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Bullard  
1/19/12

**CS FOR SENATE BILL NO. 24( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR MCGUIRE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing the Sport Fishing Guide Services Board and licensing**  
2 **requirements for sport fishing guides, sport fishing outfitters, sport fishing assistant**  
3 **guides, and sport fishing transporters; making conforming amendments; allowing the**  
4 **Department of Fish and Game to collect information on guiding services; and providing**  
5 **for an effective date."**

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

7 **\* Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
8 to read:

9 **LEGISLATIVE PURPOSE AND INTENT.** (a) The purpose of this Act is to promote  
10 the health, safety, and welfare of the guided fish angler and the stability of the sport fish guide  
11 industry in the state by regulating the activities of providers of sport fishing guide, outfitter,  
12 and transportation services.

13 (b) It is the intent of the legislature that funding for the establishment of an electronic

1 system to store forms, records, and reports as required by AS 16.05.396(f), added by sec. 6 of  
2 this Act, be appropriated from the general fund.

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

4 (39) Sport Fishing Guide Services Board (AS 08.57.010).

5 \* **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

6 (22) Sport Fishing Guide Services Board (AS 08.57.010) - June 30,  
7 2018.

8 \* **Sec. 4.** AS 08 is amended by adding a new chapter to read:

9 **Chapter 57. Sport Fishing Guides and Related Occupations.**

10 **Article 1. Sport Fishing Guides, Outfitters, Assistant Guides, and Transporters.**

11 **Sec. 08.57.010. Creation and membership of board.** (a) For the purposes of  
12 licensing and regulating the activities of providers of sport fishing guide, sport fishing  
13 outfitter, sport fishing assistant guide and sport fishing transportation services to  
14 persons engaging in sport fishing in the interest of the state's fisheries resources, the  
15 Sport Fishing Guide Services Board is created. For administrative purposes, the board  
16 is in the Department of Commerce, Community, and Economic Development.

17 (b) The board consists of nine members appointed by the governor and subject  
18 to confirmation by the legislature as follows:

19 (1) five members who are currently licensed sport fishing guides or  
20 sport fishing outfitters under this chapter, at least three of whom are currently licensed  
21 sport fishing guides; the five members must include

22 (A) both salt water and fresh water sport fishing guides or sport  
23 fishing outfitters; and

24 (B) at least one person employed as a sport fishing guide or a  
25 sport fishing outfitter in the Interior region of the state; at least one person  
26 employed as a sport fishing guide or a sport fishing outfitter in the Southcentral  
27 region of the state; and at least one person employed as a sport fishing guide or  
28 a sport fishing outfitter in the Southeast region of the state;

29 (2) one member who is a currently licensed sport fishing transporter  
30 under this chapter;

31 (3) one member of the Board of Fisheries;

(4) two public members who

(A) are familiar with the Alaska sport fishing industry;

(B) do not hold a current license issued under this chapter or a current commercial fishing license or permit issued under AS 16;

(C) have not held a commercial fishing license or permit under AS 16; and

(D) are familiar with concerns of private landowners and access issues related to sport fishing activities under this chapter.

(c) The board members serve staggered three-year terms.

(d) Members of the board do not receive compensation, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

**Sec. 08.57.020. 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 sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transportation services.

**Sec. 08.57.030. Duties and powers of board.** (a) The board shall

(1) prepare and grade a qualification examination for a sport fishing guide license that requires demonstration that the applicant is qualified generally to provide sport fishing guide and sport fishing outfitter services, and, in particular, possesses knowledge of fishing and sport fishing laws and regulations;

(2) authorize the issuance of a sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license if the applicant for the license satisfies the requirements for the license;

(3) impose appropriate disciplinary sanctions on a licensee under this chapter;

(4) require an applicant for issuance or renewal of any class of license issued under this chapter to state in a written and signed document whether the applicant's right to obtain, or exercise the privileges granted by, a sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license is revoked or suspended in this state or another state or in Canada or Mexico;

(5) regularly disseminate information regarding examinations and

other qualifications for all classes of licenses described in this chapter;

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

(7) provide for administration of examinations for sport fishing guide licenses at least twice a year;

(8) meet at least twice annually;

(9) report to the governor and the legislature on the economic effect of sport fishing on the state's economy and make recommendations to mitigate constraints, including those of the government, on sport fishing and the sport fishing industry; and

(10) during the first 10 days of the regular legislative session, make an annual report of the board's recommendations to the governor and notify the legislature that the report is available.

(b) The board may adopt regulations as the board considers appropriate to

(1) establish a code of ethics for professions regulated by the board; and

(2) authorize the department to obtain from the Department of Fish and Game a copy of a sport fishing guide's logbooks and other information that is required by AS 16.05.396.

(c) Notwithstanding AS 16.05.020, 16.05.251, and 16.05.258, a regulation that limits entry to sport fishing guides must be approved by the board before it goes into effect.

(d) An examination prepared by the board under (a)(1) of this section must, in a manner accessible to the public, be offered electronically. An applicant who fails an examination may immediately retake the examination on payment of a fee established under AS 08.57.240.

## **Article 2. Licensing and Certification.**

**Sec. 08.57.100. Eligibility for licenses.** Notwithstanding AS 08.57.110 - 08.57.150, a person may not receive or renew a sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license if the person's right to obtain or exercise the privileges granted by a sport fishing guide,

1 sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license  
2 or registration is suspended or revoked in this state or another state or in Canada or  
3 Mexico.

4 **Sec. 08.57.110. Sport fishing guide license.** (a) On and after January 1, 2014,  
5 the department shall issue an annual sport fishing guide license to a natural person if  
6 the person

7 (1) is 18 years of age or older;

8 (2) is a citizen of the United States, Canada, or Mexico, or is a resident  
9 alien;

10 (3) is certified in first aid and cardiopulmonary resuscitation by the  
11 American Red Cross or a similar organization;

12 (4) holds a license to carry passengers for hire issued by the United  
13 States Coast Guard if, in the provision of sport fishing guide services, the person  
14 operates a vessel and the license is required by the United States Coast Guard for the  
15 area in which the sport fishing guide provides sport fishing guide services;

16 (5) holds a current sport fishing license from this state;

17 (6) has passed a qualification examination approved by the board for a  
18 sport fishing guide license;

19 (7) has applied for a sport fishing guide license on a form provided by  
20 the department and paid the license application fee and the sport fishing guide license  
21 fee.

22 (b) A person may not provide sport fishing guide services unless the person  
23 holds a current sport fishing guide license.

24 (c) A sport fishing guide may guide and outfit sport fishing activities and may  
25 provide transportation services, personally or through a sport fishing assistant guide, to  
26 clients of the sport fishing guide.

27 (d) A sport fishing guide may

28 (1) directly provide sport fishing guide services to clients; or

29 (2) supervise or employ an assistant guide who provides sport fishing  
30 assistant guide services to clients.

31 (e) While engaged in providing sport fishing guide services, a sport fishing

guide shall have the following documents readily available for inspection on request of a representative of the Department of Fish and Game or a peace officer of the state:

- (1) a current sport fishing guide license;
- (2) the current licenses, tags, permits, and reporting forms that are required to engage in the sport fishery for which the sport fishing guide services are being provided;
- (3) a driver's license or similar identification card that is issued by a state or federal agency and that bears a photograph of the sport fishing guide.

(f) A master sport fishing guide license authorizes a sport fishing guide to use the title master sport fishing guide, but is, for all other purposes under this chapter, a sport fishing guide license. The department shall issue an annual, renewable master sport fishing guide license to a natural person if the person

(1) is, at the time of application for a master sport fishing guide license, currently licensed as a sport fishing guide under this section;

(2) provides an affidavit certifying that the person has operated in the state as a sport fishing guide for at least 12 of the last 15 years, including the year immediately preceding the year in which the person applies for a master sport fishing guide license;

(3) submits 10 letters from clients for whom the person has personally provided sport fishing guiding services that give the sport fishing guide favorable evaluations; and

(4) applies for a master sport fishing guide license on a form provided by the department and pays the application fee, if any.

**Sec. 08.57.120. Sport fishing outfitter license.** (a) On and after January 1, 2014, the department shall issue an annual sport fishing outfitter license to a natural person if the person

- (1) is 18 years of age or older;
- (2) is a citizen of the United States, Canada, or Mexico, or is a resident alien;
- (3) is certified in first aid and cardiopulmonary resuscitation by the American Red Cross or a similar organization;

(4) holds a current sport fishing license from this state; and

(5) has applied for a sport fishing outfitter license on a form provided by the department and paid the license application fee and the sport fishing outfitter license fee.

(b) A person may not provide sport fishing outfitter services unless the person holds a current sport fishing guide or sport fishing outfitter license.

(c) A person holding a sport fishing outfitter license may not provide sport fishing guide services or transportation services, personally or through a sport fishing assistant guide, unless the person also holds a sport fishing guide license.

(d) A person holding a sport fishing outfitter license may not be physically present with the client during any portion of the sport fishing activities unless the person also holds a sport fishing guide or sport fishing assistant guide license.

(e) A sport fishing outfitter shall provide an activity report on a form provided by the Department of Fish and Game, which must contain all information the Department of Fish and Game requires.

(f) While engaged in providing sport fishing outfitting services, a sport fishing outfitter shall have the following documents readily available for inspection on request of a representative of the Department of Fish and Game or a peace officer of the state:

(1) a current sport fishing outfitter license; and

(2) a driver's license or similar identification card that is issued by a state or federal agency and that bears a photograph of the sport fishing outfitter.

**Sec. 08.57.130. Sport fishing assistant guide license.** (a) On and after January 1, 2014, the department shall issue an annual sport fishing assistant guide license to a natural person if the person

(1) is 16 years of age or older;

(2) is a citizen of the United States, Canada, or Mexico, or is a resident alien;

(3) is certified in first aid and cardiopulmonary resuscitation by the American Red Cross or a similar organization;

(4) holds a license to carry passengers for hire issued by the United States Coast Guard if, in the provision of sport fishing guide services, the person

operates a vessel and the license is required by the United States Coast Guard for the area in which the sport fishing assistant guide provides sport fishing guide services;

(5) holds a current sport fishing license from this state;

(6) provides to the department a written employment agreement from a currently licensed sport fishing guide who employs or supervises the sport fishing assistant guide; and

(7) has applied for a sport fishing assistant guide license on a form provided by the department and pays the license application fee and the license fee.

(b) A person may not provide sport fishing assistant guide services unless the persons holds a current sport fishing assistant guide license.

(c) A sport fishing assistant guide may not participate in a guided sport fishing activity unless under the supervision or employ of a currently licensed sport fishing guide.

(d) While providing sport fishing assistant guide services, a sport fishing assistant guide shall have the following documents readily available for inspection on request of a representative of the Department of Fish and Game or a peace officer of the state:

(1) a current sport fishing assistant guide license;

(2) the current licenses, tags, permits, and reporting forms that are required to engage in the sport fishery for which the sport fishing assistant guide services are being provided;

(3) a driver's license or similar identification card that is issued by a state or federal agency and that bears a photograph of the sport fishing assistant guide; and

(4) proof of employment or supervision by a currently licensed sport fishing guide.

**Sec. 08.57.140. Sport fishing transporter license.** (a) On and after January 1, 2014, the department shall issue an annual sport fishing transporter license to a natural person if the person

(1) applies for a sport fishing transporter license on a form provided by the department; and



(2) pays the license application fee and the license fee.

(b) A person may not provide sport fishing transporter services and accommodations unless the person holds a current sport fishing transporter license.

(c) A sport fishing transporter

(1) may provide transportation services and accommodations to persons engaging in sport fishing in the field

(A) at a permanent lodge, house, or cabin owned by the transporter; or

(B) on a boat with permanent living quarters;

(2) may not provide sport fishing guide, sport fishing outfitter, or sport fishing assistant guide services without holding the appropriate licenses.

(d) While providing transportation services, a sport fishing transporter shall have the following documents readily available for inspection:

(1) a current sport fishing transporter license;

(2) a driver's license or similar identification card that is issued by a state or federal agency and that bears a photograph of the sport fishing transporter.

(e) In this section, "field"

(1) means an area outside of established year-round dwellings, businesses, or other developments associated with a city, town, or village;

(2) does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports.

**Sec. 08.57.150. Renewal of sport fishing guide, sport fishing outfitter, sport fishing assistant guide, and sport fishing transporter licenses.** (a) An applicant for renewal of a sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license shall submit

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

(2) an affidavit that all required logbooks and reports due during the term of the prior license have been filed as required; and

(3) the appropriate license fees for the next licensing period.

(b) The department may not renew a sport fishing guide, sport fishing

outfitter, sport fishing assistant guide, or sport fishing transporter license under this section unless

- (1) all fees have been paid in full; and
- (2) the applicant provides evidence of continued professional competence as required by the board.

**Sec. 08.57.160. Financial responsibility and other requirements for sport fishing guides, sport fishing outfitters, and sport fishing transporters.** The department shall require satisfactory proof of sport fishing guides, sport fishing outfitters, and sport fishing transporters of a general liability insurance policy or marine protection and indemnity insurance policy, covering the services provided by the person and the person's employees to clients engaged in sport fishing that provides coverage of at least \$100,000 for each incident, and \$300,000 for all incidents in a year. The person shall maintain the insurance required by this section for the duration of the license.

### **Article 3. Enforcement.**

**Sec. 08.57.200. Discipline of a sport fishing guide, sport fishing outfitter, sport fishing assistant guide, and sport fishing transporter.** (a) The board may impose a disciplinary sanction in a timely manner under (b) of this section and in accordance with AS 08.01.075 if the board finds that a licensee

(1) is convicted of a violation of a state or federal statute or regulation relating to sport fishing or to provision of sport fishing guide, sport fishing assistant guide, sport fishing outfitter, or sport fishing transportation services;

(2) has failed to file records or reports required by law;

(3) has negligently misrepresented or omitted a material fact on an application for any class of sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transporter license.

(b) The board 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 on matters related to the grounds for probation;

(7) impose a civil fine not to exceed \$5,000.

(c) If the board imposes a disciplinary sanction under (b) of this section, the board shall, as the board considers appropriate, notify the applicable state and federal agencies.

(d) The board shall permanently revoke a license issued under this chapter if the board finds, after a hearing, that the license was obtained through fraud, deceit, or misrepresentation.

(e) A certified copy of a judgment of conviction of a licensee for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the licensee under this section based on that conviction, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

(f) A person whose license is suspended or revoked under this section may not engage in the provision of sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transportation services during the period of license suspension or revocation.

(g) If the board revokes a license under this section, the person whose license has been revoked shall immediately surrender the license to the department.

(h) The board may, before a final hearing is held or during an appeal, summarily suspend a licensee from practice of a profession under this chapter for a period of not more than 30 days if the board 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 to appeal a summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of summary suspension to a court of competent jurisdiction.

**Sec. 08.57.210. Unlawful acts.** (a) It is unlawful for a

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

(2) sport fishing assistant guide knowingly to guide or outfit sport fishing activities except while employed and supervised by a sport fishing guide;

(3) person who is licensed under this chapter knowingly to enter or remain on private, state, or federal land unlawfully during the course of providing sport fishing guide, sport fishing outfitter, sport fishing assistant guide, or sport fishing transportation services;

(4) person who is licensed under this chapter to

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

(B) permit the licensee's client to commit a violation of a regulation adopted under this chapter or a state or federal sport fishing statute or regulation that the licensee knows or should know is being or will be committed without

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

(ii) promptly reporting the violation to the Department of Public Safety by the most expeditious reasonable means available;

(5) person without a current sport fishing guide license knowingly to guide or advertise as or represent to be a sport fishing guide;

(6) person without a current master sport fishing guide license knowingly to advertise as or represent to be a master sport fishing guide;

(7) person without a current sport fishing guide license or sport fishing outfitter license knowingly to outfit or advertise as or represent to be a sport fishing outfitter;

(8) person without a current sport fishing guide or sport fishing assistant guide license knowingly to provide sport fishing assistant guide services;

(9) person without a current sport fishing guide or transporter license

1 knowingly to provide sport fishing transportation services or advertise as or represent  
2 to be a sport fishing transporter;

3 (10) person knowingly to provide sport fishing guide, sport fishing  
4 assistant guide, sport fishing outfitter, or sport fishing transportation services during  
5 the period for which the person's license to provide that service is suspended or  
6 revoked;

7 (11) person who is licensed as a sport fishing transporter, or who  
8 provides transportation services under a transporter license, knowingly to accompany  
9 or direct a client of the person in sport fishing activities except as necessary to perform  
10 the specific duties of transporting, embarking, or disembarking a client or clients, the  
11 client's or clients' equipment, or fish harvested by the client or clients.

12 (b) Except as provided in (c) - (e) of this section, in addition to disciplinary  
13 sanctions imposed under AS 08.57.200, a person who commits an offense set out in  
14 (a) of this section, is guilty of a class A misdemeanor.

15 (c) A person licensed as a sport fishing guide but not as a master sport fishing  
16 guide who, without any culpable mental state, advertises as or represents to be a  
17 master sport fishing guide is guilty of a violation.

18 (d) In addition to disciplinary sanctions imposed under AS 08.57.200, a  
19 person who, without any culpable mental state, violates AS 08.57.110(e) is guilty of a  
20 violation.

21 (e) In addition to disciplinary sanctions imposed under AS 08.57.200, a person  
22 who knowingly violates AS 08.57.110(e) is, for a

23 (1) first offense in a three-year period, guilty of a violation; and

24 (2) second or subsequent offense in a three-year period, guilty of a  
25 class B misdemeanor.

26 (f) In addition to any other penalty provided by law, a court may revoke a  
27 license issued under this chapter of a person who is convicted under this chapter, and  
28 equipment may be seized and forfeited in accordance with AS 16.05.190 and  
29 16.05.195.

30 **Sec. 08.57.220. Responsibility of sport fishing guide, outfitter, or**  
31 **transporter for violations.** A sport fishing guide, sport fishing outfitter, or sport

fishing transporter is equally responsible

(1) under AS 08.57.200 for a violation of this chapter, a regulation adopted under this chapter, or a state or federal sport fishing statute or regulation, committed by a person while in the course of the person's employment with the sport fishing guide, sport fishing outfitter, or sport fishing transporter; or

(2) under AS 08.57.210 for a violation of this chapter, a regulation adopted under this chapter, or a state or federal sport fishing statute or regulation, committed by a person while in the course of the person's employment with the sport fishing guide, sport fishing outfitter, or sport fishing transporter if the sport fishing guide, sport fishing outfitter, or sport fishing transporter expressly or impliedly authorizes an unlawful act.

**Sec. 08.57.230. Sport fishing guide, outfitter, and transporter records.** (a)

A person who holds a sport fishing guide license issued under AS 08.57.110, a sport fishing outfitter license issued under AS 08.57.120, or a sport fishing transporter license issued under AS 08.57.140 shall comply with the reporting requirements of AS 16.05.396.

(b) A person who is required to complete a report under this section may not provide false information or omit material facts in a report.

(c) A person who is required to complete a report under this section may not be issued a license under AS 08.57.110 unless the Department of Fish and Game has received all reports required under AS 16.05.396 and this section.

**Sec. 08.57.240. License and examination fees.** (a) The department shall set fees under AS 08.01.065 for a

- (1) sport fishing guide license;
- (2) sport fishing outfitter license;
- (3) sport fishing assistant guide license;
- (4) sport fishing transporter license;
- (5) license application fee.

(b) In setting license fees, the department shall consider the cost of reporting and reimburse the Department of Fish and Game for costs associated with reporting.

(c) The license fee for the sport fishing guide, outfitter, or assistant guide

license is in addition to the fee required for a sport fishing license issued by the Department of Fish and Game under AS 16.05.340.

(d) An applicant for a qualifying examination for a sport fishing guide license shall pay a fee established by regulations adopted under AS 08.01.065.

(e) The fee for the sport fishing transporter license must be equal to the fee for the sport fishing guide.

(f) The amount of the license fee for a nonresident may not be less than two times the amount of the license fee for a resident and may be increased by the board by regulation.

#### **Article 4. General Provisions.**

##### **Sec. 08.57.490. Definitions.** In this chapter,

(1) "board" means the Sport Fishing Guide Services Board;

(2) "client" means a person who is a member of a fishing party that engages or uses a person to provide sport fishing guide services and who is not a licensed sport fishing guide or sport fishing assistant guide;

(3) "compensation"

(A) means direct or indirect payment, remuneration, or other benefits received in return for services, regardless of the source; in this subparagraph, "benefits" includes wages or other employment benefits given directly or indirectly to an individual or organization, and any dues, payments, fees, or other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services;

(B) does not include reimbursement for the actual daily expenses for fuel, food, or bait;

(4) "department" means the Department of Commerce, Community, and Economic Development;

(5) "fish" means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of the aquatic finfish, invertebrate, or amphibian;

(6) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by

hook and line held in the hand, or by hook and line with the line attached to a pole or rod that is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(7) "sport fishing guide services"

(A) means assistance, for compensation or with the intent to receive compensation, to a person to take or to attempt to take fish by accompanying or physically directing a person during sport fishing activities;

(B) does not include services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as the sport fishing guide or sport fishing assistant guide;

(8) "sport fishing outfitter services" means the provision, for compensation or with the intent to receive compensation, of vessels and sport fishing equipment to one or more persons who use them for sport fishing activities; in this paragraph, the provision of vessels and sport fishing equipment includes rentals, leases, or other exchanges where transfer of ownership does not occur and the vessel or sport fishing equipment is returned to the provider;

(9) "take" means taking, pursuing, fishing, or in any manner disturbing, capturing, or killing or attempting to take, pursue, fish, or in any manner capture or kill fish;

(10) "transportation services" means the carriage, for compensation or with the intent to receive compensation, of persons engaged in sport fishing, their equipment, or fish harvested to or from sport fishing activities and the advertising of these services; "transportation services" does not include the carriage by aircraft of persons engaged in sport fishing, their equipment, or fish harvested

(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 those persons, their equipment, or fish harvested is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to those persons 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 those persons, their equipment, or fish harvested;

(ii) advertise transportation services or sport fishing activities to the public; in this sub-subparagraph, "advertise" means soliciting persons seeking to engage in sport fishing to be customers of an air taxi operator or air carrier for the purpose of providing air transportation for sport fishing activities through the use of print or electronic media, including advertising at trade shows, or the use of sport fishing broker services or other promotional services;

(11) "vessel" means a floating craft, powered, towed, rowed, or otherwise propelled, that is used for delivering, landing, or taking fish within the jurisdiction of the state.

\* **Sec. 5.** AS 16.05.395 is amended to read:

**Sec. 16.05.395. Sport fishing vessel registration.** For calendar year 2005 and subsequent calendar years, a person may not use a vessel to provide sport fishing services under **AS 08.57** [AS 16.40.260 - 16.40.299] unless the vessel is registered with the department and proof of registration is attached to and clearly visible on the vessel while the vessel is used to provide sport fishing services. The department shall register vessels used to provide sport fishing services, and provide proof of registration, without charge. The department may adopt regulations as the department finds necessary to implement this section.

\* **Sec. 6.** AS 16.05 is amended by adding a new section to read:

**Sec. 16.05.396. Sport fishing guide, sport fishing outfitter, and sport fishing transporter records; confidentiality of records and activity reports.** (a) The department may collect information from sport fishing guides, including

- (1) the name and license number of each vessel that is used in providing sport fishing guide services;
- (2) the amount of fishing effort, catch, and harvest by clients of a sport fishing guide;
- (3) the locations fished during the provision of sport fishing guide services; and

(4) other information that the department requires by regulation.

(b) The department may collect information from sport fishing outfitters and transporters.

(c) Information collected under this section is confidential to the extent provided under AS 16.05.815 or AS 40.25.110.

(d) The department may adopt regulations under AS 44.62 (Administrative Procedure Act) that it considers necessary to implement this section.

(e) The department shall make sport fishing log books received under this section and activity reports received under AS 08.57.140 available for law enforcement purposes to state agencies, federal law enforcement agencies, and other law enforcement agencies on request.

(f) Forms, records, and reports required under this chapter shall be distributed, received, and stored electronically.

(g) A person who is required to provide information under this section may not provide false information or omit material facts in a report or other information provided under this section.

\* **Sec. 7.** AS 25.27.244(s)(2) is amended to read:

(2) "license"

(A) means, except as provided in (B) of this paragraph, a license, certificate, permit, registration, or other authorization that, at the time of issuance, will be valid for more than 150 days and that may be acquired from a state agency to perform an occupation, including the following:

(i) license relating to boxing or wrestling under AS 05.10;

(ii) authorization to perform an occupation regulated under AS 08;

(iii) teacher certificate under AS 14.20;

(iv) authorization under AS 18.08 to perform emergency medical services;

(v) asbestos worker certification under AS 18.31;

(vi) boiler operator's license under AS 18.60.395;

- (vii) certificate of fitness under AS 18.62;
- (viii) hazardous painting certification under AS 18.63;
- (ix) security guard license under AS 18.65.400 - 18.65.490;
- (x) license relating to insurance under AS 21.27;
- (xi) employment agency permit under AS 23.15.330 - 23.15.520;
- (xii) registration as a broker-dealer, an agent, a state investment adviser, or an investment adviser representative under AS 45.55.030;
- (xiii) certification as a pesticide applicator under AS 46.03.320;
- (xiv) certification as a storage tank worker or contractor under AS 46.03.375;
- (xv) certification as a water and wastewater works operator under AS 46.30;
- (xvi) commercial crewmember fishing license under AS 16.05.480 other than an entry permit or interim-use permit under AS 16.43;
- (xvii) fish transporter permit under AS 16.05.671;
- (xviii) sport fishing **guide license under AS 08.57.110** [OPERATOR LICENSE UNDER AS 16.40.260];
- (xix) sport fishing **outfitter** [GUIDE] license under **AS 08.57.120** [AS 16.40.270];
- (B) does not include
- (i) a vessel license issued under AS 16.05.490 or 16.05.530;
- (ii) [REPEALED
- (iii)] a business license issued under AS 43.70;
- (iii)** [(iv)] an entry permit or interim-use permit issued under AS 16.43; or

(iv) [(v)] a driver's license issued under AS 28.15;

\* **Sec. 8.** AS 41.21.506(b) is amended to read:

(b) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted under (a) of this section. The regulations must

(1) designate incompatible uses and prohibit or restrict them; and

(2) establish a registration, licensing, or comparable procedure for professional fishing guides and the [SUCH] additional fishing guide controls that [AS] the commissioner considers necessary; notwithstanding the requirements established by the commissioner to implement this paragraph, the commissioner shall establish a procedure by which the holder of a valid sport fishing guide [OPERATOR] license issued under AS 08.57.110 [AS 16.40.260] may petition for, and the director of the division of parks, or the director's designee, shall expeditiously issue, a waiver to allow the sport fishing guide [OPERATOR] license holder access to the [TO USE THE SERVICES IN THE] Kenai River Special Management Area for guide services even if the guide [OF A GUIDE LICENSED UNDER AS 16.40.270 WHO] has not completed the procedures and additional controls that are required by the department under this paragraph; the waiver authorized in this paragraph applies only for the duration of the sport fishing season during which the waiver application is submitted and only if the sport fishing operator license holder

(A) employing the licensed guide has lost the services of a licensed guide because of unforeseen circumstances; and

(B) is unable to hire as a replacement an available licensed guide who has satisfied all the requirements of this paragraph, including those required by regulation.

\* **Sec. 9.** Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch. 61, SLA 2009, sec. 1, ch. 48, SLA 2010, and sec. 1, ch. 13, SLA 2011, is amended to read:

Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290, 16.40.299 [; AS 25.27.244(s)(2)(A)(xviii), AND 25.27.244(s)(2)(A)(xix)] are repealed January 1, 2015 [2013].

\* **Sec. 10.** Sections 22 and 31, ch. 58, SLA 2010, are repealed.

1     \* **Sec. 11.** The uncoded law of the State of Alaska is amended by adding a new section to  
2 read:

3           INITIAL APPOINTMENT OF MEMBERS OF THE SPORT FISHING GUIDE  
4 SERVICES BOARD. (a) Notwithstanding AS 08.57.010(c), added by sec. 4 of this Act, and  
5 AS 39.05.055, the governor shall appoint the initial members of the Sport Fishing Guide  
6 Services Board to serve terms as follows and shall designate the terms to be served by each  
7 person appointed:

8                   (1) three members serve for one year;

9                   (2) three members serve for two years; and

10                  (3) three members serve for three years.

11           (b) Notwithstanding AS 08.57.010(b), the governor shall appoint persons who are  
12 active, licensed registered guides under AS 16.40.260 - 16.40.299 at the time of appointment  
13 to fill the initial registered guide positions on the Sport Fishing Guide Services Board.

14     \* **Sec. 12.** The uncoded law of the State of Alaska is amended by adding a new section to  
15 read:

16           APPLICATIONS. The Sport Fishing Guide Services Board shall

17                   (1) accept applications for sport fishing guide licenses, sport fishing outfitter  
18 licenses, sport fishing assistant guide licenses, and sport fishing transporter licenses, and be  
19 available to administer, not later than January 1, 2015, the required examination under  
20 AS 08.57.030(a)(1), as added by sec. 4 of this Act; and

21                   (2) issue, effective January 1, 2015, to those applicants under (1) of this  
22 section who satisfy all requirements for a particular license a valid sport fishing guide license,  
23 sport fishing outfitter license, sport fishing assistant guide license, or sport fishing transporter  
24 license.

25     \* **Sec. 13.** Section 32, ch. 58, SLA 2010, is repealed.

26     \* **Sec. 14.** Sections 1, 2, 3, 11, and 12, and AS 08.57.010, 08.57.020, 08.57.030(a)(1),  
27 08.57.030(a)(6), 08.57.030(a)(8), 08.57.030(b)(1), 08.57.240, and 08.57.490, as enacted by  
28 sec. 4 of this Act, take effect January 1, 2013.

29     \* **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2015.