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Bullard
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CS FOR SENATE BILL NO. 79()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Sport Fishing Guide Services Board and licensing
2 requirements for sport fishing guide-outfitters, sport fishing outfitters, sport fishing
3 assistant guides, and sport fishing transporters; making conforming amendments;
4 allowing the Department of Fish and Game to collect information on guiding services;
5 providing for an effective date by repealing the effective date of sec. 32, ch. 58, SLA
6 2010; and providing for an effective date."

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

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

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

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

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

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

4 (22) Sport Fishing Guide Services Board (AS 08.57.010) - June 30,

5 2019.

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

7 **Chapter 57. Sport Fishing Guide-outfitters and Related Occupations.**

8 **Article 1. Sport Fishing Guide-outfitters, Outfitters, Assistant Guides, and Transporters.**

9 **Sec. 08.57.010. Creation and membership of board.** (a) The Sport Fishing
10 Guide Services Board is created. For administrative purposes, the board is created in
11 the Department of Commerce, Community, and Economic Development.

12 (b) The board is appointed by the governor, subject to confirmation by the
13 legislature, and consists of nine members as follows:

14 (1) four members who are currently licensed sport fishing guide-
15 outfitters under this chapter; these members must include both salt water and fresh
16 water guide-outfitters;

17 (2) one member who is a currently licensed sport fishing outfitter
18 under this chapter;

19 (3) one member who is a currently licensed sport fishing transporter
20 under this chapter;

21 (4) one member of the Board of Fisheries;

22 (5) two public members who

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

24 (B) do not hold, or have not held, a license issued under this
25 chapter or a commercial fishing license issued under AS 16; and

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

28 (c) The governor shall appoint the members under (b) of this section to give
29 the board a reasonable geographic balance among regions of the state.

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

31 (e) 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. (a) 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-outfitter, outfitter, assistant guide, or transportation services.

(b) The board shall provide to the Department of Fish and Game the name and license number and license status of each person licensed under AS 08.57.

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

(1) prepare and grade

(A) a written qualification examination for a sport fishing guide-outfitter license and a written qualification examination for a sport fishing outfitter license that requires that the applicant demonstrate general qualifications appropriate to providing guide-outfitter or outfitter services and particular knowledge of fishing and sport fishing laws and regulations;

(B) a written certification examination for each guide use area in which the guide-outfitter or outfitter intends to provide services; the examination must require that the applicant demonstrate the qualifications appropriate to providing guide-outfitter or outfitter services in the guide use area for which the applicant seeks to be certified and, in particular, must require that the applicant demonstrate knowledge of the terrain, water, transportation problems, fish, and other characteristics of the guide use area; and

(C) an electronic version of the examinations under (A) and (B) of this paragraph that the board offers in a manner accessible to the public;

(2) determine whether an examination administered by another jurisdiction or licensing entity is substantially equivalent to a qualification examination prepared by the board under (a)(1) of this section and accept proof of an applicant for licensure's passing an equivalent examination as a substitute for passing a board qualification examination;

(3) authorize the issuance of a sport fishing guide-outfitter license, sport fishing outfitter license, sport fishing assistant guide license, or sport fishing

transporter license if the applicant for the license satisfies the requirements for the license;

(4) certify a guide-outfitter or outfitter to provide guide-outfitter or outfitter services in a guide use area for which the guide-outfitter or outfitter has passed an examination under (a)(1)(B) of this section;

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

(6) 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 guide-outfitter, outfitter, assistant guide, transporter, or comparable license is revoked or suspended in this state, another state, Canada, or Mexico;

(7) regularly disseminate information regarding examinations and other qualifications for all classes of licenses described in this chapter;

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

(9) administer examinations for guide-outfitter and outfitter licenses at least twice a year, both in person and electronically;

(10) meet at least twice annually;

(11) report to the governor and the legislature on the 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;

(12) 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; and

(13) maintain the confidentiality of information collected by the Department of Fish and Game and provided to the board under AS 16.05.396(c), unless the information is used by the board in a proceeding against a licensee under this chapter.

(b) 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 guide use areas and registration requirements for guide use areas;

(3) establish, as necessary for resource conservation purposes and to promote economic stability within the sport fishing guide industry,

(A) the maximum number of licensees who may operate in a guide use area; and

(B) a guide concession program to regulate the maximum number of licensees in sport fish guide use areas.

Article 2. Licensing and Certification.

Sec. 08.57.100. Eligibility for license. Notwithstanding AS 08.57.110 - 08.57.150, a person may not receive or renew a guide-outfitter, outfitter, assistant guide, or transporter license if the person's right to obtain or exercise the privileges granted by a sport fishing guide-outfitter, outfitter, assistant guide, or transporter license is suspended or revoked in this state, another state, Canada, or Mexico.

Sec. 08.57.110. Sport fishing guide-outfitter license. (a) The department shall issue a biennial sport fishing guide-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 license to carry passengers for hire issued by the United States Coast Guard if the person operates a vessel in the provision of sport fishing guide services and the license is required by the United States Coast Guard for the guide use area in which the sport fishing guide-outfitter provides sport fishing guide services;

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

(6) has passed the qualification examination or an equivalent examination under AS 08.57.030 for a sport fishing guide-outfitter license;

(7) has passed a certification examination prepared by the board for

each guide use area or unit in which the person operates;

(8) meets one of the following criteria:

(A) has been licensed and has performed services as a guide-outfitter or assistant guide in the state for at least 45 days in the last year or 60 days in the last three years under this chapter or former AS 16.40.260 or 16.40.270;

(B) has performed the services of an assistant guide in a manner the board determines has directly contributed to the person's experience and competency to practice as a guide-outfitter; or

(C) has been licensed and has performed services as a big game guide-outfitter under AS 08.54 for at least 20 days in each of any three years in a manner the board determines has directly contributed to the person's experience and competence to practice as a guide-outfitter;

(9) has been favorably recommended by at least one person licensed under this section or former AS 16.40.260 or 16.40.270;

(10) satisfies all additional requirements adopted in regulation by the board; and

(11) has applied for a guide-outfitter license on a form provided by the department and paid the license application fee and the guide-outfitter license fee.

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

(c) A guide-outfitter may

(1) be employed by another guide-outfitter to perform the functions of an assistant guide;

(2) provide transportation or guide services to clients, either directly or through an assistant guide; and

(3) provide outfitter services.

(d) A guide-outfitter shall

(1) supervise an assistant guide on a day on which the assistant guide provides guide services to clients of the guide-outfitter;

(2) supervise a guide-outfitter employed as an assistant guide on a day

on which the employed guide-outfitter provides services outside of a guide use area for which the employed guide-outfitter is certified under AS 08.57.030(a)(4);

(3) be physically present in the state on a day on which an assistant guide, or guide-outfitter employed as an assistant guide, provides guide services to clients of the guide-outfitter; and

(4) when providing guide services, have the following documents readily available for inspection on the request of a representative of the Department of Fish and Game or a peace officer of the state:

(A) a current sport fishing guide-outfitter license;

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

(C) proof of certification under AS 08.57.030(a)(4) for the guide-outfitter to directly, or through an assistant guide, provide guide services in the guide use area in which the guide-outfitter or assistant guide employed by the guide-outfitter is operating; and

(D) a driver's license or similar identification card issued by a state or federal agency that bears a photograph of the guide-outfitter.

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

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

(2) provides an affidavit certifying that the person has operated in the state as a guide-outfitter 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-outfitter license;

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

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

Sec. 08.57.120. Sport fishing outfitter license. (a) The department shall issue a biennial 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;

(5) has passed a qualification examination or an equivalent examination under AS 08.57.030 for an outfitter license;

(6) has passed a certification examination prepared by the board for the guide use area in which the person intends to operate;

(7) satisfies all additional requirements adopted in regulation by the board; and

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

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

(c) An outfitter may not provide guide-outfitter services or transportation services, personally or through an assistant guide.

(d) An outfitter may not be physically present with the client during any portion of the sport fishing activities.

(e) An 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) When providing outfitting services, an 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 outfitter license;

(2) proof of certification under AS 08.57.030(a)(4) for the outfitter to provide outfitter services in the guide use area in which the outfitter is operating; and

(3) a driver's license or similar identification card issued by a state or federal agency that bears a photograph of the outfitter.

Sec. 08.57.130. Sport fishing assistant guide license. (a) The department shall issue a biennial 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 guide use area in which the assistant guide provides guide services;

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

(6) provides to the department

(A) a written employment agreement from a currently licensed guide-outfitter who employs and supervises the assistant guide; or

(B) proof that the person has passed a sport fishing assistant guide course approved by the board;

(7) satisfies all additional requirements adopted in regulation by the board; and

(8) 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) Except as provided by AS 08.57.110(c), a person may not provide sport fishing assistant guide services unless the person holds a current assistant guide license.

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

1 outfitter.

2 (d) When providing assistant guide services, an assistant guide shall have the
3 following documents readily available for inspection on request of a representative of
4 the Department of Fish and Game or a peace officer of the state:

5 (1) a current assistant guide license;

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

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

11 (4) proof of employment and supervision by a currently licensed sport
12 fishing guide-outfitter.

13 **Sec. 08.57.140. Sport fishing transporter license.** (a) The department shall
14 issue a biennial sport fishing transporter license to a natural person if the person

15 (1) applies for a transporter license on a form provided by the
16 department;

17 (2) pays the license application fee and the license fee; and

18 (3) satisfies all additional requirements adopted in regulation by the
19 board.

20 (b) A person may not provide transportation services unless the person holds a
21 current transporter license.

22 (c) A transporter

23 (1) may provide transportation services and accommodations to
24 persons engaged in guided sport fishing in the field using

25 (A) a permanent lodge, house, or cabin;

26 (B) a vessel with permanent living quarters; or

27 (C) an aircraft;

28 (2) may not provide guide-outfitter, outfitter, or assistant guide
29 services without holding the appropriate licenses.

30 (d) When providing transportation services, a transporter shall have the
31 following documents readily available for inspection:

1 (1) a current sport fishing transporter license;

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

4 (e) In this section, "field" has the meaning given in AS 08.54.790.

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

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

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

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

14 (b) The department may not renew the license of a person who held a sport
15 fishing guide-outfitter, sport fishing outfitter, sport fishing assistant guide, or sport
16 fishing transporter license under this chapter unless

17 (1) all fees have been paid in full; and

18 (2) the applicant provides evidence of continued professional
19 competence as required by the board.

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

28 **Article 3. Enforcement.**

29 **Sec. 08.57.200. Discipline of a sport fishing guide-outfitter, outfitter,**
30 **assistant guide, and transporter.** (a) If the board acts in a timely manner, the board
31 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-outfitter, assistant guide, outfitter, or transportation services;

(2) has failed to file records or reports required by law or has provided false information or omitted material facts in a record or report required by law;

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

(4) has breached an agreement with a client to provide sport fishing guide-outfitter, sport fishing outfitter, or sport fishing transportation services to a client; or

(5) has failed to comply with limitations or conditions on the professional practice of the licensee established by this chapter or a regulation adopted by the board under this chapter.

(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 penalty not to exceed \$5,000.

(c) If the board imposes a disciplinary sanction under (b) of this section, the board may 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 provide guide-outfitter, outfitter, assistant guide, or 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

(1) a person who is licensed under this chapter to intentionally 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) an assistant guide to knowingly guide or outfit sport fishing activities unless the assistant guide is employed and supervised by a guide-outfitter, except as provided in (c) of this section;

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

(4) a guide-outfitter to knowingly engage in providing sport fishing guide services outside of a guide use area for which the guide-outfitter is certified unless the registration requirement for the guide use area has been suspended by the

1 board or unless the board has not adopted by regulation a registration requirement for
2 a guide use area;

3 (5) a person who is licensed under this chapter to

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

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

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

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

14 (6) a person without a current guide-outfitter license to knowingly
15 profess to be, or use the title of, guide-outfitter;

16 (7) a person without a current master sport fishing guide-outfitter
17 license to knowingly profess to be, or use the title of, master sport fishing guide-
18 outfitter;

19 (8) a person without a current sport fishing outfitter license to
20 knowingly outfit or advertise as or represent to be a outfitter;

21 (9) a person without a current sport fishing assistant guide license to
22 knowingly provide assistant guide services;

23 (10) a person without a current sport fishing guide-outfitter or
24 transporter license to knowingly provide transportation services or advertise as or
25 represent to be a transporter;

26 (11) a person to knowingly provide guide-outfitter, assistant guide,
27 outfitter, or transportation services during the period for which the person's license to
28 provide that service is suspended or revoked;

29 (12) a person who is licensed as a transporter, or who provides
30 transportation services under a transporter license, to knowingly accompany or direct a
31 client of the person in sport fishing activities except as necessary to perform the

specific duties of transporting, embarking, or disembarking a client or clients, the client's or clients' equipment, or fish harvested by the client or clients.

(b) Except as provided in (c) - (f) of this section, in addition to disciplinary sanctions imposed under AS 08.57.200, a person who commits an offense set out in (a) of this section is guilty of a class A misdemeanor and may be punished as provided in AS 12.55.

(c) Notwithstanding (a)(2) of this section, the board may adopt regulations that allow an assistant guide to guide and outfit sport fishing activities without supervision by a guide-outfitter.

(d) A person licensed as a guide-outfitter, but not as a master sport fishing guide-outfitter, who, without any culpable mental state, advertises as or represents to be a master sport fishing guide-outfitter is guilty of a violation and may be punished as provided in AS 12.55.

(e) In addition to disciplinary sanctions imposed under AS 08.57.200, a person who, without any culpable mental state, violates AS 08.57.110(d)(4), 08.57.120(f), 08.57.130(d), or 08.57.140(d) is guilty of a violation and may be punished as provided in AS 12.55.

(f) In addition to disciplinary sanctions imposed under AS 08.57.200, a person who knowingly violates AS 08.57.110(d)(4), 08.57.120(f), 08.57.130(d), or 08.57.140(d) is, for a

(1) first offense in a three-year period, guilty of a violation and may be punished as provided in AS 12.55; and

(2) second or subsequent offense in a three-year period, guilty of a class B misdemeanor and may be punished as provided in AS 12.55.

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

Sec. 08.57.220. Responsibility of sport fishing guide-outfitter, outfitter, or transporter for violations. A guide-outfitter, outfitter, or 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 in the course of the person's employment with the guide-outfitter, outfitter, or 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 in the course of the person's employment with the guide-outfitter, outfitter, or transporter if the guide-outfitter, outfitter, or transporter expressly or impliedly authorizes an unlawful act.

Sec. 08.57.230. Sport fishing guide-outfitter, outfitter, and transporter records. (a) A person who holds a sport fishing guide-outfitter 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 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

- (1) a guide-outfitter license;
- (2) an outfitter license;
- (3) an assistant guide license;
- (4) a transporter license;
- (5) a license application;
- (6) guide use area registration for sport fishing guide-outfitters and sport fishing outfitters.

(b) The license fee for the guide-outfitter, 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.

(c) An applicant for a qualifying examination for a guide-outfitter license or outfitter 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 guide-outfitter.

(e) A license fee for a nonresident may include an additional charge established by the board by regulation that is as close as is practicable to the maximum allowed by law.

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-outfitter or sport fishing assistant guide;

(3) "compensation"

(A) means, regardless of the source, direct or indirect payment, remuneration, in-kind services or privileges, and other benefits received in return for services;

(B) 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;

(C) 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) "guide services" means a service provided, 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; "guide services" does not include services provided by an assistant, deckhand, or

1 similar person who works directly under the supervision of and on the same vessel or
2 at the same fishing site as the sport fishing guide-outfitter or sport fishing assistant
3 guide;

4 (7) "guide use area" means an area designated by the Sport Fishing
5 Guide Services Board that lies within a geographic sport fishing area established by
6 the Board of Fisheries under AS 16.05.251;

7 (8) "knowingly" has the meaning given in AS 11.81.900(a);

8 (9) "outfitter services" means the provision of services, for
9 compensation or with the intent to receive compensation, of vessels and sport fishing
10 equipment to one or more persons who use them for sport fishing activities if the
11 provider of the services does not direct or accompany, and is not present with, the
12 person or persons while the sport fishing activities are occurring; in this paragraph, the
13 provision of vessels and sport fishing equipment includes rentals, leases, or other
14 exchanges where transfer of ownership does not occur and the vessel or sport fishing
15 equipment is returned to the provider;

16 (10) "sport fishing" means the taking of or attempting to take for
17 personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by
18 hook and line held in the hand, or by hook and line with the line attached to a pole or
19 rod that is held in the hand or closely attended, or by other means defined by the
20 Board of Fisheries;

21 (11) "supervise" means providing direction, control, instruction, and
22 evaluation of an employee; supervision may be in-person, telephonic, or electronic;

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

26 (13) "transportation services" means the carriage, for compensation or
27 with the intent to receive compensation, of persons engaged in guided sport fishing,
28 the persons' equipment or fish taken during guided sport fishing activities and the
29 advertising of these services;

30 (14) "vessel" means a floating craft, powered, towed, rowed, or
31 otherwise propelled that is used for accommodations or for delivering, landing, or

1 taking fish within the jurisdiction of the state.

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

3 **Sec. 16.05.395. Sport fishing vessel registration.** A [FOR CALENDAR
4 YEAR 2005 AND SUBSEQUENT CALENDAR YEARS, A] person may not use a
5 vessel to provide sport fishing services under AS 08.57 [AS 16.40.260 - 16.40.299]
6 unless the vessel is registered with the department and proof of registration is attached
7 to and clearly visible on the vessel while the vessel is used to provide sport fishing
8 services. The department shall register vessels used to provide sport fishing services,
9 and provide proof of registration, without charge. The department and the Sport
10 Fishing Guide Services Board established under AS 08.57 may adopt regulations as
11 the department and the Sport Fishing Guide Services Board find [FINDS]
12 necessary to implement this section.

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

14 **Sec. 16.05.396. Sport fishing guide-outfitter, sport fishing outfitter, and**
15 **sport fishing transporter records; confidentiality of records and activity reports.**

16 (a) The department shall collect information from guide-outfitters licensed under
17 AS 08.57, including

18 (1) the name and license number of each licensee under AS 08.57
19 providing sport fishing guide services;

20 (2) the amount of fishing effort, catch, and harvest by clients of a sport
21 fishing guide-outfitter;

22 (3) the locations fished during the provision of sport fishing guide
23 services; and

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

25 (b) The department may collect other appropriate information from outfitters
26 and transporters licensed under AS 08.57.

27 (c) Information collected under this section is confidential to the extent
28 provided under AS 16.05.815 or AS 40.25.110 but shall be shared with the Sport
29 Fishing Guide Services Board under 08.57.020.

30 (d) The department may adopt regulations under AS 44.62 (Administrative
31 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 08.57.120 available for law enforcement purposes to state agencies, federal law enforcement agencies, and other law enforcement agencies on request.

(f) To the extent possible, forms, records, and reports required under this section shall be distributed, received, and stored electronically.

* 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-outfitter 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];

(xx) sport fishing assistant guide license under AS 08.57.130;

(xxi) sport fishing transporter license under AS 08.57.140;

(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 [SUCH] additional fishing guide controls [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-outfitter [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-outfitter [OPERATOR] license holder access to the [TO USE THE SERVICES IN THE] Kenai River Special Management Area for guide-outfitter services even if the guide-outfitter [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, sec. 1, ch. 13, SLA 2011, and sec. 1, ch. 30, SLA 2012, 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, 2016 [2015].

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

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

INITIAL APPOINTMENT OF MEMBERS OF THE SPORT FISHING GUIDE SERVICES BOARD. (a) Notwithstanding AS 08.57.010(d), added by sec. 4 of this Act, and AS 39.05.055, the governor shall appoint the initial members of the Sport Fishing Guide

Services Board to serve terms as follows and shall designate the terms to be served by each person appointed:

- (1) three members serve for one year;
- (2) three members serve for two years; and
- (3) three members serve for three years.

(b) The governor shall appoint

(1) four persons who are active, licensed guides under AS 16.40.260 - 16.40.299 at the time of appointment;

(2) one person who, at the time of appointment, is providing vessels, sport fishing equipment, and services for compensation but who does not accompany or guide the persons to whom the vessels, sport fishing equipment, and services are provided;

(3) one person who, at the time of appointment, is providing carriage, for compensation, to persons engaged in sport fishing;

(4) one person who is a member of the Board of Fisheries; and

(5) two persons who are not, and have not been, active, licensed guides under AS 16.40.260 - 16.40.299 and do not hold, and have not held, a commercial fishing license or permit under AS 16.

(c) The governor shall appoint the initial members of the board to give the board a reasonable geographic balance among the regions of the state.

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

APPLICATIONS. (a) The Sport Fishing Guide Services Board shall accept applications for sport fishing guide-outfitter licenses, sport fishing outfitter licenses, sport fishing assistant guide licenses, and sport fishing transporter licenses, and be available to administer, not later than April 1, 2015, the required examinations and certification under AS 08.57.030(a)(1), as added by sec. 4 of this Act; and

(b) The board shall issue, effective January 1, 2016, to those applicants under (a) of this section who satisfy all requirements for a particular license, a valid sport fishing guide-outfitter license, sport fishing outfitter license, sport fishing assistant guide license, or sport fishing transporter license. Notwithstanding AS 08.57.110(a), 08.57.120(a), 08.57.130(a), and 08.57.140(a), as added by sec. 4 of this Act, when issuing licenses under this section, the

1 board may provide that half the licenses issued are for a one-year term. The fee charged by
2 the Department of Commerce, Community, and Economic Development for a license that is
3 valid for one year shall be half the fee charged for a biennial license.

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

5 * Sec. 14. Sections 9, 10, and 13 of this Act take effect January 1, 2015.

6 * Sec. 15. Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2014.