

1 IN THE SENATE

BY SENATORS OWEN, HANSEN,
COGHILL, HOPSON AND BEGICH

2 SENATE BILL NO. 282

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the occupation of guid-
7 ing; 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. BOARD OF GUIDE EXAMINERS

12 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD.

13 There is created a Board of Guide Examiners. The board con-
14 sists of five licensed guides.

15 Sec. 08.54.020. APPOINTMENT AND TERMS OF OFFICE. The
16 governor shall appoint the members of the board, with the
17 confirmation of the legislature, for staggered terms of three
18 years, or until their successors are appointed. A member
19 serves at the pleasure of the governor.

20 Sec. 08.54.030. EXECUTIVE SECRETARY OF BOARD. The
21 commissioner of commerce is the executive secretary of the
22 board.

23 Sec. 08.54.040. BOARD MEETINGS AND OFFICERS. (a) The
24 board shall hold a regular annual meeting. The board may
25 hold special meetings at the call of the chairman or of three
26 members of the board.

27 (b) A majority of the board is a quorum for conducting
28 business.

29 (c) The board shall elect its officers.

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Sec. 08.54.050. ASSISTANTS. The board may employ assistants to

- (1) prepare questions on examinations;
- (2) grade examinations;
- (3) investigate alleged violations of this chapter.

Sec. 08.54.060. DUTIES OF THE BOARD. The board shall

- (1) pass on qualifications of applicants for licenses and issue licenses to those who qualify;
- (2) prepare and grade examinations;
- (3) after hearing, have the authority to suspend or revoke the license of a licensed guide or licensed assistant guide who

- (A) violates a sport fish or game statute or regulation;

- (B) fails to submit reports the Department of Fish and Game requires under sec. 80 of this chapter.

- (C) violates a regulation adopted under sec. 70(2) or (3) or sec. 80 of this chapter.

Sec. 08.54.070. BOARD REGULATIONS. The board shall adopt substantive regulations

- (1) specifying the subject matter to be covered in an examination for guides and assistant guides;

- (2) specifying conduct of guides and assistant guides when engaged in guiding that will insure the maximum protection to the game resources of the state;

- (3) providing for area licensing for guides and assistant guides;

- (4) specifying the class of persons who must employ guides.

1 Sec. 08.54.080. BOARD OF FISH AND GAME REGULATIONS.
2 The Board of Fish and Game shall adopt regulations requiring
3 reports from guides and assistant guides that will aid in
4 game management and conservation and in enforcement of game
5 laws.

6 Sec. 08.54.090. DUTIES OF THE DEPARTMENT. The depart-
7 ment shall furnish the board with administrative services,
8 including renting space for holding examinations, proctoring
9 examinations, printing examinations, printing and mailing
10 licenses, sending notices, before December 1 of each year,
11 that licenses must be renewed, collecting fees and issuing
12 receipts, keeping a current register of licensees, employing
13 secretarial assistants, replying to routine requests for in-
14 formation, printing forms and informational bulletins, typing
15 all matter to be reproduced, maintaining records and com-
16 pleted examinations, and keeping records of receipts and
17 disbursements.

18 Sec. 08.54.100. DEPARTMENT REGULATIONS. The department
19 shall adopt procedural regulations describing how a person
20 applies for and takes an examination under this chapter and
21 procedural regulations necessary to carry out the duties im-
22 posed on the department by sec. 90 of this chapter.

23 Sec. 08.54.110. DEPARTMENT RECORDS. The department
24 shall allow members of the board free access to its records
25 concerning the board's activities.

26 Sec. 08.54.120. SALE OF REGISTER. The department shall
27 offer for sale to the public, publications containing the
28 names, addresses, and license classifications, of persons
29 licensed under this chapter. The department shall sell the

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publications at a price designed to recover costs of compilation, publication, and distribution.

Sec. 08.54.130. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

Sec. 08.54.140. TRANSPORTATION AND PER DIEM. A board member is entitled to transportation expenses and per diem allowances specified in AS 39.20.180.

ARTICLE 2. LICENSING

Sec. 08.54.160. LICENSE REQUIRED. (a) No person may for compensation be a guide unless he is licensed under this chapter.

(b) A person licensed as an assistant guide may accept compensation for guiding only from a licensed guide.

Sec. 08.54.170. EXAMINATION. (a) A person who passes the guide examination is entitled to be licensed as a guide.

(b) A person who passes the assistant guide examination is entitled to be licensed as an assistant guide.

Sec. 08.54.180. ADMINISTRATION OF EXAMINATION. (a) The department shall offer examinations prepared by the board at least once a year and more frequently if more than two persons who are qualified to take the examination petition the department for an additional examination.

(b) Examinations shall be so administered that one who grades a written examination does not know whose paper he is grading.

(c) The board shall give oral, rather than written, examinations to persons who are not skilled in reading and writing English.

1 (d) The department shall maintain files of examination
2 papers. A person is entitled to inspect his examination
3 paper for the purpose of challenging the propriety of its
4 questions, the method of grading, or the accuracy of grading.

5 (e) Every two years the department shall have published
6 and sell at cost copies of examinations for the preceding
7 two years. The board shall prepare a new examination at
8 least every two years.

9 (f) If a person fails to take an examination after he
10 has paid the application fee, the department shall refund the
11 fee.

12 Sec. 08.54.190. RE-EXAMINATION. A person who fails an
13 examination may apply for a subsequent examination but shall
14 pay the application fee each time he applies. He may not
15 petition for an additional examination under sec. 180(a) of
16 this chapter, but may take one if it is offered.

17 Sec. 08.54.200. QUALIFICATIONS FOR EXAMINATION. (a)
18 A person is entitled to take the guide examination who

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

20 (2) is a resident of Alaska;

21 (3) is in sound physical condition;

22 (4) has hunted in the area for which he is apply-
23 ing for a license for a substantial part of a year;

24 (5) completes application forms and returns them
25 to the department within the time specified in a regulation
26 of the department;

27 (6) pays the application fee.

28 (b) A person is entitled to take the assistant guide
29 examination who

- 1 (1) is at least 19 years of age;
- 2 (2) is a resident of Alaska;
- 3 (3) is in sound physical condition;
- 4 (4) is recommended by a licensed guide;
- 5 (5) completes application forms and returns them
- 6 to the department within the time specified in a regulation
- 7 of the department;
- 8 (6) pays the application fee.

9 Sec. 08.54.210. FEES. The fee to take the guide ex-
10 amination is \$50. The fee to take the assistant guide
11 examination is \$25. The annual renewal fee for a guide is
12 \$50. The annual renewal fee for an assistant guide is \$25.
13 The fee for a duplicate license to replace a lost or destroy-
14 ed license is \$2.

15 Sec. 08.54.220. ANNUAL RENEWAL. A person who passes
16 the examination is licensed without payment of further fee.
17 To remain licensed, a person must pay the renewal fee before
18 February 1 of each year. The board shall renew a lapsed
19 license when the licensee whose license has lapsed applies
20 for renewal and pays accrued renewal fees. A person whose
21 license has lapsed is entitled to have his license renewed
22 without taking an examination unless his license has lapsed
23 more than five years.

24 ARTICLE 3. ENFORCEMENT

25 Sec. 08.54.240. PENALTY. A person who violates sec.
26 160 of this chapter or a regulation adopted under sec. 70(4)
27 of this chapter is guilty of a misdemeanor.

28 ARTICLE 4. GENERAL PROVISIONS

29 Sec. 08.54.260. DEFINITIONS. In this chapter,

1 (1) "guiding" means assisting a person to take or
2 photograph game animals;

3 (2) "board" means the Board of Guide Examiners;

4 (3) "department" means the Department of Commerce.

5 * Sec. 2. A person who holds a guide license on the effective
6 date of this Act is entitled to a guide license under AS 08.54.
7 A person who holds an assistant guide license on the effective
8 date of this Act is entitled to an assistant guide license under
9 AS 08.54.

10 * Sec. 3. The governor shall appoint to the initial board per-
11 sons who were licensed guides under AS 16.05. The terms of office
12 of the initial board are: one member for one year; two members
13 for two years; and two members for three years.

14 * Sec. 4. The following laws are repealed: AS 16.05.250(6);
15 16.05.340(11) and (12); 16.05.410(d) and (e); and 16.05.420(c) and
16 (d).

17 * Sec. 5. This Act takes effect on July 1, 1964.
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