

CS FOR HOUSE BILL NO. 335(RES)(title am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Amended: 5/9/95

Offered: 5/9/95

Sponsor(s): REPRESENTATIVES OGAN, Toohey, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Big Game Commercial Services**
2 **Board; eliminating the requirement for a commercial use permit and for payment**
3 **of commercial use permit fees; amending the membership of the Big Game**
4 **Commercial Services Board; relating to the qualifications for an assistant guide-**
5 **outfitter license; eliminating the requirement for testing of assistant guide-outfitters;**
6 **providing for additional licensing requirements for transporters; eliminating the**
7 **requirement for prior approval to enter or remain on state and federal land;**
8 **eliminating the requirement to register base camps; amending the definition of 'big**
9 **game commercial services'; and providing for an effective date."**

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

11 *** Section 1.** AS 08.03.010(c)(5) is amended to read:

12 (5) Big Game Commercial Services Board (AS 08.54.300) - June 30,

1 1999 [1994];

2 * **Sec. 2.** AS 08.54.300(b) is amended to read:

3 (b) The board consists of nine members:

4 (1) two members who are licensed guide-outfitters;

5 (2) two members who are licensed transporters, one of whom must be
6 engaged in the business of providing air transportation services;

7 (3) [ONE MEMBER WHO HOLDS A COMMERCIAL USE PERMIT,
8 BUT DOES NOT HOLD ANY CLASS OF GUIDE-OUTFITTER LICENSE OR A
9 TRANSPORTER LICENSE;

10 (4) one member of the Board of Game who is chosen by the Board
11 of Game [AND WHO DOES NOT HOLD A COMMERCIAL USE PERMIT];

12 (4) [(5)] one member who represents Native landholders; and

13 (5) three [(6) TWO] public members.

14 * **Sec. 3.** AS 08.54.310(a) is amended to read:

15 (a) The board shall

16 (1) prepare, grade, and administer

17 (A) a written and oral examination of an applicant for a guide-
18 outfitter license that requires demonstration that the applicant is qualified
19 generally to provide guide-outfitted hunts and, in particular, to guide-outfit in
20 each game management unit the applicant has selected; if an applicant
21 demonstrates limited ability to read or write the English language, the entire
22 examination shall be administered orally; and

23 (B) an oral examination of a guide-outfitter who seeks an
24 amendment of a game management unit certification; the examination must
25 require demonstration that the guide-outfitter is qualified to provide guide-
26 outfitted hunts in each new game management unit for which the guide-outfitter
27 seeks to be certified;

28 (2) determine qualifications of applicants for class-A assistant guide-
29 outfitter **and** [,] marine mammal guide-outfitter [, AND ASSISTANT GUIDE-
30 OUTFITTER] licenses and authorize the issuance of licenses to those who qualify;

31 (3) establish performance standards for providers of big game

1 commercial services and regulate the activities of these providers;

2 (4) compile, maintain, and publish an annual register of big game
3 commercial service providers subject to this chapter who have not been convicted of
4 a violation of a state or federal statute or regulation relating to the provision of big
5 game commercial services; a big game commercial services provider listed in the
6 register whose license [OR PERMIT] is revoked or suspended shall be removed from
7 the register while the provider's license [OR PERMIT] is revoked or suspended;

8 (5) prohibit guide-outfitting **and** [,] transporting [, AND OTHER BIG
9 GAME COMMERCIAL SERVICES] activities that are unsportsmanlike, unethical,
10 unsafe, against principles of game conservation, degrading to a profession subject to
11 this chapter, or that adversely affect natural resources;

12 (6) after a hearing, revoke, suspend, or deny renewal of a license [OR
13 PERMIT] under AS 08.54.500 - 08.54.510;

14 (7) authorize issuance of transporter licenses;

15 (8) [AUTHORIZE ISSUANCE OF COMMERCIAL USE PERMITS;

16 (9)] meet at least twice annually, once in Anchorage and once in
17 another municipality;

18 **(9)** [(10) PROVIDE FOR REGISTRATION OF BASE CAMPS AND
19 FACILITIES USED BY PERSONS WHO ARE LICENSED OR WHO HOLD A
20 PERMIT UNDER THIS CHAPTER;

21 (11)] require an applicant for issuance or renewal of any class of guide-
22 outfitter license to state in a written and signed document whether the applicant's right
23 to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or
24 guide-outfitting license is revoked or suspended in another state.

25 * **Sec. 4.** AS 08.54.350(a) is amended to read:

26 (a) A natural person is entitled to a guide-outfitter license if the person

27 (1) is 21 years of age or older;

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

31 (3) is familiar with the terrain and transportation problems in the game

1 management unit for which the license is requested;

2 (4) has passed the qualification examinations prepared and administered
3 by the board;

4 (5) has demonstrated to the board sufficient standards of competence
5 and ethical conduct and has not been convicted of a state or federal hunting or guide-
6 outfitting statute or regulation within the last five years for which the person was fined
7 more than \$500 or imprisoned for more than five days;

8 (6) has legally hunted in the state for part of each of any five years in
9 a manner directly contributing to the person's experience and competency as a guide-
10 outfitter;

11 (7) has been licensed as and performed the services of a class-A
12 assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of
13 three years, or has guide-outfitted in the state for a part of each of three years under
14 a marine mammal guide-outfitter license issued under AS 08.54.360;

15 (8) has demonstrated a current knowledge of fishing, hunting, and
16 guide-outfitting regulations;

17 (9) is capable of performing the essential duties associated with guide-
18 outfitting;

19 (10) has been favorably recommended in writing by eight big game
20 hunters, at least two for each year of the person's most recent three years as a class-A
21 assistant guide-outfitter or assistant guide-outfitter, when the person has guide-outfitted
22 or assisted in guide-outfitting as a class-A assistant guide-outfitter or assistant guide-
23 outfitter, whose recommendations have been solicited by the board from a list provided
24 by the applicant;

25 (11) possesses a business license to provide guide-outfitting services;
26 and

27 (12) has paid the license fee [AND COMMERCIAL USE PERMIT
28 FEE].

29 * **Sec. 5.** AS 08.54.360(a) is amended to read:

30 (a) The board may issue a marine mammal guide-outfitter license to a natural
31 person who applies to guide-outfit a hunt for a specific species of marine mammal in

1 a specifically designated area if the person
2 (1) is 21 years of age or older;
3 (2) has, for at least 10 years, resided and hunted in the area of the state
4 in which the applicant is to guide-outfit;
5 (3) is able to perform the duties of a marine mammal guide-outfitter;
6 (4) has demonstrated knowledge of the following areas to an extent and
7 degree satisfactory to the board:
8 (A) current fish and game laws and regulations;
9 (B) relevant characteristics of the specific species to be hunted;
10 (C) field preparation of trophies;
11 (D) care of game meat;
12 (E) use of guide-outfitting gear;
13 (F) firearm safety;
14 (G) practical first aid; and
15 (H) booking and contracting hunts;
16 (5) has not been convicted of violating a state or federal game or guide-
17 outfitting statute or regulation during the previous five years for which the person was
18 fined more than \$500 or imprisoned for more than five days;
19 (6) possesses a business license to provide guide-outfitting services; and
20 (7) has paid the license fee [AND COMMERCIAL USE PERMIT
21 FEE].

22 * **Sec. 6.** AS 08.54.370(a) is amended to read:

23 (a) An applicant for renewal of a guide-outfitter license or a marine mammal
24 guide-outfitter license shall submit with the application for renewal
25 (1) the hunt record required under AS 08.54.550 for the period covered
26 by the current license; **and**
27 (2) the license fee for the next licensing period [; AND
28 (3) THE COMMERCIAL USE PERMIT FEE FOR THE NEXT
29 LICENSING PERIOD].

30 * **Sec. 7.** AS 08.54.390(a) is amended to read:

31 (a) **The department shall issue** [A NATURAL PERSON IS ENTITLED TO]

1 an assistant guide-outfitter license to a natural [IF THE] person who

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

3 (2) provides a copy of a written recommendation from a guide-
4 outfitter or master guide-outfitter [PASSES AN EXAMINATION ADMINISTERED
5 BY THE BOARD];

6 (3) has hunted in the state in two of the last five years;

7 (4) has demonstrated practical knowledge of first aid and
8 cardiopulmonary resuscitation; and

9 (5) is in sound physical condition; and

10 (6) has not been convicted of a violation of a state or federal
11 hunting or guide-outfitting statute or regulation within the last five years for
12 which the person was fined more than \$500 or imprisoned for more than five
13 days [MEETS ADDITIONAL QUALIFICATIONS THAT THE BOARD MAY
14 ESTABLISH].

15 * **Sec. 8.** AS 08.54.400(a) is amended to read:

16 (a) A person is entitled to a transporter license if the person

17 (1) applies on a form provided by the department;

18 (2) pays the license fee;

19 (3) has not been convicted of a violation of a state or federal
20 hunting or guide-outfitting statute or regulation within the last five years for
21 which the person was fined more than \$500 or imprisoned for more than five
22 days [PAYS THE COMMERCIAL USE PERMIT FEE];

23 (4) provides proof of

24 (A) an air taxi/commercial operator certificate issued by the
25 Federal Aviation Administration under 14 C.F.R. Part 135, if the person
26 provides air transportation services to big game hunters;

27 (B) licensure by the Coast Guard to carry passengers for hire,
28 if the person provides water transportation services to big game hunters and if
29 licensure is required by the Coast Guard; and

30 (5) has a business license to transport big game hunters.

31 * **Sec. 9.** AS 08.54.400(b) is amended to read:

1 (b) A transporter may provide transportation services for compensation to big
2 game hunters and accommodations in the field at a permanent lodge, house, or cabin
3 owned by the transporter or on a boat with permanent living quarters located on salt
4 water. [A TRANSPORTER MAY ALSO PROVIDE, UNDER AUTHORITY OF A
5 COMMERCIAL USE PERMIT, OTHER BIG GAME COMMERCIAL SERVICES
6 AS DEFINED UNDER AS 08.54.460.] A transporter may not provide big game
7 commercial hunting services without holding the appropriate license.

8 * **Sec. 10.** AS 08.54.505 is amended to read:

9 Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS [AND COMMERCIAL
10 USE PERMITTEES]. (a) The board may hold a hearing to determine whether
11 disciplinary action is necessary if a written complaint concerning the big game
12 commercial service activities of a transporter who is licensed under AS 08.54.400 [OR
13 A COMMERCIAL USE PERMITTEE WHO HOLDS A PERMIT ISSUED UNDER
14 AS 08.54.460] is filed with the board. The board shall hold a hearing to determine
15 whether a licensee [OR PERMITTEE] should be disciplined within a reasonable time
16 after

17 (1) written complaints concerning a licensee's [OR PERMITTEE'S]
18 activities are filed with the board within a two-year period by three or more of the
19 licensee's [OR PERMITTEE'S] clients from separate hunting parties; or

20 (2) a licensee [OR PERMITTEE] has been convicted of a violation of
21 a federal or state statute or regulation relating to hunting or provision of big game
22 commercial services.

23 (b) After a hearing, the board may revoke, suspend, or deny renewal of a
24 transporter license [OR COMMERCIAL USE PERMIT] issued under this chapter, if
25 the board finds that the licensee [OR PERMITTEE]

26 (1) engaged in unethical activity, unsafe activity, or activity that
27 adversely affects the natural resources of the state when the activity is related to the
28 purposes of providing big game commercial services, however the board may not
29 discipline a licensee [OR PERMITTEE] under this paragraph for unsafe operation of
30 an aircraft; or

31 (2) violated a provision of a federal or state statute or regulation

1 relating to hunting or provision of big game commercial services.

2 (c) The board may not revoke, suspend, or deny renewal of a transporter
3 license [OR COMMERCIAL USE PERMIT] for a violation of a federal or state statute
4 or regulation relating to game or provision of big game commercial services committed
5 by an employee of the licensee [OR PERMITTEE] unless the licensee [OR
6 PERMITTEE] participated or aided in the violation.

7 (d) After a hearing, the board shall revoke a license [OR PERMIT] if the
8 board finds that the licensee [OR PERMITTEE]

9 (1) does not meet the qualifications specified by statute or regulation
10 for the license held; or

11 (2) during the five years immediately preceding the hearing has been
12 convicted of a violation of a federal or state statute or regulation prohibiting

13 (A) waste of a wild food animal;

14 (B) hunting on the same day airborne;

15 (C) hunting during a closed hunting season; or

16 (D) hunting in an area closed by state or federal regulation.

17 (e) If a certified copy of a judgment of conviction of a licensee [OR
18 PERMITTEE] for an offense described under (d)(2) of this section is filed with the
19 board, the board shall immediately suspend the licensee's [OR PERMITTEE'S] license
20 [OR PERMIT]. The suspension may be ordered even if the conviction resulted from
21 a pleas of nolo contendere or if the conviction is under appeal. The suspension
22 remains in effect until after the final disposition of the disciplinary proceeding under
23 this section.

24 * **Sec. 11.** AS 08.54.510(a) is amended to read:

25 (a) A person who is disciplined under AS 08.54.500 or 08.54.505 may not
26 engage in the provision of big game commercial services during the period of license
27 [OR PERMIT] revocation or other disciplinary action. A person who is licensed under
28 this chapter [, OR WHO HOLDS A PERMIT ISSUED UNDER THIS CHAPTER,]
29 may not hire a person whose license [OR PERMIT] to provide big game commercial
30 services is suspended or revoked under AS 08.54.500 or 08.54.505. A person whose
31 license [OR PERMIT] is suspended or revoked may not be employed by a person who

1 is licensed [OR WHO HOLDS A PERMIT] under this chapter.

2 * **Sec. 12.** AS 08.54.510(b) is amended to read:

3 (b) If the board revokes a license [OR PERMIT] under AS 08.54.500 or
4 08.54.505, the person whose license [OR PERMIT] has been revoked shall surrender
5 immediately the license [OR PERMIT] to the department.

6 * **Sec. 13.** AS 08.54.510(c) is amended to read:

7 (c) A certified copy of a judgment of conviction of a licensee [OR
8 PERMITTEE] for an offense is conclusive evidence of the commission of that offense
9 in a disciplinary proceeding instituted against the licensee [OR PERMITTEE] under
10 AS 08.54.500 or 08.54.505 based on that conviction, regardless of whether the
11 conviction resulted from a plea of nolo contendere or the conviction is under appeal,
12 unless the conviction is overturned on appeal.

13 * **Sec. 14.** AS 08.54.520(a) is amended to read:

14 (a) It is unlawful for a

15 (1) person who is licensed [OR WHO HOLDS A COMMERCIAL USE
16 PERMIT] under this chapter to knowingly fail to timely report to the Department of
17 Public Safety, division of fish and wildlife protection, and in no event later than 30
18 days, a violation of a state fish, game, or big game commercial services statute or
19 regulation that the person reasonably believes was committed by a client or an
20 employee of the person;

21 (2) person who is licensed [OR WHO HOLDS A COMMERCIAL USE
22 PERMIT] under this chapter to knowingly

23 (A) commit or aid the commission of a violation of this chapter,
24 a regulation adopted under this chapter, or a state fish or game statute or
25 regulation; or

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

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

31 (ii) reporting it;

1 (3) [PERSON WITHOUT A CURRENT COMMERCIAL USE
2 PERMIT ISSUED UNDER THIS CHAPTER TO KNOWINGLY PROVIDE BIG
3 GAME COMMERCIAL SERVICES;

4 (4) person who is licensed [OR WHO HOLDS A COMMERCIAL
5 USE PERMIT ISSUED] under this chapter to intentionally obstruct or hinder or
6 attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client
7 of the person;

8 (4) [(5)] class-A assistant guide-outfitter or an assistant guide-outfitter
9 to knowingly guide-outfit a hunt except while employed and supervised by a guide-
10 outfitter;

11 (5) [(6)] person who holds any class of guide-outfitter license to
12 knowingly enter or remain on [STATE, FEDERAL, OR] private land without prior
13 authorization during the course of providing guide-outfitting services;

14 (6) [(7)] person to knowingly guide-outfit without having a current
15 guide-outfitter, marine mammal guide-outfitter, class-A assistant guide-outfitter, or
16 assistant guide-outfitter license and hunting license in actual possession;

17 (7) [(8)] person without a current guide-outfitter or marine mammal
18 guide-outfitter license to knowingly advertise as or represent to be a guide-outfitter;

19 (8) [(9)] person to knowingly provide transportation services to big
20 game hunters without holding a transporter license;

21 (9) [(10)] class-A assistant guide-outfitter or an assistant guide-outfitter
22 to knowingly contract for a hunt; or

23 (10) [(11)] person to knowingly engage in a big game commercial
24 services activity during the period for which the person's license to conduct that
25 activity is suspended or revoked.

26 * **Sec. 15.** AS 08.54.590(4) is amended to read:

27 (4) "big game commercial service" means a service for which the
28 provider of the service must obtain a license issued under this chapter
29 [COMMERCIAL USE PERMIT];

30 * **Sec. 16.** AS 16.05.407(f) is amended to read:

31 (f) An applicant for a nonresident hunt permit for the taking of an animal

1 specified in (a) of this section shall, if requested by the department, first furnish to the
2 department proof of prior authorization to use [STATE, FEDERAL, OR] private land
3 where the permit hunt will occur. The authorization shall be provided to the applicant
4 by the guide-outfitter with whom the applicant has contracted to guide-outfit the permit
5 hunt.

6 * **Sec. 17.** AS 16.05.408(c) is amended to read:

7 (c) Before obtaining a nonresident hunt permit for the taking of an animal
8 specified in (a) of this section, a nonresident alien shall, if requested by the
9 department, first furnish to the department proof of prior authorization to use [STATE,
10 FEDERAL, OR] private land where the permit hunt will occur. The authorization
11 shall be provided to the nonresident alien by the guide-outfitter or marine mammal
12 guide-outfitter with whom the nonresident alien has contracted to guide-outfit the
13 permit hunt.

14 * **Sec. 18.** TRANSITION. Notwithstanding the amendment of AS 08.54.300(b) by sec. 2
15 of this Act, the person who, on the effective date of this Act, serves on the Big Game
16 Commercial Services Board as the member who holds a commercial use permit, but does not
17 hold any class of guide-outfitter license or a transporter license shall continue to serve on the
18 board for the term to which the person was appointed. Upon the expiration of the term of that
19 member of the board, the governor shall appoint a public member to serve on the board, in
20 accordance with AS 08.54.300(b), as amended by sec. 2 of this Act.

21 * **Sec. 19.** AS 08.54.400(c)(3), 08.54.460, 08.54.470, 08.54.590(1), and 08.54.590(12) are
22 repealed.

23 * **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).