



LAWS OF ALASKA

1973

Source

Chapter No.

CSHB 1 am S

17

AN ACT

Relating to guides; and providing for an effective date.

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

* Section 1. AS 08 is amended by adding a new chapter to read:

CHAPTER 54. GUIDES.

ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

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

Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of the board shall be appointed by the governor and confirmed by the legislature for staggered terms of three years or until their successors are appointed. Initial terms are as follows: three members for one year, two members for two years, and two members for three years. A member may be removed at the pleasure of the governor.

Sec. 08.54.030. CHAIRMAN OF BOARD. The board shall elect one of its members as chairman.

Sec. 08.54.040. POWERS AND DUTIES. (a) Except as provided in sec. 45 of this chapter, the board shall

- (1) prepare, grade and administer examinations;

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

(3) establish guide performance standards and regulate activity;

(4) compile, maintain and publish a guide register of guides who have not been convicted of a violation of a federal or state sport fish, game, or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while his license is revoked or suspended;

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

(6) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

(7) after a hearing, revoke, suspend or deny renewal of a license in accordance with sec. 200 of this chapter.

(b) If a person is unable to competently understand the written portion of an examination given under (a)(1) of this section, he shall be given the complete examination orally in a language which he understands.

Sec. 08.54.045. SPECIAL GUIDING PERMIT. This chapter does not limit the power of the board or its authorized designee, to issue a special guiding permit, in place of a guide license, to a person to guide in a specifically designated area, if the person is considered sufficiently experienced to perform the services of a guide and is limited solely by language barriers from securing a regular guide license.

Sec. 08.54.050. BOARD REGULATIONS. The board shall adopt procedural and substantive regulations, under the Administrative Procedure Act (AS 44.62), required by this chapter or reasonably necessary for its administration.

Sec. 08.54.060. BOARD HEARING. The Administrative Procedure Act (AS 44.62) applies to proceedings and hearings under this chapter.

Sec. 08.54.070. COMPENSATION AND EXPENSES. Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards.

ARTICLE 2. LICENSING.

Sec. 08.54.100. QUALIFICATIONS FOR A MASTER GUIDE LICENSE. A person is entitled to be licensed as a master guide if he

(1) has legally hunted in the state for a part

of each of 10 years during which time a substantial source of his income was from guiding or related activities directly contributing to his experience and competency as a guide;

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

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

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

(5) meets additional qualifications which the board may require.

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

(1) is 21 years of age or more;

(2) is a resident of the state and maintains a permanent place of abode in the state;

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

(4) is familiar with the terrain and transportation problems in the district for which the license is requested;

(5) has passed the qualification examination prepared and administered by the board;

(6) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime involving moral turpitude;

(7) has legally hunted in the state for all or part of each of five years in a manner directly contributing to his experience and competency as a guide;

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

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked;

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

(11) has been favorably recommended in writing by

two hunters that he has guided or assisted in guiding during each year of his three years as an assistant guide, whose recommendations have been solicited by the board from a list provided by the applicant;

(12) meets additional qualifications which the board may require.

Sec. 08.54.120. QUALIFICATIONS FOR A CLASS-A ASSISTANT GUIDE LICENSE. A person is entitled to be licensed as a class-A assistant guide if he

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

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

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

Sec. 08.54.130. PRIVILEGES AND LIMITATIONS OF CLASS-A ASSISTANT GUIDES. A class-A assistant guide

(1) may not contract for hunts;

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

(3) may take charge of a camp and conduct hunts from it without the registered or master guide necessarily being present in the area if the registered or master guide is physically present in the state and is actively supervising in guiding activities.

Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A person is entitled to be licensed as an assistant guide if he

(1) is 19 years of age or more;

(2) is a resident of the state;

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

(4) meets additional qualifications which the board may require;

(5) is in sound physical condition.

Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE FOR VIOLATIONS. A registered or master guide contracting for a hunt is equally responsible under sec. 200 of this chapter for a violation of a federal or state sport fish, game or guide statute or regulation committed

by a class-A assistant guide or assistant guide while in the course of his employment.

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

- (1) master guide license, annual.....\$75
- (2) registered guide license, annual..... 75
- (3) class-A assistant guide, annual..... 15
- (4) assistant guide license, annual..... 10

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

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

Sec. 08.54.190. EXPIRATION AND RENEWAL. (a) A master guide, registered guide, class-A assistant guide or assistant guide license expires on December 31.

(b) No license may be issued to a class-A guide or assistant guide who has failed to renew his license for two consecutive years unless he again meets the qualifications for initial issuance of the license.

(c) A master or registered guide who fails to renew a license is not required to requalify under sec. 100(2) or sec. 110(8) of this chapter, respectively.

Sec. 08.54.200. GROUNDS FOR DISCIPLINING A LICENSEE. (a) The board shall hold a hearing to determine if disciplinary action is necessary if

(1) complaints concerning the licensee have been filed with the board from three or more clients of separate parties; or

(2) a licensee has been charged with a violation of federal or state sport fish, game or guide statutes or regulations; or

(3) a licensee has been convicted of a violation of federal or state sport fish, game or guide statute or regulation.

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

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

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

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

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

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

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

(d) No person who is disciplined under this section may engage in any guiding activity during the period of license revocation or disciplinary action. No person licensed under this chapter may hire or work for a guide whose license is suspended or revoked under this section.

(e) If the board revokes a license it shall notify the Department of Revenue, and the person whose license has been revoked shall return the license to the Department of Fish and Game.

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

(1) a master guide, registered guide, class-A assistant guide or assistant guide to fail to timely report to the Department of Fish and Game, and in no event later than 30 days, violations by a client of a state fish, game or guiding statute or regulation;

(2) a master guide, registered guide, class-A assistant guide or assistant guide to aid the commission of a violation of this chapter or of ch. 5 of this title or a regulation promulgated under either chapter, or permit the commission of a violation in his sight without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide as defined in this chapter without being licensed under this chapter and without having the license in his actual possession;

(4) a person to advertise as or represent himself to be a licensed master guide, registered guide, class-A assistant guide or assistant guide without being currently licensed, or to falsely advertise services;

(5) a person to guide as defined in this chapter without having a current valid hunting and fishing license in his possession.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both, and may have his license revoked for a period up to five years. However, a person who engages in outfitting or guiding activity during the period of disciplinary action under sec. 200(e) of this chapter is guilty of a felony punishable by a fine of not more than \$5,000 and by imprisonment for not less than one

year nor more than three years. In addition to punishment for a felony under sec. 200(e) of this chapter, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in or in aid of a violation of sec. 200(e) of this chapter shall be confiscated by persons authorized to enforce this chapter.

Sec. 08.54.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the judgment of the board a person or corporation or other entity has engaged in an act in violation of secs. 100 - 200 of this chapter or the regulations promulgated under sec. 210 of this chapter, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.54.240. DEFINITIONS. In this chapter

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

(2) "guide", "guides" or "guiding" means accompanying, guiding, or assisting another person to take game with the intent of receiving monetary or material remuneration for the services;

(3) "resident" means a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; shows by all attending circumstances that his intent is to make this state his permanent residence;

(4) "unethical activity" means

(A) deception in any degree involving prospective or actual clients either before, during, or following contract hunts;

(B) misrepresentation either through private communication or public advertising of the nature, type, duration, cost, or other conditions of contract hunts.

* Sec. 2. AS 44.62.330 is amended by adding a new paragraph to read:

(35) Guide Licensing and Control Board.

* Sec. 3. A person licensed as a registered or master guide, class-A assistant guide or assistant guide at the time this Act takes effect shall, upon application, be issued a registered guide license, master guide license, class-A assistant guide license or assistant guide license, respectively.

* Sec. 4. AS 16.50 is repealed.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

* Sec. 6. A regulation promulgated by the Guide Licensing and Control Board in effect before the effective date of this Act remains in effect after the effective date of this Act until revoked or modified by the Guide Licensing and Control Board created by this Act.