

**CS FOR HOUSE BILL NO. 175(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/8/96

Referred: Finance

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to licensing of sport fishing services operators and fishing  
2 guides; and providing for an effective date."

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

4 \* **Section 1.** AS 16.05.330(a) is amended to read:

5 (a) Except as otherwise permitted in this chapter, without having the  
6 appropriate license or tag in actual possession, a person may not engage in

7 (1) sport fishing, including the taking of razor clams;

8 (2) hunting, trapping, or fur dealing;

9 (3) the farming of fish, fur, or game; [OR]

10 (4) taxidermy; or

11 (5) providing fishing guide services to sport or personal use  
12 fishermen.

13 \* **Sec. 2.** AS 16.05.340(a) is amended by adding a new paragraph to read:

14 (25) Fishing services licenses

1 (A) Sport fishing services operator license  
2 (i) Resident . . . . . \$ 75  
3 (ii) Nonresident . . . . . 225  
4 (B) Fishing guide license  
5 (i) Resident . . . . . 25  
6 (ii) Nonresident . . . . . 75  
7 (C) Sport fishing services operator and fishing guide license  
8 (i) Resident . . . . . 75  
9 (ii) Nonresident . . . . . 225.

10 \* **Sec. 3.** AS 16.05.815(d) is amended to read:

11 (d) Except as otherwise provided in this section, the department shall keep  
12 confidential (1) personal information contained in fish and wildlife harvest and usage  
13 data; [AND] (2) the records of the department that concern (A) telemetry radio  
14 frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that  
15 require special attention; (D) the specific location of animal capture sites used for  
16 wildlife research or management; and (E) the specific location of fish and wildlife  
17 species; **and (3) information contained in reports received by the department**  
18 **under AS 16.40.370.** The department may release records and information that are  
19 kept confidential under this subsection if the release is necessary to comply with a  
20 court order, if the requestor is a state or federal agency, if the requestor is under  
21 contract with the state or federal agency to conduct research on a fish or wildlife  
22 population, or if the requestor has been authorized by the department to perform  
23 specific activities and agrees to use the records and information only for purposes as  
24 provided under a contract or agreement with the department. After 25 years, the  
25 records and information that are kept confidential under this subsection become public  
26 records subject to inspection and copying under AS 09.25.110 - 09.25.140 unless the  
27 department determines that the release of the records or information may be  
28 detrimental to the fish or wildlife population. In this subsection, "personal  
29 information" has the meaning given in AS 44.99.350.

30 \* **Sec. 4.** AS 16.40 is amended by adding new sections to read:

31 ARTICLE 4. SPORT AND PERSONAL USE FISHING SERVICES.

1                   Sec. 16.40.350. SPORT FISHING SERVICES OPERATOR LICENSE. (a)  
2                   The department shall issue an annual sport fishing services operator license to a person  
3                   who

4                               (1) holds a current business license under AS 43.70 to provide services  
5                   to sport and personal use fishermen;

6                               (2) presents proof satisfactory to the department of a general liability  
7                   insurance policy or marine protection and indemnity liability insurance policy, covering  
8                   the services provided by the person and the person's employees to sport and personal  
9                   use fishermen, that provides an annual minimum coverage of \$300,000; and

10                              (3) pays the license fee prescribed by AS 16.05.340(a).

11                             (b) A person may not provide sport fishing services unless the person holds  
12                   a current sport fishing services operator license and has a general liability insurance  
13                   policy or marine protection and indemnity liability insurance policy, covering the  
14                   services provided by the person and the person's employees to sport and personal use  
15                   fishermen, that provides an annual minimum coverage of \$300,000.

16                             (c) A person who holds a sport fishing services operator license may contract  
17                   to provide fishing guide services to a sport or personal use fisherman through an  
18                   employee who holds a fishing guide license.

19                             (d) A person who holds a sport fishing services operator license may not  
20                   directly provide fishing guide services to a sport or personal use fisherman unless the  
21                   person also holds a fishing guide license.

22                             (e) A person who holds a sport fishing services operator license and who  
23                   intentionally or knowingly aids or abets in a violation of AS 16.40.350 - 16.40.390 or  
24                   a regulation adopted under AS 16.40.350 - 16.40.390 by a fishing guide who is  
25                   employed by the person is equally responsible for the violation.

26                             Sec. 16.40.360. FISHING GUIDES. (a) A natural person may obtain an annual  
27                   fishing guide license if the person

28                               (1) is a citizen of the United States or a resident alien;

29                               (2) is certified in first aid and cardiopulmonary resuscitation by the  
30                   American Red Cross, American Heart Association, or an equivalent organization;

31                               (3) holds a license to carry passengers for hire issued by the United

1 States Coast Guard, if the person operates a vessel in the provision of fishing guide  
2 services and the license is required by the United States Coast Guard for the area in  
3 which the fishing guide provides fishing guide services;

4 (4) holds a current sport fishing license; and

5 (5) pays the fee prescribed by AS 16.05.340(a).

6 (b) A natural person may obtain an annual combined sport fishing services  
7 operator and fishing guide license if the person satisfies the requirements for a sport  
8 fishing services operator license under AS 16.40.350 and for a fishing guide license  
9 under this section and pays the fee prescribed by AS 16.05.340(a).

10 (c) A person may not provide fishing guide services unless the person

11 (1) has first obtained a sport fishing guide license under this section; and

12 (2) is an employee of a licensed sport fishing services operator or holds  
13 a sport fishing services operator license.

14 (d) A fishing guide may provide fishing guide services only to persons who have  
15 engaged the services of the sport fishing services operator by whom the fishing guide is  
16 employed. A fishing guide may not contract directly with a person to provide fishing  
17 guide services to that person unless the fishing guide also holds a sport fishing services  
18 operator license.

19 (e) While engaged in providing fishing guide services, a fishing guide shall  
20 physically possess

21 (1) a fishing guide license;

22 (2) the current licenses, tags, and permits that are required to engage in  
23 the sport or personal use fishery for which the fishing guide services are being provided;

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

26 (4) proof of employment as a fishing guide by a person licensed as a  
27 sport fishing services operator or proof of licensure as a sport fishing services operator;

28 (5) proof of current certification in first aid and cardiopulmonary  
29 resuscitation; and

30 (6) proof of licensure by the United States Coast Guard to carry  
31 passengers for hire, if the fishing guide is operating a vessel in the provision of fishing  
32 guide services and the license is required by the United States Coast Guard for the area

1 in which the fishing guide provides fishing guide services.

2 (f) A fishing guide may not aid the commission of a violation of AS 16.05 -  
3 AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a sport or personal use  
4 fisherman who is a client of the fishing guide.

5 Sec. 16.40.370. REPORTS. (a) The department shall collect in-season  
6 information from sport fishing services operators on the number of king salmon, sockeye  
7 salmon, coho salmon, chum salmon, and halibut taken by clients and fishing guides  
8 during the provision of fishing guide services. The department may collect information  
9 from sport fishing services operators on the number of pink salmon taken by clients and  
10 fishing guides during the provision of fishing guide services and may collect other  
11 information the department considers appropriate.

12 (b) A person who holds a license issued under AS 16.40.350 or 16.40.360 shall  
13 comply with reporting requirements adopted by regulation by the department.

14 (c) A person who is required to complete reports under this section may not  
15 provide false, misleading, or substantially incomplete information.

16 (d) A person who is required to complete reports under this section may not  
17 receive a new license under AS 16.40.350 or 16.40.360 unless all reports required under  
18 this section for the preceding year have been received by the department.

19 Sec. 16.40.380. PENALTY. (a) Except as provided in (b) of this section, a  
20 person who intentionally or knowingly violates AS 16.40.350 - 16.40.390 or a regulation  
21 adopted under AS 16.40.350 - 16.40.390 is guilty of a class A misdemeanor.

22 (b) A person who intentionally or knowingly violates AS 16.40.360(e) is

23 (1) guilty of a violation and upon conviction is punishable by a fine of  
24 not more than \$500; or

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

27 (c) In addition to the penalties imposed upon a person who is guilty of a class  
28 B misdemeanor under (b) of this section, a court may revoke the person's fishing guide  
29 license.

30 Sec. 16.40.390. DEFINITIONS. In AS 16.40.350 - 16.40.390,

31 (1) "field" means an area that is

32 (A) outside of established developments usually associated with

1 a city or town; and  
2 (B) not reasonably accessible by foot from the state highway  
3 system;

4 (2) "fishing club" means an organization that offers use of real or  
5 personal property or services to persons who pay a membership fee for the privilege of  
6 using the real or personal property or services for sport or personal use fishing;

7 (3) "fishing guide" means a natural person who holds a fishing guide  
8 license issued under AS 16.40.360;

9 (4) "fishing guide services" means to assist, for compensation or with the  
10 intent to receive compensation, a sport or personal use fisherman in the field to take or  
11 to attempt to take fish by accompanying or personally directing the fisherman in sport  
12 or personal use fishing activities; "fishing guide services" do not include

13 (A) an activity for which a sport fishing services operator license  
14 is required; or

15 (B) services provided by assistants, deck hands, and similar  
16 persons who work directly under the supervision of and on the same vessel as a  
17 fishing guide;

18 (5) "highway" has the meaning given in AS 19.45.001;

19 (6) "outfitting" means the provision of equipment or services to sport or  
20 personal use fishermen in the field; "outfitting" does not include

21 (A) renting of vessels without a vessel operator; or

22 (B) the sale of fishing tackle, bait, or fuel;

23 (7) "sport fishing services" means the provision to sport or personal use  
24 fishermen, for compensation or with the intent to receive compensation, of fishing guide  
25 services through a person who is licensed as a fishing guide under AS 16.40.360, of  
26 outfitting services, or of fishing club services; "sport fishing services" does not include

27 (A) an activity for which a fishing guide license is required; or

28 (B) booking and other ancillary services provided by a tour  
29 broker or agent to a fishing services operator.

30 \* **Sec. 5.** This Act takes effect January 1, 1997.