindred to the alien. The board may by regulation designate addi-
26 tional species of big game which may not be hunted by a nonresident
27 alien unless the nonresident alien is personally accompanied by a
28 person licensed as a master guide, registered guide, or assistant guide
29 under AS 08.54 or by a resident Alaskan over 19 years of age who is the

1 spouse of or is related by blood within and including the second degree
2 of kindred to the alien. A nonresident alien who applies for a big
3 game tag for the taking of an animal specified in this section shall
4 first furnish to the state, on a form provided by the state, an affi-
5 davit showing that he will be accompanied in his hunt by a person who
6 is qualified under the terms of this section. A person who falsifies
7 the required affidavit is guilty of perjury under AS 11.56.200.

8 (e) In this section,

9 (1) "big game" includes brown bear, grizzly bear, polar
10 bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk,
11 mountain goat, musk-oxen, wolf, wolverine, mountain or Dall sheep and
12 marine mammals;

13 (2) "nonresident alien" means a person who is not a citizen
14 of the United States and whose permanent place of abode is not in the
15 United States.

16 * Sec. 33. AS 39.50.200(b) is amended by adding a new paragraph to read:

17 (44) the Guide Board (AS 08.54).

18 * Sec. 34. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
19 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.

20 * Sec. 35. 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
25 be appointed to serve a one-year term, two members shall be appointed to
26 serve a two-year term, and two members shall be appointed to serve a three-
27 year term.

28 * Sec. 36. This Act takes effect July 1, 1981.

Letter
7 note

Introduced: 2/19/81
Referred: Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board; and providing for
7 an 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) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1984.

13 * Sec. 3. AS 08.54.010 is amended to read:

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

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

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

29 Sec. 08.54.035. QUORUM. Four members of the board constitute a

1 quorum for the transaction of business, for the performance of any du-
2 ty, and for the exercise of any power under this chapter. However, a
3 majority of the members of the board must vote for the adoption of a
4 regulation or to revoke, suspend, or deny renewal of a license.

5 * Sec. 5. AS 08.54.040(a)(1) is amended to read:

6 (1) prepare, grade and administer examinations and may sub-
7 stitute special oral examinations for an applicant who is unable to
8 read or speak the English language;

9 * Sec. 6. AS 08.54.040(a)(2) is amended to read:

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

12 * Sec. 7. AS 08.54.040(a)(4) is amended to read:

13 (4) compile, maintain and publish a guide register of guides
14 who have not been convicted of a violation of a federal or state hunt-
15 ing, sport fishing, trapping, [FISH, GAME,] or guiding law [STATUTE] or
16 regulation within the five years immediately preceding publication; [A
17 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
18 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
19 PENDED;]

20 * Sec. 8. AS 08.54.040(a)(5) is repealed and reenacted to read:

21 (5) collect and maintain records of hunts conducted by
22 guides;

23 * Sec. 9. AS 08.54.040(a)(8) is amended to read:

24 (8) establish guide areas for registered and master guides,
25 limit the number of [A QUOTA OF LICENSED OPERATING] guides who may op-
26 erate within these designated geographical areas [GAME UNITS OR SUB-
27 UNITS OF THE STATE] and establish [PROVIDE FOR] an equitable and rea-
28 sonable procedure for limiting the number of guides in an area giving
29 [TO THAT QUOTA;] preference [SHALL BE GIVEN] to [QUALIFIED AVAILABLE

1 AND WILLING LICENSED] guides who permanently reside within the desig-
2 nated area if all other qualifications of the guides who apply for an
3 area are equal [GAME UNIT OR SUBUNIT].

4 * Sec. 10. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

6 An assistant guide

7 (1) may not contract for guided hunts; and

8 (2) shall be supervised by a registered or master guide at
9 all times while the assistant guide is in the field on guided hunts.

10 * Sec. 11. AS 08.54 is amended by adding a new section to read:

11 Sec. 08.54.126. REGISTERED GUIDE EXAMINATION. The board shall
12 administer the qualification examination required under AS 08.54.110 at
13 least twice a year. At least once every other year the board shall
14 give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190(a) is amended to read:

16 (a) A master guide, registered guide, class-A assistant guide, or
17 assistant guide [OR TRANSPORTER] license expires on December 31, fol-
18 lowing issuance.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board shall establish and assign exclusive or joint use guide areas for
22 big game guides. The board shall adopt regulations under the Adminis-
23 trative Procedure Act (AS 44.62) which establish criteria that will be
24 used by the board when it creates an exclusive guide area.

25 (b) The board shall continue in effect all exclusive or joint use
26 guide areas assigned before the effective date of this section. Howev-
27 er, the board shall by regulation establish a deadline for guides to
28 request a hearing before the board to review the assignment of an area.
29 If requested by a guide, the board shall hold a hearing to determine if

1 an assignment of an exclusive or joint use area made before the effec-
2 tive date of this section creates a substantial injustice as determined
3 by criteria set out in (c) of this section. If the board determines
4 that an injustice was created, the board shall modify, terminate or re-
5 assign the area, or take other reasonable steps to correct the injus-
6 tice.

7 (c) The board may find that an injustice was caused by the assign-
8 ment of an exclusive or joint use guide area if:

9 (1) an individual was unfairly discriminated against; or

10 (2) a person who applied for the exclusive or joint use
11 guide area was denied a hearing; or

12 (3) a qualified person was not given a preference at the
13 time the area was assigned in accordance with AS 08.54.040(a)(8).

14 (d) The board shall consider the following before it assigns an
15 exclusive or joint use guide area: (1) use of the game management unit
16 in which the area is located by a guide who has applied for the area;
17 (2) occupancy of and investment of money by the guide in the area; (3)
18 the effect on other guides which would result from creation of the
19 area; and (4) big game populations in the area.

20 (e) A guide who permanently resides in an exclusive or joint-use
21 guide area is entitled to a preference in accordance with AS 08.54.-
22 040(a)(8) for the assignment of the area. A guide may not be assigned
23 an exclusive or joint use area in a guide district in which he is not
24 licensed.

25 (f) If, after July 1, 1981, a guide has failed to use an exclusive
26 or joint use guide area assigned to him for two consecutive years, the
27 board shall, after a hearing, revoke the area and reassign the area
28 permit. However, for good cause shown, including circumstances beyond
29 the guide's control, a guide may be excused for not using an area if he

1 is capable of, and intends to, use the area in the next calendar year.
2 Use of a guide area does not include use of the area by a subcontractor
3 of a guide or the loan of the use of the area to another master or
4 registered guide.

5 (g) A guide may not be assigned more than three exclusive or
6 joint use guide areas which are in effect during the same year.

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

8 (a) The board shall hold a hearing to determine if disciplinary
9 action is necessary if within the five years immediately preceding the
10 hearing

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

16 (2) a licensee has been charged with a violation of federal
17 or state hunting, sport fishing, trapping, or guiding laws [FISH, GAME
18 OR GUIDE STATUTES] or regulations; or

19 (3) a licensee has been convicted of a violation of a federal
20 or state hunting, sport fishing, trapping, or guiding law [FISH, GAME
21 OR GUIDE STATUTE] or regulation.

22 * Sec. 15. AS 08.54.200(c)(3) is repealed and reenacted to read:

23 (3) has been convicted of the following violations within
24 the five years immediately preceding the hearing:

25 (A) waste of a wild food animal;

26 (B) hunting on the same day that the guide and his
27 clients are airborne;

28 (C) hunting in an area closed by a state game law or
29 regulation;

1 (D) hunting during a closed hunting season; or

2 (E) hunting in an exclusive or joint use guide area

3 which is not assigned to the guide.

4 * Sec. 16. AS 08.54.200(d) is amended to read:

5 (d) No person who is disciplined under this section may engage in
6 any guiding [OR TRANSPORTING] activity during the period of license re-
7 vocation or disciplinary action. No person licensed under this chapter
8 may hire or work for a guide whose license is suspended or revoked un-
9 der this section.

10 * Sec. 17. AS 08.54.200 is amended by adding new subsections to read:

11 (f) If a certified copy of a judgment of a conviction of a guide
12 for a crime described in (c)(3) of this section is filed with the
13 board, the board may immediately suspend the guide's license. The
14 suspension may be ordered even if the conviction resulted from a plea
15 of nolo contendere or the conviction is under appeal to a higher court.
16 The order remains in effect until after the final disposition of the
17 disciplinary proceeding under this section.

18 (g) A certified copy of a judgment of conviction of a guide for
19 any crime is conclusive evidence of the commission of that crime in any
20 disciplinary proceeding instituted against him under this section based
21 upon the conviction.

22 * Sec. 18. AS 08.54.210 is amended to read:

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

24 (1) a master guide, registered guide, class-A assistant
25 guide, or assistant guide [OR TRANSPORTER] to fail to timely report to
26 the Department of Public Safety, division of fish and wildlife protec-
27 tion, and in no event later than 30 days, violations [BY A CLIENT] of a
28 state fish, game or guiding statute or regulation;

29 (2) a master guide, registered guide, class-A assistant

1 guide, or assistant guide [OR TRANSPORTER] to aid the commission of a
2 violation of this chapter or of AS 16.05 or a regulation promulgated
3 under either chapter, or permit the commission of a violation in his
4 sight without attempting to prevent it, short of using force, and with-
5 out reporting it;

6 (3) a person to guide [OR TRANSPORT] as defined in this
7 chapter without being licensed under this chapter and without having
8 the license in his actual possession; [HOWEVER, FOR PURPOSES OF TRANS-
9 PORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
10 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE OF
11 BUSINESS OF THE BUSINESS ENTITY;]

12 (4) a person to advertise as or represent himself to be a
13 licensed master guide, registered guide, class-A assistant guide, or
14 assistant guide [OR TRANSPORTER] without being currently licensed, or
15 to falsely advertise services;

16 (5) a person to guide as defined in this chapter without
17 having a current valid hunting and fishing license in his possession;
18 [.]

19 (6) a master or registered guide to employ or have under his
20 supervision more than three assistant guides at the same time; [.]

21 (7) a person to guide as defined in this chapter without
22 paying a fee as prescribed in AS 16.05.340(e).

23 (b) A person who violates (a)(1) - (6) of this section is guilty
24 of a misdemeanor and upon conviction is punishable by a fine of not
25 more than \$1,000 or by imprisonment for not more than one year, or by
26 both, and may have his license revoked for a period up to five years.
27 However, a person who engages in guiding [OR TRANSPORTING] activity
28 during the period his license is suspended or revoked under this chap-
29 ter is guilty of a felony punishable, upon conviction, by a fine of not

1 more than \$5,000 and by imprisonment for not less than one year nor
2 more than three years. In addition to punishment for a felony, all
3 guns, fishing tackle, boats, aircraft, automobiles or other vehicles,
4 camping gear and other equipment and paraphernalia used in, or in aid
5 of, guiding [OR TRANSPORTING] activity engaged in during the period of
6 suspension or revocation shall be confiscated by persons authorized to
7 enforce this chapter. A person who violates (a)(7) of this section,
8 upon conviction, is subject to the same license revocation provision as
9 for a violation of (a)(1) - (6) of this section and, in addition, is
10 punishable by a fine of not more than \$5,000, or by imprisonment for
11 not more than one year, or by both.

12 * Sec. 19. AS 08.54.240(1) is amended to read:

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

14 * Sec. 20. AS 08.54.240(2) is amended to read:

15 (2) "guide" [, "GUIDES"] or "guiding"

16 (A) means assisting another person to take or attempt
17 to take big game with the intent of receiving monetary or material
18 remuneration for the service [SERVICES], by accompanying or [AND]
19 directing that person personally or through an employee or [A LI-
20 CENSED] assistant guide; and

21 (B) includes a person who transports another person to
22 a hunting area and supplies meat packers, camps, hunting equipment,
23 or other services for monetary or material remuneration [FOR THE
24 DURATION OF A HUNT, AND NOT SOLELY FOR THE PURPOSE OF PROVIDING
25 TRANSPORTATION SERVICES];

26 * Sec. 21. AS 08.54.240(4) is amended to read:

27 (4) "unethical activity" means

28 (A) deception or misrepresentation [IN ANY DEGREE] in-
29 volving prospective or actual clients either before, during, or

1 following a contract hunt including, but not limited to, misrepre-
2 sentation through private or public advertising of the type, dura-
3 tion, cost, or conditions of the contract hunt [HUNTS];

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

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

10 (D) unsafe or unsportsmanlike activities that are detri-
11 mental to the game resources of the state or to the guiding pro-
12 fession, as defined by regulations of the board, including viola-
13 tions of state or federal hunting, sport fishing, trapping, or
14 guiding laws or regulations; [.]

15 * Sec. 22. AS 39.50.200(b) is amended by adding a new paragraph to read:

16 (44) the Guide Board (AS 08.54).

17 * Sec. 23. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.045, 08.54.142 --
18 08.54.146, 08.54.170(c), and 08.54.240(5) are repealed.

19 * Sec. 24. This Act takes effect July 1, 1981.
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 199 (2d Resources)
 Title An Act relating to guiding; and providing for an effective date.
 Requested by Governor Date 3-1-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions; board & admin.
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		6.8	7.5	8.2	9.0	9.9
300 CONTRACTUAL		3.0	.0	.0	.0	.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.8	7.5	8.2	9.0	9.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		9.8	7.5	8.2	9.0	9.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

TRAVEL - 10% inflation factor projected.

Annual meeting in Nome area, to address concerns of guides in Northwestern region of the state; 7 members and 1 department staff, travel costs plus 5 days per diem @ \$80/day:

Travel	\$ 3,590
Per diem	3,200
	<u>\$ 6,790</u>

CONTRACTUAL -

Reprinting and distribution costs of new guide board statute and regulation booklets, applications and renewal forms. (one time cost FY'83) - \$2,000.00
 In anticipation of special guide license regulations for guiding of marine mammals, additional costs of regulation public notices and teleconference public hearings estimated in FY'83: \$1,000.00

IV. DATE March 3, 1982

PREPARED BY Mariorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

14B199

February 18, 1981

The Honorable Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending the Guide Licensing and Control Board law, AS 08.54. The bill would continue the existence of the guide board which, if not continued by the legislature, is scheduled to terminate on June 30, 1981. The bill would also delete licensing of transporters which, under existing law is difficult to enforce. The major points covered in the bill are set out below.

Section 2 would provide for sunset review of the guide board in June 1984.

Section 5 would move to a more logical place in AS 08.54 the board's authority to give oral examinations to residents of the state who, because of a language barrier, are unable to take a written test.

Section 10 would prohibit an assistant guide from contracting for a hunt. This prohibition had been inferred under existing law, but would be clearly stated to avoid confusion.

Section 11 would require the board to give guide examinations in various locations in the state to allow easier access by applicants who reside in rural areas.

Sections 12, 16, and 18 would delete language concerning transporters from existing law and is consistent with the amendments proposed for the definitions of "guiding" contained in section 20.

Section 13 would establish the authority of the board to grant exclusive and joint use guide areas, and would provide a mechanism for board review of complaints regarding the assignment of existing areas. This section

would also establish criteria for allocation of guide areas, and would enact into law some of the board's regulatory requirements for use of these areas.

Section 14 would amend the grounds for the discipline of licensed guides, to specify that the board may not hold disciplinary hearings on matters that occurred more than five years before the hearing is convened. This section would allow a preliminary review of complaints by the division of fish and wildlife protection to screen out frivolous or unfounded complaints from clients of guides. Under existing law the board may suspend, revoke, or take other action (or no action) against a guide's license, but must revoke for certain other violations. Section 14 would amend existing law to make a suspension or revocation, based on a finding of incompetency, discretionary rather than mandatory as provided under existing law.

Section 15 would require revocation of a guide license if the guide was convicted twice of the five most serious game violations within the preceding five years. Existing law does not limit this revocation to serious fish and game crimes and does not specify how recent a conviction must be before it ceases to be a ground for revocation.

Section 17 adds new subsections to AS 08.54.200 which would allow the board to immediately suspend the license of a guide if it receives a certified copy of a judgment of conviction of the guide for commission of four serious fish and game crimes. This is a procedure similar to that authorized for other agencies, including discipline of attorneys in the state under the Alaska Bar Rules. The suspension would remain in effect until a hearing is held by the board.

Section 18 would make a guide criminally responsible if he fails to report a fish and game violation which he witnessed. Under existing law, a guide is responsible only if he witnesses a violation committed by a client.

Section 20 would make amendments to the definition of "guide" to delete the provisions that guiding means accompanying a client for the duration of the hunt. This amendment will help enforcement of illegal guiding. It is possible under the existing definition for a guide to circumvent prosecution for guiding without a license by avoiding being with the client for the duration of the hunt. Certain persons who transport hunters to hunting areas and supply hunting and camping equipment would be under the licensing jurisdiction of the guide board under another amendment proposed in section 20.

Section 21 would amend the definition of "unethical activity" to make clear the scope of that activity so that disciplinary cases can either be avoided by a guide because he knows what conduct is prohibited or easily prosecuted by the board.

Section 22 would make the guide board subject to the conflict of interest law.

Section 23 would repeal (1) redundant sections allowing oral examinations which would be covered by the amendment proposed in section 5 of the bill; and (2) the requirement that a transporter be licensed by the guide board.

Sincerely,

S/SSH

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 199 (Page 1 of 2)

Title "An act relating to the Guide Board; and providing an effective date

Requested by Governor

Date _____

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation and Licensing of Guides

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	0
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-				

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

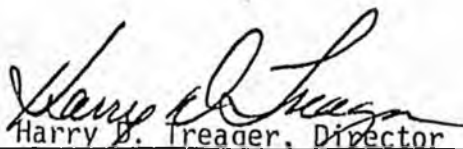
	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-				
TEMPORARY	-0-	-0-				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No Fiscal impact, functions are currently budgeted.
No additional funding necessary.

IV. DATE 2-13-81

PREPARED BY


Harry B. Treador, Director

AGENCY

Division of Occupational Licensing

PHONE

465-2534

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 199 (Page 2 of 2)
 Title An act relating to the Guide Board
 Requested by Governor Date _____

II. FISCAL DETAIL

Agency Affected Public Safety
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Fish & Wildlife Protection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		- 0 -	- 0 -	- 0 -		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There will be no fiscal impact.

IV. DATE February 17, 1981

PREPARED BY *For Michael J. Clemens* Col. Robert J. Stickles
 AGENCY Public Safety
 PHONE 269-5535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ALASKA STATE LEGISLATURE

SECOND

TWELFTH Legislature FIRST... Session

HOUSEBILL..... NO. ...199..

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act relating to the Guide Board; and providing for an effective date."

Guide Board

Introduced in the House2/19., 19...81

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on
Feb. 19	Resources
May 4	<i>From Rules to Finance</i>
Apr 23	Reported back with recommendation that
	<i>Resources, C.S. (2d. Res.) 3d. Res. 2nd Res. - 2d. Res. 3d. Res. - 2d. Res.</i>
May 4	<i>From Finance to Finance</i>
1982	
Jan 12	<i>From Finance. Ref to Resources then back to Finance</i>
Mar 1	<i>Resources - C.S. (2d. Res.) 3d. Res.</i>
	Read second time and
Mar 1	<i>1 no Res, 1 do not pass to Finance from Finance. To Judiciary then Finance.</i>
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 199
 Title An Act Relating To Guiding
 Requested by Rules/Governor Date 3/11/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RAJ

IV. DATE 3/11/82 PREPARED BY Colonel Robert J. Stickles
 AGENCY Department of Public Safety
 Original: Legislative Finance PHONE 269-5532
 cc: Budget and Management *(initials)*
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 199 (Judiciary)
Title An Act relating to guiding; and providing for an effective date.
Requested by House Judiciary Committee Date 3-1-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions; boards
(Note: If more than one budget component is affected, separate line-item & admin. amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		6.8	7.5	8.2	9.0	9.9
300 CONTRACTUAL		3.0	.0	.0	.0	.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.8	7.5	8.2	9.0	9.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		9.8	7.5	8.2	9.0	9.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

TRAVEL - 10% inflation factor projected.

Annual meeting in Nome area, to address concerns of guides in Northwestern region of the state; 7 members and 1 department staff, travel costs plus 5 days per diem @ \$80/day:

Travel	\$ 3,590
Per diem	3,200
	<u>\$ 6,790</u>

CONTRACTUAL -

Reprinting and distribution costs of new guide board statute and regulation booklets, applications and renewal forms. (one time cost FY'83) - \$2,000.00

In anticipation of special guide license regulations for guiding of marine mammals, additional costs of regulation public notices and teleconference public hearings estimated in FY'83: \$1,000.00

IV. DATE March 9, 1982

PREPARED BY Marjorie Odland
AGENCY Division of Occupational Licensing
PHONE 465-2535

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

**THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE**

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 199 (2d Resources)
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 Requested by Governor Date 3-1-82

II. FISCAL DETAIL

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 Program Category Affected Public Protection

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IV. DATE March 3, 1982

PREPARED BY Marjorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

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. 08.54.02C. 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].

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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 rimonental 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.

Alaska House of Representatives

MEMO



Phone: 465-3725
Room: 214 Capitol

From the desk of CHIEF CLERK

TO: FINANCE

DATE: 3/2

Pls give the page HB 199 - taken from
Finance - to Judiciary - then Finance.

Original sponsor: Rules/Governor

Offered: 3/1/82
Referred: Finance

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (2d Resources)

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4 TWELFTH LEGISLATURE - SECOND SESSION

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15 (A) wanton waste of a wild food animal under AS 16.-
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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, may have his license revoked for a
13 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, may
17 have his license revoked for a period of up to five years. In addition
18 to punishment for a felony, all guns, fishing tackle, boats, aircraft,
19 automobiles or other vehicles, camping gear and other equipment and
20 paraphernalia used in, or in aid of, a second violation of (a)(6) or a
21 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 ritmental 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 Licensing and Control Board shall elect a new chair-
28 man under AS 08.54.030 not later than September 1, 1982.

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

STATE OF ALASKA
THE LEGISLATURE
HOUSE OF REPRESENTATIVES

POUCH V, STATE CAPITOL
JUNEAU, ALASKA 99811

519 Capitol

TO FINANCE COMMITTEE

REMARKS:

HB 199 was taken from Finance to be returned to Resources. It then has a further referral to Finance.

Pls give the page HB 199 which we will send to Resources.

Thanks.

FROM Julie - Clerk's Office DATE 1/13
3726

LAA 25-H

Cotten

Amendment to CSHB 199

p. 14, line 19

delete "AS 16.05.340(e)"

14B199

February 18, 1981

The Honorable Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending the Guide Licensing and Control Board law, AS 08.54. The bill would continue the existence of the guide board which, if not continued by the legislature, is scheduled to terminate on June 30, 1981. The bill would also delete licensing of transporters which, under existing law is difficult to enforce. The major points covered in the bill are set out below.

Section 2 would provide for sunset review of the guide board in June 1984.

Section 5 would move to a more logical place in AS 08.54 the board's authority to give oral examinations to residents of the state who, because of a language barrier, are unable to take a written test.

Section 10 would prohibit an assistant guide from contracting for a hunt. This prohibition had been inferred under existing law, but would be clearly stated to avoid confusion.

Section 11 would require the board to give guide examinations in various locations in the state to allow easier access by applicants who reside in rural areas.

Sections 12, 16, and 18 would delete language concerning transporters from existing law and is consistent with the amendments proposed for the definitions of "guiding" contained in section 20.

Section 13 would establish the authority of the board to grant exclusive and joint use guide areas, and would provide a mechanism for board review of complaints regarding the assignment of existing areas. This section

would also establish criteria for allocation of guide areas, and would enact into law some of the board's regulatory requirements for use of these areas.

Section 14 would amend the grounds for the discipline of licensed guides, to specify that the board may not hold disciplinary hearings on matters that occurred more than five years before the hearing is convened. This section would allow a preliminary review of complaints by the division of fish and wildlife protection to screen out frivolous or unfounded complaints from clients of guides. Under existing law the board may suspend, revoke, or take other action (or no action) against a guide's license, but must revoke for certain other violations. Section 14 would amend existing law to make a suspension or revocation, based on a finding of incompetency, discretionary rather than mandatory as provided under existing law.

Section 15 would require revocation of a guide license if the guide was convicted twice of the five most serious game violations within the preceding five years. Existing law does not limit this revocation to serious fish and game crimes and does not specify how recent a conviction must be before it ceases to be a ground for revocation.

Section 17 adds new subsections to AS 08.54.200 which would allow the board to immediately suspend the license of a guide if it receives a certified copy of a judgment of conviction of the guide for commission of four serious fish and game crimes. This is a procedure similar to that authorized for other agencies, including discipline of attorneys in the state under the Alaska Bar Rules. The suspension would remain in effect until a hearing is held by the board.

Section 18 would make a guide criminally responsible if he fails to report a fish and game violation which he witnessed. Under existing law, a guide is responsible only if he witnesses a violation committed by a client.

Section 20 would make amendments to the definition of "guide" to delete the provisions that guiding means accompanying a client for the duration of the hunt. This amendment will help enforcement of illegal guiding. It is possible under the existing definition for a guide to circumvent prosecution for guiding without a license by avoiding being with the client for the duration of the hunt. Certain persons who transport hunters to hunting areas and supply hunting and camping equipment would be under the licensing jurisdiction of the guide board under another amendment proposed in section 20.

Section 21 would amend the definition of "unethical activity" to make clear the scope of that activity so that disciplinary cases can either be avoided by a guide because he knows what conduct is prohibited or easily prosecuted by the board.

Section 22 would make the guide board subject to the conflict of interest law.

Section 23 would repeal (1) redundant sections allowing oral examinations which would be covered by the amendment proposed in section 5 of the bill; and (2) the requirement that a transporter be licensed by the guide board.

Sincerely,

S/JSH

Jay S. Hammond
Governor

CSHB 199 (Res)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 199 (Res)
 Title An Act relating to guiding; and providing for an effective date.
 Requested by Resources Committee Date 4-23-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions; boards & invest
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL		4.0	4.5	-	-	-
300 CONTRACTUAL		51.0	54.6	58.4	62.5	66.9
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		55.0	59.1	58.4	62.5	66.9

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		55.0	59.1	58.4	62.5	66.9
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL - projected 2 years for regulation hearing (12% inflation factor)
 Guide Board, travel & per diem for 2 hearings in Anchorage to receive testimony on proposed regulations, 3 days each. \$ 4,000.00

CONTRACTUAL - 7% inflation factor projected.
 Legal notices for regulations, duplication and printing costs for registration forms (special guide category), postage. \$ 1,000.00
 Hearings - costs estimated at \$50,000 per hearing: hearing officer @ \$55/hour plus travel & per diem; court reporter @ \$20/hour; judicial process approx. \$1,000 per hearing \$ 50,000.00

IV. DATE 4-30-81 PREPARED BY Marjorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 199

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 199
Title "An act relating to the Guide Board; and providing an effective date"
Requested by Governor Date _____

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development
Program Category Affected Public Protection
BRU, Program, or Subprogram(s) Affected Regulation and Licensing of Guides
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS. CLAIMS. ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-				
TEMPORARY	-0-	-0-				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No Fiscal impact, functions are currently budgeted.
No additional funding necessary.

IV. DATE 2-13-81

PREPARED BY Harry B. Treador, Director
AGENCY Division of Occupational Licensing
PHONE 465-2534

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
 Title An act relating to the Guide Board
 Requested by Governor Date _____

II. FISCAL DETAIL

Agency Affected Public Safety
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Fish & Wildlife Protection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		- 0 -	- 0 -	- 0 -		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There will be no fiscal impact.

IV. DATE February 17, 1981

PREPARED BY Col. Robert J. Stickles
 AGENCY Public Safety
 PHONE 269-5535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

For Michael J. Clemens

Original sponsor: Rules/Governor

Offered: 4/23/81
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1983.

13 * Sec. 3. AS 08.54.010 is amended to read:

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

15 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
16 poses of licensing and regulating the activities of guides in the best
17 interests of the state's wildlife resources, there [THERE] is created
18 in the Department of Commerce and Economic Development the Guide [LI-
19 CENSING AND CONTROL] Board consisting of seven members. Three members
20 of the board must be licensed registered or master guides who are ac-
21 tively involved in the guiding profession. The other members of the
22 board shall be knowledgeable and experienced with the fish and game
23 resources of the state. Each member shall be a resident of the state
24 for at least 10 years [NO MORE THAN THREE MEMBERS OF THE BOARD SHALL
25 HAVE A GUIDE LICENSE. THE OTHER MEMBERS SHALL HAVE A GENERAL KNOWLEDGE
26 OF THE GAME RESOURCES OF THE STATE. A MINIMUM OF 10 YEARS RESIDENCE IN
27 THE STATE IS REQUIRED FOR ALL MEMBERS OF THE BOARD].

28 * Sec. 4. AS 08.54.020 is amended to read:

29 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of

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

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

7 Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of
8 the board constitute a quorum for the transaction of business, for the
9 performance of any duty, and for the exercise of any power under this
10 chapter. However, the board may not adopt a regulation, revoke, sus-
11 pend, or deny renewal of a license, or assign, modify, or revoke an
12 exclusive guide area, unless the action is approved by a vote of a
13 majority of the full membership of the board.

14 * Sec. 6. AS 08.54.040(a)(1) is amended to read:

15 (1) prepare, grade and administer examinations and may sub-
16 stitute special oral examinations for an applicant with limited English
17 language reading or writing ability;

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

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

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

22 (4) compile, maintain and publish a guide register of guides
23 who have not been convicted of a violation of a federal or state hunt-
24 ing, sport fishing, trapping [FISH, GAME], or guiding law [STATUTE] or
25 regulation within the five years immediately preceding publication; [A
26 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
27 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
28 PENDED;]

29 * Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:

1 (5) collect and maintain records of hunts conducted by
2 guides;

3 * Sec. 10. AS 08.54.040(a)(8) is amended to read:

4 (8) establish exclusive or joint-use guide areas for regis-
5 tered and master guides, determine the number of [A QUOTA OF LICENSED
6 OPERATING] guides who may operate within these designated geographical
7 areas, [GAME UNITS OR SUBUNITS OF THE STATE] and establish [PROVIDE
8 FOR] an equitable and reasonable procedure for determining [LIMITING]
9 the number of guides in an area giving [TO THAT QUOTA;] preference
10 [SHALL BE GIVEN] to [QUALIFIED AVAILABLE AND WILLING LICENSED] guides
11 who permanently reside within the designated area if all other quali-
12 fications of the guides who apply for an area are equal [GAME UNIT OR
13 SUBUNIT].

14 * Sec. 11. AS 08.54.045 is repealed and reenacted to read:

15 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board shall issue a
16 special guide license to a person who applies to conduct a guided hunt
17 for musk-ox or for a specific species of marine mammal in a specifically
18 designated area, if he

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

20 (2) is a resident of the state;

21 (3) has resided and hunted in the area of the state in which
22 he is to guide for at least 10 years;

23 (4) is physically able to perform the duties of a special
24 guide;

25 (5) has demonstrated knowledge of the following areas to an
26 extent and degree satisfactory to the board:

27 (A) fish and game laws and regulations;

28 (B) relevant characteristics of the specific species to
29 be hunted;

- (C) field preparation of trophies;
- (D) care of game meat;
- (E) use of guiding gear;
- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting.

* Sec. 12. AS 08.54.110(8) is amended to read:

(8) has been licensed as and performed the services of an assistant guide or guided under a special guide license in the state for a part of each of three years;

* Sec. 13. AS 08.54.110(9) is amended to read:

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked; however, the requirements of this paragraph do not apply to a person who has guided under a special guide license for three years;

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

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

An assistant guide

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

* Sec. 15. AS 08.54.170 is amended to read:

Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE] fees for engaging in the profession of guiding are:

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

1 (b) The annual [LICENSE] fee for a master guide, registered
2 guide, special guide, class-A assistant guide, or assistant guide
3 license is in addition to the fee required for a hunting or fishing
4 license.

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

6 * Sec. 16. AS 08.54 is amended by adding a new section to read:

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

11 * Sec. 17. AS 08.54.190(a) is amended to read:

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

15 * Sec. 18. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
17 board may establish and assign exclusive or joint-use guide areas for
18 big game guides. The board shall adopt regulations under the Adminis-
19 trative Procedure Act (AS 44.62) which establish uniform and consistent
20 criteria that will be used by the board when it creates an exclusive
21 or joint-use guide area.

22 (b) The board shall continue in effect all exclusive or joint-use
23 guide areas assigned before the effective date of this section. How-
24 ever, the board shall by regulation establish a deadline for guides to
25 request a hearing before the board to review the assignment of an area.
26 If requested by a guide, the board shall hold a hearing to determine if
27 an assignment of an exclusive or joint-use area made before the effec-
28 tive date of this section creates a substantial injustice as determined
29 by criteria set out in (c) of this section. If the board determines

1 that an injustice was created, the board shall modify, terminate or re-
2 assign the area, or take other reasonable steps to correct the injus-
3 tice.

4 (c) The board may find that an injustice was caused by the assign-
5 ment of an exclusive or joint-use guide area if

6 (1) a person was unfairly discriminated against;

7 (2) a person who applied for the exclusive or joint-use
8 guide area was denied a hearing; or

9 (3) a qualified person was not given a preference at the
10 time the area was assigned in accordance with AS 08.54.040(a)(8).

11 (d) The board shall consider the following before it assigns an
12 exclusive or joint-use guide area:

13 (1) the extent to which the guide who has applied for the
14 area has used the game management unit in which the area is located;

15 (2) the extent to which the guide occupied and invested in
16 the area;

17 (3) the effect on other guides which would result from
18 creation of the area;

19 (4) big game populations in the area; and

20 (5) the land ownership status of the area.

21 (e) The board may consider any relevant facts or circumstance
22 before assigning an exclusive or joint-use guide area.

23 (f) A guide who permanently resides in an exclusive or joint-use
24 guide area is entitled to a preference in accordance with AS 08.54.-
25 040(a)(8) for the assignment of the area. A guide may not be assigned
26 an exclusive or joint-use area in a guide district in which he is not
27 licensed.

28 (g) If after July 1, 1981, a guide has failed to use an exclusive
29 or joint-use guide area assigned to him for two consecutive years, the

1 board shall, after a hearing, revoke the area and reassign the area
2 permit. However, for good cause shown, including circumstances beyond
3 the guide's control, a guide may be excused for not using an area if he
4 is capable of, and intends to, use the area in the next calendar year.
5 Use of a guide area does not include use of the area by a subcontractor
6 of a guide or the loan of the use of the area to another master or
7 registered guide.

8 (h) A guide may not be assigned more than three exclusive or
9 joint-use guide areas which are in effect during the same year.

10 * Sec. 19. AS 08.54.200(a) is amended to read:

11 (a) The board shall hold a hearing to determine if disciplinary
12 action is necessary if within the five years immediately preceding the
13 hearing

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

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

21 (3) a licensee has been convicted of a violation of a feder-
22 al or state hunting, sport fishing, trapping, or guiding law [FISH,
23 GAME OR GUIDE STATUTE] or regulation; or

24 (4) a licensee has been convicted of criminal trespass in
25 the first or second degree (AS 11.46.320 - 11.46.330) during the con-
26 duct of guiding activities.

27 * Sec. 20. AS 08.54.200(b) is amended to read:

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

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

5 (2) violated a provision of a federal or state sport fish,
6 game or guide statute or regulation; or

7 (3) has been convicted of criminal trespass in the first
8 or second degree (AS 11.46.320 - 11.46.330) during the conduct of
9 guiding activities.

10 * Sec. 21. AS 08.54.200(c)(2) is amended to read:

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

13 * Sec. 22. AS 08.54.200(c)(3) is repealed and reenacted to read:

14 (3) has been convicted of one or more of the following
15 violations within the five years immediately preceding the hearing:

16 (A) waste of a wild food animal;

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

19 (C) hunting in an area closed by a state game law or
20 regulation;

21 (D) hunting during a closed hunting season.

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

23 (d) No person who is disciplined under this section may engage in
24 any guiding [OR TRANSPORTING] activity during the period of license re-
25 vocation or disciplinary action. A person licensed under this chapter
26 may not hire a person whose license is suspended or revoked to guide,
27 and a guide whose license is suspended or revoked may not guide in the
28 employ of a person licensed under this chapter [NO PERSON LICENSED
29 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-

1 PENDED OR REVOKED UNDER THIS SECTION].

2 * Sec. 24. AS 08.54.200 is amended by adding new subsections to read:

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

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

14 (h) The board may hold a hearing to determine if disciplinary
15 action is necessary if within the five years immediately preceding the
16 hearing

17 (1) a licensee has been charged with a violation of federal
18 or state hunting, sport fishing, trapping, or guiding laws or regula-
19 tions; or

20 (2) a complaint that the guide has trespassed on private
21 property during the conduct of guiding activities has been filed with
22 the board by a landowner.

23 * Sec. 25. AS 08.54.210 is amended to read:

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

25 (1) a master guide, registered guide, special guide, class-A
26 assistant guide, or assistant guide [OR TRANSPORTER] to fail to timely
27 report to the Department of Public Safety, division of fish and wildlife
28 protection, and in no event later than 30 days, violations known to
29 have been committed by a client or an employee other than a guide of a

1 state hunting, sport fishing, trapping, [FISH, GAME] or guiding law
2 [STATUTE] or regulation;

3 (2) a master guide, registered guide, special guide, class-A
4 assistant guide, or assistant guide [OR TRANSPORTER] to aid the commis-
5 sion of a violation of this chapter or of AS 16.05 or a regulation
6 adopted [PROMULGATED] under either chapter, or permit the commission of
7 a violation in his sight without attempting to prevent it, short of
8 using force, and without reporting it;

9 (3) a person to guide [OR TRANSPORT] as defined in this
10 chapter without being licensed under this chapter and without having
11 the license in his actual possession; [HOWEVER, FOR PURPOSES OF TRANS-
12 PORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
13 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE OF
14 BUSINESS OF THE BUSINESS ENTITY;]

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

19 (5) a person to guide as defined in this chapter without
20 having a current valid hunting [AND FISHING] license in his possession;
21 [.]

22 (6) a master or registered guide to employ or have under his
23 supervision more than three [ASSISTANT] guides guiding at the same
24 time.

25 [(7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (6) of this section is guilty
28 of a misdemeanor and upon conviction is punishable by a fine of not
29 more than \$1,000 or by imprisonment for not more than one year, or by

1 both, and may have his license revoked for a period up to five years.
2 However, a person who engages in guiding [OR TRANSPORTING] activity
3 during the period his license is suspended or revoked under this chap-
4 ter is guilty of a felony punishable, upon conviction, by a fine of not
5 more than \$5,000 and by imprisonment for not less than one year nor
6 more than three years. In addition to punishment for a felony, all
7 guns, fishing tackle, boats, aircraft, automobiles or other vehicles,
8 camping gear and other equipment and paraphernalia used in, or in aid
9 of, guiding [OR TRANSPORTING] activity engaged in during the period of
10 suspension or revocation shall be confiscated by persons authorized to
11 enforce this chapter. [A PERSON WHO VIOLATES (a)(7) OF THIS SECTION,
12 UPON CONVICTION, IS SUBJECT TO THE SAME LICENSE REVOCATION PROVISION AS
13 FOR A VIOLATION OF (a)(1) - (6) OF THIS SECTION AND, IN ADDITION, IS
14 PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR
15 NOT MORE THAN ONE YEAR, OR BY BOTH.]

16 * Sec. 26. AS 08.54.240(1) is amended to read:

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

18 * Sec. 27. AS 08.54.240(2) is amended to read:

19 (2) "guide" [, "GUIDES"] or "guiding"

20 (A) means assisting another person to take or attempt
21 to take big game with the intent of receiving monetary or material
22 remuneration for the service [SERVICES], by accompanying and
23 directing that person personally or through an employee or [A
24 LICENSED] assistant guide; and

25 (B) includes a person who transports another person to
26 a hunting area and supplies meat packers or other personal
27 services in a hunting area for monetary or material remuneration
28 [FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR THE PURPOSE OF
29 PROVIDING TRANSPORTATION SERVICES];

1 * Sec. 28. 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
15 detrimental to the game resources of the state, as defined by
16 regulations of the board, including violations of state or fed-
17 eral hunting, sport fishing, trapping, or guiding laws or regula-
18 tions; [.]

19 * Sec. 29. AS 08.54.240 is amended by adding a new paragraph to read:

20 (6) "big game" means brown bear, grizzly bear, polar bear,
21 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
22 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and marine
23 mammals.

24 * Sec. 30. AS 16.05.255(a) is amended by adding new paragraphs to read:

25 (11) designating the areas of the state to which AS 16.05.-
26 407(a) applies;

27 (12) designating additional species of big game to which
28 AS 16.05.407 applies.

29 * Sec. 31. AS 16.05.407(a) is amended to read:

1 (a) It is a class A misdemeanor [UNLAWFUL] for a nonresident,
2 except a nonresident subject to (d) of this section, to hunt, pursue or
3 take brown bear, grizzly bear, polar bear or sheep or other species of
4 big game designated in regulations adopted by the Board of Game in
5 areas of this state designated in regulations adopted by the Board of
6 Game, unless personally accompanied by a person who is licensed as a
7 master guide, registered guide or assistant guide under AS 08.54 [BY
8 THE DEPARTMENT] or [WHO IS PERSONALLY ACCOMPANIED] by a resident Alaskan
9 over 19 years of age who is the spouse of or is related by blood within
10 and including the second degree of kindred to the nonresident. A
11 nonresident [PERSON] who applies for a [NONRESIDENT] big game tag for
12 the taking of an animal specified in this section or in regulations
13 adopted under this section shall first furnish to the state, on a form
14 provided by the state, an affidavit showing that he will be accompanied
15 in his hunt by a person who is qualified under the terms of this sec-
16 tion. A person who falsifies the required affidavit is guilty of
17 perjury under AS 11.56.200.

18 * Sec. 32. AS 16.05.407 is amended by adding new subsections to read:

19 (d) It is a class A misdemeanor for a nonresident alien to hunt,
20 pursue or take brown bear, grizzly bear, polar bear, sheep, caribou, or
21 moose in this state unless personally accompanied by a person who is
22 licensed as a master guide, registered guide, or assistant guide under
23 AS 08.54 or by a resident Alaskan over 19 years of age who is the
24 spouse of or is related by blood within and including the second degree
25 of kindred to the alien. The board may by regulation designate addi-
26 tional species of big game which may not be hunted by a nonresident
27 alien unless the nonresident alien is personally accompanied by a
28 person licensed as a master guide, registered guide, or assistant guide
29 under AS 08.54 or by a resident Alaskan over 19 years of age who is the

1 spouse of or is related by blood within and including the second degree
2 of kindred to the alien. A nonresident alien who applies for a big
3 game tag for the taking of an animal specified in this section shall
4 first furnish to the state, on a form provided by the state, an affi-
5 davit showing that he will be accompanied in his hunt by a person who
6 is qualified under the terms of this section. A person who falsifies
7 the required affidavit is guilty of perjury under AS 11.56.200.

8 (e) In this section,

9 (1) "big game" includes brown bear, grizzly bear, polar
10 bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk,
11 mountain goat, musk-oxen, wolf, wolverine, mountain or Dall sheep and
12 marine mammals;

13 (2) "nonresident alien" means a person who is not a citizen
14 of the United States and whose permanent place of abode is not in the
15 United States.

16 * Sec. 33. AS 39.50.200(b) is amended by adding a new paragraph to read:

17 (44) the Guide Board (AS 08.54).

18 * Sec. 34. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
19 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.

20 * Sec. 35. 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
25 be appointed to serve a one-year term, two members shall be appointed to
26 serve a two-year term, and two members shall be appointed to serve a three-
27 year term.

28 * Sec. 36. This Act takes effect July 1, 1981.

29

Introduced: 2/19/81
Referred: Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board; and providing for
7 an 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) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1984.

13 * Sec. 3. AS 08.54.010 is amended to read:

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

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

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

29 Sec. 08.54.035. QUORUM. Four members of the board constitute a

1 quorum for the transaction of business; for the performance of any du-
2 ty, and for the exercise of any power under this chapter. However, a
3 majority of the members of the board must vote for the adoption of a
4 regulation or to revoke, suspend, or deny renewal of a license.

5 * Sec. 5. AS 08.54.040(a)(1) is amended to read:

6 (1) prepare, grade and administer examinations and may sub-
7 stitute special oral examinations for an applicant who is unable to
8 read or speak the English language;

9 * Sec. 6. AS 08.54.040(a)(2) is amended to read:

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

12 * Sec. 7. AS 08.54.040(a)(4) is amended to read:

13 (4) compile, maintain and publish a guide register of guides
14 who have not been convicted of a violation of a federal or state hunt-
15 ing, sport fishing, trapping, [FISH, GAME,] or guiding law [STATUTE] or
16 regulation within the five years immediately preceding publication; [A
17 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
18 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
19 PENDED;]

20 * Sec. 8. AS 08.54.040(a)(5) is repealed and reenacted to read:

21 (5) collect and maintain records of hunts conducted by
22 guides;

23 * Sec. 9. AS 08.54.040(a)(8) is amended to read:

24 (8) establish guide areas for registered and master guides,
25 limit the number of [A QUOTA OF LICENSED OPERATING] guides who may op-
26 erate within these designated geographical areas [GAME UNITS OR SUB-
27 UNITS OF THE STATE] and establish [PROVIDE FOR] an equitable and rea-
28 sonable procedure for limiting the number of guides in an area giving
29 [TO THAT QUOTA;] preference [SHALL BE GIVEN] to [QUALIFIED AVAILABLE

Introduced: 2/19/81
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board; and providing for
7 an 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) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1984.

13 * Sec. 3. AS 08.54.010 is amended to read:

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

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

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

29 Sec. 08.54.035. QUORUM. Four members of the board constitute a

1 AND WILLING LICENSED] guides who permanently reside within the desig-
2 nated area if all other qualifications of the guides who apply for an
3 area are equal [GAME UNIT OR SUBUNIT].

4 * Sec. 10. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

6 An assistant guide

7 (1) may not contract for guided hunts; and

8 (2) shall be supervised by a registered or master guide at
9 all times while the assistant guide is in the field on guided hunts.

10 * Sec. 11. AS 08.54 is amended by adding a new section to read:

11 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
12 administer the qualification examination required under AS 08.54.110 at
13 least twice a year. At least once every other year the board shall
14 give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190(a) is amended to read:

16 (a) A master guide, registered guide, class-A assistant guide, or
17 assistant guide [OR TRANSPORTER] license expires on December 31, fol-
18 lowing issuance.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board shall establish and assign exclusive or joint use guide areas for
22 big game guides. The board shall adopt regulations under the Adminis-
23 trative Procedure Act (AS 44.62) which establish criteria that will be
24 used by the board when it creates an exclusive guide area.

25 (b) The board shall continue in effect all exclusive or joint use
26 guide areas assigned before the effective date of this section. Howev-
27 er, the board shall by regulation establish a deadline for guides to
28 request a hearing before the board to review the assignment of an area.
29 If requested by a guide, the board shall hold a hearing to determine if

1 an assignment of an exclusive or joint use area made before the effec-
2 tive date of this section creates a substantial injustice as determined
3 by criteria set out in (c) of this section. If the board determines
4 that an injustice was created, the board shall modify, terminate or re-
5 assign the area, or take other reasonable steps to correct the injus-
6 tice.

7 (c) The board may find that an injustice was caused by the assign-
8 ment of an exclusive or joint use guide area if:

9 (1) an individual was unfairly discriminated against; or

10 (2) a person who applied for the exclusive or joint use
11 guide area was denied a hearing; or

12 (3) a qualified person was not given a preference at the
13 time the area was assigned in accordance with AS 08.54.040(a)(8).

14 (d) The board shall consider the following before it assigns an
15 exclusive or joint use guide area: (1) use of the game management unit
16 in which the area is located by a guide who has applied for the area;
17 (2) occupancy of and investment of money by the guide in the area; (3)
18 the effect on other guides which would result from creation of the
19 area; and (4) big game populations in the area.

20 (e) A guide who permanently resides in an exclusive or joint-use
21 guide area is entitled to a preference in accordance with AS 08.54.-
22 040(a)(8) for the assignment of the area. A guide may not be assigned
23 an exclusive or joint use area in a guide district in which he is not
24 licensed.

25 (f) If, after July 1, 1981, a guide has failed to use an exclusive
26 or joint use guide area assigned to him for two consecutive years, the
27 board shall, after a hearing, revoke the area and reassign the area
28 permit. However, for good cause shown, including circumstances beyond
29 the guide's control, a guide may be excused for not using an area if he

1 is capable of, and intends to, use the area in the next calendar year.
2 Use of a guide area does not include use of the area by a subcontractor
3 of a guide or the loan of the use of the area to another master or
4 registered guide.

5 (g) A guide may not be assigned more than three exclusive or
6 joint use guide areas which are in effect during the same year.

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

8 (a) The board shall hold a hearing to determine if disciplinary
9 action is necessary if within the five years immediately preceding the
10 hearing

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

16 (2) a licensee has been charged with a violation of federal
17 or state hunting, sport fishing, trapping, or guiding laws [FISH, GAME
18 OR GUIDE STATUTES] or regulations; or

19 (3) a licensee has been convicted of a violation of a federal
20 or state hunting, sport fishing, trapping, or guiding law [FISH, GAME
21 OR GUIDE STATUTE] or regulation.

22 * Sec. 15. AS 08.54.200(c)(3) is repealed and reenacted to read:

23 (3) has been convicted of the following violations within
24 the five years immediately preceding the hearing:

25 (A) waste of a wild food animal;

26 (B) hunting on the same day that the guide and his
27 clients are airborne;

28 (C) hunting in an area closed by a state game law or
29 regulation;

1 (D) hunting during a closed hunting season; or

2 (E) hunting in an exclusive or joint use guide area

3 which is not assigned to the guide.

4 * Sec. 16. AS 08.54.200(d) is amended to read:

5 (d) No person who is disciplined under this section may engage in
6 any guiding [OR TRANSPORTING] activity during the period of license re-
7 vocation or disciplinary action. No person licensed under this chapter
8 may hire or work for a guide whose license is suspended or revoked un-
9 der this section.

10 * Sec. 17. AS 08.54.200 is amended by adding new subsections to read:

11 (f) If a certified copy of a judgment of a conviction of a guide
12 for a crime described in (c)(3) of this section is filed with the
13 board, the board may immediately suspend the guide's license. The
14 suspension may be ordered even if the conviction resulted from a plea
15 of nolo contendere or the conviction is under appeal to a higher court.
16 The order remains in effect until after the final disposition of the
17 disciplinary proceeding under this section.

18 (g) A certified copy of a judgment of conviction of a guide for
19 any crime is conclusive evidence of the commission of that crime in any
20 disciplinary proceeding instituted against him under this section based
21 upon the conviction.

22 * Sec. 18. AS 08.54.210 is amended to read:

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

24 (1) a master guide, registered guide, class-A assistant
25 guide, or assistant guide [OR TRANSPORTER] to fail to timely report to
26 the Department of Public Safety, division of fish and wildlife protec-
27 tion, and in no event later than 30 days, violations [BY A CLIENT] of a
28 state fish, game or guiding statute or regulation;

29 (2) a master guide, registered guide, class-A assistant

1 guide, or assistant guide [OR TRANSPORTER] to aid the commission of a
2 violation of this chapter or of AS 16.05 or a regulation promulgated
3 under either chapter, or permit the commission of a violation in his
4 sight without attempting to prevent it, short of using force, and with-
5 out reporting it;

6 (3) a person to guide [OR TRANSPORT] as defined in this
7 chapter without being licensed under this chapter and without having
8 the license in his actual possession; [HOWEVER, FOR PURPOSES OF TRANS-
9 PORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
10 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE OF
11 BUSINESS OF THE BUSINESS ENTITY;]

12 (4) a person to advertise as or represent himself to be a
13 licensed master guide, registered guide, class-A assistant guide, or
14 assistant guide [OR TRANSPORTER] without being currently licensed, or
15 to falsely advertise services;

16 (5) a person to guide as defined in this chapter without
17 having a current valid hunting and fishing license in his possession;
18 [.]

19 (6) a master or registered guide to employ or have under his
20 supervision more than three assistant guides at the same time; [.]

21 (7) a person to guide as defined in this chapter without
22 paying a fee as prescribed in AS 16.05.340(e).

23 (b) A person who violates (a)(1) - (6) of this section is guilty
24 of a misdemeanor and upon conviction is punishable by a fine of not
25 more than \$1,000 or by imprisonment for not more than one year, or by
26 both, and may have his license revoked for a period up to five years.
27 However, a person who engages in guiding [OR TRANSPORTING] activity
28 during the period his license is suspended or revoked under this chap-
29 ter is guilty of a felony punishable, upon conviction, by a fine of not

1 more than \$5,000 and by imprisonment for not less than one year nor
2 more than three years. In addition to punishment for a felony, all
3 guns, fishing tackle, boats, aircraft, automobiles or other vehicles,
4 camping gear and other equipment and paraphernalia used in, or in aid
5 of, guiding [OR TRANSPORTING] activity engaged in during the period of
6 suspension or revocation shall be confiscated by persons authorized to
7 enforce this chapter. A person who violates (a)(7) of this section,
8 upon conviction, is subject to the same license revocation provision as
9 for a violation of (a)(1) - (6) of this section and, in addition, is
10 punishable by a fine of not more than \$5,000, or by imprisonment for
11 not more than one year, or by both.

12 * Sec. 19. AS 08.54.240(1) is amended to read:

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

14 * Sec. 20. AS 08.54.240(2) is amended to read:

15 (2) "guide" [, "GUIDES"] or "guiding"

16 (A) means assisting another person to take or attempt
17 to take big game with the intent of receiving monetary or material
18 remuneration for the service [SERVICES], by accompanying or [AND]
19 directing that person personally or through an employee or [A LI-
20 CENSED] assistant guide; and

21 (B) includes a person who transports another person to
22 a hunting area and supplies meat packers, camps, hunting equipment
23 or other services for monetary or material remuneration [FOR THE
24 DURATION OF A HUNT, AND NOT SOLELY FOR THE PURPOSE OF PROVIDING
25 TRANSPORTATION SERVICES];

26 * Sec. 21. AS 08.54.240(4) is amended to read:

27 (4) "unethical activity" means

28 (A) deception or misrepresentation [IN ANY DEGREE] in-
29 volving prospective or actual clients either before, during, or

1 following a contract hunt including, but not limited to, misrepre-
2 sentation through private or public advertising of the type, dura-
3 tion, cost, or conditions of the contract hunt [HUNTS];

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

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

10 (D) unsafe or unsportsmanlike activities that are detri-
11 mental to the game resources of the state or to the guiding pro-
12 fession, as defined by regulations of the board, including viola-
13 tions of state or federal hunting, sport fishing, trapping, or
14 guiding laws or regulations; [.]

15 * Sec. 22. AS 39.50.200(b) is amended by adding a new paragraph to read:

16 (44) the Guide Board (AS 08.54).

17 * Sec. 23. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.045, 08.54.142 --
18 08.54.146, 08.54.170(c), and 08.54.240(5) are repealed.

19 * Sec. 24. This Act takes effect July 1, 1981.