

HOUSE BILL NO. 442

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT
COMMITTEE

Introduced: 2/9/04

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Big Game Commercial Services Board and to the regulation of
2 big game hunting services and transportation services; and providing for an effective
3 date."

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

5 * **Section 1.** AS 08.01.010(7) is amended to read:

6 (7) **Big Game Commercial Services Board (AS 08.54.591)**
7 [REGULATION OF BIG GAME GUIDES AND TRANSPORTERS UNDER
8 AS 08.54];

9 * **Sec. 2.** AS 08.03.010(c) is amended by adding a new paragraph to read:

10 (22) Big Game Commercial Services Board (AS 08.54.591) -- June 30,
11 2007.

12 * **Sec. 3.** AS 08.54 is amended by adding new sections to article 1 to read:

13 **Sec. 08.54.591. Creation and membership of board.** (a) For the purposes
14 of licensing and regulating the activities of providers of commercial services to big

1 game hunters in the interest of the state's wildlife resources, there is created the Big
 2 Game Commercial Services Board. For administrative purposes, the board is in the
 3 Department of Community and Economic Development.

4 (b) The board consists of seven members as follows:

- 5 (1) two members who are active, licensed registered guide-outfitters;
 6 (2) one member who is a licensed transporter;
 7 (3) one member of the Board of Game who is chosen by the Board of
 8 Game and who does not hold a guide or transport license;
 9 (4) two members who represent private landholders; and
 10 (5) one public member.

11 **Sec. 08.54.595. Board assistance.** The Department of Fish and Game,
 12 Department of Natural Resources, Department of Law, and Department of Public
 13 Safety shall provide the board with information, data, or technical assistance requested
 14 by the board for the purposes of licensing and regulating the activities of providers of
 15 commercial services to big game hunters.

16 * **Sec. 4.** AS 08.54.600 is amended to read:

17 **Sec. 08.54.600. Duties of board [DEPARTMENT].** (a) The **board**
 18 [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] shall

19 (1) prepare, grade, and administer

20 (A) a qualification examination for a registered **guide-outfitter**
 21 [GUIDE] license that requires demonstration that the applicant is qualified
 22 generally to provide guided and outfitted hunts and, in particular, possesses
 23 knowledge of fishing, hunting, and guiding laws and regulations; and

24 (B) a certification examination for each game management unit
 25 in which the registered **guide-outfitter** [GUIDE] intends to provide big game
 26 hunting services; the examination must require demonstration that the
 27 registered **guide-outfitter** [GUIDE] is qualified to provide guided and outfitted
 28 hunts in the game management unit for which the registered **guide-outfitter**
 29 [GUIDE] seeks to be certified and, in particular, must require demonstration
 30 that the registered **guide-outfitter** [GUIDE] possesses knowledge of the
 31 terrain, transportation problems, game, and other characteristics of the game

1 management unit;

2 (2) **authorize the issuance of** [ISSUE] registered **guide-outfitter**
 3 [GUIDE], master **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide,
 4 and transporter licenses;

5 (3) compile, maintain, and publish an annual roster of registered
 6 **guide-outfitters** [GUIDES] and master **guide-outfitters** [GUIDES] licensed under
 7 this chapter; a person listed in the roster whose license is revoked or suspended shall
 8 be removed from the roster while the person's license is revoked or suspended;

9 (4) impose appropriate disciplinary sanctions on a licensee under
 10 AS 08.54.600 - 08.54.790;

11 (5) require an applicant for issuance or renewal of any class of guide
 12 license or of a transporter license to state in a written and signed document whether
 13 the applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding,
 14 outfitting, or transportation services license is revoked or suspended in this state or
 15 another state or in Canada;

16 (6) regularly disseminate information regarding examinations and
 17 other qualifications for all classes of guide licenses to residents of the rural areas of the
 18 state;

19 (7) adopt procedural and substantive regulations required by this
 20 chapter;

21 (8) administer examinations for registered **guide-outfitters** [GUIDES]
 22 at least twice a year; an examination may not be given within 90 days after the
 23 previous examination; at **one meeting each** [LEAST ONCE EVERY OTHER] year
 24 the **board** [DEPARTMENT] shall give the examination **in** [AT A LOCATION
 25 OTHER THAN] Anchorage.

26 (b) The **board** [DEPARTMENT] shall provide for administration of an oral
 27 examination for a registered **guide-outfitter** [GUIDE] license or for a game
 28 management unit certification if an applicant experiences a specific language
 29 disability.

30 * **Sec. 5.** AS 08.54.605(a) is amended to read:

31 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and

1 08.54.660, a person may not receive or renew a registered **guide-outfitter** [GUIDE]
 2 license, master **guide-outfitter** [GUIDE] license, class-A assistant guide license,
 3 assistant guide license, or transporter license if

4 (1) the person has been convicted of

5 (A) a violation of a state hunting, guiding, or transportation
 6 services statute or regulation within the last five years for which the person
 7 was fined more than \$1,000 or imprisoned for more than five days;

8 (B) a felony within the last five years; or

9 (C) a felony offense against the person under AS 11.41 within
 10 the last 10 years; or

11 (2) the person's right to obtain, or exercise the privileges granted by, a
 12 hunting, guiding, outfitting, or transportation services license is suspended or revoked
 13 in this state or another state or in Canada.

14 * **Sec. 6.** AS 08.54.605(c) is amended to read:

15 (c) A person may not receive a certification for a game management unit if the
 16 person is prohibited by (a) of this section from receiving or renewing a registered
 17 **guide-outfitter** [GUIDE] license or master **guide-outfitter** [GUIDE] license.

18 * **Sec. 7.** AS 08.54.610 is amended to read:

19 **Sec. 08.54.610. Registered guide-outfitter [GUIDE] license.** (a) A natural
 20 person is entitled to a registered **guide-outfitter** [GUIDE] license if the person

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

22 (2) has practical field experience in the handling of firearms, hunting,
 23 judging trophies, field preparation of meat and trophies, first aid, photography, and
 24 related guiding and outfitting activities;

25 (3) either

26 (A) has passed the qualification examination prepared and
 27 administered by the **board** [DEPARTMENT] under AS 08.54.600; or

28 (B) provides evidence of 25 years of experience as a class-A
 29 assistant guide or class-A assistant guide-outfitter;

30 (4) has passed a certification examination prepared and administered
 31 by the **board** [DEPARTMENT] under AS 08.54.600 for at least one game

1 management unit;

2 (5) has legally hunted in the state for part of each of any five years in a
3 manner directly contributing to the person's experience and competency as a guide;

4 (6) has been licensed as and performed the services of a class-A
5 assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant
6 guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each
7 of three years;

8 (7) is capable of performing the essential duties associated with
9 guiding and outfitting;

10 (8) has been favorably recommended in writing by eight big game
11 hunters whose recommendations have been solicited by the **board** [DEPARTMENT]
12 from a list provided by the applicant, including at least two favorable
13 recommendations for each year of any three years during which the person was a
14 class-A assistant guide or assistant guide, or a class-A assistant guide-outfitter or
15 assistant guide-outfitter under former AS 08.54.300 - 08.54.590; **and**

16 (9) [HAS PROVIDED PROOF OF FINANCIAL RESPONSIBILITY
17 IF REQUIRED BY THE DEPARTMENT UNDER AS 08.54.680; AND

18 (10)] has applied for a registered **guide-outfitter** [GUIDE] license on a
19 form provided by the department and paid the license application fee and the
20 registered **guide-outfitter** [GUIDE] license fee.

21 (b) A master **guide-outfitter** [GUIDE] license authorizes a registered **guide-**
22 **outfitter** [GUIDE] to use the title master **guide-outfitter** [GUIDE], but is for all other
23 purposes under this chapter a registered **guide-outfitter** [GUIDE] license. A natural
24 person is entitled to receive a renewable master **guide-outfitter** [GUIDE] license if
25 the person

26 (1) is, at the time of application for a master **guide-outfitter** [GUIDE]
27 license, licensed as a registered **guide-outfitter** [GUIDE] under this section;

28 (2) has been licensed in this state as a registered guide or a guide-
29 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
30 this chapter, for at least 12 of the last 15 years, including the year immediately
31 preceding the year in which the person applies for a master **guide-outfitter** [GUIDE]

1 license;

2 (3) submits a list to the **board** [DEPARTMENT] of at least 25 clients
3 for whom the person has personally provided guiding or outfitting services and the
4 person receives a favorable evaluation from 10 of the clients selected from the list by
5 the **board** [DEPARTMENT]; and

6 (4) applies for a master **guide-outfitter** [GUIDE] license on a form
7 provided by the department and pays the application fee, if any.

8 (c) A registered **guide-outfitter** [GUIDE] may contract to guide or outfit
9 hunts for big game and may provide transportation services, personally or through an
10 assistant, to big game hunters who are clients of the guide.

11 (d) A person who is licensed as a registered **guide-outfitter** [GUIDE] may be
12 employed by another registered **guide-outfitter** [GUIDE] to perform the functions of
13 a registered **guide-outfitter** [GUIDE] or class-A assistant guide in the game
14 management unit for which the person is certified under AS 08.54.600 or of an
15 assistant guide in any game management unit.

16 (e) A registered **guide-outfitter** [GUIDE] who contracts for a guided hunt
17 shall be

18 (1) physically present in the field with the client at least once during
19 the contracted hunt; and

20 (2) in the field and participating in the contracted hunt, unless the hunt
21 is being conducted by a class-A assistant guide or a registered **guide-outfitter**
22 [GUIDE] employed by the contracting registered **guide-outfitter** [GUIDE].

23 * **Sec. 8.** AS 08.54.620 is amended to read:

24 **Sec. 08.54.620. Class-A assistant guide license.** (a) A natural person is
25 entitled to a class-A assistant guide license if the person

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

27 (2) applies for a class-A assistant guide license on a form provided by
28 the department and pays the license application fee and the license fee; and

29 (3) either

30 (A) has

31 (i) been employed during at least three calendar years as

1 any class of licensed guide in the game management unit for which the
2 license is sought; and

3 (ii) at least 10 years' hunting experience in the state;
4 military service outside of the state for not more than three years shall
5 be accepted as part of the required 10 years' hunting experience; or

6 (B) provides

7 (i) evidence that the person physically resides in the
8 game management unit in which the person is to be employed;

9 (ii) evidence that the person has had at least 15 years'
10 hunting experience in the game management unit in which the person is
11 to be employed; military service outside of the state for not more than
12 three years shall be accepted as part of the required 15 years' hunting
13 experience; and

14 (iii) a written recommendation from a registered **guide-**
15 **outfitter** [GUIDE], state trooper, state fish and wildlife law
16 enforcement officer, or state fish or game biologist who is familiar with
17 the person or who intends to employ the person as a class-A assistant
18 guide.

19 (b) A class-A assistant guide

20 (1) may not contract to guide or outfit a big game hunt;

21 (2) shall be employed by and under the supervision of a registered
22 **guide-outfitter** [GUIDE] who has contracted with the client for whom the class-A
23 assistant guide is conducting the hunt;

24 (3) may take charge of a camp and conduct guide activities from the
25 camp without the contracting registered **guide-outfitter** [GUIDE] being in the field
26 and participating in the contracted hunt if the contracting registered **guide-outfitter**
27 [GUIDE] is supervising the guiding activities;

28 (4) may not perform functions of a class-A assistant guide outside of
29 the game management unit for which the license is issued; and

30 (5) may be employed by a registered **guide-outfitter** [GUIDE] to
31 perform the functions of an assistant guide in any game management unit.

1 * **Sec. 9.** AS 08.54.630 is amended to read:

2 **Sec. 08.54.630. Assistant guide license.** (a) A natural person is entitled to an
3 assistant guide license if the person

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

5 (2) has legally hunted in the state during two calendar years;

6 (3) possesses a first aid card issued by the Red Cross or a similar
7 organization;

8 (4) obtains a written recommendation from a registered **guide-**
9 **outfitter** [GUIDE], state trooper, state fish and wildlife law enforcement officer, or
10 state fish or game biologist who is familiar with the person or who intends to employ
11 the person as an assistant guide; and

12 (5) applies for an assistant guide license on a form provided by the
13 department and pays the license application fee and the license fee.

14 (b) An assistant guide

15 (1) may not contract to guide or outfit a big game hunt;

16 (2) shall be employed by a registered **guide-outfitter** [GUIDE] and
17 under the supervision of a registered **guide-outfitter** [GUIDE] or class-A assistant
18 guide while the assistant guide is in the field on guided hunts; and

19 (3) may not take charge of a camp or conduct guide activities unless
20 the contracting registered **guide-outfitter** [GUIDE] is in the field and participating in
21 the contracted hunt or a registered **guide-outfitter** [GUIDE] or class-A assistant guide
22 employed by the contracting guide is physically present and supervising the hunt.

23 * **Sec. 10.** AS 08.54.640(a) is amended to read:

24 (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b)
25 of this section, a person may not hold, or earn experience credits to apply for, a
26 registered **guide-outfitter** [GUIDE] license under this chapter, while the person is a
27 law enforcement officer and for three months after terminating the person's status as a
28 law enforcement officer.

29 * **Sec. 11.** AS 08.54.640(b) is amended to read:

30 (b) A registered **guide-outfitter** [GUIDE] license, class-A assistant guide
31 license, or assistant guide license issued under this chapter, or under former provisions

1 of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom
 2 the license is issued subsequently becomes a law enforcement officer. A person
 3 whose license is subject to suspension under this subsection shall notify the
 4 department that the person has become a law enforcement officer within 30 days after
 5 becoming a law enforcement officer. The suspension of a license under this
 6 subsection remains in effect until three months have elapsed from the date on which
 7 the licensee provides written notification to the department of the fact that the person
 8 is no longer a law enforcement officer. A person whose license is suspended under
 9 this subsection is not required to renew the license or pay license renewal fees for the
 10 period of suspension. Once a suspension of a license is terminated, the licensee may
 11 provide, without further payment of a guide license fee, the guide services authorized
 12 by the license for the remainder of the licensing period in which the suspension is
 13 terminated. Notwithstanding other provisions of this subsection, if a person whose
 14 license is suspended under this subsection fails to notify the department within one
 15 year after the person is no longer a law enforcement officer, the person's license lapses
 16 and the person is eligible for reissuance of the license only as provided in
 17 AS 08.54.670. The **board** [DEPARTMENT] may adopt regulations to implement this
 18 subsection.

19 * **Sec. 12.** AS 08.54.650(c) is amended to read:

20 (c) A transporter shall provide an annual activity report on a form provided by
 21 the department. An activity report must contain information required by the **board**
 22 [DEPARTMENT] by regulation.

23 * **Sec. 13.** AS 08.54.660 is amended to read:

24 **Sec. 08.54.660. Renewal of guide and transporter licenses.** (a) An
 25 applicant for renewal of a registered **guide-outfitter** [GUIDE], class-A assistant
 26 guide, assistant guide, or transporter license shall submit

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

29 (2) the appropriate license fee for the next licensing period.

30 (b) The department may not renew a registered **guide-outfitter** [GUIDE]
 31 license under this section unless all fees have been paid in full and all hunt records due

1 during the term of the current license have been filed with the department **and the**
 2 **renewal of the license has been approved by the board.**

3 (c) The department may not renew a transporter license unless all fees have
 4 been paid in full and all activity reports due during the term of the current license have
 5 been filed with the department **and the renewal of the license has been approved by**
 6 **the board.**

7 * **Sec. 14.** AS 08.54.670 is amended to read:

8 **Sec. 08.54.670. Failure to renew.** The department may not issue a license to
 9 a person who held a registered **guide-outfitter** [GUIDE], class-A assistant guide, or
 10 assistant guide license and who has failed to renew the license under this chapter for
 11 four consecutive years unless the person again meets the qualifications for initial
 12 issuance of the license.

13 * **Sec. 15.** AS 08.54.680(b) is amended to read:

14 (b) If a registered **guide-outfitter** [GUIDE], class-A assistant guide, or an
 15 assistant guide personally pilots an aircraft to transport clients during the provision of
 16 big game hunting services, the registered **guide-outfitter** [GUIDE], class-A assistant
 17 guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500
 18 hours of flying time in the state.

19 * **Sec. 16.** AS 08.54.710(a) is amended to read:

20 (a) The **board** [DEPARTMENT] may impose a disciplinary sanction in a
 21 timely manner under (c) of this section if the **board** [DEPARTMENT] finds after a
 22 hearing, that a licensee

23 (1) is convicted of a violation of a state statute or regulation relating to
 24 hunting or to provision of big game hunting services or transportation services; or

25 (2) has failed to file records or reports required under this chapter.

26 * **Sec. 17.** AS 08.54.710(b) is amended to read:

27 (b) The **board** [DEPARTMENT] may impose a disciplinary sanction in a
 28 timely manner under (c)(3) - (7) of this section if the **board** [DEPARTMENT] finds
 29 after a hearing, that a licensee is incompetent as a registered **guide-outfitter** [GUIDE],
 30 class-A assistant guide, assistant guide, or transporter.

31 * **Sec. 18.** AS 08.54.710(c) is amended to read:

1 (c) The **board** [DEPARTMENT] may impose the following disciplinary
2 sanctions, singly or in combination:

3 (1) permanently revoke a license;

4 (2) suspend a license for a specified period;

5 (3) censure or reprimand a licensee;

6 (4) impose limitations or conditions on the professional practice of a
7 licensee;

8 (5) impose requirements for remedial professional education to correct
9 deficiencies in the education, training, and skill of the licensee;

10 (6) impose probation requiring a licensee to report regularly to the
11 **board** [DEPARTMENT] on matters related to the grounds for probation;

12 (7) impose a civil fine not to exceed **\$5,000** [\$1,000].

13 * **Sec. 19.** AS 08.54.710(d) is amended to read:

14 (d) The **board** [DEPARTMENT] shall permanently revoke a transporter
15 license or any class of guide license if the **board** [DEPARTMENT] finds after a
16 hearing that the license was obtained through fraud, deceit, or **intentional**
17 [INNOCENT] misrepresentation.

18 * **Sec. 20.** AS 08.54.710(e) is amended to read:

19 (e) The **board** [DEPARTMENT] shall suspend or permanently revoke a
20 transporter license or any class of guide license without a hearing if the court orders
21 the **board** [DEPARTMENT] to suspend or permanently revoke the license as a
22 penalty for conviction of an unlawful act under AS 08.54.720. If the **board**
23 [DEPARTMENT] suspends or permanently revokes a license under this subsection,
24 the **board** [DEPARTMENT] may not also impose an administrative disciplinary
25 sanction of suspension or permanent revocation of the same license for the same
26 offense for which the court ordered the suspension or permanent revocation under
27 AS 08.54.720.

28 * **Sec. 21.** AS 08.54.710(h) is amended to read:

29 (h) If the **board** [DEPARTMENT] revokes a license under this section, the
30 person whose license has been revoked shall immediately surrender the license to the
31 department.

1 * **Sec. 22.** AS 08.54.710(i) is amended to read:

2 (i) The **board** [DEPARTMENT] may summarily suspend a licensee from
3 practice of the profession under this chapter, for a period of not more than 30 days,
4 before a final hearing is held or during an appeal if the **board** [DEPARTMENT] finds
5 that the licensee poses a clear and immediate danger to the public health and safety. A
6 person is entitled to a hearing before the **board** [DEPARTMENT] to appeal the
7 summary suspension within seven days after the order of suspension is issued. A
8 person may appeal an adverse decision of the **board** [DEPARTMENT] on an appeal
9 of summary suspension to a court of competent jurisdiction.

10 * **Sec. 23.** AS 08.54.720(a) is amended to read:

11 (a) It is unlawful for a

12 (1) person who is licensed under this chapter to knowingly fail to
13 promptly report to the Department of Public Safety, division of fish and wildlife
14 protection, and in no event later than **40** [20] days, a violation of a state game, guiding,
15 or transportation services statute or regulation that the person reasonably believes was
16 committed by a client or an employee of the person;

17 (2) person who is licensed under this chapter to intentionally obstruct
18 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who
19 is not a client of the person;

20 (3) class-A assistant guide or an assistant guide to knowingly guide a
21 hunt except while employed and supervised by a registered **guide-outfitter** [GUIDE];

22 (4) person who holds any class of guide license to knowingly enter or
23 remain on private land without prior authorization during the course of providing big
24 game hunting services;

25 (5) registered **guide-outfitter** [GUIDE] to knowingly engage in
26 providing big game hunting services outside of

27 (A) a game management unit for which the registered **guide-**
28 **outfitter** [GUIDE] is certified; or

29 (B) a use area for which the registered **guide-outfitter**
30 [GUIDE] is registered under AS 08.54.750 unless the registration requirement
31 for the area has been suspended by the Department of Fish and Game;

1 (6) person to knowingly guide without having a current registered
 2 **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license and
 3 hunting license [IN ACTUAL POSSESSION];

4 (7) registered **guide-outfitter** [GUIDE] to knowingly fail to comply
 5 with AS 08.54.610(e);

6 (8) person who is licensed under this chapter to knowingly

7 (A) commit or aid in the commission of a violation of this
 8 chapter, a regulation adopted under this chapter, or a state game statute or
 9 regulation; or

10 (B) permit the commission of a violation of this chapter, a
 11 regulation adopted under this chapter, or a state game statute or regulation that
 12 the person knows or reasonably believes is being or will be committed without

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

14 (ii) reporting the violation;

15 (9) person without a current registered **guide-outfitter** [GUIDE]
 16 license to knowingly guide, advertise as a registered **guide-outfitter** [GUIDE], or
 17 represent to be a registered **guide-outfitter** [GUIDE];

18 (10) person without a current master **guide-outfitter** [GUIDE] license
 19 to knowingly advertise as, or represent to be, a master **guide-outfitter** [GUIDE];

20 (11) person without a current registered **guide-outfitter** [GUIDE]
 21 license to knowingly outfit a big game hunt, advertise as an outfitter of big game
 22 hunts, or represent to be an outfitter of big game hunts;

23 (12) person to knowingly provide transportation services to big game
 24 hunters without holding a current registered **guide-outfitter** [GUIDE] license or
 25 transporter license;

26 (13) person without a current transporter license to knowingly
 27 advertise as, or represent to be, a transporter;

28 (14) class-A assistant guide or an assistant guide to knowingly contract
 29 to guide or outfit a hunt;

30 (15) person licensed under this chapter to knowingly violate a state
 31 statute or regulation prohibiting waste of a wild food animal or hunting on the same

1 day airborne;

2 (16) person to knowingly provide big game hunting service or
3 transportation services during the period for which the person's license to provide that
4 service is suspended or revoked;

5 (17) registered **guide-outfitter** [GUIDE], except in the defense of life
6 or property, to knowingly personally take

7 (A) big game while accompanying a client in the field; or

8 (B) a species of big game if the registered **guide-outfitter**
9 [GUIDE] is under contract with a client to provide a guided hunt for that
10 species of big game and the client is in the field;

11 (18) person who is licensed as a registered **guide-outfitter** [GUIDE], a
12 class-A assistant guide, or an assistant guide, except in the defense of life or property,
13 to knowingly personally take big game while a client of the registered **guide-outfitter**
14 [GUIDE] by whom the person is employed is in the field unless the person is not
15 participating in, supporting, or otherwise assisting in providing big game hunting
16 services to a client of the registered **guide-outfitter** [GUIDE] by whom the person is
17 employed; or

18 (19) person who is licensed as a transporter, or who provides
19 transportation services under a transporter license, to knowingly accompany or remain
20 in the field with a big game hunter who is a client of the person except as necessary to
21 perform the specific duties of embarking or disembarking big game hunters, their
22 equipment, or big game animals harvested by hunters; this paragraph does not apply to
23 a person who holds both a transporter license and any class of guide license issued
24 under this chapter.

25 * **Sec. 24.** AS 08.54.720(f) is amended to read:

26 (f) In addition to the penalties set out in (b) - (e) of this section and a
27 disciplinary sanction imposed under AS 08.54.710,

28 (1) the court may order the **board** [DEPARTMENT] to suspend the
29 guide license or transporter license of a person who commits a misdemeanor offense
30 set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period
31 of not more than three years;

1 (2) the court shall order the **board** [DEPARTMENT] to suspend the
 2 guide license or transporter license of a person who commits a misdemeanor offense
 3 set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one
 4 year and not more than five years;

5 (3) the court shall order the **board** [DEPARTMENT] to suspend the
 6 guide license or transporter license for a specified period of not less than three years,
 7 or to permanently revoke the guide license or transporter license, of a person who
 8 commits an offense set out in (a)(15) or (16) of this section; and

9 (4) all guns, fishing tackle, boats, aircraft, automobiles, or other
 10 vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a
 11 violation of (a) of this section may be seized by persons authorized to enforce this
 12 chapter and may be forfeited to the state as provided under AS 16.05.195.

13 * **Sec. 25.** AS 08.54.730 is amended to read:

14 **Sec. 08.54.730. Injunction against unlawful action.** When in the judgment
 15 of the **board** [DEPARTMENT], a person has engaged in an act in violation of
 16 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
 17 regulations adopted under these statutes, the **board** [DEPARTMENT] may apply to
 18 the appropriate court for an order enjoining the action. Upon a showing by the **board**
 19 [DEPARTMENT] that the person is engaging in the act, the court shall grant
 20 injunctive relief or other appropriate order without bond.

21 * **Sec. 26.** AS 08.54.740(a) is amended to read:

22 (a) A registered **guide-outfitter** [GUIDE] who contracts to guide or outfit a
 23 big game hunt is equally responsible under AS 08.54.710 for a violation of a state
 24 game, guiding, or transportation services statute or regulation committed by a person
 25 while in the course of the person's employment for the registered **guide-outfitter**
 26 [GUIDE].

27 * **Sec. 27.** AS 08.54.750 is amended to read:

28 **Sec. 08.54.750. Use area registration.** (a) At least 30 days before conducting
 29 big game hunting services within a guide use area, a registered **guide-outfitter**
 30 [GUIDE] shall inform the department, in person or by registered mail on a registration
 31 form provided by the department, that the **guide-outfitter** [GUIDE] will be

1 conducting big game hunting services in the use area.

2 (b) A registered **guide-outfitter** [GUIDE] may not register for, or conduct big
3 game hunting services in,

4 (1) more than three guide use areas during a calendar year; or

5 (2) a guide use area that is outside of a game management unit for
6 which the registered **guide-outfitter** [GUIDE] is certified under AS 08.54.600.

7 (c) Notwithstanding (a) and (b) of this section, a registered **guide-outfitter**
8 [GUIDE] may register to conduct big game hunting services within a guide use area at
9 any time before beginning operations in the guide use area and may conduct big game
10 hunting services in a guide use area, or for a big game species in a guide use area, that
11 is not one of the three guide use areas for which the registered **guide-outfitter**
12 [GUIDE] has registered under (b) of this section if the Department of Fish and Game
13 has determined by regulation that it is in the public interest to suspend the registration
14 requirements for that guide use area or for all guide use areas in a game management
15 unit or game management subunit for a big game species within those guide use areas.

16 (d) Notwithstanding (b) of this section, a registered **guide-outfitter** [GUIDE]
17 who is registered in three guide use areas may also register for and conduct big game
18 hunting services in a portion of one additional guide use area on federal land adjacent
19 to a guide use area in which the registered **guide-outfitter** [GUIDE] is already
20 registered if the **board** [DEPARTMENT] finds that the portion of the adjacent guide
21 use area for which the registered **guide-outfitter** [GUIDE] is seeking to be registered
22 would otherwise remain unused by a registered **guide-outfitter** [GUIDE] because the
23 boundaries of guide use areas do not coincide with boundaries of federal big game
24 guide concession or permit areas.

25 (e) In this section, "guide use area" means a geographic area of the state
26 identified as a guide-outfitter use area by the former Big Game Commercial Services
27 Board **established under former AS 08.54.300** and described on a set of maps titled
28 Guide-Outfitter Use Area Maps, dated June 22, 1994.

29 * **Sec. 28.** AS 08.54.750 is amended by adding a new subsection to read:

30 (f) At least 60 days before providing transportation services to, from, or in a
31 guide use area, a transporter shall inform the department, in person or by registered

1 mail on a registration form provided by the department, that the transporter will be
2 providing transportation services to, from, or in the use area.

3 * **Sec. 29.** AS 08.54.760(a) is amended to read:

4 (a) The department shall collect and maintain hunt records provided by a
5 registered **guide-outfitter** [GUIDE]. A registered **guide-outfitter** [GUIDE] shall
6 submit to the department a hunt record for each contracted hunt within 30 days after
7 the completion of the hunt. A hunt record must include a list of all big game hunters
8 who used the guiding or outfitting services of the registered **guide-outfitter** [GUIDE],
9 the number of each big game species taken, and other information required by the
10 **board** [DEPARTMENT]. The department shall provide forms for reporting hunt
11 records.

12 * **Sec. 30.** AS 08.54.770 is amended to read:

13 **Sec. 08.54.770. License and examination fees.** (a) The department shall set
14 fees under AS 08.01.065 for each of the following:

- 15 (1) registered **guide-outfitter** [GUIDE] license;
- 16 (2) class-A assistant guide license;
- 17 (3) assistant guide license;
- 18 (4) transporter license;
- 19 (5) license application fee.

20 (b) The license fee for the registered **guide-outfitter** [GUIDE], class-A
21 assistant guide, or assistant guide license is in addition to the fee required for a hunting
22 license.

23 (c) An applicant for a qualifying examination for a registered **guide-outfitter**
24 [GUIDE] license shall pay a fee established by regulations adopted under
25 AS 08.01.065.

26 (d) The fee for the transporter license must be equal to the fee for the
27 registered **guide-outfitter** [GUIDE] license.

28 (e) **The** [FOR LICENSES ISSUED UNDER THIS CHAPTER FOR 1997
29 AND SUBSEQUENT YEARS, THE] amount of the license fee for a nonresident shall
30 be two times the amount of the license fee for a resident.

31 * **Sec. 31.** AS 08.54.790(2) is amended to read:

1 (2) "big game hunting service" means a service for which the provider
 2 of the service must obtain a registered **guide-outfitter** [GUIDE], class-A assistant
 3 guide, or assistant guide license; "big game hunting service" includes guiding services
 4 and outfitting services;

5 * **Sec. 32.** AS 08.54.790 is amended by adding a new paragraph to read:

6 (10) "board" means the Big Game Commercial Services Board.

7 * **Sec. 33.** AS 16.05.407(a) is amended to read:

8 (a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly
 9 bear, mountain goat, or sheep in this state, unless personally accompanied by

10 (1) a person who is licensed as

11 (A) a registered **guide-outfitter** [GUIDE] or a master **guide-**
 12 **outfitter** [GUIDE] under AS 08.54 and who is providing big game hunting
 13 services to the nonresident under a contract with the nonresident; or

14 (B) a class-A assistant guide or an assistant guide under
 15 AS 08.54 and who is employed by a registered **guide-outfitter** [GUIDE] or a
 16 master **guide-outfitter** [GUIDE] who has a contract to provide big game
 17 hunting services to the nonresident; or

18 (2) a resident over 19 years of age who is

19 (A) the spouse of the nonresident; or

20 (B) related to the nonresident, within and including the second
 21 degree of kindred, by marriage or blood.

22 * **Sec. 34.** AS 16.05.407(f) is amended to read:

23 (f) An applicant for a nonresident hunt permit for the taking of an animal
 24 specified in (a) of this section shall, if requested by the department, first furnish to the
 25 department proof of prior authorization to use federal or private land where the permit
 26 hunt will occur. The authorization shall be provided to the applicant by the registered
 27 **guide-outfitter** [GUIDE] or master **guide-outfitter** [GUIDE] with whom the
 28 applicant has contracted to guide the permit hunt.

29 * **Sec. 35.** AS 16.05.408(a) is amended to read:

30 (a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take
 31 a big game animal as defined by the Board of Game unless personally accompanied by

1 (1) a registered **guide-outfitter** [GUIDE] or a master **guide-outfitter**
 2 [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the
 3 nonresident alien under a contract with the nonresident alien; or

4 (2) a class-A assistant guide or an assistant guide licensed under
 5 AS 08.54 who is employed by a registered **guide-outfitter** [GUIDE] or a master
 6 **guide-outfitter** [GUIDE] who has a contract to provide big game hunting services to
 7 the nonresident alien.

8 * **Sec. 36.** AS 16.05.408(c) is amended to read:

9 (c) Before obtaining a nonresident hunt permit for the taking of an animal
 10 specified in (a) of this section, a nonresident alien shall, if requested by the
 11 department, first furnish to the department proof of prior authorization to use federal
 12 or private land where the permit hunt will occur. The authorization shall be provided
 13 to the nonresident alien by the registered **guide-outfitter** [GUIDE] or master **guide-**
 14 **outfitter** [GUIDE] with whom the nonresident alien has contracted to guide the permit
 15 hunt.

16 * **Sec. 37.** AS 23.10.055 is amended to read:

17 **Sec. 23.10.055. Exemptions.** The provisions of AS 23.10.050 - 23.10.150 do
 18 not apply to

19 (1) an individual employed in agriculture, which includes farming in
 20 all its branches and, among other things, includes the cultivation and tillage of the soil,
 21 dairying, the production, cultivation, growing, and harvesting of any agricultural or
 22 horticultural commodities, the raising of livestock, bees, fur-bearing animals, or
 23 poultry, and any practices, including forestry and lumbering operations, performed by
 24 a farmer or on a farm as an incident to or in conjunction with the farming operations,
 25 including preparation for market, delivery to storage or to market or to carriers for
 26 transportation to market;

27 (2) an individual employed in the catching, trapping, cultivating, or
 28 farming, netting or taking of any kind of fish, shellfish, or other aquatic forms of
 29 animal and vegetable life;

30 (3) an individual employed in the hand picking of shrimp;

31 (4) an individual employed in domestic service, including a baby-

1 sitter, in or about a private home;

2 (5) an individual employed by the United States or by the state or
3 political subdivision of the state, except as provided in AS 23.10.065(b), including
4 prisoners not on furlough detained or confined in prison facilities;

5 (6) an individual engaged in the nonprofit activities of a nonprofit
6 religious, charitable, cemetery, or educational organization or other nonprofit
7 organization where the employer-employee relationship does not, in fact, exist, and
8 where services rendered to the organization are on a voluntary basis and are related
9 only to the organization's nonprofit activities; for purposes of this paragraph,
10 "nonprofit activities" means activities for which the nonprofit organization does not
11 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

12 (7) an employee engaged in the delivery of newspapers to the
13 consumer;

14 (8) an individual employed solely as a watchman or caretaker of a
15 plant or property that is not in productive use for a period of four months or more;

16 (9) an individual employed in a bona fide executive, administrative, or
17 professional capacity or in the capacity of an outside salesman or a salesman who is
18 employed on a straight commission basis;

19 (10) an individual employed in the search for placer or hard rock
20 minerals;

21 (11) an individual under 18 years of age employed on a part-time basis
22 not more than 30 hours in a week;

23 (12) employment by a nonprofit educational or child care facility to
24 serve as a parent of children while the children are in residence at the facility if the
25 employment requires residence at the facility and is compensated on a cash basis
26 exclusive of room and board at an annual rate of not less than

27 (A) \$10,000 for an unmarried person; or

28 (B) \$15,000 for a married couple;

29 (13) an individual who drives a taxicab, is compensated for taxicab
30 services exclusively by customers of the service, whose written contractual
31 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch

1 services are based upon flat contractual rates and not based on a percentage share of
 2 the individual's receipts from customers, and whose written contract with owners of
 3 taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that
 4 the contract places no restrictions on hours worked by the individual or on areas in
 5 which the individual may work except to comply with local ordinances;

6 (14) a person who holds a license under AS 08.54 and who is
 7 employed by a registered guide-outfitter [GUIDE] or master guide-outfitter
 8 [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is
 9 employed by the registered guide-outfitter [GUIDE] or master guide-outfitter
 10 [GUIDE] during a calendar year;

11 (15) an individual engaged in activities for a nonprofit religious,
 12 charitable, civic, cemetery, recreational, or educational organization where the
 13 employer-employee relationship does not, in fact, exist, and where services are
 14 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
 15 temporary assistance program); or

16 (16) an individual who

17 (A) provides emergency medical services only on a voluntary
 18 basis;

19 (B) serves with a full-time fire department only on a voluntary
 20 basis; or

21 (C) provides ski patrol services on a voluntary basis.

22 * **Sec. 38.** AS 39.50.200(b) is amended by adding a new paragraph to read:

23 (58) Big Game Commercial Services Board (AS 08.54.591).

24 * **Sec. 39.** AS 41.23.420(d) is amended to read:

25 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

26 (1) the Department of Fish and Game, the Board of Fisheries, the
 27 Board of Game, or the Big Game Commercial Services Board [DEPARTMENT OF
 28 COMMUNITY AND ECONOMIC DEVELOPMENT] under AS 08.54, AS 16, or
 29 AS 41.99.010;

30 (2) the Department of Environmental Conservation under AS 46.03; or

31 (3) state agencies and municipalities under AS 46.39.010 and

1 AS 46.40.100.

2 * **Sec. 40.** AS 44.62.330(a)(35) is amended to read:

3 (35) **Big Game Commercial Services Board** [DEPARTMENT OF
4 COMMUNITY AND ECONOMIC DEVELOPMENT UNDER AS 08.54 AS TO
5 LICENSING AND RELATED FUNCTIONS FOR BIG GAME GUIDES AND
6 TRANSPORTERS];

7 * **Sec. 41.** AS 08.54.680(a) is repealed.

8 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL
11 SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and
12 AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board
13 shall be appointed by the governor to terms as follows: one member serves for one year, two
14 members serve for two years, two members serve for three years, and two members serve for
15 four years.

16 (b) The governor shall appoint the initial members of the Big Game Commercial
17 Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before
18 December 1, 2004.

19 (c) The governor shall appoint persons who are active, licensed registered guides at
20 the time of appointment to fill the initial registered guide-outfitter positions on the Big Game
21 Commercial Services Board.

22 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 SAVING CLAUSE. Litigation, hearings, investigations, and other proceedings
25 pending under a law amended or repealed by this Act, or in connection with functions
26 transferred by this Act, continue in effect and may be continued and completed
27 notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations
28 adopted under authority of a law amended or repealed by this Act remain in effect for the term
29 adopted or until repealed or otherwise amended under the provisions of this Act.

30 * **Sec. 44.** Sections 42 and 43 of this Act take effect immediately under AS 01.10.070(c).

31 * **Sec. 45.** Except as provided in sec. 44 of this Act, this Act takes effect on the day on

1 which the Big Game Commercial Services Board convenes its first meeting. The
2 commissioner of community and economic development shall inform the revisor of statutes
3 and the lieutenant governor of the date on which the Big Game Commercial Services Board
4 convenes its first meeting.