

Introduced: 1/16/73  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 74

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a Guide Licensing and Control  
7 Board; and providing for an effective date."

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

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

10 CHAPTER 54. GUIDES.

11 ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD.

12 Sec. 08.54.010. ESTABLISHMENT AND MEMBERSHIP OF BOARD. There is  
13 established a Guide Licensing and Control Board consisting of five mem-  
14 bers. Two members of the board shall have held a master or registered  
15 guide license. The other three members may not have held guide licenses  
16 but shall have a general knowledge of the game resources of the state.  
17 A minimum of 10-year residence in the state is required for all members  
18 of the board.

19 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of  
20 the board shall be appointed by the governor and confirmed by the legis-  
21 lature for staggered terms of five years or until their successors are  
22 appointed. A member may be removed at the pleasure of the governor.

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

25 Sec. 08.54.040. POWERS AND DUTIES. The board shall

- 26 (1) prepare, grade and administer examinations;  
27 (2) determine and pass on qualifications of applicants for  
28 licenses and authorize the issuance of licenses to those who qualify;  
29 (3) establish guide performance standards and regulate acti-

1 vity;

2 (4) require submission of reports on guide activities con-  
3 sidered necessary by the Board of Fish and Game for game management  
4 purposes;

5 (5) compile, maintain and publish a guide register;

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

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

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

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

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

20 ARTICLE 2. LICENSING.

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

23 (1) has legally hunted in the state in a manner directly  
24 contributing to his experience and competency as a guide for a period of  
25 10 years;

26 (2) meets the requirements of a registered guide and has been  
27 actively engaged as his principal vocation in licensed guiding activi-  
ties in the state for at least five years preceding application;

(3) has not violated a federal or state sport fishing, game

1 or guiding law or regulation within the preceding five years;

2 (4) has consistently performed in a superior manner as evi-  
3 denced by inquiries made by the board to clients of record;

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

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

8 (1) is at least 21 years of age;

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

11 (3) has practical field experience in the handling of fire-  
12 arms, hunting, judging trophies, field preparation of trophies, first  
13 aid and photography;

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

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

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

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

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

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

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

1 (11) has been favorably recommended in writing by two  
2 hunters that he has guided or assisted in guiding during each year of  
3 his three years as an assistant guide;

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

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

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

11 (2) has had at least 20 years experience contributing to his  
12 competency as a guide in the district in which he is to be employed;

13 (3) has been favorably recommended to the board, in writing,  
14 by a registered or master guide;

15 (4) is capable of performing the physical duties associated  
16 with guiding activities;

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

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

21 (1) may not contract for hunts;

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

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

29 Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A

1 person is entitled to be licensed as an assistant guide if he

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

3 (2) is a resident of the state;

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

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

8 (5) is capable of performing the physical duties associated  
9 with guiding activities.

10 Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE FOR  
11 VIOLATIONS. A registered or master guide contracting for a hunt is  
12 equally responsible for a violation of a federal or state sport fish,  
13 game or guide statute or regulation committed by a class-A assistant  
14 guide or assistant guide while in the course of his employment.

15 Sec. 08.54.160. LICENSE FEES. (a) License fees for engaging in  
16 the profession of guiding are:

17 (1) master guide license, annual -----\$100

18 (2) registered guide license, annual -----\$100

19 (3) class-A assistant guide, annual -----\$ 20

20 (4) assistant guide license, annual -----\$ 10

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

24 Sec. 08.54.170. EXAMINATION FEE. An applicant for a guide exam-  
25 ination shall pay a fee of \$25.

26 Sec. 08.54.180. EXPIRATION AND RENEWAL. (a) A master guide, re-  
27 gistered guide, class-A assistant guide or assistant guide license ex-  
28 pires on December 31.

29 (b) A license may not be issued to a master guide, registered

1 guide, class-A guide or assistant guide who has failed to renew his  
2 license for two consecutive years unless he again meets the qualifi-  
3 cations for initial issuance of the license.

4 ARTICLE 3. VIOLATIONS AND PENALTIES.

5 Sec. 08.54.200. GROUNDS FOR DISCIPLINING A LICENSEE. (a) After  
6 a hearing, the board may revoke, suspend, or deny renewal of a license  
7 if the board finds that the licensee

8 (1) engaged in activity which is unsportsmanlike, unethical,  
9 unsafe or degrading to the guiding profession or which adversely affects  
10 the natural resources or principles of conservation; or

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

13 (b) 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 class-A assistant guide, or assistant guide;

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

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

26 (d) If the board revokes a license it shall notify the Department  
27 of Revenue, and the person whose license has been revoked shall return  
28 the license to the Department of Revenue.

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

1 (1) a master guide, registered guide, class-A assistant  
2 guide or assistant guide, with knowledge of a violation of state fish  
3 and game statutes or regulations, to fail to timely report the vio-  
4 lation, in no event later than 30 days, to a person authorized to en-  
5 force fish and game statutes and regulations;

6 (2) a master guide, registered guide, class-A assistant  
7 guide or assistant guide to aid the commission of a violation of this  
8 chapter or AS 16.05 or a regulation promulgated under either chapter,  
9 or permit the commission of a violation in his sight without attempting  
10 to prevent it, short of using force;

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

14 (4) a person to advertise or to represent himself to be a  
15 licensed master guide, registered guide, class-A assistant guide or  
16 assistant guide without being currently licensed, or to falsely adver-  
17 tise services;

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

20 (b) A person who violates this section is guilty of a misdemeanor  
21 and upon conviction is punishable by a fine of not more than \$1,000  
22 or by imprisonment for not more than one year, or by both, and may  
23 have his license revoked for a period up to five years. However, a  
24 person who engages in guiding activity during the period of disciplinary  
25 action under sec. 200 of this chapter is guilty of a felony punishable  
26 by a fine of not more than \$5,000 and by imprisonment for not less  
27 than one year nor more than three years. In addition to punishment for  
28 a felony the court shall order forfeited to the state all guns, fishing  
29 tackle, boats, aircraft, automobiles or other vehicles, camping gear

1 and other equipment and paraphernalia used in or in aid of a violation  
2 of sec. 200(c) of this chapter.

3 ARTICLE 4. GENERAL PROVISIONS.

4 Sec. 08.54.240. DEFINITIONS. In this chapter

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

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

9 (3) "resident" means a person who for 12 consecutive months  
10 has maintained a permanent place of abode in the state and has con-  
11 tinually maintained his voting residence in the state.

12 Sec. 08.54.250. A person licensed as a registered or master guide,  
13 class-A assistant guide or assistant guide at the time this chapter  
14 takes effect shall, upon application, be issued a registered guide  
15 license, master guide license, class-A assistant guide license or  
16 assistant guide license, respectively.

17 Sec. 08.54.260. All regulations of the Board of Fish and Game  
18 concerning guides or guiding which are promulgated before the effective  
19 date of this chapter continue in force until amended or repealed by  
20 the Guide Licensing and Control Board.

21 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

22 (19) Guide Licensing and Control Board.

23 \* Sec. 3. AS 44.62.330 is amended by adding a new paragraph to read:

24 <sup>35</sup> ~~(34)~~ Guide Licensing and Control Board.

25 \* Sec. 4. AS 16.50 is repealed.

26 \* Sec. 5. This Act takes effect on July 1, 1973.  
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