

4268B

SRES

SB 294

Introduced: 4/10/85  
Referred: Resources

1 IN THE SENATE

BY FAIKS

2

SENATE CONCURRENT RESOLUTION NO. 18

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the Guide Licensing and

6

Control Board.

7

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

WHEREAS the Guide Licensing and Control Board governs a system that

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controls entry into the big game guiding industry in the state and assigns

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exclusive guiding areas throughout the state; and

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WHEREAS three of the board's seats are occupied by licensed guides and

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many of the remaining seats often have been occupied by former guides or

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others having a direct personal interest in the industry; and

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WHEREAS unless the board adopts objective criteria and complies

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strictly with the criteria when issuing licenses and assigning exclusive

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guide areas, the public may perceive that the board's decisions are based

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on self-interest rather than the public interest, and this perception would

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erode public confidence in state government;

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BE IT RESOLVED by the Alaska State Legislature that the Guide Licens-

20

ing and Control Board is requested to adopt regulations relating to the

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following:

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(1) publication of notice of board meetings and the procedures

23

the board follows at its meetings;

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 (2) establishment of a maximum number of guides who can be

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licensed for a particular area;

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(3) objective and detailed criteria for the issuance and reas-

27

signment of guide area permits;

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(4) guidelines for placing conditions on the issuance or reas-

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signment of guide area permits;

1           (5) other matters in which the public may perceive an appearance  
2 of impropriety or conflict of interest by board members; and be it

3           FURTHER RESOLVED by the Alaska State Legislature that the Guide Li-  
4 censing and Control Board is requested to comply strictly with and document  
5 its deliberations on regulations adopted in accordance with this resolu-  
6 tion.

Call

7th floor  
State Office

Jenny  
Strichter

Occupational  
licensing

2144 -

re Guide bills



1963; am §§ 2, 3 ch 75 SLA 1964; am § 1 ch 83 SLA 1966; am § 2 ch 32 SLA 1968; am § 1 ch 4 SLA 1972; am §§ 1, 2 ch 180 SLA 1972; am §§ 2, 3 ch 82 SLA 1974; am § 1 ch 198 SLA 1976; am §§ 1, 2 ch 268 SLA 1976; am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980; am §§ 1—6 ch 40 SLA 1982; am §§ 2, 3 ch 23 SLA 1983; am § 1 ch 35 SLA 1983; am § 3 ch 71 SLA 1984; am §§ 15—17 ch 81 SLA 1984; am §§ 3—5 ch 96 SLA 1984; am §§ 12, 13 ch 132 SLA 1984)

**Effect of amendments.** — The first 1984 amendment added paragraph (17) to subsection (a).

The second 1984 amendment, in paragraph (12) of subsection (a), inserted "biennial" in subparagraphs (A) and (B) and substituted "100" for "50" in subparagraph (A) and "400" for "200" in subparagraph (B); in paragraph (13) of subsection (a), inserted "biennial" in subparagraphs (A) and (B) and substituted "150" for "75" in subparagraph (A) and "400" for "200" in subparagraph (B); and, in paragraph (14) of subsection (a), inserted "biennial" and substituted "200" for "100." For provisions of paragraphs (12), (13) and (14) of subsection (a) prior to January 1, 1985, see the title pamphlet.

The third 1984 amendment, in subsection (a), substituted "22" for "15" in paragraph (3), "10" for "3" in paragraph (4), and "32" for "25" in paragraph (6). For provisions of paragraphs (3), (4) and (6) of subsection (a) prior to January 1, 1985, see the title pamphlet.

The fourth 1984 amendment, in subsection (a), substituted "Nonresident" for "Visitor's" at the beginning of paragraph (7) and, in paragraph (10), substituted "under (15) of this subsection" for "to the nonresident as provided in (15) of the subsection" at the end of the first sentence, "must" for "shall" in two places in the second sentence, and "an animal of any other species" for "any other animal of the species named" in the last sentence.

**Sec. 16.05.346. Permit applications [Effective until August 1, 1989].** (a) If the Board of Game establishes an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game establishes an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in which applications are received by the department. A person is not eligible for more than one musk oxen permit a year. The department may not charge a fee for an application for a musk oxen permit for an open season in which the Board of Game has reduced or eliminated the resident tag fee under AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is \$10.

(b) The application fee for a drawing permit issued by the department for the hunting of bison in the Delta Junction bison range area is \$10.

(c) Except as provided in (a) and (b) of this section, the permit application fee for all species for which a limited drawing is conducted is \$5. (§ 3 ch 57 SLA 1980; am § 1 ch 118 SLA 1984)

**Effect of amendments.** — Section 1, ch. 118, SLA 1984 rewrote this section.

**Editor's notes.** — Section 2, ch. 118, SLA 1984, effective August 1, 1989, rewrites this section to appear as it did prior to August 1, 1989.

**Sec. 16.05.350. Expiration of tags required under AS 16.05.346.** For licenses, the nonresident special trapping license, and the waterfowl conservation tag issued on or before the close of December 31 following issue, the license expires on December 31 of the year following issue. For a trapping license, the license expires at the close of the year in which the license expires at the close of the year in which the license expires at the close of the year following the year of issue of the license. (§ 1 ch 13 SLA 1964; am § 13 ch 71 SLA 1984; am § 14 ch 81 SLA 1984; am § 14 ch 81 SLA 1984)

**Effect of amendments.** — The first 1984 amendment added the third sentence and substituted "the resident trapping license, and the waterfowl conservation tag" for "and the resident trapping license" in the first sentence.

The second 1984 amendment inserted

**Sec. 16.05.407. Nonresident hunters to be accompanied.** (a) It is unlawful for a nonresident to hunt or take brown bear, grizzly bear, or moose, unless personally accompanied by

(1) a person who is licensed as a master guide by the Guide Licensing and Control Board;

(2) a resident over 19 years of age;

(A) the spouse of the nonresident;

(B) is related to the nonresident to the first degree of kindred, by marriage or blood.

(b) An applicant for a nonresident hunting license specified in (a) of this section, who is not personally accompanied by a person qualified under the terms of (a) of this section, will be personally accompanied by a person qualified under the terms of (a) of this section if the required affidavit is guilty of perjury.

(c) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

(d) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

(e) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

(f) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

(g) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

..... \$ 300  
 ..... 135  
 ..... 250  
 ..... 250  
 ..... 300  
 ..... 400  
 ..... 500  
 ..... 150  
 ..... 150  
 ..... 1,100

1. .... 25  
 tion effective for not more than one  
 or grizzly bear tag and fee for all or  
 unit.

..... 500  
 y by regulation reduce or eliminate  
 tag for musk oxen for an open season  
 g ..... 5  
 n waterfowl hunting without having  
 ; in the person's actual possession,

fe fee under AS 16.05.340(a)(6);  
 of 16;  
 and has been a resident for at least

gible for a free license under AS

r regulation exempt the requirement  
 or waterfowl hunting in areas of the  
 from programs described in AS

nd game may issue without cost a  
 , including fur animals, subject to  
 are appropriate, for a scientific,  
 ose. In addition, the commissioner  
 collecting of wild fur animals for  
 farm animals. Permits issued under  
 dance with current sustained yield  
 pecies of wild game for which the  
 permit fee for an Alaska resident to  
 ming purposes is the same as the fee

he may issue a duplicate license or a  
 r a license or tag issued under (a) of  
 charged for each duplicate license or

tag and the duplicate shall not be issued unless the commissioner of revenue or a delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(6) of this section.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

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

- (1) polar, brown or grizzly bear:
  - (A) for each polar, brown or grizzly bear taken over a total of 5 polar, brown or grizzly bear per season and up to a total of 10 polar, brown or grizzly bear — \$20;
  - (B) for each polar, brown or grizzly bear taken over a total of 10 polar, brown or grizzly bear per season and up to a total of 25 polar, brown or grizzly bear — \$100;
  - (C) for each polar, brown or grizzly bear taken over a total of 25 polar, brown or grizzly bear per season — \$500;
- (2) moose:
  - (A) for each moose taken over a total of 5 and up to a total of 10 per season — \$20;
  - (B) for each moose taken over 10 and up to a total of 25 per season — \$100;
  - (C) for each moose taken over 25 per season — \$500;
- (3) sheep:
  - (A) for each sheep taken over a total of 5 and up to a total of 10 per season — \$20;
  - (B) for each sheep taken over 10 and up to a total of 25 per season — \$100;
  - (C) for each sheep taken over 25 per season — \$500;
- (4) caribou:
  - (A) for each caribou taken over 5 and up to a total of 10 per season — \$20;
  - (B) for each caribou taken over 10 and up to a total of 25 per season — \$100;
  - (C) for each caribou taken over 25 per season — \$500. (§ 2 art II ch 94 SLA 1959; am § 1 ch 96 SLA 1959; am §§ 7 — 13 ch 131 SLA 1960; am § 1 ch 16 SLA 1963; am § 1 ch 29 SLA 1963; am § 2 ch 31 SLA

Recommended Amendments to CS SB294

Conforming Amendments:

Page 8, Line 18, 19 — delete (or outfitter)

Justification—It appears that this is just an oversight as the outfitter classification has been deleted with the rest of the bill.

Page 8, line 28, 20 — delete (during the five years immediately preceding the hearing, has been convicted of two violations of a state statute or regulation)

Justification—This is duplicative language of that contained on page 8, lines 20, 21, and 22, and again appears to be a drafting oversight.

Substantive Amendment:

Page 10, lines 21 and 22—reword to state: (4) a person to imply by advertisement or representation to be a licensed master guide. . . . and so forth.

Page 10, lines 26 through 28 — reword to state: (5) a person to act as, or to provide services of a registered guide or master guide as defined in this chapter without having a current valid resident hunting and current valid registered or master guides license.

Justification—This change would make guiding without a license a felony punishable as explained on page 11, lines 10-18. As it currently reads, a legally licensed guide is subject to felony charges if he doesn't have a hunting license, yet a person guiding with no hunting license and no guide license is only subject to misdemeanor charges.

One of the biggest "guiding" problems in the state is unethical operators who are finding it to their benefit to guide without obeying the guide laws. They can't be stripped of their licenses—they don't have any; nor are they subject to the laws, regulations and requirements of this legislation. These operators are giving both the state and the industry a black eye, and should be dealt with in a more severe manner. These proposed changes would accomplish that result.

Conforming Amendment:

Page 13, line 10: delete (or federal)

Justification—Apparently a drafting oversight—throughout the legislation the words "or federal" have been removed.

A M E N D M E N T S

Offered in the Senate

TO: CS FOR SENATE BILL 294 (Resources 2/18/86 draft)

Page 1 line 20 to read:

No more than three members of the board shall hold or have held a guide license. The other members must [SHALL] have a general knowledge of the game resources of the state and may not have a vested interest in the guiding industry.

Page 11 line 24 to read:

(2) "guide" [,"GUIDES"] or "guiding" means personally accompanying a hunter for compensation, or with the intent or an agreement to receive compensation, while the hunter or the person accompanying the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF THE HUNT, AND NOT SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

Hein

A M E N D M E N T

Offered in the SENATE

*Coghill*  
By Sturgulewski

TO: CSSB 294 (Resources)

Page 12, line 5, after "camp" insert:

"or being present in the field for the purpose of providing  
meatpacking services for a big game animal only after the animal has  
been killed"

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSS294 (Resources)  
 Title : An Act relating to guiding and providing an effective date

Sponsor : Original Sponsor: Resources Com'te  
 Requestor : Senate Resources  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Fish & Wildlife Protection

Components : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

*K. Nutgrass*

Prepared by : Captain J. R. Nutgrass  
 Division : Fish & Wildlife Protection

Phone : 269-5509  
 Date : 3/13/86

Approved by Commissioner : \_\_\_\_\_  
 Agency : Public Safety

Date : 3/12/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

REGULATIONS  
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS  
OF THE GUIDE LICENSING AND CONTROL BOARD

Notice is hereby given that the Department of Commerce and Economic Development, Guide Licensing and Control Board, under authority vested by AS 08.54.040 and AS 08.54.050, proposes to adopt and amend regulations in Title 12 of the Alaska Administrative Code dealing with written permission to use another guide's area, reassignment of guide area permits, guide quota for game management Units 1 through 4, procedure for changing a guide area permit, base of operation, first aid skills, and other general provisions to implement AS 08.54.040 and AS 08.54.050 as follows:

1. 12 AAC 38.052(d) is amended to establish a new procedure for filing written permission to use another guide's area;
2. 12 AAC 38.054(g) is added to authorize the board to revise a guiding area permit when reassigning that permit;
3. 12 AAC 38.054(h) is added to establish a quota for the number of guides licensed in each game management Unit 1 through 4;
4. 12 AAC 38.056(f) is added to clarify the procedure required to request changes to a guide area permit;
5. 12 AAC 38.085 is added relating to the base of operation in game management Units 1 through 4; and
6. 12 AAC 38.140(a)(3) is added to require first aid certification of applicants.

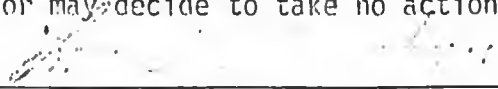
Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box 6-LIC, Juneau, Alaska 99811, so that they are received no later than Friday, March 14, 1986.

Notice is also given that written or oral statements or arguments relevant to the action proposed may be presented at a public hearing to be held Friday, March 21, 1986, from 3:00 p.m. to 4:30 p.m., at Anchorage, Alaska. The specific location to be public noticed at a later date.

Copies of the proposed regulations may be obtained by writing to the above address or by telephoning (907) 465-2535.

This action is not expected to require an increased appropriation.

The Guide Licensing and Control Board, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt the proposals within the scope of this notice without further notice or may decide to take no action on them.

  
\_\_\_\_\_  
Loren H. Lounsbury, Commissioner

DATE: JANUARY 17, 1986

Introduced: 4/22/85  
Referred: Resources  
and Finance

Lieth Johnson  
3646 N. Point Dr.  
Anch., Ak 99515  
213-5087

MARK UP / WORK DRAFT

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 294

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH 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 (AS 08.54.010);

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

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -  
13 June 30, 1990 [1986]).

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  
17 purposes of licensing and regulating the activities of guides in the  
18 interest of managing the state's wildlife resources there [THERE] is  
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven  
20 members. ~~At least~~ } NO MORE THAN } three members of the board ~~must be~~  
21 ~~licensed registered or master guides who are actively involved in the~~  
22 ~~guiding profession~~ } SHALL HAVE A GUIDE LICENSE}. The other members  
23 shall have a general knowledge of the game resources of the state. A  
24 minimum of 10 years residence in the state is required for all members  
25 of the board. For administrative purposes, the board is in the De-  
26 partment of Commerce and Economic Development.

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

28 Sec. 08.54.020. APPOINTMEN AND TERM OF OFFICE. The members of  
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-  
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR  
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]  
4 A member may be removed by [AT THE PLEASURE OF] the governor for  
5 cause including non attendance.

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

7 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
8 board constitute a quorum for the transaction of business, for the  
9 performance of a duty, and for the exercise of any power under this  
10 chapter. The board may not adopt a regulation, revoke, suspend or  
11 deny renewal of a license, or assign, modify or revoke a restricted  
12 guide area unless the action is approved by a vote of a majority of  
13 the full membership of the board.

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

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

16 (1) prepare, grade and administer examinations, that may  
17 include oral examinations of applicants who demonstrate limited abil-  
18 ity to read or write the English language;

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

22 (3) establish guide performance standards and regulate  
23 activity;

24 (4) compile, maintain and publish an annual [A GUIDE]  
25 register of master and registered guides who have not been convicted  
26 of a violation of a federal or state [SPORT FISH,] game [,] or guiding  
27 statute or regulation; a guide listed in the register whose license is  
28 revoked or suspended shall be removed from the register while the  
29 guide's license is revoked or suspended;

1           (5) collect and maintain records of hunts conducted by  
2 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REG       ED OR MASTER  
3 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF       YEARS IMME-  
4 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

5           (6) prohibit guiding activities which are unsportsmanlike,  
6 unethical, unsafe, against principles of conservation, degrading to  
7 the guiding profession, or which adversely affect the natural re-  
8 sources;

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

11           (8) establish a quota of licensed operating guides who may  
12 operate within designated geographical game units or subunits of the  
13 state and provide for an equitable, [AND] reasonable, and consistent  
14 procedure for limiting the number of guides to that quota; preference  
15 shall be given to qualified available and willing licensed guides who  
16 reside within the designated game unit or subunit.

17 \* Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18           Sec. 08.54.045. SPECIAL GUIDE LICENSF. The board may issue a  
19 special guide license to a person who applies to conduct a guided hunt  
20 for a specific species of marine mammal in a specifically designated  
21 area if the applicant

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

23           (2) has, for at least 10 years, resided and hunted in the  
24 area of the state in which the applicant is to guide;

25           (3) is physically able to perform the duties of a special  
26 guide;

27           (4) has demonstrated knowledge of the following areas to an  
28 extent and degree satisfactory to the board:

29           (A) fish and game laws and regulations;

INSERT New Section - 08.01.070<sup>7</sup> - require minimum of two meetings per year, 1 in Anchorage, 1 in another city.

- 1 (B) relevant characteristics of the specific species
- 2 to be hunted;
- 3 (C) field preparation of trophies;
- 4 (D) care of game meat;
- 5 (E) use of guiding gear;
- 6 (F) firearm safety;
- 7 (G) practical first aid;
- 8 (H) booking and contracting hunts;
- 9 (5) has not been convicted of a game or guiding law viola-
- 10 tion during the previous five years.

11 \* Sec. 8. AS 08.54 is amended by adding a new section to article 2 to  
12 read:

13 [Sec. 08.54.090. OUTFITTER'S LICENSE. A person is entitled to be  
14 licensed as an outfitter if  
15 (1) the person is a licensed master or registered guide and;  
16 (2) the board has assigned to the person at least one  
17 restricted guide area under AS 08.54.195; and  
18 (3) the person has filed with the board a bond with a  
19 corporate surety qualified to do business in the state running to the  
20 State of Alaska in the amount of \$5,000.]

21 \* Sec. 9. AS 08.54.110 is amended to read:

22 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A  
23 person is entitled to be licensed as a registered guide if the person  
24 (1) is 21 years of age or older [MORE];  
25 (2) [Repealed  
26 (3)] has practical field experience in the handling of  
27 firearms, hunting, judging trophies, field preparation of trophies,  
28 first aid and photography;  
29 (3) [(4)] is familiar with the terrain and transportation

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared  
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-  
5 dards of competence and ethical conduct and has not been convicted of  
6 a crime involving moral turpitude;

7 (f) [(7)] has legally hunted in the state for all or part  
8 of each of five year in a manner directly contributing to the per-  
9 son's experience and competency as a guide;

10 (7) [(8)] has been licensed as and performed the services  
11 of an assistant guide in the state for a part of each of three years,  
12 or has guided in the state for a part of each of three years under a  
13 special guide license issued under AS 08.54.045.

14 (8) [(9)] submits a written recommendation to the board  
15 from a registered guide for whom the applicant has worked; however,  
16 the requirements of this paragraph do not apply to a person who has  
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties  
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two  
21 hunters that the person has guided or assisted in guiding during each  
22 year of the person's three years as an assistant guide, whose recom-  
23 mendations have been solicited by the board from a list provided by  
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
26 REQUIRE].

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

28 [Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A  
29 master or registered guide may not contract for more than one client

1 at a time unless also license' as an outfitter.]

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

3 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE  
4 LICENSE. An assistant guide

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

9 \* Sec. 12. AS 08.54.170 is amended to read:

10 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in  
11 the profession of guiding [or outfitting] are:

- 12 (1) master guide license, biennial .....\$150
- 13 (2) registered guide license, biennial .....150
- 14 (3) class-A assistant guide, biennial .....30
- 15 (4) assistant guide license, biennial .....20
- 16 (5) special guide license, biennial .....50
- 17 [(6) outfitter license, biennial .....100]

18 (b) The license fee for a master guide, registered guide,  
19 special guide, class-A assistant guide, [OR] assistant guide, [or  
20 outfitter's] license is in addition to the fee required for a hunting  
21 or fishing license.

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

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

24 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall  
25 administer the qualification examination required under AS 08.54.110  
26 at least twice a year. An examination may not be given within 90 days  
27 after the previous exam. At least once every other year the board  
28 shall give the examination at a location other than Anchorage.

29 \* Sec. 14. AS 08.54.190 is amended by adding a new subsection to read:

1 (d) A master guide, registered guide, special guide, class-A  
2 assistant guide, assistant guide, [or outfitter license] expires two  
3 years after the date it was issued.

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

5 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the  
6 board may establish and assign guide areas for master guides or regis-  
7 tered guides. The board shall adopt regulations under the Administra-  
8 tive Procedure Act (AS 44.62) that establish uniform and consistent  
9 criteria to be used by the board when it creates a restrictive guide  
10 area.

11 (b) The board shall recognize all restrictive guide areas as-  
12 signed before the effective date of this section. If requested by a  
13 guide, the board shall hold a hearing to determine if an assignment of  
14 a restrictive area made before the effective date of this section  
15 creates a substantial injustice as determined by criteria set out in  
16 (c) of this section. If the board determines that a substantial  
17 injustice was created, the board shall modify, terminate or reassign  
18 the area, or take other reasonable steps to correct the injustice.

19 (c) The board may find that a substantial injustice was caused  
20 by the assignment of a restrictive area if

21 (1) a person was unfairly discriminated against by the  
22 assignment;

23 (2) a person who applied for the guide area was denied a  
24 hearing; or

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

27 (d) The board shall consider the following factors before it  
28 assigns a restrictive guide area:

29 (1) the extent to which the guide who has applied for the

1 area has used the game management unit in which the area is located;

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

4 (3) the effect on other guides that would result from  
5 creation of the area;

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

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

8 (e) The board may consider relevant facts or circumstances  
9 before assigning a restrictive guide area.

10 (f) The board may charge a person to whom it reassigns a re-  
11 strictive guide area a fee for the reassignment based on the number of  
12 acres in the guide area.

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

14 (a) The board shall hold a hearing to determine if disciplinary  
15 action is necessary if, ~~during the five years immediately preceding~~  
16 ~~the hearing.~~

17 (1) complaints concerning a licensee's guiding or outfit-  
18 ting activities [THE LICENSEE] have been filed with the board from  
19 three or more clients of separate parties; or

20 <sup>complaints are received concerning a life threatening</sup>  
21 <sup>situation</sup> (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDER-  
AL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR

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

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

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

28 (1) engaged in unethical activity, unsafe activity, or  
29 activity that [WHICH] adversely affects the natural resources of the

one complaint - may hold hearing  
keep shall requirements as is.

(E) Guiding in an area assigned to another guide w/o proper permission from the area permittee

Possible

1 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL  
2 AND LEGITIMATE] purposes of the contract hunt; [OR]

3 (2) violated a provision of a [FEDERAL OR] state hunting or  
4 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

5 (3) during the five years immediately preceding the hear-  
6 ing, has been convicted of two violations of a state statute or regu-  
7 lation prohibiting hunting in a restricted area not assigned to the  
8 licensee and without proper written permission.

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

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

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

14 (2) is incompetent as a master guide, registered guide,  
15 special guide, class-A assistant guide, [OR] assistant guide, or  
16 outfitter;

17 (3) during the five years immediately preceding the hearing  
18 has been convicted of two violations of a [FEDERAL OR] state statute  
19 or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne;

22 (C) hunting in an area closed to hunting by the Board  
23 of Game; or

24 (D) hunting during a closed hunting season [SPORT  
25 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

26 \* Sec. 19. AS 08.54.200(d) is repealed and reenacted to read:

27 (d) A person who is disciplined under this section may not  
28 engage in a guiding [or outfitting] activity during the period of li-  
29 cense revocation or disciplinary action. A person licensed under this

1 chapter may not knowingly hire as a guide a person whose guide license  
2 is suspended or revoked under this section. A guide whose license is  
3 suspended or revoked may not guide in the employ of a person licensed  
4 under this chapter.

5 \* Sec. 20. AS 08.54.200 is amended by adding new subsections to read:

6 (f) If certified copies of two judgments of conviction of a  
7 guide [or outfitter] for offenses described under (c)(3) of this section  
8 are filed with the board, the board shall immediately suspend the  
9 guide's <sup>new</sup> [or] outfitter's license. The suspension may be ordered even if  
10 the conviction resulted from a plea of nolo contendere or if the  
11 conviction is under appeal. The order remains in effect until after  
12 the final disposition of the disciplinary proceeding under this sec-  
13 tion.

14 (g) A certified copy of a judgment of conviction of a guide or  
15 outfitter for an offense is conclusive evidence of the commission of  
16 that offense in a disciplinary proceeding instituted against the guide  
17 or outfitter under this section based on that conviction.

18 (h) In this section "two violations of a state statute or regu-  
19 lation" means two violations of a single statute or a single regu-  
20 lation, or violations of two statutes or two regulations, or one  
21 violation of a statute and one violation of a regulation.

22 \* Sec. 21. 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, special guide,  
25 class-A assistant guide, assistant guide, [or outfitter] [TRANSPORTER]  
26 to fail to timely report to the Department of Public Safety, division  
27 of fish and wildlife protection, and in no event later than 30 days, a  
28 violation [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or  
29 guiding statute or regulation known by the guide [or outfitter] to have

1 been committed by a client or an employee of the guide or outfitter;

2 (2) a master guide, registered guide, special guide,  
3 class-A assistant guide, assistant guide, [or outfitter] [TRANSPORTER]  
4 <sup>commit or</sup> to ~~void~~ the commission of a violation of this chapter or of AS 16.05 or AS 16.30 or  
5 a regulation adopted [PROMULGATED] under either chapter, or permit the  
6 commission of a violation in the guide's [or outfitter's] [TRANSPORT-  
7 ER'S] sight without attempting to prevent it, short of using force,  
8 and without reporting it;

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

15 (4) a person to imply by advertisement, representation, or  
16 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a  
17 licensed master guide, registered guide, special guide, class-A assis-  
18 tant guide, assistant guide, [or outfitter] [TRANSPORTER] without being  
19 currently licensed [, OR TO FALSELY ADVERTISE SERVICES];

20 (5) a person to act as a registered or master guide as  
21 defined in this chapter without having a current valid resident hunt-  
22 ing [AND FISHING] license [in the person's possession]

23 [(6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE  
24 MORE THAN THREE ASSISTANT GUIDES AT THE SAME 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) - (4) [(6)] of this section is  
28 guilty of a misdemeanor and upon conviction is punishable by a fine of  
29 not more than \$1,000 or by imprisonment for not more than one year, or

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

18 \* Sec. 22. AS 08.54.240 is amended to read:

19 Sec. 08.54.240. DEFINITIONS. In this chapter

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

21 (2) "guide" [, "GUIDES"] or "guiding" means assisting  
22 another person to take or attempt to take big game with the intent of  
23 receiving monetary or material remuneration for the service [SER-  
24 VICES], by accompanying and directing that person personally or  
25 through an [A LICENSED] assistant guide for the duration of a hunt,  
and not solely for the purpose of providing transportation, ~~services~~

26 ~~(3) "outfit" or "outfitting" means providing services~~  
27 ~~transportation, property, or equipment such as aircraft, boats, or~~  
28 ~~other vehicles, or camping or hunting equipment, in connection with~~  
29

*one*  
*27*  
*§*  
~~Repeal licensed air transportation~~

1 providing assistance in locating or taking game;

2 (4) [(3)] "resident" means a person who

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

4 (B) [Repealed

5 (C)] shows by all attending circumstances the inten-  
6 tion to permanently reside in this state;

7 [(4) "TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS  
8 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR  
9 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY  
10 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE  
11 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG  
12 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME  
13 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;]

14 (5) "unethical activity" means

15 (A) deception or misrepresentation [IN ANY DEGREE]  
16 involving prospective or actual clients either before, during, or  
17 following a contract hunt including, misrepresentation through  
18 private or public advertising of the type, duration, cost or  
19 conditions of the contract hunt [HUNTS];

20 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-  
21 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,  
22 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

23 (C)] making a guaranty that a species or certain  
24 number of species of game will be taken on a contract hunt; or

25 (C) unsafe or unsportsmanlike activities that are  
26 detrimental to the game resources of the state, as defined by  
27 regulations of the board, including violations of state or feder-  
28 al hunting guiding laws or regulations;

29 (6) "big game" means brown bear, grizzly bear, polar bear,

1 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
2 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

3 \* Sec. 23. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advis-  
5 able in accordance with the Administrative Procedure Act (AS 44.62)  
6 for

7 (1) setting apart game reserve areas, refuges and sanctu-  
8 aries in the water or on the land of the state over which it has  
9 jurisdiction, subject to the approval of the legislature;

10 (2) establishing open and closed seasons and areas for the  
11 taking of game;

12 (3) establishing the means and methods employed in the  
13 pursuit, capture and transport of game;

14 (4) setting quotas, bag limits, harvest levels, and sex,  
15 age, and size limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game  
17 animals, fur bearing animals, predators or other categories;

18 (6) methods, means, and harvest levels necessary to control  
19 predation and competition among game in the state;

20 (7) watershed and habitat improvement, and management,  
21 conservation, protection, use, disposal, propagation and stocking of  
22 game;

23 (8) prohibiting the live capture, possession, transport, or  
24 release of native or exotic game or their eggs;

25 (9) establishing the times and dates during which the  
26 issuance of game licenses, permits and registrations and the transfer  
27 of permits and registrations between registration areas and game  
28 management units or subunits is allowed;

29 (10) designating the areas of the state to which AS 16.05.-

1        407(a) applies.

2        \* Sec. 24. AS 16.05.407(a) is amended to read:

3            (a) It is unlawful for a nonresident to hunt, pursue or take  
4            brown bear, grizzly bear, polar bear, or sheep in this state, unless  
5            personally accompanied by

6            (1) a person who is licensed as a master guide, registered  
7            guide, class-A assistant guide or assistant guide by the Guide [LI-  
8            CENSING AND CONTROL] Board; or

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

10            (A) the spouse of the nonresident; or

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

13        \* Sec. 25. AS 16.05.407(b) is amended to read:

14            (b) An applicant for a nonresident big game tag for the taking  
15            of an animal specified in (a) of this section or in regulations adopt-  
16            ed under this section shall first furnish to the state, on a form  
17            provided by the state, an affidavit showing that the applicant will be  
18            personally accompanied while hunting by a person who is qualified  
19            under the terms of (a) of this section. A person who falsifies the  
20            required affidavit is guilty of perjury under AS 11.56.200.

21        \* Sec. 26. AS 16.05.407(d) is amended to read:

22            (d) A nonresident who violates (a) [OR c)] of this section, or  
23            who fails to furnish an affidavit under (b) of this section, is guilty  
24            of a misdemeanor and upon conviction is punishable by imprisonment for  
25            not more than one year, or by a fine of not more than \$5,000, or by  
26            both.

27        \* Sec. 27. AS 39.50.200(b) is amended by adding a new paragraph to  
28        read:

29            (48) the Guide Board.

↑  
Sent?

- 1       \* Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,  
2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.  
3       \* Sec. 29. This Act takes effect July 1, 1985.



OFFICIAL BUSINESS

# Alaska State Legislature

## Senate

Office of the Secretary

PO BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 22, 1986

### MEMORANDUM

TO: Senator Stungulewski  
Chairman, Resources Committee

FROM: Peggy Mulligan *PM*  
Secretary of the Senate

RE: Sunset Audit Report

The President has referred the following Sunset Audit Report to your committee:

A Performance Report on the Department of Commerce and Economic Development, Guide Licensing and Control Board No. 08-1253-86-R, AS 08.54.010

Enclosure

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSS294 (Resources)  
 Title: An Act relating to guiding and providing an effective date

Sponsor: Original Sponsor: Resources Committee  
 Requestor: Senate Resources  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Public Safety  
 BRU: Fish & Wildlife Protection

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS :**

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

ANALYSIS : Attach a separate page if necessary

Prepared by: Captain J. R. Nutgrass  
 Division: Fish & Wildlife Protection

Phone: 269-5509  
 Date: 3/13/86

Approved by Commissioner: \_\_\_\_\_  
 Agency: Public Safety

Date: 3/12/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB 294  
 Title : " An Act relating to quiding,  
 and providing an effective date."  
 Sponsor : Resources Committee  
 Requestor : S Resources Committee  
 Date of Request : 2/03/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Fish & Wildlife Protection  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>			0	0	0	0
----------------	--	--	---	---	---	---

<b>REVENUE</b>		0	0	0	0	0
----------------	--	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Kathy Niles, Admin. Ass't Phone : 465-4336  
 Division : Commissioner's Office Date : 2/03/86  
 Approved by Commissioner : [Signature] Date : 2/3/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Introduced: 4/22/85  
Referred: Resources  
and Finance

Lieth Johnson  
3646 N. Point Dr.  
Anch., Ak 99515  
243-5087

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 294

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH 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 (AS 08.54.010);

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, 1990 [1986]).

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  
17 purposes of licensing and regulating the activities of guides in the  
18 interest of managing the state's wildlife resources there [THERE] is  
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven  
20 members. At least [NO MORE THAN] three members of the board must be  
21 licensed registered or master guides who are actively involved in the  
22 guiding profession [SHALL HAVE A GUIDE LICENSE]. The other members  
23 shall have a general knowledge of the game resources of the state. A  
24 minimum of 10 years residence in the state is required for all members  
25 of the board. For administrative purposes, the board is in the De-  
26 partment of Commerce and Economic Development.

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

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of  
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-  
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR  
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]  
4 A member may be removed by [AT THE PLEASURE OF] the governor for  
5 cause including non attendance.

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

7 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
8 board constitute a quorum for the transaction of business, for the  
9 performance of a duty, and for the exercise of any power under this  
10 chapter. The board may not adopt a regulation, revoke, suspend or  
11 deny renewal of a license, or assign, modify or revoke a restricted  
12 guide area unless the action is approved by a vote of a majority of  
13 the full membership of the board.

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

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

16 (1) prepare, grade and administer examinations, that may  
17 include oral examinations of applicants who demonstrate limited abil-  
18 ity to read or write the English language;

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

22 (3) establish guide performance standards and regulate  
23 activity;

24 (4) compile, maintain and publish an annual [A GUIDE]  
25 register of master and registered guides who have not been convicted  
26 of a violation of a federal or state [SPORT FISH,] game [.] or guiding  
27 statute or regulation; a guide listed in the register whose license is  
28 revoked or suspended shall be removed from the register while the  
29 guide's license is revoked or suspended;

1           (5) collect and maintain records of hunts conducted by  
2 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER  
3 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-  
4 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

5           (6) prohibit guiding activities which are unsportsmanlike,  
6 unethical, unsafe, against principles of conservation, degrading to  
7 the guiding profession, or which adversely affect the natural re-  
8 sources;

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

11           (8) establish a quota of licensed operating guides who may  
12 operate within designated geographical game units or subunits of the  
13 state and provide for an equitable, [AND] reasonable, and consistent  
14 procedure for limiting the number of guides to that quota; preference  
15 shall be given to qualified available and willing licensed guides who  
16 reside within the designated game unit or subunit.

17 \* Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18           Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a  
19 special guide license to a person who applies to conduct a guided hunt  
20 for a specific species of marine mammal in a specifically designated  
21 area if the applicant

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

23           (2) has, for at least 10 years, resided and hunted in the  
24 area of the state in which the applicant is to guide;

25           (3) is physically able to perform the duties of a special  
26 guide;

27           (4) has demonstrated knowledge of the following areas to an  
28 extent and degree satisfactory to the board:

29           (A) fish and game laws and regulations;

INSERT New Section - 08.01.070<sup>3</sup> - require minimum of two meetings per year, 1 in Anchorage, 1 in another city.

- 1 (B) relevant characteristics of the specific species
- 2 to be hunted;
- 3 (C) field preparation of trophies;
- 4 (D) care of game meat;
- 5 (E) use of guiding gear;
- 6 (F) firearm safety;
- 7 (G) practical first aid;
- 8 (H) booking and contracting hunts;
- 9 (5) has not been convicted of a game or guiding law viola-
- 10 tion during the previous five years.

11 \* Sec. 8. AS 08.54 is amended by adding a new section to article 2 to  
12 read:

13 Sec. 08.54.090. OUTFITTER'S LICENSE. A person is entitled to be  
14 licensed as an outfitter if

- 15 (1) the person is a licensed master or registered guide *and*;
- 16 (2) the board has assigned to the person at least one  
17 restricted guide area under AS 08.54.195; and
- 18 (3) the person has filed with the board a bond with a  
19 corporate surety qualified to do business in the state running to the  
20 State of Alaska in the amount of \$5,000.

21 \* Sec. 9. AS 08.54.110 is amended to read:

22 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A  
23 person is entitled to be licensed as a registered guide if the person

- 24 (1) is 21 years of age or older [MORE];
- 25 (2) [Repealed
- 26 (3)] has practical field experience in the handling of  
27 firearms, hunting, judging trophies, field preparation of trophies,  
28 first aid and photography;
- 29 (3) [(4)] is familiar with the terrain and transportation

3333

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared  
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-  
5 dards of competence and ethical conduct and has not been convicted of  
6 a crime involving moral turpitude;

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

10 (7) [(8)] has been licensed as and performed the services  
11 of an assistant guide in the state for a part of each of three years,  
12 or has guided in the state for a part of each of three years under a  
13 special guide license issued under AS 08.54.045;

14 (8) [(9)] submits a written recommendation to the board  
15 from a registered guide for whom the applicant has worked; however,  
16 the requirements of this paragraph do not apply to a person who has  
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties  
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two  
21 hunters that the person has guided or assisted in guiding during each  
22 year of the person's three years as an assistant guide, whose recom-  
23 mendations have been solicited by the board from a list provided by  
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
26 REQUIRE].

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

28 Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A  
29 master or registered guide may not contract for more than one client

1 at a time unless also licensed as an outfitter.

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

3 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE  
4 LICENSE. An assistant guide

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

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

9 \* Sec. 12. AS 08.54.170 is amended to read:

10 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in  
11 the profession of guiding or outfitting are:

12 (1) master guide license, biennial .....\$150

13 (2) registered guide license, biennial .....150

14 (3) class-A assistant guide, biennial .....30

15 (4) assistant guide license, biennial .....20

16 (5) special guide license, biennial .....50

17 (6) outfitter license, biennial .....100

18 (b) The license fee for a master guide, registered guide,  
19 special guide, class-A assistant guide, [OR] assistant guide, or  
20 outfitter's license is in addition to the fee required for a hunting  
21 or fishing license.

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

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

24 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall  
25 administer the qualification examination required under AS 08.54.110  
26 at least twice a year. An examination may not be given within 90 days  
27 after the previous exam. At least once every other year the board  
28 shall give the examination at a location other than Anchorage.

29 \* Sec. 14. AS 08.54.190 is amended by adding a new subsection to read:

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared  
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-  
5 dards of competence and ethical conduct and has not been convicted of  
6 a crime involving moral turpitude;

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

10 (7) [(8)] has been licensed as and performed the services  
11 of an assistant guide in the state for a part of each of three years,  
12 or has guided in the state for a part of each of three years under a  
13 special guide license issued under AS 08.54.045;

14 (8) [(9)] submits a written recommendation to the board  
15 from a registered guide for whom the applicant has worked; however,  
16 the requirements of this paragraph do not apply to a person who has  
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties  
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two  
21 hunters that the person has guided or assisted in guiding during each  
22 year of the person's three years as an assistant guide, whose recom-  
23 mendations have been solicited by the board from a list provided by  
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
26 REQUIRE].

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

28 Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A  
29 master or registered guide may not contract for more than one client

1 (d) A master guide, registered guide, special guide, class-A  
2 assistant guide, assistant guide, or outfitter license expires two  
3 years after the date it was issued.

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

5 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the  
6 board may establish and assign guide areas for master guides or regis-  
7 tered guides. The board shall adopt regulations under the Administra-  
8 tive Procedure Act (AS 44.62) that establish uniform and consistent  
9 criteria to be used by the board when it creates a restrictive guide  
10 area.

11 (b) The board shall recognize all restrictive guide areas as-  
12 signed before the effective date of this section. If requested by a  
13 guide, the board shall hold a hearing to determine if an assignment of  
14 a restrictive area made before the effective date of this section  
15 creates a substantial injustice as determined by criteria set out in  
16 (c) of this section. If the board determines that a substantial  
17 injustice was created, the board shall modify, terminate or reassign  
18 the area, or take other reasonable steps to correct the injustice.

19 (c) The board may find that a substantial injustice was caused  
20 by the assignment of a restrictive area if

21 (1) a person was unfairly discriminated against by the  
22 assignment;

23 (2) a person who applied for the guide area was denied a  
24 hearing; or

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

27 (d) The board shall consider the following factors before it  
28 assigns a restrictive guide area:

29 (1) the extent to which the guide who has applied for the

1 area has used the game management unit in which the area is located;

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

4 (3) the effect on other guides that would result from  
5 creation of the area;

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

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

8 (e) The board may consider relevant facts or circumstances  
9 before assigning a restrictive guide area.

10 (f) The board may charge a person to whom it reassigns a re-  
11 strictive guide area a fee for the reassignment based on the number of  
12 acres in the guide area.

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

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

17 (1) complaints concerning a licensee's guiding or outfit-  
18 ting activities [THE LICENSEE] have been filed with the board from  
19 three or more clients of separate parties; or

20 *complaints are received concerning a life threatening*  
*situation* (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDER-  
21 AL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR

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

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

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

28 (1) engaged in unethical activity, unsafe activity, or  
29 activity that [WHICH] adversely affects the natural resources of the

1 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL  
2 AND LEGITIMATE] purposes of the contract hunt; [OR]

3 (2) violated a provision of a [FEDERAL OR] state hunting or  
4 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

5 (3) during the five years immediately preceding the hear-  
6 ing, has been convicted of two violations of a state statute or regu-  
7 lation prohibiting hunting in a restricted area not assigned to the  
8 licensee and without proper written permission.

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

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

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

14 (2) is incompetent as a master guide, registered guide,  
15 special guide, class-A assistant guide, [OR] assistant guide, or  
16 outfitter;

17 (3) during the five years immediately preceding the hearing  
18 has been convicted of two violations of a [FEDERAL OR] state statute  
19 or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne;

22 (C) hunting in an area closed to hunting by the Board  
23 of Game; or

24 (D) hunting during a closed hunting season [SPORT  
25 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

26 \* Sec. 19. AS 08.54.200(d) is repealed and reenacted to read:

27 (d) A person who is disciplined under this section may not  
28 engage in a guiding or outfitting activity during the period of li-  
29 cense revocation or disciplinary action. A person licensed under this

1 chapter may not knowingly hire as a guide a person whose guide license  
2 is suspended or revoked under this section. A guide whose license is  
3 suspended or revoked may not guide in the employ of a person licensed  
4 under this chapter.

5 \* Sec. 20. AS 08.54.200 is amended by adding new subsections to read:

6 (f) If certified copies of two judgments of conviction of a  
7 guide or outfitter for offenses described under (c)(3) of this section  
8 are filed with the board, the board shall immediately suspend the  
9 guide's <sup>and</sup> [or] outfitter's license. The suspension may be ordered even if  
10 the conviction resulted from a plea of nolo contendere or if the  
11 conviction is under appeal. The order remains in effect until after  
12 the final disposition of the disciplinary proceeding under this sec-  
13 tion.

14 (g) A certified copy of a judgment of conviction of a guide or  
15 outfitter for an offense is conclusive evidence of the commission of  
16 that offense in a disciplinary proceeding instituted against the guide  
17 or outfitter under this section based on that conviction.

18 (h) In this section "two violations of a state statute or regu-  
19 lation" means two violations of a single statute or a single regu-  
20 lation, or violations of two statutes or two regulations, or one  
21 violation of a statute and one violation of a regulation.

22 \* Sec. 21. 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, special guide,  
25 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]  
26 to fail to timely report to the Department of Public Safety, division  
27 of fish and wildlife protection, and in no event later than 30 days, a  
28 violation [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or  
29 guiding statute or regulation known by the guide or outfitter to have

1 been committed by a client or an employee of the guide or outfitter;

2 (2) a master guide, registered guide, special guide,  
3 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]  
4 <sup>COMMITOR</sup> to void the commission of a violation of this chapter or of AS 16.05 or AS 16.30 or  
5 a regulation adopted [PROMULGATED] under either chapter, or permit the  
6 commission of a violation in the guide's or outfitter's [TRANSPORT-  
7 ER'S] sight without attempting to prevent it, short of using force,  
8 and without reporting it;

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

15 (4) a person to imply by advertisement, representation, or  
16 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a  
17 licensed master guide, registered guide, special guide, class-A assis-  
18 tant guide, assistant guide, or outfitter [TRANSPORTER] without being  
19 currently licensed [, OR TO FALSELY ADVERTISE SERVICES];

20 (5) a person to act as a registered or master guide as  
21 defined in this chapter without having a current valid resident hunt-  
22 ing [AND FISHING] license [in the person's possession]

23 [(6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE  
24 MORE THAN THREE ASSISTANT GUIDES AT THE SAME 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) - (4) [(6)] of this section is  
28 guilty of a misdemeanor and upon conviction is punishable by a fine of  
29 not more than \$1,000 or by imprisonment for not more than one year, or

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

18 \* Sec. 22. AS 08.54.240 is amended to read:

19 Sec. 08.54.240. DEFINITIONS. In this chapter

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

21 (2) "guide" [, "GUIDES"] or "guiding" means assisting  
22 another person to take or attempt to take big game with the intent of  
23 receiving monetary or material remuneration for the service [SER-  
24 VICES], by accompanying and directing that person personally or  
25 through an [A LICENSED] assistant guide for the duration of a hunt,  
and not solely for the purpose of providing transportation services;

26 [ (3) "outfit" or "outfitting" means providing services  
27 transportation, property, or equipment such as aircraft, boats, or  
28 other vehicles, or camping or hunting equipment, in connection with  
29

one  
27  
28  
29  
↑ exempt licensed Air Taxi operators

1 providing assistance in locating or taking game;

2 (4) [(3)] "resident" means a person who

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

4 (B) [Repealed

5 (C)] shows by all attending circumstances the inten-  
6 tion to permanently reside in this state;

7 [(4) "TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS  
8 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR  
9 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY  
10 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE  
11 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG  
12 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME  
13 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;]

14 (5) "unethical activity" means

15 (A) deception or misrepresentation [IN ANY DEGREE]  
16 involving prospective or actual clients either before, during, or  
17 following a contract hunt including, misrepresentation through  
18 private or public advertising of the type, duration, cost or  
19 conditions of the contract hunt [HUNTS];

20 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-  
21 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,  
22 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

23 (C)] making a guaranty that a species or certain  
24 number of species of game will be taken on a contract hunt; or

25 (C) unsafe or unsportsmanlike activities that are  
26 detrimental to the game resources of the state, as defined by  
27 regulations of the board, including violations of state or feder-  
28 al hunting or guiding laws or regulations;

29 (6) "big game" means brown bear, grizzly bear, polar bear,

1 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
2 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

3 \* Sec. 23. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advis-  
5 able in accordance with the Administrative Procedure Act (AS 44.62)  
6 for

7 (1) setting apart game reserve areas, refuges and sanctu-  
8 aries in the water or on the land of the state over which it has  
9 jurisdiction, subject to the approval of the legislature;

10 (2) establishing open and closed seasons and areas for the  
11 taking of game;

12 (3) establishing the means and methods employed in the  
13 pursuit, capture and transport of game;

14 (4) setting quotas, bag limits, harvest levels, and sex,  
15 age, and size limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game  
17 animals, fur bearing animals, predators or other categories;

18 (6) methods, means, and harvest levels necessary to control  
19 predation and competition among game in the state;

20 (7) watershed and habitat improvement, and management,  
21 conservation, protection, use, disposal, propagation and stocking of  
22 game;

23 (8) prohibiting the live capture, possession, transport, or  
24 release of native or exotic game or their eggs;

25 (9) establishing the times and dates during which the  
26 issuance of game licenses, permits and registrations and the transfer  
27 of permits and registrations between registration areas and game  
28 management units or subunits is allowed;

29 (10) designating the areas of the state to which AS 16.05.-

1        407(a) applies.

2        \* Sec. 24. AS 16.05.407(a) is amended to read:

3            (a) It is unlawful for a nonresident to hunt, pursue or take  
4        brown bear, grizzly bear, polar bear, or sheep in this state, unless  
5        personally accompanied by

6            (1) a person who is licensed as a master guide, registered  
7        guide, class-A assistant guide or assistant guide by the Guide [LI-  
8        CENSING AND CONTROL] Board; or

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

10            (A) the spouse of the nonresident; or

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

13        \* Sec. 25. AS 16.05.407(b) is amended to read:

14            (b) An applicant for a nonresident big game tag for the taking  
15        of an animal specified in (a) of this section or in regulations adopt-  
16        ed under this section, shall first furnish to the state, on a form  
17        provided by the state, an affidavit showing that the applicant will be  
18        personally accompanied while hunting by a person who is qualified  
19        under the terms of (a) of this section. A person who falsifies the  
20        required affidavit is guilty of perjury under AS 11.56.200.

21        \* Sec. 26. AS 16.05.407(d) is amended to read:

22            (d) A nonresident who violates (a) [OR (c)] of this section, or  
23        who fails to furnish an affidavit under (b) of this section, is guilty  
24        of a misdemeanor and upon conviction is punishable by imprisonment for  
25        not more than one year, or by a fine of not more than \$5,000, or by  
26        both.

27        \* Sec. 27. AS 39.50.200(b) is amended by adding a new paragraph to  
28        read:

29            (48) the Guide Board.

- 1 \* Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
- 2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.
- 3 \* Sec. 29. This Act takes effect July 1, 1985.

*Request made  
mid 3 year ago*

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 294 (Res)

Support with amendments

March 13, 1986

CSSB 294 (Res) - "An Act relating to guiding; and providing for an effective date."

The Department of Public Safety supports CS for Senate Bill 294, an act relating to guiding, with the following recommendations and amendments. We believe that there is a need for updating the current guide statute consistent with the intent and purpose of regulating and maintaining the level of professionalism that has been experienced within the guide industry in recent years. The statutory authority does rest within the Department of Commerce in carrying out the administrative and regulatory responsibilities of Title 8. The Division of Fish and Wildlife Protection has, however, continued to support the Department of Commerce on requests for assistance in conducting investigations into complains of violations of the civil regulations that occur in the outlying areas. This Division is the primary enforcement agency for investigating criminal acts committed under unlawful acts of Title 8, Title 16 and the state regulations. In considering that the Department of Commerce, Public Safety and the Guide Board do have common responsibilities that interrelate in carrying out the administrative and enforcement aspects of Title 8, it becomes increasingly more important that a clear understanding of the application of this bill be provided. We do not believe the word federal should be deleted or omitted from this bill. To do so is to lower the professional standards and provide immunity to guides from any judicial proceeding being initiated by Title 8, Guide statutes, for violations of the federal game laws. State agencies having authority or responsibility for administering or enforcing Title 8 should have full access to state documents that relate to guiding without obtaining a court order or a search and seizure warrant.

CS does  
not delete

A proposed regulation was recently adopted by the Guide Board prohibiting access to any person or agency for reproduction of statements of financial remunerations or other documents relating to contracted hunts without a court order. This type of action and regulation is counter productive and is not in keeping with the intent and purpose for administering and regulating the guide industry as provided for under the provisions of Title 8. We would support a section under Title 8 that would provide for confidentiality of SFR's and related guide documents, with the provision that this Department have access to these documents for official business. This Department is already controlled by state statutes and Department policy that dictates the confidentiality that is required in carrying out civil and criminal investigations. The following comments and proposed amendments are provided for the Guide Bill.

Page 1, Line 16-18: We believe the purpose of licensing and regulating the activities of guides should be in the interest of promoting

professionalism within the guide industry and to insure that quality, ethical and legal hunts are provided to clients consistent with the management of the state's wildlife resources.

That is what  
new wording  
says →

Page 1, Line 23-25: Delete new wording.

Comments: Title 08.01.050(a) 1-18 provides that the Department of Commerce and Economic Development shall provide administrative and budgetary service to the Guide Board.

Page 2, Line 29, Page 3, Line 1: It is recommended that paragraph (5) collect and maintain records of hunts conducted by guides be deleted.

Comments: This responsibility should be under the authority of the Department of Commerce. The Guide Board should not have the responsibility or authority by statute or by regulations adopted by the Board to maintain or dictate the use or exclusion of documents relating to guiding to state agencies responsible for the enforcement of the regulations or statutes. We do concur that the statements of financial remuneration should be confidential, but not made so by regulation. This is impractical in application and only hinders the effectiveness and efficiency of the responsible agencies in enforcing and investigating complaints or violations of regulations or statutes.

Page 3, Line 19-22: SPECIAL GUIDE LICENSE.

Comments: This bill does not address the responsibility that can be carried out by a special guide. Can a special guide conduct and book guided hunts independent from a registered or master guide, etc.? Is there a listing of specific species of marine mammals that a special guide may guide clients for?

? Page 13, Line 17-22: AS 16.05.407(a).

Comments: This bill totally excludes a special guide from guiding for polar bear. The definitions in this bill defined polar bear and walrus as big game.

Page 4, Line 10 (5): We recommend the following wording has not been convicted of a state or federal game or guiding law during the previous five years.

Page 4, Line 13: Qualifications for registered guide license.

Comments: This section also provides for the requirements of a special guide becoming a registered guide.

Page 4, Line 16 (2): The residency requirement was repealed, however, in unlawful acts, AS 08.54.210 (5), a registered guide is required to have a resident hunting license.

Page 5, Line 3-4: How does a special guide document or report his guiding activity? Does he submit statements of financial remuneration?

Page 5, Line 13 (10): We recommend that or special guide be inserted after "assistant guide" and before "whose". A special guide should also meet the requirements of being favorably recommended by clients.

Page 7, Line 27-28: AS 08.54.200: Recommend adding the words or federal after "state" and before "hunting".

Page 8, Line 10: Recommend that federal or be inserted after "a" and before "state".

Comments: This bill has eliminated all reference to violation of federal laws. A professional guide should be subject to disciplinary action for violation of federal wildlife law and violations of wildlife law in other states or providences.

Page 8, Line 18-19: Outfitter has been inserted in this subsection, but excluded in all other parts of this bill. Recommend that it be deleted or defined.

Page 8, Line 21: Recommend that the words aiding or committing be added after "of" and before "two" and add federal or after "a" and before "state".

Page 8, Line 23: (A) Waste of a wild food animal.

Comments: There is currently no violation for wanton waste in the guide statute or regulations. A person who kills a wild food animal and fails to salvage the meat per 16.30.010 would be in violation of wanton waste.

Page 8, Line 25: (C) Hunting in an area closed to hunting by the Board of Game.

Comments: We recommend that the following wording be deleted "The Board of Game". Recommend the following wording: hunting in an area closed to hunting by either state or federal regulations. A professional guide should have to obey and respect closed areas, even if they are federal regulations. A professional guide should not have immunity from Guide Board action if apprehended in KATMAI NATIONAL PARK, MCKINLEY PARK or any federal park closed to hunting.

Page 8, Line 27 & Page 9, Line 2: (E) Under present statutes and regulations there is no convictable crime for guiding in another guide's area.

Comments: The present regulation that was adopted by the guide board relating to written permission and use of another guide area is poor and is not a criminal act. In addition, the guides can use the statement of financial remunerations system.

The guide regulations provide for three criteria for which permission can be given for a guide using another guide's area: (1) Mental or physical incapacitation; (2) State-federal land that is closed to hunting in a guide's area; (3) Caribou moves out of a guide's area. Written permission can then be

CS does

CS take  
care of

granted and a copy of the written permission has to be filed with the guide Board by December 31, of the year permission has been granted.

If the Guide Board or guide industry is concerned about guides going into another guide's area, then they need to define the legal methods that will allow one guide to use another guide's area.

Page 9, Line 6-7: May not engage in guiding during the period of disciplinary action.

Comments: What does the period of disciplinary mean? Does the period of disciplinary action start on receipt of notification, etc.?

*CS substitutes*  
*'reasonably believes'*  
Page 9, Line 8: Recommend that the word knowingly be deleted.

Comments: A guide has a professional responsibility to know in hiring a person the status of his guide license. We should not have a greater burden of proof.

Page 9, Line 22: Delete outfitter or provide definition.

Comments: In review of 08.54.200 (f) and (C)(3)(A) - (E), a state conviction as it relates to this section is not forthcoming on (C) and (E). (A) waste of a wild food animal is questionable.

A conviction is very possible for (B) and (D); however, a guide being apprehended on (D) is far and few between.

#### UNLAWFUL ACTS

*CS takes care of*  
Page 10, Line 5: Recommend adding the words or federal after "state" and before "hunting".

Section 05.54.210 Unlawful Acts.

*CS takes care of* → Page 10, Line 5: (1) add or federal after "state" and before "hunting".

Page 10, Line 10: (2) delete ".05" after "AS 16" and before "OR".

Comments: This would then include WANTON WASTE of AS 16.30.010 and be consistent with the proposed section of this bill.  
AS 08.54.200(C) (3) (A) WASTE OF WILD FOOD ANIMAL.

Page 10, Line 16: (3) Add having the appropriate license that is issued after "without" and before "under".

Comments: We have experienced where a licensed assistant guide did in fact contract for a guided hunt and did independently guide a client on a guided hunt in 1985. This individual was apprehended and prosecuted through the federal court. The Department of Law declined state prosecution. The current wording of Title 8, Unlawful Acts, does not provide for prosecuting an assistant or Class A guide who is licensed, but does act in the capacity as a master or registered guide.

In this case, the licensed assistant guide did assist the client in taking a brown bear the same day as being airborne and in the middle of Katmai National Monument. On completion of the federal prosecution, this case was presented to the Department of Commerce for civil litigation concerning the assistant guide's license. This is a good example of why federal violations should be included in this bill, otherwise flagrant violations such as this can occur and the licensed assistant guide is immune from civil action by the Guide Board. In addition, this type of individual, once he meets the requirements for registered guide, could, infact, be so licensed as the federal violation would not be considered.

Page 10, Line 24 (4): Recommend adding having a current and appropriate license after "without".

Page 10, Line 26-28 (5): This paragraph requires a "resident" hunting license, but the residency requirements have been repealed from the bill.

Comments: We presently do have non-residents who are licensed assistant guides. Once they meet the registered guide requirements and pass the necessary test, they can be legally licensed, even though they are non-residents. This bill provides for a person who is a non-resident, but who has obtained a registered guide license, to be convicted of a felony for not having a valid Alaskan resident hunting license. This section appears to be in conflict with other sections which delete the residency requirement for obtaining a guide license. This could create a legal problem which may not be prosecutable.

Page 11, Line 9 (7)(b): Add WITHOUT APPROPRIATE LICENSE OR after "activity" and before "during".

Definitions:

Page 11, Line 27-29, Page 12, Line 1-7: This bill is specific in defining guiding.

Comments: By deleting licensed from the definition as it relates to guiding through an assistant "guide" has eliminated one of the minor problems that has been encountered with some of our unlicensed cases.

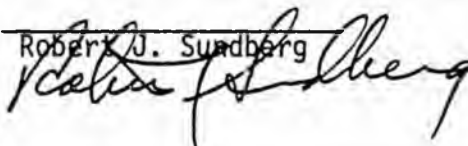
CS modifies

This definition does not include services for transportation as long as the carrier does not remain in the field.

Section (A) specifically will eliminate outfitters who remain in the camp with their clients, especially those who assist in field dressing and packing game meat for clients.

The phrase "in the field" is broad and would probably include main camps, lodges, etc. This is a very good definition as it relates to broadly separating guiding activities from those activities commonly known as outfitting or transporting.

Robert J. Sundberg



Hein  
2/18/86

Original sponsor: Resources Committee

*Mustangs  
Comments*  
+ AG comments

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH 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(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

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, 1990 [1986]).

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

17 purposes of licensing and regulating the activities of guides in the

18 interest of managing the state's wildlife resources there [THERE] is

19 created the Guide [LICENSING AND CONTROL] Board consisting of seven

20 members. No more than three members of the board shall have a guide

21 license. The other members shall have a general knowledge of the game

22 resources of the state. A minimum of 10 years residence in the state

23 is required for all members of the board. For administrative pur-

24 poses, the board is in the Department of Commerce and Economic Devel-

25 opment.

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

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

28 the board shall be appointed by the governor and confirmed by the

29 legislature for staggered terms of three years or until their

*professionals  
of service  
to the public  
in connection*

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE  
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR  
3 THREE YEARS.] A member may be removed by ~~AT THE PLEASURE OF~~ the  
4 governor, for cause, including nonattendance at board meetings.

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

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
7 board constitute a quorum for the transaction of business, for the  
8 performance of a duty, and for the exercise of any power under this  
9 chapter. The board may not adopt a regulation, revoke, suspend or  
10 deny renewal of a license, or assign, modify or revoke a restricted  
11 guide area unless the action is approved by a vote of a majority of  
12 the full membership of the board.

13 \* Sec. 6. AS 08.54.040(a) is amended to read:

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

15 (1) prepare, grade and administer examinations, which may  
16 include oral examinations of applicants who demonstrate limited abil-  
17 ity to read or write the English language;

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

21 (3) establish guide performance standards and regulate  
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]  
24 register of master and registered guides who have not been convicted  
25 of a violation of a federal or state [SPORT FISH,] game [,] or guiding  
26 statute or regulation; a guide listed in the register whose license is  
27 revoked or suspended shall be removed from the register while the  
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER  
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-  
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,  
5 unethical, unsafe, against principles of conservation, degrading to  
6 the guiding profession, or which adversely affect the natural re-  
7 sources;

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

10 (8) establish a quota of licensed operating guides who may  
11 operate within designated geographical game units or subunits of the  
12 state and provide for an equitable, [AND] reasonable, and consistent  
13 procedure for limiting the number of guides to that quota; preference  
14 shall be given to qualified available and willing licensed guides who  
15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and  
17 once in another municipality.

18 \* Sec. 7. AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a  
20 special guide license to a person who applies to conduct a guided hunt  
21 for a specific species of marine mammal in a specifically designated  
22 area if the applicant

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

24 (2) has, for at least 10 years, resided and hunted in the  
25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special  
27 guide;

28 (4) has demonstrated knowledge of the following areas to an  
29 extent and degree satisfactory to the board;

- 1 (A) fish and game laws and regulations;
- 2 (B) relevant characteristics of the specific species
- 3 to be hunted;
- 4 (C) field preparation of trophies;
- 5 (D) care of game meat;
- 6 (E) use of guiding gear;
- 7 (F) firearm safety;
- 8 (G) practical first aid;
- 9 (H) booking and contracting hunts;

10 > (5) has not been convicted of a game or guiding law viola-

11 tion during the previous five years.

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

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A

14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of

18 firearms, hunting, judging trophies, field preparation of trophies,

19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation

21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared

23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-

25 dards of competence and ethical conduct and has not been convicted of

26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part

28 of each of five years in a manner directly contributing to the per-

29 son's experience and competency as a guide;

1           (7) [(8)] has been licensed as and performed the services  
2 of an assistant guide in the state for a part of each of three years,  
3 or has guided in the state for a part of each of three years under a  
4 special guide license issued under AS 08.54.045;

5           (8) [(9)] submits a written recommendation to the board  
6 from a registered guide for whom the applicant has worked; however,  
7 the requirements of this paragraph do not apply to a person who has  
8 guided under a special guide license for three years;

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

11           (10) [(11)] has been favorably recommended in writing by two  
12 hunters that the person has guided or assisted in guiding during each  
13 year of the person's three years as an assistant guide, whose recom-  
14 mendations have been solicited by the board from a list provided by  
15 the applicant [;

16           (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
17 REQUIRE].

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

19           Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE  
20 LICENSE. An assistant guide

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

22           (2) shall be employed and supervised by a registered or  
23 master guide at all times while the assistant guide is in the field on  
24 guided hunts.

25 \* Sec. 10. AS 08.54.170 is amended to read:

26           Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce  
27 and Economic Development shall set license fees under AS 08.01.065 for  
28 each of the following:

29           (1) master guide;

- 1 (2) registered guide;  
2 (3) class A assistant guide;  
3 (4) assistant guide;  
4 (5) special guide [TRANSPORTER].

5 (b) The license fee for a master guide, registered guide,  
6 special guide, class-A assistant guide, or assistant guide license is  
7 in addition to the fee required for a hunting or fishing license.

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

9 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall  
10 administer the qualification examination required under AS 08.54.110  
11 at least twice a year. An examination may not be given within 90 days  
12 after the previous exam. At least once every other year the board  
13 shall give the examination at a location other than Anchorage.

14 \* Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

15 (d) A master guide, registered guide, special guide, class-A  
16 assistant guide, or assistant guide license expires during the second  
17 year after the year in which it was issued, on a date set by the  
18 Department of Commerce and Economic Development.

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 may establish and assign guide areas for master guides or regis-  
22 tered guides. The board shall adopt regulations under the Administra-  
23 tive Procedure Act (AS 44.62) that establish uniform and consistent  
24 criteria, including a point system, to be used by the board when it  
25 creates and assigns a restrictive guide area.

26 (b) The board shall consider the following factors before it  
27 assigns a restrictive guide area:

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

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

3 (3) the effect on other guides that would result from  
4 creation of the area;

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

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

7 *Collage into*  
*Section 14* (c) The board may consider relevant facts or circumstances  
8 before assigning a restrictive guide area.

9 (d) The board may adopt regulations establishing a schedule of  
10 fees to be charged to persons to whom the board transfers restrictive  
11 guide areas.

12 (e) The board shall transfer a restrictive guide area to a  
13 person qualified for assignment who has been recommended by the guide  
14 to whom the area was assigned, or by a person on behalf of the guide,  
15 if the recommendation is made

16 (1) after five years have elapsed from the date of the  
17 assignment of the guide area; or

18 (2) during the first five years after the date of assign-  
19 ment and the guide has died or suffered a major disability, as defined  
20 by the board.

21 \* Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

22 (a) The board shall hold a hearing to determine whether disci-  
23 plinary action is necessary if (1) complaints concerning a licensee's  
24 guiding activities are filed with the board by three or more of the  
25 licensee's clients from separate parties; (2) a complaint concerning a  
26 guide's conduct during a life-threatening situation is filed with the  
27 board; or (3) a licensee has been convicted of a violation of a state  
28 hunting or guiding statute or regulation. The board may hold a hear-  
29 ing to determine whether disciplinary action is necessary if a

1 complaint concerning a licensee's guiding activities is filed with the  
2 board by a client of the licensee.

3 \* Sec. 15. AS 08.54.200(b) is amended to read:

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

6 (1) engaged in unethical activity, unsafe activity, or  
7 activity that [WHICH] adversely affects the natural resources of the  
8 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL  
9 AND LEGITIMATE] purposes of the contract hunt; or

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

12 \* Sec. 16. AS 08.54.200(c) is amended to read:

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

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

17 (2) is incompetent as a master guide, registered guide,  
18 special guide, class-A assistant guide, [OR] assistant guide, or  
19 outfitter;

20 (3) during the five years immediately preceding the hearing  
21 has been convicted of two violations of a [~~FEDERAL-OR~~] state statute  
22 or regulation prohibiting

23 (A) waste of a wild food animal; *chapter 36*

24 (B) hunting on the same day airborne;

25 (C) hunting in an area closed to hunting by the Board

26 of Game;

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

28 (E) during the five years immediately preceding the

29 hearing, has been convicted of two violations of a state statute

*Make unlawful act*

*commentary - so no  
no penalty  
can't amend*

or regulation prohibiting hunting in a restricted area not assigned to the licensee and without proper written permission [SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

\* Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

(d) A person who is disciplined under this section may not engage in a guiding activity during the period of license revocation or disciplinary action. A person licensed under this chapter may not knowingly hire as a guide a person whose guide license is suspended or revoked under this section. A guide whose license is suspended or revoked may not guide in the employ of a person licensed under this chapter.

*include  
outfitter  
subject*

\* Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

(f) If certified copies of two judgments of conviction of a guide for offenses described under (c)(3) of this section are filed with the board, the board shall immediately suspend the guide's license. The suspension may be ordered even if the conviction resulted from a plea of nolo contendere or if the conviction is under appeal. The order remains in effect until after the final disposition of the disciplinary proceeding under this section.

(g) A certified copy of a judgment of conviction of a guide for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the guide or outfitter under this section based on that conviction.

(h) In this section "two violations of a state statute or regulation" means two violations of a single statute or a single regulation, or violations of two statutes or two regulations, or one violation of a statute and one violation of a regulation.

\* Sec. 19. AS 08.54.210 is amended to read:

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

1 (1) a master guide, registered guide, special guide,  
2 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail  
3 to timely report to the Department of Public Safety, division of fish  
4 and wildlife protection, and in no event later than 30 days, a viola-  
5 tion [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or  
6 guiding statute or regulation that the guide (knows) was committed by a  
7 client or an employee of the guide;

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

15 (3) a person to guide [OR TRANSPORT] as defined in this  
16 chapter without being licensed under this chapter and without having  
17 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-  
18 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR  
19 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE  
20 OF BUSINESS OF THE BUSINESS ENTITY;]

21 (4) a person to imply by advertisement, representation, or  
22 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a  
23 licensed master guide, registered guide, special guide, class-A assis-  
24 tant guide, or assistant guide [OR TRANSPORTER] without being current-  
25 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

26 (5) a person to act as a registered or master guide as  
27 defined in this chapter without having a current valid resident hunt-  
28 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

29 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE

*Rev Aldridge*  
*Born 3028*  
*5-1 99669*  
*262-7585*

1 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

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

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

24 \* Sec. 20 AS 08.54.240 is amended to read:

25 Sec. 08.54.240. DEFINITIONS. In this chapter

26 (1) "boa-d" means the Guide [LICENSING AND CONTROL] Board;

27 (2) "guide" [, "GUIDES"] or "guiding" means (A) being  
 28 physically present in the field to provide a service related to a hunt  
 29 for compensation or with the intent or an agreement to receive

1 compensation for the service; or (B) assisting another person,  
2 directly or through an assistant, to locate or take, or attempt to  
3 locate or take, big game for compensation or with the intent or an  
4 agreement to receive compensation for the assistance; "guide" or  
5 "guiding" does not include the services of licensed commercial  
6 carriers who limit their services solely to transportation and who do  
7 not remain in the field [ASSISTING ANOTHER PERSON TO TAKE GAME WITH  
8 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE

9 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR

10 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT,

11 AND NOT SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVI-

12 CES];

13 (3) "resident" means a person who

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

15 (B) [Repealed

16 (C)] shows by all attending circumstances the inten-  
17 tion to permanently reside in this state;

18 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS  
19 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR  
20 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY  
21 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE  
22 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG  
23 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME  
24 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

25 (5) "unethical activity" means

26 (A) deception or misrepresentation [IN ANY DEGREE]  
27 involving prospective or actual clients either before, during, or  
28 following a contract hunt including, misrepresentation through  
29 private or public advertising of the type, duration, cost or

1 conditions of the contract hunt [HUNTS];

2 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-  
3 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,  
4 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

5 (C)] making a guaranty that a species or certain  
6 number of species of game will be taken on a contract hunt;

7 (C) engaging in unsafe or unsportsmanlike activities  
8 that are detrimental to the game resources of the state, as  
9 defined by regulations of the board, including violations of  
10 state or federal hunting or guiding laws or regulations; or

11 (D) accepting a deposit for guiding services before  
12 signing a contract to provide the services;

13 (5) "big game" means brown bear, grizzly bear, polar bear,  
14 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
15 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

16 \* Sec. 21. AS 16.05.407(a) is amended to read:

17 (a) It is unlawful for a nonresident to hunt, pursue or take  
18 brown bear, grizzly bear, polar bear, or sheep in this state, unless  
19 personally accompanied by

20 (1) a person who is licensed as a master guide, registered  
21 guide, class-A assistant guide or assistant guide by the Guide [LI-  
22 CENSING AND CONTROL] Board; or

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

24 (A) the spouse of the nonresident; or

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

27 \* Sec. 22. AS 16.05.407(b) is amended to read:

28 (b) An applicant for a nonresident big game tag for the taking  
29 of an animal specified in (a) of this section or in regulations adopt-

1           conditions of the contract hunt [HUNTS];

2                   (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-  
3                   NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,  
4                   COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

5                   (C)] making a guaranty that a species or certain  
6                   number of species of game will be taken on a contract hunt;

7                   (C) engaging in unsafe or unsportsmanlike activities  
8                   that are detrimental to the game resources of the state, as  
9                   defined by regulations of the board, including violations of  
10                   state or federal hunting or guiding laws or regulations; or

11                   (D) accepting a deposit for guiding services before  
12                   signing a contract to provide the services;

13                   (5) "big game" means brown bear, grizzly bear, polar bear,  
14                   caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
15                   goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

16 \* Sec. 21. AS 16.05.407(a) is amended to read:

17                   (a) It is unlawful for a nonresident to hunt, pursue or take  
18                   brown bear, grizzly bear, polar bear, or sheep in this state, unless  
19                   personally accompanied by

20                           (1) a person who is licensed as a master guide, registered  
21                   guide, class-A assistant guide or assistant guide by the Guide [LI-  
22                   CENSING AND CONTROL] Board; or

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

24                                   (A) the spouse of the nonresident; or

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

27 \* Sec. 22. AS 16.05.407(b) is amended to read:

28                   (b) An applicant for a nonresident big game tag for the taking  
29                   of an animal specified in (a) of this section or in regulations adopt-

1 ed under this section shall first furnish to the state, on a form  
 2 provided by the state, an affidavit showing that the applicant will be  
 3 personally accompanied while hunting by a person who is qualified  
 4 under the terms of (a) of this section. A person who falsifies the  
 5 required affidavit is guilty of perjury under AS 11.56.200.

6 \* Sec. 23. AS 16.05.407(d) is amended to read:

7 (d) A nonresident who violates (a) [OR (c)] of this section, or  
 8 who fails to furnish an affidavit under (b) of this section, is guilty  
 9 of a misdemeanor and upon conviction is punishable by imprisonment for  
 10 not more than one year, or by a fine of not more than \$5,000, or by  
 11 both.

12 \* Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to  
 13 read:

14 (48) the Guide Board.

15 \* Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-  
 16 05.340(e) and 16.05.407(c) are repealed.

17 \* Sec. 26. This Act takes effect July 1, 1986.

\* = Difference in CS

Hein  
5/1/86 ✓

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 294 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH 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(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

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, 1990 [1986]).

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  
17 purposes of licensing and regulating the activities of guides in the  
18 interest of the state's wildlife resources there [THERE] is created  
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.  
20 No more than three members of the board shall hold or have held a  
21 registered, master, or class A assistant guide license. The other  
22 members must [SHALL] have a general knowledge of the game resources of  
23 the state and may not have a vested interest in the guiding industry.  
24 A minimum of 10 years residence in the state is required for all  
25 members of the board. For administrative purposes, the board is in  
26 the Department of Commerce and Economic Development.

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

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of  
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-  
 2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR  
 3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]

4 A member may be removed at the pleasure of the governor.

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

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
 7 board constitute a quorum for the transaction of business, for the  
 8 performance of a duty, and for the exercise of any power under this  
 9 chapter. The board may not adopt a regulation, revoke, suspend, or  
 10 deny renewal of a license, or assign, modify, or revoke a restricted  
 11 guide area unless the action is approved by a vote of a majority of  
 12 the full membership of the board.

13 \* Sec. 6. AS 08.54.040(a) is amended to read:

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

15 (1) prepare, grade and administer examinations, which may  
 16 include oral examinations of applicants who demonstrate limited abil-  
 17 ity to read or write the English language;

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

21 (3) establish guide performance standards and regulate  
 22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]  
 24 register of master and registered guides who have not been convicted  
 25 of a violation of a [FEDERAL OR] state [SPORT FISH,] game [,] or  
 26 guiding statute or regulation; a guide listed in the register whose  
 27 license is revoked or suspended shall be removed from the register  
 28 while the guide's license is revoked or suspended;

29 (5) [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED

1 OR MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE  
2 YEARS IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD;

3 (6)] prohibit guiding activities which are unsportsmanlike,  
4 unethicial, unsafe, against principles of conservation, degrading to  
5 the guiding profession, or which adversely affect the natural re-  
6 sources;

7 (6) [(7)] after a hearing, revoke, suspend or deny renewal  
8 of a license in accordance with AS 08.54.200;

9 (7) [(8)] establish a quota of licensed operating guides  
10 who may operate within designated geographical game units or subunits  
11 of the state and provide for an equitable, [AND] reasonable, and  
12 consistent procedure for limiting the number of guides to that quota;  
13 preference may [SHALL] be given to qualified available and willing  
14 licensed guides who reside within the designated game unit or subunit;

15 (8) meet at least twice annually, once in Anchorage and  
16 once in another municipality.

17 \* Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a  
19 special guide license to a person who applies to conduct a guided hunt  
20 for a specific species of marine mammal in a specifically designated  
21 area if the applicant

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

23 (2) has, for at least 10 years, resided and hunted in the  
24 area of the state in which the applicant is to guide;

25 (3) is able to perform the duties of a special guide;

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

28 (A) fish and game laws and regulations;

29 (B) relevant characteristics of the specific species

1 to be hunted;

2 (C) field preparation of trophies;

3 (D) care of game meat;

4 (E) use of guiding gear;

5 (F) firearm safety;

6 (G) practical first aid;

7 (H) booking and contracting hunts;

8 (5) has not been convicted of a game or guiding law viola-  
9 tion during the previous five years;

10 (6) has not been convicted of a crime involving mora-  
11 turpitude.

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

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.

14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of  
18 firearms, hunting, judging trophies, field preparation of trophies  
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportatio-  
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared  
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-  
25 dards of competence and ethical conduct and has not been convicted  
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state during any [F  
28 ALL OR PART OF EACH OF] five years in a manner directly contributi-  
29 to the person's experience and competency as a guide;

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1           (7) [(8)] has been licensed as and performed the services  
 2 of an assistant guide in the state for a part of each of three years,  
 3 or has guided in the state for a part of each of three years under a  
 4 special guide license issued under AS 08.54.045;

5           (8) [(9)] submits a written recommendation to the board  
 6 from a registered guide for whom the applicant has worked or from two  
 7 registered guides; however, the requirements of this paragraph do not  
 8 apply to a person who has guided under a special guide license for  
 9 three years;

10           (9) [(10)] is capable of performing the essential [PHYSI-  
 11 CAL] duties associated with guiding [ACTIVITIES];

12           (10) [(11)] has been favorably recommended in writing by two  
 13 hunters that the person has guided or assisted in guiding during each  
 14 year of the person's three years as an assistant guide, whose recom-  
 15 mendations have been solicited by the board from a list provided by  
 16 the applicant [;

17           (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
 18 REQUIRE].

19 \* Sec. 9. AS 08.54.110 is amended by adding a new subsection to read:

20           (b) The commissioner of commerce and economic development may  
 21 order that an applicant for an initial license under this section be  
 22 allowed to take the license examination or be issued the license if,  
 23 after reviewing a petition filed by the applicant, the commissioner  
 24 finds that

New <

25           (1) the board denied the applicant an opportunity to take  
 26 the license examination, or refused to approve issuance of the li-  
 27 cense;

28           (2) the board's denial or refusal was based on  
 29           (A) an error of fact by the board;

*new* }

(B) the applicant's failure of the license examination due to faulty or unfair examination questions or procedures; or

(C) an erroneous or false statement in a recommendation submitted under (a)(8) of this section;

(3) the applicant is otherwise qualified to take the examination or to be issued the license; and

(4) sustaining the board's denial or refusal would work a substantial injustice on the applicant.

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

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE LICENSE. An assistant guide

(1) may not contract to conduct a guided hunt; and

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

\* Sec. 11. AS 08.54.170 is amended to read:

Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce and Economic Development shall set license fees under AS 08.01.065 for each of the following:

- (1) master guide;
- (2) registered guide;
- (3) class A assistant guide;
- (4) assistant guide;
- (5) special guide [TRANSPORTER].

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a <sup>\*</sup> hunting license.

\* *out*

\* Sec. 12. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall

1 administer the qualification examination required under AS 08.54.110  
2 at least twice a year. An examination may not be given within 90 days  
3 after the previous exam. At least once every other year the board  
4 shall give the examination at a location other than Anchorage.

5 \* Sec. 13. AS 08.54.190 is amended by adding a new subsection to read:

6 (d) A master guide, registered guide, special guide, class-A  
7 assistant guide, or assistant guide license expires biennially, on a  
8 date set by the Department of Commerce and Economic Development.

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

10 Sec. 08.54.195. RESTRICTED GUIDE AREAS. (a) Under AS 08.54.-  
11 040(a)(7), the board may establish and assign restricted guide areas  
12 for master guides or registered guides. The board shall adopt regula-  
13 tions\* that establish uniform and consistent criteria, including a  
14 point system, to be used by the board when it establishes and assigns  
15 a restricted guide area.

16 (b) The board shall consider the following factors before it  
17 assigns a restricted guide area:

18 (1) the extent to which the guide who has applied for the  
19 area has guided in the game management unit in which the area is  
20 located;

21 (2) the extent to which the guide occupied and invested in  
22 the area;

23 (3) the effects, including the economic effect, on other  
24 guides that would result from creation of the area;

25 (4) big game populations in the area;

26 (5) the land ownership status of the area; and

27 (6) other relevant facts or circumstances.

28 (c) The board may adopt regulations limiting the number of  
29 clients with which a guide may contract for hunts in a restricted

1 guide area used by more than one guide.

2 (d) Unless the board determines after a public hearing that it  
3 is not in the public interest to do so, the board may transfer a  
4 restricted guide area to a person qualified for assignment who has  
5 been recommended by the guide to whom the area\* is assigned, or by a  
6 person authorized to represent the guide, if the recommendation is  
7 made

\* Change (over)

8 (1) after five years have elapsed from the date of the  
9 assignment of the guide area; or

10 (2) during the first five years after the date of assign-  
11 ment and the guide has died or suffered a major disability, as defined  
12 by the board.

13 (e) A guide may not sell or lease a restricted guide area. A  
14 guide may sell or otherwise transfer a lodge, camp, or other lawful  
15 improvement to property located in a restricted guide area. Sales  
16 price may not exceed fair market value.

17 \* Sec. 15. AS 08.54.200(a) is repealed and reenacted to read:

18 (a) The board shall hold a hearing to determine whether a li-  
19 censee should be disciplined within a reasonable time after (1) com-  
20 plaints concerning a licensee's guiding activities are filed with the  
21 board by three or more of the licensee's clients from separate  
22 parties; (2) a complaint concerning a guide's conduct during a life-  
23 threatening situation is filed with the board; or (3) a licensee has  
24 been convicted of a violation of a\* federal or state hunting or guiding  
25 statute or regulation. The board may hold a hearing to determine  
26 whether disciplinary action is necessary if a complaint concerning a  
27 licensee's guiding activities is filed with the board by a client of  
28 the licensee.

\* in Public Safety

29 \* Sec. 16. AS 08.54.200(b) is amended to read:

1 (b) After a hearing, the board may revoke, suspend, or deny  
 2 renewal of a license, \* and may withdraw a licensee's restricted guide  
 3 area assignment, if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or  
 5 activity that [WHICH] adversely affects the natural resources of the  
 6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL  
 7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state [SPORT  
 9 FISH,] game or guide statute or regulation.

10 \* Sec. 17. AS 08.54.200(c) is amended to read:

11 \* (c) After a hearing, the board shall revoke a license \* and shall  
 12 withdraw a licensee's restricted guide area assignment if the board  
 13 finds that the licensee

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

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

18 (3) during the five years immediately preceding the hearing  
 19 has been convicted of a violation [TWO VIOLATIONS] of a federal or  
 20 state statute or regulation prohibiting

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

23 (C) hunting during a closed hunting season; or

24 \* (D) hunting in an area closed by federal regulation;

25 or

26 (4) during the five years immediately preceding the hear-  
 27 ing, has been convicted of two violations of a state statute or regu-  
 28 lation prohibiting hunting in a restricted area not assigned to the  
 29 licensee and without proper written permission [SPORT FISH, GAME OR

1 GUIDE STATUTES OR REGULATIONS].

2 \* Sec. 18. AS 08.54.200(d) is repealed and reenacted to read:

3 (d) A person who is disciplined under this section may not  
4 engage in a guiding activity during the period of license revocation  
5 or disciplinary action. A person licensed under this chapter may not  
6 hire as a guide a person whose guide license is suspended or revoked  
7 under this section. A guide whose license is suspended or revoked may  
8 not guide in the employ of a person licensed under this chapter.

9 \* Sec. 19. AS 08.54.200 is amended by adding new subsections to read:

10 (f) If a certified copy of a judgment of conviction of a guide  
11 for an offense described under (c)(3) of this section, or for each of  
12 two offenses under (c)(4) of this section, is filed with the board,  
13 the board shall immediately suspend the guide's license. The suspen-  
14 sion may be ordered even if the conviction resulted from a plea of  
15 nolo contendere or if the conviction is under appeal. The order  
16 remains in effect until after the final disposition of the disciplin-  
17 ary proceeding under this section.

\*  
18 *out* (g) A certified copy of a judgment of conviction of a guide for  
19 *(sufficient)* an offense is conclusive evidence of the commission of that offense in  
20 a disciplinary proceeding instituted against the guide under this  
21 section based on that conviction.

22 (h) Within 30 days after a hearing under this section, the board  
23 shall notify the complainant of the results of the hearing, including  
24 written reasons justifying a decision not to take disciplinary action.  
25 If the board decides not to hold a discretionary hearing, the board  
26 shall give the complainant written notice of its reasons within 30  
27 days after making the decision.

28 (i) In this section "two violations of a state statute or regu-  
29 lation" means two violations of a single statute or a single

1 regulation, or violations of two statutes or two regulations, or one  
2 violation of a statute and one violation of a regulation.

3 \* Sec. 20. AS 08.54.210(a) is repealed and reenacted to read:

4 (a) It is unlawful for

5 (1) a master guide, registered guide, special guide, class  
6 A assistant guide, or assistant guide to fail to timely report to the  
7 Department of Public Safety, division of fish and wildlife protection,  
8 and in no event later than 30 days, a violation of a state fish, game,  
9 or guiding statute or regulation that the guide reasonably believes  
10 was committed by a client or an employee of the guide;

\* 11 *New Public Safety*  
12 (2) a guide\* to commit or aid the commission of a violation  
13 of this chapter or of a state game or guiding statute or regulation or  
14 to permit the commission of a violation that the guide knows or rea-  
15 sonably believes is being or will be committed without attempting to  
16 prevent it, short of using force, and without reporting it;

17 (3) a person to guide without having a current valid guide  
18 license and resident hunting license in actual possession;

19 (4) a person to advertise as or represent to be a guide  
20 without holding a current valid guide license;

21 (5) a guide to intentionally obstruct or hinder or attempt  
22 to obstruct or hinder lawful hunting engaged in by a person who is not  
23 a client of the guide;

24 (6) a person to guide without being validly licensed as a  
25 guide under this chapter and as a resident hunter under AS 16;

26 (7) an assistant guide to contract to conduct a guided  
27 hunt;

28 (8) an assistant guide to be in the field on a guided hunt  
29 except while employed and supervised by a registered or master guide.

\* Sec. 21. AS 08.54.210(b) is amended to read:

1 (b) A person who violates (a)(1) - (5) [(6)] of this section is  
 2 guilty of a misdemeanor and upon conviction is punishable by a fine of  
 3 not more than \$1,000 or by imprisonment for not more than one year, or  
 4 by both, and the person's license may be revoked for a period up to  
 5 five years. However, a person who engages in guiding [OR TRANSPORT-  
 6 ING] activity during the period for which the person's license is  
 7 suspended or revoked under this chapter, or who violates (a)(6) - (8)  
 8 of this section, is guilty of a felony punishable, upon conviction, by  
 9 a fine of not more than \$5,000 and by imprisonment for not less than  
 10 one year nor more than three years. In addition to punishment for a  
 11 felony, all guns, fishing tackle, boats, aircraft, automobiles or  
 12 other vehicles, camping gear and other equipment and paraphernalia  
 13 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in  
 14 during the period of suspension or revocation <sup>\*</sup>may [SHALL] be seized  
 15 <sup>(yist)</sup>[CONFISCATED] by persons authorized to enforce this chapter and may be  
 16 forfeited to the state as provided under AS 16.05.195. [A PERSON WHO  
 17 VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO THE  
 18 SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) - (6)  
 19 OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT MORE  
 20 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY  
 21 BOTH.]

\* new public (yist)

22 \* Sec. 22. AS 08.54 is amended by adding a new section to art. 3 to  
 23 read:

24 Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of  
 25 Commerce and Economic Development shall collect and maintain records  
 26 of hunts conducted by guides. The department shall make the records  
 27 available to state and federal agencies charged with the enforcement  
 28 of statutes and regulations relating to guiding or game if requested  
 29 for enforcement purposes. For all other purposes, the records are

1 confidential and are not subject to inspection or copying under  
2 AS 09.25.110 - 09.25.121.

3 \* Sec. 23. AS 08.54.240 is amended to read:

4 Sec. 08.54.240. DEFINITIONS. In this chapter

5 (1) "big game" means brown bear, grizzly bear, polar bear,  
6 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
7 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

8 (2) "board" means the Guide [LICENSING AND CONTROL] Board;

9 (3) [(2)] "guide" [, "GUIDES"] or "guiding" means accompan-  
10 ying or directing a hunter in the field, personally or through an  
11 assistant, for compensation or with the intent or an agreement to  
12 receive compensation, while the hunter or the person accompanying or  
13 directing the hunter spots, stalks, pursues, tracks, kills, or at-  
14 tempts to kill big game; in this paragraph, "in the field" does not  
15 include being present in a boat with living quarters or at a lodge or  
16 base camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF  
17 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY  
18 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-  
19 CENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR  
20 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

21 (4) [(3)] "resident" has the meaning given in AS 16.05.940  
22 [MEANS A PERSON WHO

23 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

24 (B) REPEALED

25 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION  
26 TO PERMANENTLY RESIDE IN THIS STATE];

27 (5) [(4)] "restricted guide area" is a geographical area of  
28 the state the boundaries of which are determined by the board, and in  
29 which guided hunts may be conducted only by the guides to whom the

1 area is assigned under AS 08.54.195 ["TRANSPORTING" OR THE "ACTIVITY  
2 OF TRANSPORTING" MEANS CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN  
3 AREA FOR REMUNERATION OR MATERIAL BENEFIT IN EXCESS OF NORMAL OPERAT-  
4 ING COSTS, WHEN THE PRIMARY PURPOSE OF THE PERSON BEING CONVEYED IS  
5 THE TAKING OF BIG GAME AND THE ASSOCIATED REMOVING OF BIG GAME MEAT  
6 AND PARTS OF BIG GAME AFTER BIG GAME HAS BEEN TAKEN; BIG GAME AS USED  
7 IN THIS PARAGRAPH MEANS GAME WHICH, IF TAKEN BY A NONRESIDENT, WOULD  
8 REQUIRE A BIG GAME TAG];

9 (6) [(5)] "unethical activity" means

10 (A) deception or misrepresentation [IN ANY DEGREE]  
11 involving prospective or actual clients either before, during, or  
12 following a contract hunt, including misrepresentation through  
13 private or public advertising of the type, duration, cost or  
14 conditions of the contract hunt [HUNTS];

15 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-  
16 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,  
17 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

18 (C)] making a guaranty that a species or certain  
19 number of species of game will be taken on a contract hunt;

20 (C) engaging in unsafe or unsportsmanlike activities  
21 that are detrimental to the game resources of the state, as  
22 defined by regulations of the board, including violations of  
23 state hunting or guiding statutes or regulations; or

24 (D) accepting a deposit for guiding services without  
25 providing before the hunt a signed contract to provide the ser-  
26 vices.

27 \* Sec. 24. AS 16.05.407(a) is amended to read:

28 (a) It is unlawful for a nonresident to hunt, pursue or take  
29 brown bear, grizzly bear, polar bear, or sheep in this state, unless

1 personally accompanied by

2 (1) a person who is licensed as a master guide, registered  
3 guide, class-A assistant guide or assistant guide by the Guide [LI-  
4 CENSING AND CONTROL] Board; or

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

6 (A) the spouse of the nonresident; or

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

9 \* Sec. 25. AS 16.05.407(d) is amended to read:

10 (d) A nonresident who violates (a) [OR (c)] of this section, or  
11 who fails to furnish an affidavit under (b) of this section, is guilty  
12 of a misdemeanor and upon conviction is punishable by imprisonment for  
13 not more than one year, or by a fine of not more than \$5,000, or by  
14 both.

15 \* Sec. 26. AS 39.50.200(b) is amended by adding a new paragraph to  
16 read:

17 (48) the Guide Board.

18 \* Sec. 27. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-  
19 05.340(e) and 16.05.407(c) are repealed.

20 \* Sec. 28. This Act takes effect July 1, 1986.

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

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, 1990 [1986]).

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  
17 purposes of licensing and regulating the activities of guides in the  
18 interest of managing the state's wildlife resources there [THERE] is  
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven  
20 members. No more than three members of the board shall have a guide  
21 license. The other members shall have a general knowledge of the game  
22 resources of the state. A minimum of 10 years residence in the state  
23 is required for all members of the board. For administrative pur-  
24 poses, the board is in the Department of Commerce and Economic Devel-  
25 opment.

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

27 Sec. 08.54.020. ~~APPOINTMENT AND TERM OF OFFICE.~~ The members of  
28 the board shall be appointed by the governor and confirmed by the  
29 legislature for staggered terms of three years or until their

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE  
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR  
3 THREE YEARS.] A member may be removed ~~[by]~~ {AT THE PLEASURE OF} the  
4 governor ~~[for cause, including nonattendance at board meetings]~~

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

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
7 board constitute a quorum for the transaction of business, for the  
8 performance of a duty, and for the exercise of any power under this  
9 chapter. The board may not adopt a regulation, revoke, suspend or  
10 deny renewal of a license, or assign, modify or revoke a restricted  
11 guide area unless the action is approved by a vote of a majority of  
12 the full membership of the board.

13 \* Sec. ~~5~~ AS 08.54.040(a) is amended to read:

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

15 (1) prepare, grade and administer examinations, which may  
16 include oral examinations of applicants who demonstrate limited abil-  
17 ity to read or write the English language;

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

21 (3) establish guide performance standards and regulate  
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]  
24 register of master and registered guides who have not been convicted  
25 of a violation of a federal or state {SPORT FISH,} game [,] or guiding  
26 statute or regulation; a guide listed in the register whose license is  
27 revoked or suspended shall be removed from the register while the  
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER  
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-  
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,  
5 unethical, unsafe, against principles of conservation, degrading to  
6 the guiding profession, or which adversely affect the natural re-  
7 sources;

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

10 (8) establish a quota of licensed operating guides who may  
11 operate within designated geographical game units or subunits of the  
12 state and provide for an equitable, [AND] reasonable, and consistent  
13 procedure for limiting the number of guides to that quota; preference  
14 shall be given to qualified available and willing licensed guides who  
15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and  
17 once in another municipality.

18 \* Sec. **6** AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a  
20 special guide license to a person who applies to conduct a guided hunt  
21 for a specific species of marine mammal in a specifically designated  
22 area if the applicant

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

24 (2) has, for at least 10 years, resided and hunted in the  
25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special  
27 guide;

28 (4) has demonstrated knowledge of the following areas to an  
29 extent and degree satisfactory to the board: