AN ACT

Relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date.

* Section 1. AS 08.01.010(7) is amended to read:

(7) Big Game Commercial Services Board (AS 08.54.591) [REGULATION OF BIG GAME GUIDES AND TRANSPORTERS UNDER AS 08.54];

* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

(22) Big Game Commercial Services Board (AS 08.54.591) -- June 30, 2008.

* Sec. 3. AS 08.54 is amended by adding new sections to article 1 to read:

Sec. 08.54.591. Creation and membership of board. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big
game hunters in the interest of the state's wildlife resources, there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Commerce, Community, and Economic Development.

(b) The board consists of nine members as follows:

(1) two members who are current, licensed registered guide-outfitters;
(2) two members who are licensed transporters;
(3) one member of the Board of Game who is chosen by the Board of Game and who does not hold a guide or transport license;
(4) two members who represent private landholders affected by guided hunting activities or transportation services and who do not hold a license issued under this chapter; and
(5) two public members.

Sec. 08.54.595. Board assistance. State agencies shall provide the board with information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters.

* Sec. 4. AS 08.54.600 is amended to read:

Sec. 08.54.600. Duties of board [DEPARTMENT]. (a) The board [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] shall

(1) prepare and grade [AND ADMINISTER]

(A) a qualification examination for a registered guide-outfitter [GUIDE] license that requires demonstration that the applicant is qualified generally to provide guided and outfitted hunts and, in particular, possesses knowledge of fishing, hunting, and guiding laws and regulations; and

(B) a certification examination for each game management unit in which the registered guide-outfitter [GUIDE] intends to provide big game hunting services; the examination must require demonstration that the registered guide-outfitter [GUIDE] is qualified to provide guided and outfitted hunts in the game management unit for which the registered guide-outfitter [GUIDE] seeks to be certified and, in particular, must require demonstration
that the registered guide-outfitter [GUIDE] possesses knowledge of the terrain, transportation problems, game, and other characteristics of the game management unit;

(2) authorize the issuance of [ISSUE] registered guide-outfitter [GUIDE], master guide-outfitter [GUIDE], class-A assistant guide, assistant guide, and transporter licenses after the applicant for the license satisfies the requirements for the license;

(3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

(4) impose appropriate disciplinary sanctions on a licensee under AS 08.54.600 - 08.54.790;

(4) [(5)] require an applicant for issuance or renewal of any class of guide license or of a transporter license to state in a written and signed document whether the applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is revoked or suspended in this state or another state or in Canada;

(5) [(6)] regularly disseminate information regarding examinations and other qualifications for all classes of guide licenses to residents of the rural areas of the state;

(6) [(7)] adopt procedural and substantive regulations required by this chapter;

(7) provide for administration of [(8) ADMINISTER] examinations for registered guide-outfitters [GUIDES] at least twice a year;

(8) meet at least twice annually [AN EXAMINATION MAY NOT BE GIVEN WITHIN 90 DAYS AFTER THE PREVIOUS EXAMINATION; AT LEAST ONCE EVERY OTHER YEAR THE DEPARTMENT SHALL GIVE THE EXAMINATION AT A LOCATION OTHER THAN ANCHORAGE].

(b) The board [DEPARTMENT] shall provide for administration of an oral
examination for a registered guide-outfitter [GUIDE] license or for a game management unit certification if requested at the time of application for the license [AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

* Sec. 5. AS 08.54.600 is amended by adding a new subsection to read:
   (c) The board may adopt regulations as the board considers appropriate to
       (1) establish a code of ethics for professions regulated by the board;
       (2) establish requirements for the contents of written contracts to provide big game hunting services and transportation services to clients;
       (3) authorize the department to request a copy of a big game hunting services or transportation services contract entered into by a person licensed under this chapter.

* Sec. 6. AS 08.54.605(a) is amended to read:
   (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter [GUIDE] license, master guide-outfitter [GUIDE] license, class-A assistant guide license, assistant guide license, or transporter license if
       (1) the person has been convicted of
           (A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation [WITHIN THE LAST FIVE YEARS] for which
               (i) the person was [FINED MORE THAN $1,000 OR] imprisoned for more than five days within the previous five years;
               (ii) an unsuspended fine of more than $2,000 was imposed in the previous 12 months;
               (iii) an unsuspended fine of more than $3,000 was imposed in the previous 36 months; or
               (iv) an unsuspended fine of more than $5,000 was imposed in the previous 60 months;
           (B) a felony within the last five years; or
           (C) a felony offense against the person under AS 11.41 within the last 10 years; or
(2) the person's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is suspended or revoked in this state or another state or in Canada.

* Sec. 7. AS 08.54.605(c) is amended to read:

(c) A person may not receive a certification for a game management unit if the person is prohibited by (a) of this section from receiving or renewing a registered guide-outfitter [GUIDE] license or master guide-outfitter [GUIDE] license.

* Sec. 8. AS 08.54.610 is amended to read:

Sec. 08.54.610. Registered guide-outfitter [GUIDE] license. (a) A natural person is entitled to a registered guide-outfitter [GUIDE] license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guiding and outfitting activities;

(3) either

(A) has passed the qualification examination prepared [AND ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600; or

(B) provides evidence of 25 years of experience as a class-A assistant guide or class-A assistant guide-outfitter;

(4) has passed a certification examination prepared [AND ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600 for at least one game management unit;

(5) has legally hunted big game in the state for part of each of any five years in a manner directly contributing to the person's experience and competency as a guide;

(6) has been licensed as and performed the services of a class-A assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each of three years;

(7) is capable of performing the essential duties associated with guiding and outfitting;
(8) has been favorably recommended in writing by eight big game hunters whose recommendations have been solicited by the department from a list provided by the applicant, including at least two favorable recommendations for each year of any three years during which the person was a class-A assistant guide or assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590;

(9) has provided proof of financial responsibility if required by the department under AS 08.54.680; and

(10) has applied for a registered guide-outfitter [GUIDE] license on a form provided by the department and paid the license application fee and the registered guide-outfitter [GUIDE] license fee.

(b) A master guide-outfitter [GUIDE] license authorizes a registered guide-outfitter [GUIDE] to use the title master guide-outfitter [GUIDE], but is for all other purposes under this chapter a registered guide-outfitter [GUIDE] license. A natural person is entitled to receive a renewable master guide-outfitter [GUIDE] license if the person

(1) is, at the time of application for a master guide-outfitter [GUIDE] license, licensed as a registered guide-outfitter [GUIDE] under this section;

(2) has been licensed in this state as a registered guide or a guide-outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or this chapter, for at least 12 of the last 15 years, including the year immediately preceding the year in which the person applies for a master guide-outfitter [GUIDE] license;

(3) submits a list to the department of at least 25 clients for whom the person has personally provided guiding or outfitting services and the person receives a favorable evaluation from 10 of the clients selected from the list by the department; and

(4) applies for a master guide-outfitter [GUIDE] license on a form provided by the department and pays the application fee, if any.

(c) A registered guide-outfitter [GUIDE] may contract to guide or outfit hunts for big game and may provide transportation services, personally or through an
assistant, to big game hunters who are clients of the **registered guide-outfitter** [GUIDE].

(d) A person who is licensed as a registered **guide-outfitter** [GUIDE] may be employed by another registered **guide-outfitter** [GUIDE] to perform the functions of a registered **guide-outfitter** [GUIDE] or class-A assistant guide in the game management unit for which the person is certified under AS 08.54.600 or of an assistant guide in any game management unit.

(e) A registered **guide-outfitter** [GUIDE] who contracts for a guided hunt shall be

(1) physically present in the field with the client at least once during the contracted hunt; and

(2) in the field and participating in the contracted hunt, unless the hunt is being conducted by a class-A assistant guide or a registered **guide-outfitter** [GUIDE] employed by the contracting registered **guide-outfitter** [GUIDE].

* Sec. 9. AS 08.54.620 is amended to read:

Sec. 08.54.620. Class-A assistant guide license. (a) A natural person is entitled to a class-A assistant guide license if the person

(1) is 21 years of age or older;

(2) applies for a class-A assistant guide license on a form provided by the department and pays the license application fee and the license fee; [AND]

(3) **possesses a current first aid card issued by the Red Cross or a similar organization; and**

(4) either

(A) has

   (i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and

   (ii) at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; [OR]

   (B) provides
(i) evidence that the person physically resides in the game management unit in which the person is to be employed;

(ii) evidence that the person has had at least 15 years' hunting experience in the game management unit in which the person is to be employed; military service outside of the state for not more than three years shall be accepted as part of the required 15 years' hunting experience; and

(iii) a written recommendation from a registered guide-outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the person as a class-A assistant guide; or

(C) provides evidence that the person

(i) physically resides in the game management unit

in which the person is to be employed;

(ii) has at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; and

(iii) has passed a class-A assistant guide training course approved by the board.

(b) A class-A assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by and under the supervision of a registered guide-outfitter [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 provide [CONDUCT] guide services [ACTIVITIES] from the camp without the contracting registered guide-outfitter [GUIDE] being in the field and participating in the contracted hunt if the contracting registered guide-outfitter [GUIDE] is supervising the guiding activities;

(4) may not perform functions of a class-A assistant guide outside of
the game management unit for which the license is issued; and

(5) may be employed by a registered guide-outfitter [GUIDE] to
perform the functions of an assistant guide in any game management unit.

* Sec. 10. AS 08.54.630 is amended to read:

Sec. 08.54.630. Assistant guide license. (a) A natural person is entitled to an
assistant guide license if the person

(1) is 18 years of age or older;

(2) has legally hunted big game in the state during two calendar years;

(3) possesses a first aid card issued by the Red Cross or a similar
organization;

(4) either

(A) obtains a written recommendation from a registered guide-
outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW
ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST
WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the
person as an assistant guide; or

(B) provides evidence that the person passed an assistant
guide training course approved by the board; and

(5) applies for an assistant guide license on a form provided by the
department and pays the license application fee and the license fee.

(b) An assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by a registered guide-outfitter [GUIDE] and
under the supervision of a registered guide-outfitter [GUIDE] or class-A assistant
guide while the assistant guide is in the field on guided hunts; and

(3) may not take charge of a camp or provide [CONDUCT] guide
services [ACTIVITIES] unless the contracting registered guide-outfitter [GUIDE] is
in the field and participating in the contracted hunt or a registered guide-outfitter
[GUIDE] or class-A assistant guide employed by the contracting guide is physically
present and supervising the hunt.

* Sec. 11. AS 08.54.640(a) is amended to read:
(a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered **guide-outfitter** [GUIDE] license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

* Sec. 12. **AS 08.54.640(b) is amended to read:**

(b) A registered **guide-outfitter** [GUIDE] license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license renewal fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the person's license lapses and the person is eligible for reissuance of the license only as provided in AS 08.54.670. The **board** [DEPARTMENT] may adopt regulations to implement this subsection.

* Sec. 13. **AS 08.54.650(c) is amended to read:**

(c) A transporter shall provide an annual activity report on a form provided by the department. An activity report must contain **all** information required by the **board** [DEPARTMENT] by regulation.

* Sec. 14. **AS 08.54.660 is amended to read:**
Sec. 08.54.660. Renewal of guide and transporter licenses. (a) An applicant for renewal of a registered guide-outfitter [GUIDE], class-A assistant guide, assistant guide, or transporter license shall submit

(1) a request for renewal of the license on a form provided by the department; and

(2) the appropriate license fee for the next licensing period.

(b) The department may not renew a registered guide-outfitter [GUIDE] license under this section unless all fees have been paid in full and the registered guide-outfitter has signed an affidavit that all hunt records due during the term of the current license have been filed with the department.

(c) The department may not renew a transporter license unless all fees have been paid in full and the transporter has signed an affidavit that all activity reports due during the term of the current license have been filed with the department.

* Sec. 15. AS 08.54.670 is amended to read:

Sec. 08.54.670. Failure to renew. The department may not issue a license to a person who held a registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license and who has failed to renew the license under this chapter for four consecutive years unless the person again meets the qualifications for initial issuance of the license.

* Sec. 16. AS 08.54.680(b) is amended to read:

(b) If a registered guide-outfitter [GUIDE], class-A assistant guide, or [AN] assistant guide personally pilots an aircraft to transport clients during the provision of big game hunting services, the registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500 hours of flying time in the state.

* Sec. 17. AS 08.54.680 is amended by adding a new subsection to read:

(c) On or after January 1, 2006, a registered guide-outfitter may not provide big game hunting services and a transporter may not provide transportation services unless the registered guide-outfitter or transporter has entered into a written contract with the client for the provision of those services. A contract to provide big game hunting services must include at least the following information: the name and guide
license number of the registered guide-outfitter, the name of the client, a listing of the
big game to be hunted, the approximate time and dates that the client will be in the
field, a statement as to what transportation is provided by the registered guide-
outfitter, a statement as to whether accommodations and meals in the field are
provided by the registered guide-outfitter, and a statement of the amount to be paid for
the big game hunting services provided. A contract to provide transportation services
must include at least the following information: the name and transporter license
number of the transporter, the name of the client, a listing of the big game to be
hunted, the approximate time and dates that the client will be in the field, and a
statement of the amount to be paid for the transportation services provided. A
registered guide-outfitter or transporter shall provide a copy of contracts to provide big
game hunting services or transportation services, as appropriate, to the department
upon the request of the department. Except as necessary for disciplinary proceedings
conducted by the board and as necessary for law enforcement purposes by the
Department of Public Safety and the Department of Law, a copy of a contract
provided to the department is confidential. The department may provide a copy of
contracts in the possession of the department to the Department of Fish and Game or
the Department of Natural Resources upon the request of that department if the
department receiving the copy agrees to maintain the confidentiality of the contracts.

* Sec. 18. AS 08.54.710(a) is amended to read:

(a) The board [DEPARTMENT] may impose a disciplinary sanction in a
timely manner under (c) of this section if the board [DEPARTMENT] finds, after a
hearing, that a licensee

(1) is convicted of a violation of any [A] state or federal statute or
regulation relating to hunting or to provision of big game hunting services or
transportation services; [OR]

(2) has failed to file records or reports required under this chapter;

(3) has negligently misrepresented or omitted a material fact on an
application for any class of guide license or a transporter license; or

(4) has breached a contract to provide big game hunting services
or transportation services to a client.
* Sec. 19. AS 08.54.710(b) is amended to read:

(b) The board [DEPARTMENT] may impose a disciplinary sanction in a timely manner under (c)(3) - (7) of this section if the board [DEPARTMENT] finds, after a hearing, that a licensee has acted unethically as a registered guide-outfitter [GUIDE], class-A assistant guide, assistant guide, or transporter.

* Sec. 20. AS 08.54.710(c) is amended to read:

(c) The board [DEPARTMENT] may impose the following disciplinary sanctions, singly or in combination:

1. permanently revoke a license;
2. suspend a license for a specified period;
3. censure or reprimand a licensee;
4. impose limitations or conditions on the professional practice of a licensee;
5. impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
6. impose probation requiring a licensee to report regularly to the board [DEPARTMENT] on matters related to the grounds for probation;
7. impose a civil fine not to exceed $5,000 [$1,000].

* Sec. 21. AS 08.54.710(d) is amended to read:

(d) The board [DEPARTMENT] shall permanently revoke a transporter license or any class of guide license if the board [DEPARTMENT] finds after a hearing that the license was obtained through fraud, deceit, or misrepresentation.

* Sec. 22. AS 08.54.710(e) is amended to read:

(e) The board [DEPARTMENT] shall suspend or permanently revoke a transporter license or any class of guide license without a hearing if the court orders the board [DEPARTMENT] to suspend or permanently revoke the license as a penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the board [DEPARTMENT] suspends or permanently revokes a license under this subsection, the board [DEPARTMENT] may not also impose an administrative disciplinary
sanction of suspension or permanent revocation of the same license for the same
offense for which the court ordered the suspension or permanent revocation under
AS 08.54.720.

* Sec. 23. AS 08.54.710(h) is amended to read:
(h) If the board [DEPARTMENT] revokes a license under this section, the
person whose license has been revoked shall immediately surrender the license to the
department.

* Sec. 24. AS 08.54.710(i) is amended to read:
(i) The board [DEPARTMENT] may summarily suspend a licensee from
practice of the profession under this chapter, for a period of not more than 30 days,
before a final hearing is held or during an appeal if the board [DEPARTMENT] finds
that the licensee poses a clear and immediate danger to the public health and safety. A
person is entitled to a hearing before the board [DEPARTMENT] to appeal the
summary suspension within seven days after the order of suspension is issued. A
person may appeal an adverse decision of the board [DEPARTMENT] on an appeal
of summary suspension to a court of competent jurisdiction.

* Sec. 25. AS 08.54.720(a) is amended to read:
(a) It is unlawful for a

(1) person who is licensed under this chapter to knowingly fail to
promptly report, unless a reasonable means of communication is not reasonably
available, to the Department of Public Safety, [DIVISION OF FISH AND
WILDLIFE PROTECTION.] and in no event later than 20 days, a violation of a state
or federal wildlife or game, guiding, or transportation services statute or regulation
that the person reasonably believes was committed by a client or an employee of the
person;

(2) person who is licensed under this chapter to intentionally obstruct
or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who
is not a client of the person;

(3) class-A assistant guide or an assistant guide to knowingly guide a
big game hunt except while employed and supervised by a registered guide-outfitter
[GUIDE];
(4) person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land without prior authorization during the course of providing big game hunting services or transportation services;

(5) registered guide-outfitter [GUIDE] to knowingly engage in providing big game hunting services outside of

(A) a game management unit for which the registered guide-outfitter [GUIDE] is certified; or

(B) a use area for which the registered guide-outfitter [GUIDE] is registered under AS 08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;

(6) person to knowingly guide without having a current registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license and a valid Alaska hunting license in actual possession;

(7) registered guide-outfitter [GUIDE] to knowingly fail to comply with AS 08.54.610(e);

(8) person who is licensed under this chapter to knowingly

(A) commit or aid in the commission of a violation of this chapter, a regulation adopted under this chapter, or a state or federal wildlife or game statute or regulation; or

(B) permit the commission of a violation of this chapter, a regulation adopted under this chapter, or a state or federal wildlife or game statute or regulation that the person knows or reasonably believes is being or will be committed without

(i) attempting to prevent it, short of using force; and

(ii) reporting the violation;

(9) person without a current registered guide-outfitter [GUIDE] license to knowingly guide, advertise as a registered guide-outfitter [GUIDE], or represent to be a registered guide-outfitter [GUIDE];

(10) person without a current master guide-outfitter [GUIDE] license to knowingly advertise as, or represent to be, a master guide-outfitter [GUIDE];
(11) person without a current registered guide-outfitter [GUIDE] license to knowingly outfit a big game hunt, provide outfitting services, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

(12) person to knowingly provide transportation services to big game hunters without holding a current registered guide-outfitter [GUIDE] license or transporter license;

(13) person without a current transporter license to knowingly advertise as, or represent to be, a transporter;

(14) class-A assistant guide or an assistant guide to knowingly contract to guide or outfit a hunt;

(15) person licensed under this chapter to knowingly violate a state statute or regulation prohibiting waste of a wild food animal or hunting on the same day airborne;

(16) person to knowingly provide big game hunting services [SERVICE] or transportation services during the period for which the person's license to provide that service is suspended or revoked;

(17) registered guide-outfitter [GUIDE], except in the defense of life or property, to knowingly personally take

(A) big game while accompanying a client in the field; or

(B) a species of big game if the registered guide-outfitter [GUIDE] is under contract with a client to provide a guided hunt for that species of big game and the client is in the field;

(18) person who is licensed as a registered guide-outfitter [GUIDE], a class-A assistant guide, or an assistant guide, except in the defense of life or property, to knowingly personally take big game while a client of the registered guide-outfitter [GUIDE] by whom the person is employed is in the field unless the person is not participating in, supporting, or otherwise assisting in providing big game hunting services to a client of the registered guide-outfitter [GUIDE] by whom the person is employed; or

(19) person who is licensed as a transporter, or who provides transportation services under a transporter license, to knowingly accompany or remain
in the field with a big game hunter who is a client of the person except as necessary to
perform the specific duties of embarking or disembarking big game hunters, their
equipment, or big game animals harvested by hunters; this paragraph does not apply to
a person who holds both a transporter license and a registered guide-outfitter [ANY
CLASS OF GUIDE] license issued under this chapter when the person has a
contract to provide guiding services for the client.

* Sec. 26. AS 08.54.720(f) is amended to read:

(f) In addition to the penalties set out in (b) - (e) of this section and a
disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the board [DEPARTMENT] to suspend the
guide license or transporter license of a person who commits a misdemeanor offense
set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period
of not more than three years;

(2) the court shall order the board [DEPARTMENT] to suspend the
guide license or transporter license of a person who commits a misdemeanor offense
set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one
year and not more than five years;

(3) the court shall order the board [DEPARTMENT] to suspend the
guide license or transporter license for a specified period of not less than three years,
or to permanently revoke the guide license or transporter license, of a person who
commits an offense set out in (a)(15) or (16) of this section; and

(4) 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 (a) of this section may be seized by persons authorized to enforce this
chapter and may be forfeited to the state as provided under AS 16.05.195.

* Sec. 27. AS 08.54.730 is amended to read:

Sec. 08.54.730. Injunction against unlawful action. When in the judgment
of the board [DEPARTMENT], a person has engaged in an act in violation of
AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
regulations adopted under these statutes, the board [DEPARTMENT] may apply to
the appropriate court for an order enjoining the action. Upon a showing by the board
[DEPARTMENT] that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

* Sec. 28. AS 08.54.740 is amended to read:

Sec. 08.54.740. Responsibility of guide or transporter for violations. (a) A registered guide-outfitter [GUIDE] who contracts to guide or outfit a big game hunt is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife or game or [..] guiding [, OR TRANSPORTATION SERVICES] statute or regulation committed by a person while in the course of the person's employment for the registered guide-outfitter [GUIDE].

(b) A transporter who provides transportation services is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife or game, guiding, or transportation services statute or regulation committed by a person while in the course of the person's employment for the transporter.

* Sec. 29. AS 08.54.750 is amended to read:

Sec. 08.54.750. Use area registration. (a) At least 30 days before conducting big game hunting services within a guide use area, a registered guide-outfitter [GUIDE] shall inform the department, in person or by registered mail on a registration form provided by the department, that the guide-outfitter [GUIDE] will be conducting big game hunting services in the use area. A registered guide-outfitter may not withdraw or amend a guide use area registration during the calendar year in which the registration was submitted to the department.

(b) A registered guide-outfitter [GUIDE] may not register for, or conduct big game hunting services in,

(1) more than three guide use areas during a calendar year; or

(2) a guide use area that is outside of a game management unit for which the registered guide-outfitter [GUIDE] is certified under AS 08.54.600.

(c) Notwithstanding (a) and (b) of this section, a registered guide-outfitter [GUIDE] may register to conduct big game hunting services within a guide use area at any time before beginning operations in the guide use area and may conduct big game hunting services in a guide use area, or for a big game species in a guide use area, that is not one of the three guide use areas for which the registered guide-outfitter
[GUIDE] has registered under (b) of this section if the Department of Fish and Game has determined by regulation that it is in the public interest to suspend the registration requirements for that guide use area or for all guide use areas in a game management unit or game management subunit for a big game species within those guide use areas.

(d) Notwithstanding (b) of this section, a registered guide-outfitter [GUIDE] who is registered in three guide use areas may also register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area in which the registered guide-outfitter [GUIDE] is already registered if the board [DEPARTMENT] finds that the portion of the adjacent guide use area for which the registered guide-outfitter [GUIDE] is seeking to be registered would otherwise remain unused by a registered guide-outfitter [GUIDE] because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.

(e) In this section, "guide use area" means a geographic area of the state identified as a guide-outfitter use area by the former Big Game Commercial Services Board established under former AS 08.54.300 and described on a set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as the board considers necessary.

* Sec. 30. AS 08.54.750 is amended by adding new subsections to read:

(f) Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or portion of the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide-outfitter may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or
reduction of productivity of a big game prey population.

(g) At least 60 days before providing transportation services to, from, or in an area as may be determined by the board, a transporter shall inform the department, in person or by registered mail on a registration form provided by the department, that the transporter will be providing transportation services to, from, or in the use area. The board may establish transporter use areas and adopt regulations to implement this subsection as the board considers necessary.

* Sec. 31. AS 08.54.760 is amended to read:

Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity reports. (a) The department shall collect and maintain hunt records provided by a registered guide-outfitter [GUIDE]. A registered guide-outfitter [GUIDE] shall submit to the department a hunt record for each contracted hunt within 60 [30] days after the completion of the hunt. A hunt record must include a list of all big game hunters who used the guiding or outfitting services of the registered guide-outfitter [GUIDE], the number of each big game species taken, and other information required by the board [DEPARTMENT]. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records received under this section, and activity reports received under AS 08.54.650, available to state agencies, federal law enforcement agencies, and other law enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES AND REGULATIONS RELATING TO GUIDING, OUTFITTING, TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT PURPOSES]. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 40.25.110 - 40.25.125.

* Sec. 32. AS 08.54.760 is amended by adding a new subsection to read:

(c) Forms, records, and reports required under this chapter may be distributed, received, and stored electronically.
* Sec. 33. AS 08.54.770 is amended to read:

Sec. 08.54.770. License and examination fees. (a) The department shall set fees under AS 08.01.065 for each of the following:

(1) registered guide-outfitter [GUIDE] license;
(2) class-A assistant guide license;
(3) assistant guide license;
(4) transporter license;
(5) license application fee.

(b) The license fee for the registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting license issued by the Department of Fish and Game under AS 16.05.340.

(c) An applicant for a qualifying examination for a registered guide-outfitter [GUIDE] license shall pay a fee established by regulations adopted under AS 08.01.065.

(d) The fee for the transporter license must be equal to the fee for the registered guide-outfitter [GUIDE] license.

(e) The amount of the license fee for a nonresident shall be two times the amount of the license fee for a resident.

* Sec. 34. AS 08.54.790 is amended to read:

Sec. 08.54.790. Definitions. In this chapter,

(1) "big game" means brown bear, grizzly bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

(2) "big game hunting service" means a service for which the provider of the service must obtain a registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license; "big game hunting service" includes guiding services and outfitting services;

(3) "board" means the Big Game Commercial Services Board;

(4) "compensation" means payment for services including wages or other remuneration but not including reimbursement for actual expenses incurred;
"department" means the Department of Commerce, Community, and Economic Development;

"field" means an area outside of established year-round dwellings, businesses, or other developments [USUALLY] associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports;

"game management unit" means one of the 26 geographic areas defined by the Board of Game for game management purposes;

"guide" means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes

(A) contracting to guide or outfit big game hunts;

(B) stalking, pursuing, tracking, killing, or attempting to kill big game;

(C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;

(D) field preparation of trophies, including skinning and caping;

(E) selling, leasing, or renting goods when the transaction occurs in the field;

(F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and

(G) providing camping or hunting equipment or supplies that [WHICH] are already located in the field;

"outfit" means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;
"transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not

(i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or

(ii) advertise transportation services or big game hunting services to the public; in this sub-subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

* Sec. 35. AS 16.05.407(a) is amended to read:

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

(1) a person who is licensed as

(A) a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] under AS 08.54 and who is providing big game hunting services to the nonresident under a contract with the nonresident; or

(B) a class-A assistant guide or an assistant guide under
AS 08.54 and who is employed by a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] who has a contract to provide big game hunting services to the nonresident; or

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

(A) the spouse of the nonresident; or

(B) related to the nonresident, within and including the second degree of kindred, by marriage or blood.

* Sec. 36. AS 16.05.407(f) is amended to read:

(f) An applicant for a nonresident hunt permit for the taking of an animal specified in (a) of this section shall, if requested by the department, first furnish to the department proof of prior authorization to use federal, state, or private land where the permit hunt will occur. The authorization shall be provided to the applicant by the registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom the applicant has contracted to guide the permit hunt.

* Sec. 37. AS 16.05.408(a) is amended to read:

(a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take a big game animal as defined by the Board of Game unless personally accompanied by

(1) a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the nonresident alien under a contract with the nonresident alien; or

(2) a class-A assistant guide or an assistant guide licensed under AS 08.54 who is employed by a registered guide-outfitter [GUIDE] or a master guide-outfitter [GUIDE] who has a contract to provide big game hunting services to the nonresident alien.

* Sec. 38. AS 16.05.408(c) is amended to read:

(c) Before obtaining a nonresident hunt permit for the taking of an animal specified in (a) of this section, a nonresident alien shall, if requested by the department, first furnish to the department proof of prior authorization to use federal or private land where the permit hunt will occur. The authorization shall be provided to the nonresident alien by the registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom the nonresident alien has contracted to guide the permit hunt.
*Sec. 39.* AS 23.10.055 is amended to read:

**Sec. 23.10.055. Exemptions.** The provisions of AS 23.10.050 - 23.10.150 do not apply to

1. an individual employed in agriculture, which includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with the farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market;

2. an individual employed in the catching, trapping, cultivating or farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

3. an individual employed in the hand picking of shrimp;

4. an individual employed in domestic service, including a babysitter, in or about a private home;

5. an individual engaged by the United States or by the state or political subdivision of the state, except as provided in AS 23.10.065(b), including prisoners not on furlough detained or confined in prison facilities;

6. an individual engaged in the nonprofit activities of a nonprofit religious, charitable, cemetery, or educational organization or other nonprofit organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization are on a voluntary basis and are related only to the organization's nonprofit activities; for purposes of this paragraph, "nonprofit activities" means activities for which the nonprofit organization does not incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

7. an employee engaged in the delivery of newspapers to the consumer;

8. an individual employed solely as a watchman or caretaker of a
plant or property that is not in productive use for a period of four months or more;

(9) an individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of an outside salesman or a salesman who is employed on a straight commission basis;

(10) an individual employed in the search for placer or hard rock minerals;

(11) an individual under 18 years of age employed on a part-time basis not more than 30 hours in a week;

(12) employment by a nonprofit educational or child care facility to serve as a parent of children while the children are in residence at the facility if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than

(A) $10,000 for an unmarried person; or

(B) $15,000 for a married couple;

(13) an individual who drives a taxicab, is compensated for taxicab services exclusively by customers of the service, whose written contractual arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch services are based upon flat contractual rates and not based on a percentage share of the individual's receipts from customers, and whose written contract with owners of taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances;

(14) a person who holds a license under AS 08.54 and who is employed by a registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is employed by the registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] during a calendar year;

(15) an individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska
temporary assistance program);

(16) an individual who

(A) provides emergency medical services only on a voluntary basis;

(B) serves with a full-time fire department only on a voluntary basis; or

(C) provides ski patrol services on a voluntary basis; or

(17) a student participating in a University of Alaska practicum described under AS 14.40.065.

* Sec. 40. AS 39.50.200(b) is amended by adding a new paragraph to read:

(58) Big Game Commercial Services Board (AS 08.54.591).

* Sec. 41. AS 41.23.420(d) is amended to read:

(d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the Big Game Commercial Services Board [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] under AS 08.54, AS 16, or AS 41.99.010;

(2) the Department of Environmental Conservation under AS 46.03; or

(3) state agencies and municipalities under AS 46.39.010 and AS 46.40.100.

* Sec. 42. AS 44.62.330(a)(21) is amended to read:

(21) Big Game Commercial Services Board [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT UNDER AS 08.54 AS TO LICENSING AND RELATED FUNCTIONS FOR BIG GAME GUIDES AND TRANSPORTERS];

* Sec. 43. The uncodified law of the State of Alaska is amended by adding a new section to read:

INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board shall be appointed by the governor to terms as follows: two members serve for one year,
members serve for two years, two members serve for three years, and three members serve for four years.

(b) The governor shall appoint the initial members of the Big Game Commercial Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before December 1, 2005.

(c) The governor shall appoint persons who are active, licensed registered guides at the time of appointment to fill the initial registered guide-outfitter positions on the Big Game Commercial Services Board.

* Sec. 44. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: LICENSES. (a) Notwithstanding AS 08.54.610(a), as amended by sec. 8 of this Act, a person who holds a registered guide license in good standing on the day before the first meeting of the Big Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act, and may renew the license as a registered guide-outfitter license under AS 08.54.660, as amended by sec. 14 of this Act.

(b) Notwithstanding AS 08.54.610(b), as amended by sec. 8 of this Act, a person who holds a master guide license in good standing on the day before the first meeting of the Big Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a master guide-outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act, and may renew the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 14 of this Act.

* Sec. 45. The uncodified law of the State of Alaska is amended by adding a new section to read:

SAVING CLAUSE. Litigation, hearings, investigations, and other proceedings pending under a law amended or repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations adopted under authority of a law amended or repealed by this Act remain in effect for the term
 adopted or until repealed or otherwise amended under the provisions of this Act.

* Sec. 46. Sections 3, 17, and 43 - 45 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 47. Except as provided in sec. 46 of this Act, this Act takes effect on the day on which the Big Game Commercial Services Board convenes its first meeting. The commissioner of commerce, community, and economic development shall inform the revisor of statutes and the lieutenant governor of the date on which the Big Game Commercial Services Board convenes its first meeting.