

CS FOR HOUSE BILL NO. 175(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/23/96

Referred: Resources, 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
32 States Coast Guard, if the person uses a vessel in the provision of fishing guide services

1 and the license is required by the United States Coast Guard for the area in which the
2 fishing guide provides fishing guide services;

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

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

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

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

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

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

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

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

20 (1) a fishing guide license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (A) outside of established developments usually associated with
32 a city or town; and

1 (B) not reasonably accessible by foot from the state highway
2 system;

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

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

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

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

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

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

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

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

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

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

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

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

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