

SENATE CS FOR CS FOR HOUSE BILL NO. 76(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/27/05
Referred: Rules

Sponsor(s): REPRESENTATIVES SAMUELS, Joule, LeDoux

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 2008.

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 Commerce, Community, and Economic Development.

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

5 (1) two members who are current, licensed registered guide-outfitters;

6 (2) two members who are licensed transporters;

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 affected by guided
 10 hunting activities or transportation services and who do not hold a license issued under
 11 this chapter; and

12 (5) two public members.

13 **Sec. 08.54.595. Board assistance.** State agencies shall provide the board with
 14 information, data, or technical assistance requested by the board for the purposes of
 15 licensing and regulating the activities of providers of commercial services to big game
 16 hunters.

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

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

21 (1) prepare **and** [,] grade [, AND ADMINISTER]

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

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

1 that the registered **guide-outfitter** [GUIDE] possesses knowledge of the
 2 terrain, transportation problems, game, and other characteristics of the game
 3 management unit;

4 (2) **authorize the issuance of** [ISSUE] registered **guide-outfitter**
 5 [GUIDE], master **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide,
 6 and transporter licenses **after the applicant for the license satisfies the**
 7 **requirements for the license;**

8 (3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL
 9 ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED
 10 UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE
 11 LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE
 12 ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

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

15 (4) [(5)] require an applicant for issuance or renewal of any class of
 16 guide license or of a transporter license to state in a written and signed document
 17 whether the applicant's right to obtain, or exercise the privileges granted by, a hunting,
 18 guiding, outfitting, or transportation services license is revoked or suspended in this
 19 state or another state or in Canada;

20 (5) [(6)] regularly disseminate information regarding examinations and
 21 other qualifications for all classes of guide licenses to residents of the rural areas of the
 22 state;

23 (6) [(7)] adopt procedural and substantive regulations required by this
 24 chapter;

25 (7) **provide for administration of** [(8) ADMINISTER] examinations
 26 for registered **guide-outfitters** [GUIDES] at least twice a year;

27 (8) **meet at least twice annually** [AN EXAMINATION MAY NOT
 28 BE GIVEN WITHIN 90 DAYS AFTER THE PREVIOUS EXAMINATION; AT
 29 LEAST ONCE EVERY OTHER YEAR THE DEPARTMENT SHALL GIVE THE
 30 EXAMINATION AT A LOCATION OTHER THAN ANCHORAGE].

31 (b) The **board** [DEPARTMENT] shall provide for administration of an oral

1 examination for a registered **guide-outfitter** [GUIDE] license or for a game
 2 management unit certification if **requested at the time of application for the license**
 3 [AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

4 * **Sec. 5.** AS 08.54.600 is amended by adding a new subsection to read:

5 (c) The board may adopt regulations as the board considers appropriate to

6 (1) establish a code of ethics for professions regulated by the board;

7 (2) establish requirements for the contents of written contracts to
 8 provide big game hunting services and transportation services to clients;

9 (3) authorize the department to request a copy of a big game hunting
 10 services or transportation services contract entered into by a person licensed under this
 11 chapter.

12 * **Sec. 6.** AS 08.54.605(a) is amended to read:

13 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and
 14 08.54.660, a person may not receive or renew a registered **guide-outfitter** [GUIDE]
 15 license, master **guide-outfitter** [GUIDE] license, class-A assistant guide license,
 16 assistant guide license, or transporter license if

17 (1) the person has been convicted of

18 (A) a violation of a state **or federal** hunting, guiding, or
 19 transportation services statute or regulation [WITHIN THE LAST FIVE
 20 YEARS] for which

21 **(i) the person was [FINED MORE THAN \$1,000 OR]**
 22 **imprisoned for more than five days within the previous five years;**

23 **(ii) an unsuspended fine of more than \$2,000 was**
 24 **imposed in the previous 12 months;**

25 **(iii) an unsuspended fine of more than \$3,000 was**
 26 **imposed in the previous 36 months; or**

27 **(iv) an unsuspended fine of more than \$5,000 was**
 28 **imposed in the previous 60 months;**

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

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

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

4 * **Sec. 7.** AS 08.54.605(c) is amended to read:

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

8 * **Sec. 8.** AS 08.54.610 is amended to read:

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

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

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

15 (3) either

16 (A) has passed the qualification examination prepared [AND
 17 ADMINISTERED] by the **board** [DEPARTMENT] under AS 08.54.600; or

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

20 (4) has passed a certification examination prepared [AND
 21 ADMINISTERED] by the **board** [DEPARTMENT] under AS 08.54.600 for at least
 22 one game management unit;

23 (5) has legally hunted **big game** in the state for part of each of any five
 24 years in a manner directly contributing to the person's experience and competency as a
 25 guide;

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

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

1 (8) has been favorably recommended in writing by eight big game
2 hunters whose recommendations have been solicited by the department from a list
3 provided by the applicant, including at least two favorable recommendations for each
4 year of any three years during which the person was a class-A assistant guide or
5 assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under
6 former AS 08.54.300 - 08.54.590;

7 (9) has provided proof of financial responsibility if required by the
8 department under AS 08.54.680; and

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

12 (b) A master **guide-outfitter** [GUIDE] license authorizes a registered **guide-**
13 **outfitter** [GUIDE] to use the title master **guide-outfitter** [GUIDE], but is for all other
14 purposes under this chapter a registered **guide-outfitter** [GUIDE] license. A natural
15 person is entitled to receive a renewable master **guide-outfitter** [GUIDE] license if
16 the person

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

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

24 (3) submits a list to the department of at least 25 clients for whom the
25 person has personally provided guiding or outfitting services and the person receives a
26 favorable evaluation from 10 of the clients selected from the list by the department;
27 and

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

30 (c) A registered **guide-outfitter** [GUIDE] may contract to guide or outfit
31 hunts for big game and may provide transportation services, personally or through an

1 assistant, to big game hunters who are clients of the **registered guide-outfitter**
2 [GUIDE].

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

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

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

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

15 * **Sec. 9.** AS 08.54.620 is amended to read:

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

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

19 (2) applies for a class-A assistant guide license on a form provided by
20 the department and pays the license application fee and the license fee; [AND]

21 (3) **possesses a current first aid card issued by the Red Cross or a**
22 **similar organization; and**

23 **(4)** either

24 (A) has

25 (i) been employed during at least three calendar years as
26 any class of licensed guide in the game management unit for which the
27 license is sought; and

28 (ii) at least 10 years' hunting experience in the state;
29 military service outside of the state for not more than three years shall
30 be accepted as part of the required 10 years' hunting experience; [OR]

31 (B) provides

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

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

8 (iii) a written recommendation from a registered **guide-**
9 **outfitter** [GUIDE, STATE TROOPER, STATE FISH AND
10 WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR
11 GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR]
12 who intends to employ the person as a class-A assistant guide; **or**

13 **(C) provides evidence that the person**

14 **(i) physically resides in the game management unit**
15 **in which the person is to be employed;**

16 **(ii) has at least 10 years' hunting experience in the**
17 **state; military service outside of the state for not more than three**
18 **years shall be accepted as part of the required 10 years' hunting**
19 **experience; and**

20 **(iii) has passed a class-A assistant guide training**
21 **course approved by the board.**

22 (b) A class-A assistant guide

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

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

27 (3) may take charge of a camp and **provide** [CONDUCT] guide
28 **services** [ACTIVITIES] from the camp without the contracting registered **guide-**
29 **outfitter** [GUIDE] being in the field and participating in the contracted hunt if the
30 contracting registered **guide-outfitter** [GUIDE] is supervising the guiding activities;

31 (4) may not perform functions of a class-A assistant guide outside of

1 the game management unit for which the license is issued; and

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

4 * **Sec. 10.** AS 08.54.630 is amended to read:

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

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

8 (2) has legally hunted **big game** in the state during two calendar years;

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

11 (4) **either**

12 **(A)** obtains a written recommendation from a registered **guide-**
13 **outfitter** [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW
14 ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST
15 WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the
16 person as an assistant guide; **or**

17 **(B) provides evidence that the person passed an assistant**
18 **guide training course approved by the board;** and

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

21 (b) An assistant guide

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

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

26 (3) may not take charge of a camp or **provide** [CONDUCT] guide
27 **services** [ACTIVITIES] unless the contracting registered **guide-outfitter** [GUIDE] is
28 in the field and participating in the contracted hunt or a registered **guide-outfitter**
29 [GUIDE] or class-A assistant guide employed by the contracting guide is physically
30 present and supervising the hunt.

31 * **Sec. 11.** AS 08.54.640(a) is amended to read:

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

6 * **Sec. 12.** AS 08.54.640(b) is amended to read:

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

27 * **Sec. 13.** AS 08.54.650(c) is amended to read:

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

31 * **Sec. 14.** AS 08.54.660 is amended to read:

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

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

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

7 (b) The department may not renew a registered **guide-outfitter** [GUIDE]
8 license under this section unless all fees have been paid in full and **the registered**
9 **guide-outfitter has signed an affidavit that** all hunt records due during the term of
10 the current license have been filed with the department.

11 (c) The department may not renew a transporter license unless all fees have
12 been paid in full and **the transporter has signed an affidavit that** all activity reports
13 due during the term of the current license have been filed with the department.

14 * **Sec. 15.** AS 08.54.670 is amended to read:

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

20 * **Sec. 16.** AS 08.54.680(b) is amended to read:

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

26 * **Sec. 17.** AS 08.54.680 is amended by adding a new subsection to read:

27 (c) On or after January 1, 2006, a registered guide may not provide big game
28 hunting services and a transporter may not provide transportation services unless the
29 registered guide or transporter has entered into a written contract with the client for the
30 provision of those services. A contract to provide big game hunting services must
31 include at least the following information: the name and guide license number of the

1 registered guide, the name of the client, a listing of the big game to be hunted, the
 2 approximate time and dates that the client will be in the field, a statement as to what
 3 transportation is provided by the registered guide, a statement as to whether
 4 accommodations and meals in the field are provided by the registered guide, and a
 5 statement of the amount to be paid for the big game hunting services provided. A
 6 contract to provide transportation services must include at least the following
 7 information: the name and transporter license number of the transporter, the name of
 8 the client, a listing of the big game to be hunted, the approximate time and dates that
 9 the client will be in the field, and a statement of the amount to be paid for the
 10 transportation services provided. A registered guide or transporter shall provide a
 11 copy of contracts to provide big game hunting services or transportation services, as
 12 appropriate, to the department upon the request of the department. Except as
 13 necessary for disciplinary proceedings conducted by the board and as necessary for
 14 law enforcement purposes by the Department of Public Safety and the Department of
 15 Law, a copy of a contract provided to the department is confidential. The department
 16 may provide a copy of contracts in the possession of the department to the Department
 17 of Fish and Game or the Department of Natural Resources upon the request of that
 18 department if the department receiving the copy agrees to maintain the confidentiality
 19 of the contracts.

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

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

24 (1) is convicted of a violation of **any** [A] state **or federal** statute or
 25 regulation relating to hunting or to provision of big game hunting services or
 26 transportation services; [OR]

27 (2) has failed to file records or reports required under this chapter;

28 **(3) has negligently misrepresented or omitted a material fact on an**
 29 **application for any class of guide license or a transporter license; or**

30 **(4) has breached a contract to provide big game hunting services**
 31 **or transportation services to a client.**

1 * **Sec. 19.** AS 08.54.710(b) is amended to read:

2 (b) The **board** [DEPARTMENT] may impose a disciplinary sanction in a
3 timely manner under (c)(3) - (7) of this section if the **board** [DEPARTMENT] finds,
4 after a hearing, that a licensee **has acted unethically** [IS INCOMPETENT] as a
5 registered **guide-outfitter** [GUIDE], class-A assistant guide, assistant guide, or
6 transporter.

7 * **Sec. 20.** AS 08.54.710(c) is amended to read:

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

- 10 (1) permanently revoke a license;
11 (2) suspend a license for a specified period;
12 (3) censure or reprimand a licensee;
13 (4) impose limitations or conditions on the professional practice of a
14 licensee;
15 (5) impose requirements for remedial professional education to correct
16 deficiencies in the education, training, and skill of the licensee;
17 (6) impose probation requiring a licensee to report regularly to the
18 **board** [DEPARTMENT] on matters related to the grounds for probation;
19 (7) impose a civil fine not to exceed **\$5,000** [\$1,000].

20 * **Sec. 21.** AS 08.54.710(d) is amended to read:

21 (d) The **board** [DEPARTMENT] shall permanently revoke a transporter
22 license or any class of guide license if the **board** [DEPARTMENT] finds after a
23 hearing that the license was obtained through fraud, deceit, or [INNOCENT]
24 misrepresentation.

25 * **Sec. 22.** AS 08.54.710(e) is amended to read:

26 (e) The **board** [DEPARTMENT] shall suspend or permanently revoke a
27 transporter license or any class of guide license without a hearing if the court orders
28 the **board** [DEPARTMENT] to suspend or permanently revoke the license as a
29 penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the **board**
30 [DEPARTMENT] suspends or permanently revokes a license under this subsection,
31 the **board** [DEPARTMENT] may not also impose an administrative disciplinary

1 sanction of suspension or permanent revocation of the same license for the same
 2 offense for which the court ordered the suspension or permanent revocation under
 3 AS 08.54.720.

4 * **Sec. 23.** AS 08.54.710(h) is amended to read:

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

8 * **Sec. 24.** AS 08.54.710(i) is amended to read:

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

17 * **Sec. 25.** AS 08.54.720(a) is amended to read:

18 (a) It is unlawful for a

19 (1) person who is licensed under this chapter to knowingly fail to
 20 promptly report, **unless a reasonable means of communication is not reasonably**
 21 **available,** to the Department of Public Safety, [DIVISION OF FISH AND
 22 WILDLIFE PROTECTION,] and in no event later than 20 days, a violation of a state
 23 **or federal wildlife or** game, guiding, or transportation services statute or regulation
 24 that the person reasonably believes was committed by a client or an employee of the
 25 person;

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

29 (3) class-A assistant guide or an assistant guide to knowingly guide a
 30 **big game** hunt except while employed and supervised by a registered **guide-outfitter**
 31 [GUIDE];

1 (4) person who holds any class of guide license **or transporter license**
 2 to knowingly enter or remain on private, **state, or federal** land without prior
 3 authorization during the course of providing big game hunting services **or**
 4 **transportation services**;

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

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

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

12 (6) person to knowingly guide without having a current registered
 13 **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide license and **a**
 14 **valid Alaska** hunting license in actual possession;

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

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

18 (A) commit or aid in the commission of a violation of this
 19 chapter, a regulation adopted under this chapter, or a state **or federal wildlife**
 20 **or** game statute or regulation; or

21 (B) permit the commission of a violation of this chapter, a
 22 regulation adopted under this chapter, or a state **or federal wildlife or** game
 23 statute or regulation that the person knows or reasonably believes is being or
 24 will be committed without

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

26 (ii) reporting the violation;

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

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

1 (11) person without a current registered **guide-outfitter** [GUIDE]
 2 license to knowingly outfit a big game hunt, **provide outfitting services**, advertise as
 3 an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

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

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

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

11 (15) person licensed under this chapter to knowingly violate a state
 12 statute or regulation prohibiting waste of a wild food animal or hunting on the same
 13 day airborne;

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

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

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

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

23 (18) person who is licensed as a registered **guide-outfitter** [GUIDE], a
 24 class-A assistant guide, or an assistant guide, except in the defense of life or property,
 25 to knowingly personally take big game while a client of the registered **guide-outfitter**
 26 [GUIDE] by whom the person is employed is in the field unless the person is not
 27 participating in, supporting, or otherwise assisting in providing big game hunting
 28 services to a client of the registered **guide-outfitter** [GUIDE] by whom the person is
 29 employed; or

30 (19) person who is licensed as a transporter, or who provides
 31 transportation services under a transporter license, to knowingly accompany or remain

1 in the field with a big game hunter who is a client of the person except as necessary to
 2 perform the specific duties of embarking or disembarking big game hunters, their
 3 equipment, or big game animals harvested by hunters; this paragraph does not apply to
 4 a person who holds both a transporter license and **a registered guide-outfitter** [ANY
 5 CLASS OF GUIDE] license issued under this chapter **when the person has a**
 6 **contract to provide guiding services for the client.**

7 * **Sec. 26.** AS 08.54.720(f) is amended to read:

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

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

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

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

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

26 * **Sec. 27.** AS 08.54.730 is amended to read:

27 **Sec. 08.54.730. Injunction against unlawful action.** When in the judgment
 28 of the **board** [DEPARTMENT], a person has engaged in an act in violation of
 29 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
 30 regulations adopted under these statutes, the **board** [DEPARTMENT] may apply to
 31 the appropriate court for an order enjoining the action. Upon a showing by the **board**

1 [DEPARTMENT] that the person is engaging in the act, the court shall grant
2 injunctive relief or other appropriate order without bond.

3 * **Sec. 28.** AS 08.54.740 is amended to read:

4 **Sec. 08.54.740. Responsibility of guide or transporter for violations.** (a) A
5 registered **guide-outfitter** [GUIDE] who contracts to guide or outfit a big game hunt
6 is equally responsible under AS 08.54.710 for a violation of a state **or federal wildlife**
7 **or game or** [,] guiding [, OR TRANSPORTATION SERVICES] statute or regulation
8 committed by a person while in the course of the person's employment for the
9 registered **guide-outfitter** [GUIDE].

10 (b) A transporter who provides transportation services is equally responsible
11 under AS 08.54.710 for a violation of a state **or federal wildlife or** game, guiding, or
12 transportation services statute or regulation committed by a person while in the course
13 of the person's employment for the transporter.

14 * **Sec. 29.** AS 08.54.750 is amended to read:

15 **Sec. 08.54.750. Use area registration.** (a) At least 30 days before
16 conducting big game hunting services within a guide use area, a registered **guide-**
17 **outfitter** [GUIDE] shall inform the department, in person or by registered mail on a
18 registration form provided by the department, that the **guide-outfitter** [GUIDE] will
19 be conducting big game hunting services in the use area. **A registered guide may not**
20 **withdraw or amend a guide use area registration during the calendar year in**
21 **which the registration was submitted to the department.**

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

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

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

27 (c) Notwithstanding (a) and (b) of this section, a registered **guide-outfitter**
28 [GUIDE] may register to conduct big game hunting services within a guide use area at
29 any time before beginning operations in the guide use area and may conduct big game
30 hunting services in a guide use area, or for a big game species in a guide use area, that
31 is not one of the three guide use areas for which the registered **guide-outfitter**

1 [GUIDE] has registered under (b) of this section if the Department of Fish and Game
 2 has determined by regulation that it is in the public interest to suspend the registration
 3 requirements for that guide use area or for all guide use areas in a game management
 4 unit or game management subunit for a big game species within those guide use areas.

5 (d) Notwithstanding (b) of this section, a registered **guide-outfitter** [GUIDE]
 6 who is registered in three guide use areas may also register for and conduct big game
 7 hunting services in a portion of one additional guide use area on federal land adjacent
 8 to a guide use area in which the registered **guide-outfitter** [GUIDE] is already
 9 registered if the **board** [DEPARTMENT] finds that the portion of the adjacent guide
 10 use area for which the registered **guide-outfitter** [GUIDE] is seeking to be registered
 11 would otherwise remain unused by a registered **guide-outfitter** [GUIDE] because the
 12 boundaries of guide use areas do not coincide with boundaries of federal big game
 13 guide concession or permit areas.

14 (e) In this section, "guide use area" means a geographic area of the state
 15 identified as a guide-outfitter use area by the former Big Game Commercial Services
 16 Board **established under former AS 08.54.300** and described on a set of maps titled
 17 Guide-Outfitter Use Area Maps, dated June 22, 1994, **as amended by the board as**
 18 **the board considers necessary**.

19 * **Sec. 30.** AS 08.54.750 is amended by adding new subsections to read:

20 (f) Notwithstanding (b) of this section, a registered guide who is registered in
 21 three guide use areas may also register for and conduct big game hunting services for
 22 wolf, black bear, brown bear, or grizzly bear in guide use areas within a game
 23 management unit or portion of a game management unit where the Board of Game has
 24 identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the
 25 depletion of a big game prey population or a reduction of the productivity of a big
 26 game prey population that is the basis for the establishment of an intensive
 27 management program in the game management unit or portion of the game
 28 management unit or for the declaration of the biological emergency in the game
 29 management unit or portion of the game management unit. A registered guide may
 30 only conduct hunts in a guide use area under this subsection for the big game species
 31 identified by the Board of Game as the cause of the depletion or reduction of

1 productivity a big game prey population.

2 (g) At least 60 days before providing transportation services to, from, or in an
3 area as may be determined by the board, a transporter shall inform the department, in
4 person or by registered mail on a registration form provided by the department, that
5 the transporter will be providing transportation services to, from, or in the use area.
6 The board may establish transporter use areas and adopt regulations to implement this
7 subsection as the board considers necessary.

8 * **Sec. 31.** AS 08.54.760 is amended to read:

9 **Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity**
10 **reports.** (a) The department shall collect and maintain hunt records provided by a
11 registered guide-outfitter [GUIDE]. A registered guide-outfitter [GUIDE] shall
12 submit to the department a hunt record for each contracted hunt within 60 [30] days
13 after the completion of the hunt. A hunt record must include a list of all big game
14 hunters who used the guiding or outfitting services of the registered guide-outfitter
15 [GUIDE], the number of each big game species taken, and other information required
16 by the board [DEPARTMENT]. The department shall provide forms for reporting
17 hunt records.

18 (b) The department shall make hunt records received under this section, and
19 activity reports received under AS 08.54.650, available to state agencies, [AND]
20 federal law enforcement agencies and other [FISH AND WILDLIFE] law
21 enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES
22 AND REGULATIONS RELATING TO GUIDING, OUTFITTING,
23 TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF
24 GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT
25 PURPOSES]. Aggregated data compiled from hunt records and activity reports may
26 be included in reports by the department. For all other purposes, the hunt records and
27 activity reports are confidential and are not subject to inspection or copying under
28 AS 40.25.110 - 40.25.125.

29 * **Sec. 32.** AS 08.54.760 is amended by adding a new subsection to read:

30 (c) Forms, records, and reports required under this chapter may be distributed,
31 received, and stored electronically.

1 * **Sec. 33.** AS 08.54.770 is amended to read:

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

- 4 (1) registered **guide-outfitter** [GUIDE] license;
5 (2) class-A assistant guide license;
6 (3) assistant guide license;
7 (4) transporter license;
8 (5) license application fee.

9 (b) The license fee for the registered **guide-outfitter** [GUIDE], class-A
10 assistant guide, or assistant guide license is in addition to the fee required for a hunting
11 license **issued by the Department of Fish and Game under AS 16.05.340.**

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

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

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

20 * **Sec. 34.** AS 08.54.790 is amended to read:

21 **Sec. 08.54.790. Definitions.** In this chapter,

- 22 (1) "big game" means brown bear, grizzly bear, caribou, moose, black
23 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall
24 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;
25 (2) "big game hunting service" means a service for which the provider
26 of the service must obtain a registered **guide-outfitter** [GUIDE], class-A assistant
27 guide, or assistant guide license; "big game hunting service" includes guiding services
28 and outfitting services;
29 (3) **"board" means the Big Game Commercial Services Board;**
30 (4) "compensation" means payment for services including wages or
31 other remuneration but not including reimbursement for actual expenses incurred;

1 **(5)** [(4)] "department" means the Department of Commerce,
2 Community, and Economic Development;

3 **(6)** [(5)] "field" means an area outside of established year-round
4 dwellings, businesses, or other developments [USUALLY] associated with a city,
5 town, or village; "field" does not include permanent hotels or roadhouses on the state
6 road system or state or federally maintained airports;

7 **(7)** [(6)] "game management unit" means one of the 26 geographic
8 areas defined by the Board of Game for game management purposes;

9 **(8)** [(7)] "guide" means to provide, for compensation or with the intent
10 or with an agreement to receive compensation, services, equipment, or facilities to a
11 big game hunter in the field by a person who accompanies or is present with the big
12 game hunter in the field either personally or through an assistant; in this paragraph,
13 "services" includes

14 (A) contracting to guide or outfit big game hunts;

15 (B) stalking, pursuing, tracking, killing, or attempting to kill
16 big game;

17 (C) packing, preparing, salvaging, or caring for meat, except
18 that which is required to properly and safely load the meat on the mode of
19 transportation being used by a transporter;

20 (D) field preparation of trophies, including skinning and
21 caping;

22 (E) selling, leasing, or renting goods when the transaction
23 occurs in the field;

24 (F) using guiding or outfitting equipment, including spotting
25 scopes and firearms, for the benefit of a hunter; and

26 (G) providing camping or hunting equipment or supplies **that**
27 [WHICH] are already located in the field;

28 **(9)** [(8)] "outfit" means to provide, for compensation or with the intent
29 to receive compensation, services, supplies, or facilities to a big game hunter in the
30 field, by a person who neither accompanies nor is present with the big game hunter in
31 the field either personally or by an assistant;

1 **(10)** [(9)] "transportation services" means the carriage for
 2 compensation of big game hunters, their equipment, or big game animals harvested by
 3 hunters to, from, or in the field; "transportation services" does not include the carriage
 4 by aircraft of big game hunters, their equipment, or big game animals harvested by
 5 hunters

6 (A) on nonstop flights between airports listed in the Alaska
 7 supplement to the Airmen's Guide published by the Federal Aviation
 8 Administration; or

9 (B) by an air taxi operator or air carrier for which the carriage
 10 of big game hunters, their equipment, or big game animals harvested by
 11 hunters is only an incidental portion of its business; in this subparagraph,
 12 "incidental" means transportation provided to a big game hunter by an air taxi
 13 operator or air carrier who does not

14 (i) charge more than the usual tariff or charter rate for
 15 the carriage of big game hunters, their equipment, or big game animals
 16 harvested by hunters; or

17 (ii) advertise transportation services or big game
 18 hunting services to the public; in this sub-subparagraph, "advertise"
 19 means soliciting big game hunters to be customers of an air taxi
 20 operator or air carrier for the purpose of providing air transportation to,
 21 from, or in the field through the use of print or electronic media,
 22 including advertising at trade shows, or the use of hunt broker services
 23 or other promotional services.

24 * **Sec. 35.** AS 16.05.407(a) is amended to read:

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

27 (1) a person who is licensed as

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

31 (B) a class-A assistant guide or an assistant guide under

1 AS 08.54 and who is employed by a registered **guide-outfitter** [GUIDE] or a
 2 master **guide-outfitter** [GUIDE] who has a contract to provide big game
 3 hunting services to the nonresident; or

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

5 (A) the spouse of the nonresident; or

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

8 * **Sec. 36.** AS 16.05.407(f) is amended to read:

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

15 * **Sec. 37.** AS 16.05.408(a) is amended to read:

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

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

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

25 * **Sec. 38.** AS 16.05.408(c) is amended to read:

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

1 hunt.

2 * **Sec. 39.** AS 23.10.055 is amended to read:

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

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

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

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

17 (4) an individual employed in domestic service, including a baby-
18 sitter, in or about a private home;

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

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

29 (7) an employee engaged in the delivery of newspapers to the
30 consumer;

31 (8) an individual employed solely as a watchman or caretaker of a

1 plant or property that is not in productive use for a period of four months or more;

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

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

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

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

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

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

15 (13) an individual who drives a taxicab, is compensated for taxicab
16 services exclusively by customers of the service, whose written contractual
17 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch
18 services are based upon flat contractual rates and not based on a percentage share of
19 the individual's receipts from customers, and whose written contract with owners of
20 taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that
21 the contract places no restrictions on hours worked by the individual or on areas in
22 which the individual may work except to comply with local ordinances;

23 (14) a person who holds a license under AS 08.54 and who is
24 employed by a registered **guide-outfitter** [GUIDE] or master **guide-outfitter**
25 [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is
26 employed by the registered **guide-outfitter** [GUIDE] or master **guide-outfitter**
27 [GUIDE] during a calendar year;

28 (15) an individual engaged in activities for a nonprofit religious,
29 charitable, civic, cemetery, recreational, or educational organization where the
30 employer-employee relationship does not, in fact, exist, and where services are
31 rendered to the organization under a work activity requirement of AS 47.27 (Alaska

1 temporary assistance program);

2 (16) an individual who

3 (A) provides emergency medical services only on a voluntary
4 basis;

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

7 (C) provides ski patrol services on a voluntary basis; or

8 (17) a student participating in a University of Alaska practicum
9 described under AS 14.40.065.

10 * **Sec. 40.** AS 39.50.200(b) is amended by adding a new paragraph to read:

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

12 * **Sec. 41.** AS 41.23.420(d) is amended to read:

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

14 (1) the Department of Fish and Game, the Board of Fisheries, the
15 Board of Game, or the **Big Game Commercial Services Board** [DEPARTMENT OF
16 COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] under
17 AS 08.54, AS 16, or AS 41.99.010;

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

19 (3) state agencies and municipalities under AS 46.39.010 and
20 AS 46.40.100.

21 * **Sec. 42.** AS 44.62.330(a)(21) is amended to read:

22 (21) **Big Game Commercial Service Board** [DEPARTMENT OF
23 COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT UNDER
24 AS 08.54 AS TO LICENSING AND RELATED FUNCTIONS FOR BIG GAME
25 GUIDES AND TRANSPORTERS];

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

28 INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL
29 SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and
30 AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board
31 shall be appointed by the governor to terms as follows: two members serve for one year, two

1 members serve for two years, two members serve for three years, and three members serve for
2 four years.

3 (b) The governor shall appoint the initial members of the Big Game Commercial
4 Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before
5 December 1, 2005.

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

9 * **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 TRANSITION: LICENSES. (a) Notwithstanding AS 08.54.610(a), as amended by
12 sec. 8 of this Act, a person who holds a registered guide license in good standing on the day
13 before the first meeting of the Big Game Commercial Services Board established under
14 AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act,
15 be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as
16 amended by sec. 8 of this Act and may renew the license as a registered guide-outfitter license
17 under AS 08.54.660, as amended by sec. 14 of this Act.

18 (b) Notwithstanding AS 08.54.610(b), as amended by sec. 8 of this Act, a person who
19 holds a master guide license in good standing on the day before the first meeting of the Big
20 Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this
21 Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a master guide-
22 outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act and may renew
23 the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 14 of
24 this Act.

25 * **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

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

1 adopted or until repealed or otherwise amended under the provisions of this Act.

2 * **Sec. 46.** Sections 3, 17, and 43 - 45 of this Act take effect immediately under
3 AS 01.10.070(c).

4 * **Sec. 47.** Except as provided in sec. 46 of this Act, this Act takes effect on the day on
5 which the Big Game Commercial Services Board convenes its first meeting. The
6 commissioner of community and economic development shall inform the revisor of statutes
7 and the lieutenant governor of the date on which the Big Game Commercial Services Board
8 convenes its first meeting.