

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

HOUSE BILL NO. 112

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to big game hunting and to the
7 regulation of big game and marine mammal guide-out-
8 fitting, transportation, and other commercial ser-
9 vices for big game hunters; creating the Big Game
10 Commercial Services Board; and providing for an
11 effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 08.01.010(10) is repealed and reenacted to read:

14 (10) Big Game Commercial Services Board (AS 08.54.300);

15 * Sec. 2. AS 08.03.010(c)(20) is repealed and reenacted to read:

16 (20) Big Game Commercial Services Board (AS 08.54.300) --
17 June 30, 1993.

18 * Sec. 3. AS 08.54 is amended by adding new sections to read:

19 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

20 Sec. 08.54.300. CREATION AND MEMBERSHIP OF BOARD. (a) For the
21 purposes of licensing and regulating the activities of providers of
22 commercial services to big game hunters in the interest of the state's
23 wildlife resources there is created the Big Game Commercial Services
24 Board. For administrative purposes, the board is in the Department of
25 Commerce and Economic Development.

26 (b) The board consists of nine members:

27 (1) the commissioner of fish and game or the commissioner's
28 designee;

29 (2) the commissioner of natural resources or the

1 commissioner's designee;

2 (3) the commissioner of public safety or the commissioner's
3 designee;

4 (4) two members who are either a licensed guide-outfitter
5 or class-A guide-outfitter;

6 (5) one member who is a licensed transporter;

7 (6) one member of the Board of Game who is chosen by the
8 Board of Game;

9 (7) one member who represents Native landholders; and

10 (8) one public member.

11 Sec. 08.54.310. DUTIES AND POWERS. (a) The board shall

12 (1) prepare, grade, and administer

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

20 (B) an oral examination of a guide-outfitter who seeks
21 an amendment of a game management unit certification; the exami-
22 nation must require demonstration that the guide-outfitter is
23 qualified to provide guide-outfitted hunts in each new game
24 management unit for which the guide-outfitter seeks to be certi-
25 fied;

26 (2) determine qualifications of applicants for class-A
27 guide-outfitter, marine mammal guide-outfitter, and assistant guide-
28 outfitter licenses and authorize the issuance of licenses to those who
29 qualify;

1 (3) establish performance standards for providers of big
2 game commercial services and regulate the activities of these provid-
3 ers;

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

11 (5) prohibit guide-outfitting, transporting, and other big
12 game commercial services activities that are unsportsmanlike, uneth-
13 ical, unsafe, against principles of game conservation, degrading to a
14 profession subject to this chapter, or that adversely affect natural
15 resources;

16 (6) after a hearing, revoke, suspend, or deny renewal of a
17 license or permit under AS 08.54.500 - 08.54.510;

18 (7) authorize issuance of transporter licenses;

19 (8) authorize issuance of commercial use permits;

20 (9) meet at least twice annually, once in Anchorage and
21 once in another municipality.

22 (b) The board may

23 (1) provide for registration of hunting camps and facil-
24 ities used by persons who are licensed or who hold a permit under this
25 chapter;

26 (2) establish, in consultation with the Department of Fish
27 and Game or Department of Natural Resources, a resource-based manage-
28 ment system for allocating access to big game hunting opportunities
29 among guide-outfitters licensed under this chapter;

1 (3) establish the level of supervision that a guide-out-
2 fitter shall provide for class-A guide-outfitters and assistant
3 guide-outfitters who are employed by the guide-outfitter.

4 Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt proce-
5 dural and substantive regulations required by this chapter or reason-
6 ably necessary for its administration.

7 ARTICLE 5. LICENSING.

8 Sec. 08.54.350. GUIDE-OUTFITTER LICENSE. (a) A natural person
9 is entitled to a guide-outfitter license if the person

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

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

15 (3) is familiar with the terrain and transportation prob-
16 lems in the game management unit for which the license is requested;

17 (4) has passed the qualification examinations prepared and
18 administered by the board;

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

24 (6) has legally hunted in the state for part of each of any
25 five years in a manner directly contributing to the person's experi-
26 ence and competency as a guide-outfitter;

27 (7) has been licensed as and performed the services of a
28 class-A guide-outfitter or assistant guide-outfitter in the state for
29 a part of each of three years, or has guide-outfitted in the state for

1 a part of each of three years under a marine mammal guide-outfitter
2 license issued under AS 08.54.360;

3 (8) has demonstrated a current knowledge of fishing, hunt-
4 ing, and guide-outfitting regulations;

5 (9) is capable of performing the essential duties associ-
6 ated with guide-outfitting;

7 (10) has been favorably recommended in writing by six big
8 game hunters, two for each year of the person's most recent three
9 years as a class-A guide-outfitter or assistant guide-outfitter, when
10 the person has guide-outfitted or assisted in guide-outfitting as a
11 class-A guide-outfitter or assistant guide-outfitter, whose recommen-
12 dations have been solicited by the board from a list provided by the
13 applicant;

14 (11) possesses a business license to provide guide-out-
15 fitting services; and

16 (12) has paid the license fee and commercial use permit
17 fee.

18 (b) A guide-outfitter may contract to guide-outfit hunts for big
19 game.

20 Sec. 08.54.360. MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (a) The
21 board may issue a marine mammal guide-outfitter license to a natural
22 person who applies to guide-outfit a hunt for a specific species of
23 marine mammal in a specifically designated area if the person

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

25 (2) has, for at least 10 years, resided and hunted in the
26 area of the state in which the applicant is to guide-outfit;

27 (3) is able to perform the duties of a marine mammal guide-
28 outfitter;

29 (4) has demonstrated knowledge of the following areas to an

1 extent and degree satisfactory to the board:

2 (A) current fish and game laws and regulations;

3 (B) relevant characteristics of the specific species
4 to be hunted;

5 (C) field preparation of trophies;

6 (D) care of game meat;

7 (E) use of guide-outfitting gear;

8 (F) firearm safety;

9 (G) practical first aid; and

10 (H) booking and contracting hunts;

11 (5) has not been convicted of violating a state or federal
12 game or guide-outfitting statute or regulation during the previous
13 five years for which the person was fined more than \$500 or imprisoned
14 for more than five days;

15 (6) possesses a business license to provide guide-out-
16 fitting services; and

17 (7) has paid the license fee and commercial use permit fee.

18 (b) A marine mammal guide-outfitter may contract to guide-outfit
19 hunts for species of marine mammals for which the marine mammal guide-
20 outfitter license is issued.

21 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE
22 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a
23 guide-outfitter license or a marine mammal guide-outfitter license
24 shall submit with the application for renewal

25 (1) the hunt record required under AS 08.54.550 for the
26 period covered by the current license;

27 (2) the big game conservation fees due for the period
28 covered by the current license;

29 (3) the license fee for the next licensing period; and

1 (4) the commercial use permit fee for the next licensing
2 period.

3 (b) The department may not renew a license under this section
4 unless all fees have been paid in full and the hunt record has been
5 filed.

6 Sec. 08.54.380. CLASS-A GUIDE-OUTFITTER LICENSE. (a) A natural
7 person is entitled to a class-A guide-outfitter license if the person

8 (1) has been employed for at least one season as a licensed
9 assistant guide-outfitter; and

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

14 (b) A class-A guide-outfitter

15 (1) may not contract to guide-outfit hunts;

16 (2) shall be under the supervision of a guide-outfitter who
17 has contracted with the client for whom the class-A guide-outfitter is
18 conducting the hunt; and

19 (3) may take charge of a camp and conduct guide-outfitter
20 activities from it without the guide-outfitter being present in the
21 area if the guide-outfitter is supervising the guide-outfitting activ-
22 ities.

23 Sec. 08.54.390. ASSISTANT GUIDE-OUTFITTER LICENSE. (a) A
24 natural person is entitled to an assistant guide-outfitter license if
25 the person

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

27 (2) passes an examination administered by the board;

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

29 (4) has demonstrated practical knowledge of first aid and

1 cardiopulmonary resuscitation;

2 (5) is in sound physical condition; and

3 (6) meets additional qualifications that the board may
4 establish.

5 (b) An assistant guide-outfitter

6 (1) may not contract to guide-outfit hunts; and

7 (2) shall be employed by a guide-outfitter and under the
8 supervision of a guide-outfitter or class-A guide-outfitter at all
9 times while the assistant guide-outfitter is in the field on guide-
10 outfitted hunts.

11 Sec. 08.54.400. TRANSPORTER LICENSE. (a) A person is entitled
12 to a transporter license if the person

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

14 (2) pays the license fee;

15 (3) pays the commercial use permit fee;

16 (4) provides proof of

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

21 (B) licensure by the Coast Guard to carry passengers
22 for hire, if the person provides water transportation services to
23 big game hunters; and

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

25 (b) A transporter may provide transportation services for com-
26 pensation to big game hunters. A transporter may not provide any
27 service in the field to big game hunters other than transportation,
28 except that a transporter may provide accommodations in the field at a
29 permanent lodge, house, or cabin owned by the transporter or on a boat

1 with permanent living quarters owned by the transporter used for over-
2 night commercial hunts for Sitka blacktail deer, elk, and marine
3 mammals.

4 (c) An applicant for renewal of a transporter license shall
5 submit with the application for renewal

6 (1) an activity report on a form provided by the department
7 for the period covered by the current license; an activity report
8 shall contain information required by the board by regulation;

9 (2) the big game conservation fees due for the period
10 covered by the current license;

11 (3) the license fee for the next licensing period;

12 (4) the commercial use permit fee for the next licensing
13 period; and

14 (5) proof of

15 (A) an air taxi/commercial operator certificate issued
16 by the Federal Aviation Administration under 14 C.F.R. Part 135,
17 if the applicant provides air transportation services to big game
18 hunters;

19 (B) licensure by the Coast Guard to carry passengers
20 for hire, if the applicant provides water transportation services
21 to big game hunters.

22 (d) The department may not renew a transporter license unless
23 all fees have been paid in full and the activity report required under
24 (c)(1) of this section and the proof required under (c)(5) of this
25 section have been filed.

26 (e) A transporter shall place a decal provided by the department
27 on each plane, boat, vehicle, or other equipment used by the trans-
28 porter to provide transportation services to big game hunters. The
29 decal must bear the transporter's license number. The decal is valid

1 only for the plane, boat, vehicle, or other equipment for which the
2 decal is issued.

3 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF
4 LICENSE. The commissioner of commerce and economic development may
5 order that an applicant for an initial license under AS 08.54.350 -
6 08.54.400 be allowed to take the license examination or be issued the
7 license if, after reviewing a petition filed by the applicant, the
8 commissioner finds that

9 (1) the board denied the applicant an opportunity to take
10 the license examination or refused to approve issuance of the license;

11 (2) the board's denial or refusal has been upheld by a
12 final administrative order and the order has not been appealed to the
13 superior court under AS 44.62.560;

14 (3) the board's denial or refusal was based on

15 (A) an error of fact by the board; or

16 (B) the applicant's failure of the license examination
17 due to faulty or unfair examination questions or procedures;

18 (4) the applicant is otherwise qualified to take the exam-
19 ination or to be issued the license; and

20 (5) sustaining the board's denial or refusal would work a
21 substantial injustice on the applicant.

22 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-
23 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-
24 er licenses shall be renewed annually on dates set by the department
25 with the approval of the board.

26 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)
27 The board shall administer the qualification examinations required
28 under this chapter at least twice a year. An examination may not be
29 given within 90 days after the previous examination. At least once

1 every other year the board shall give the examination at a location
2 other than Anchorage.

3 (b) The board shall regularly disseminate information regarding
4 examinations and other qualifications for all classes of guide-out-
5 fitter licenses to residents of the rural areas of the state.

6 Sec. 08.54.440. FAILURE TO RENEW. (a) A license may not be
7 issued to a guide-outfitter, marine mammal guide-outfitter, class-A
8 guide-outfitter, or assistant guide-outfitter who has failed to renew
9 a license issued under this chapter for two consecutive years unless
10 the guide-outfitter, marine mammal guide-outfitter, class-A guide-
11 outfitter, or assistant guide-outfitter again meets the qualifications
12 for initial issuance of the license.

13 (b) Notwithstanding (a) of this section, a guide-outfitter who
14 fails to renew a license is not required to requalify under AS 08.54.-
15 350(a)(7), unless the license has been lapsed for three or more years.

16 Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The depart-
17 ment shall set license fees under AS 08.01.065 for each of the follow-
18 ing:

- 19 (1) guide-outfitter
- 20 (2) class-A guide-outfitter;
- 21 (3) assistant guide-outfitter;
- 22 (4) marine mammal guide-outfitter;
- 23 (5) transporter.

24 (b) The license fee for the guide-outfitter, marine mammal
25 guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter
26 license is in addition to the fee required for a hunting license.

27 (c) An applicant for a qualifying examination for any class of
28 guide-outfitter license shall pay a fee established by regulations
29 adopted under AS 08.01.065.

1 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other
2 than a guide-outfitter, marine mammal guide-outfitter, or a trans-
3 porter, who provides other big game commercial services for compen-
4 sation shall register with the board on a form provided by the board
5 and shall obtain a commercial use permit and pay the annual commercial
6 use permit fee set under AS 08.54.470. In this section "other big
7 game commercial services" includes provision of accommodations, hunt
8 broker services, gear rental services, photographic or videographic
9 services, expediter services, and services as defined by the board by
10 regulation.

11 Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person
12 who is licensed under this chapter as a guide-outfitter, marine mammal
13 guide-outfitter, or transporter shall obtain an annual commercial use
14 permit and pay an annual commercial use permit fee.

15 (b) The department, in consultation with the board, shall set
16 the amount of the commercial use permit fee.

17 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
18 porter shall pay the commercial use permit fee at the time of applica-
19 tion for issuance or renewal of a guide-outfitter license, marine
20 mammal guide-outfitter license, or transporter license.

21 (d) The commissioner of administration shall separately account
22 for commercial use permit fees deposited in the general fund by the
23 department. The annual estimated balance in the account may be used
24 by the legislature to make appropriations to the Department of Fish
25 and Game and the Department of Public Safety to carry out their re-
26 spective responsibilities for management of game resources and en-
27 forcement of game laws.

28 ARTICLE 6. PENALTIES.

29 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board

1 may hold a hearing to determine whether disciplinary action is neces-
2 sary if a complaint concerning the guide-outfitting activities of a
3 licensee who holds any class of guide-outfitter license is filed with
4 the board by a client of the licensee. The board shall hold a hearing
5 to determine whether a licensee should be disciplined within a
6 reasonable time after

7 (1) complaints concerning a licensee's guide-outfitting
8 activities are filed with the board by three or more of the licensee's
9 clients from separate hunting parties;

10 (2) a complaint concerning a licensee's conduct during a
11 life-threatening situation is filed with the board; or

12 (3) a licensee has been convicted of a violation of a
13 federal or state statute or regulation relating to hunting or pro-
14 vision of big game commercial services.

15 (b) After a hearing, the board may revoke, suspend, or deny
16 renewal of any class of guide-outfitter license, if the board finds
17 that the licensee

18 (1) engaged in unethical activity, unsafe activity, or
19 activity that adversely affects the natural resources of the state
20 when the activity is related to the purposes of providing guide-out-
21 fitting services; or

22 (2) violated a provision of a federal or state statute or
23 regulation relating to hunting or provision of big game commercial
24 services.

25 (c) After a hearing, the board shall revoke any class of guide-
26 outfitter license if the board finds that the licensee

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

29 (2) is incompetent as a guide-outfitter, marine mammal

1 guide-outfitter, class-A guide-outfitter, or assistant guide-out-
2 fitter; or

3 (3) during the five years immediately preceding the hearing
4 has been convicted of a violation of a federal or state statute or
5 regulation prohibiting

6 (A) waste of a wild food animal;

7 (B) hunting on the same day airborne;

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

9 (D) hunting in an area closed by federal regulation.

10 (d) If a certified copy of a judgment of conviction of a licens-
11 ee who holds any class of guide-outfitter license for an offense
12 described under (c)(3) of this section is filed with the board, the
13 board shall immediately suspend the licensee's license. The
14 suspension may be ordered even if the conviction resulted from a plea
15 of nolo contendere or if the conviction is under appeal. The
16 suspension remains in effect until after the final disposition of the
17 disciplinary proceeding under this section.

18 Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS AND COMMERCIAL USE
19 PERMITTEES. (a) The board may hold a hearing to determine whether
20 disciplinary action is necessary if a complaint concerning the big
21 game commercial service activities of a transporter who is licensed
22 under AS 08.54.400 or a commercial use permittee who holds a permit
23 issued under AS 08.54.460 is filed with the board by a client of the
24 licensee or permittee. The board shall hold a hearing to determine
25 whether a licensee or permittee should be disciplined within a
26 reasonable time after

27 (1) complaints concerning a licensee's or permittee's
28 activities are filed with the board by three or more of the licensee's
29 or permittee's clients from separate hunting parties; or

1 (2) a licensee or permittee has been convicted of a viola-
2 tion of a federal or state statute or regulation relating to hunting
3 or provision of big game commercial services.

4 (b) After a hearing, the board may revoke, suspend, or deny
5 renewal of a transporter license or commercial use permit issued under
6 this chapter, if the board finds that the licensee or permittee

7 (1) engaged in unethical activity, unsafe activity, or
8 activity that adversely affects the natural resources of the state
9 when the activity is related to the purposes of providing big game
10 commercial services; or

11 (2) violated a provision of a federal or state statute or
12 regulation relating to hunting or provision of big game commercial
13 services.

14 (c) After a hearing, the board shall revoke a license or permit
15 if the board finds that the licensee or permittee

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

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

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

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

24 (D) hunting in an area closed by federal regulation.

25 (d) If a certified copy of a judgment of conviction of a licens-
26 ee or permittee for an offense described under (c)(2) of this section
27 is filed with the board, the board shall immediately suspend the
28 licensee's or permittee's license or permit. The suspension may be
29 ordered even if the conviction resulted from a pleas of nolo

1 contendere or if the conviction is under appeal. The suspension
2 remains in effect until after the final disposition of the
3 disciplinary proceeding under this section.

4 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person
5 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in
6 the provision of big game commercial services during the period of
7 license or permit revocation or other disciplinary action. A person
8 who is licensed under this chapter, or who holds a permit issued under
9 this chapter, may not hire a person whose license or permit to provide
10 big game commercial services is suspended or revoked under AS 08.54.-
11 500 or 08.54.505. A person whose license or permit is suspended or
12 revoked may not be employed by a person who is licensed or who holds a
13 permit under this chapter.

14 (b) If the board revokes a license or permit under AS 08.54.500
15 or 08.54.505, the person whose license or permit has been revoked
16 shall surrender immediately the license or permit to the department.

17 (c) A certified copy of a judgment of conviction of a licensee
18 or permittee for an offense is conclusive evidence of the commission
19 of that offense in a disciplinary proceeding instituted against the
20 licensee or permittee under AS 08.54.500 or 08.54.505 based on that
21 conviction, regardless of whether the conviction resulted from a plea
22 of nolo contendere or the conviction is under appeal, unless the
23 conviction is overturned on appeal.

24 (d) Within 30 days after conclusion of a hearing under AS 08.-
25 54.500 or 08.54.505, the board shall notify the complainant of the
26 results of the hearing, including written reasons justifying a deci-
27 sion not to take disciplinary action.

28 Sec. 08.54.520. UNLAWFUL ACTS. (a) It is unlawful for a

29 (1) person who is licensed or who holds a commercial use

1 permit under this chapter to fail to timely report to the Department
2 of Public Safety, division of fish and wildlife protection, and in no
3 event later than 30 days, a violation of a state fish, game, or big
4 game commercial services statute or regulation that the person reason-
5 ably believes was committed by a client or an employee of the person;

6 (2) person who is licensed or who holds a commercial use
7 permit under this chapter to

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

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

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

17 (ii) reporting it;

18 (3) person without a current commercial use permit issued
19 under this chapter to provide big game commercial services;

20 (4) person who is licensed or who holds a commercial use
21 permit issued under this chapter to intentionally obstruct or hinder
22 or attempt to obstruct or hinder lawful hunting engaged in by a person
23 who is not a client of the person;

24 (5) guide-outfitter, marine mammal guide-outfitter, or
25 transporter to fail to transmit to the department big game conserva-
26 tion fees due under AS 16.05.344;

27 (6) class-A guide-outfitter or an assistant guide-outfitter
28 to provide guide-outfitting services in the field on a
29 guided-outfitted hunt except while employed and supervised by a

1 guide-outfitter; or

2 (7) person to provide guide-outfitter services without
3 having a current guide-outfitter, marine mammal guide-outfitter,
4 class-A guide-outfitter, or assistant guide-outfitter license and
5 hunting license in actual possession;

6 (8) person without a current guide-outfitter or marine
7 mammal guide-outfitter license to advertise as or represent to be a
8 guide-outfitter;

9 (9) person to provide transportation services to big game
10 hunters without holding a transporter license;

11 (10) class-A guide-outfitter or an assistant guide-outfitter
12 to contract for a hunt;

13 (11) a person to engage in a big game commercial services
14 activity during the period for which the person's license to conduct
15 that activity is suspended or revoked.

16 (b) A person who commits an offense set out in (a)(1) - (6) of
17 this section is guilty of a misdemeanor and is punishable by a fine of
18 not more than \$30,000 or by imprisonment for not less than two months
19 or more than one year, or both.

20 (c) A person who commits an offense set out in (a)(7) - (10) of
21 this section is guilty,

22 (1) for a first offense, of a misdemeanor and is punishable
23 by a fine of not more than \$30,000 or by imprisonment for not less
24 than two months or more than one year, or both;

25 (2) for a second or subsequent offense, of a felony and is
26 punishable by a fine of not more than \$50,000 or by imprisonment for
27 not more than three years.

28 (d) A person who violates (a)(11) of this section, is guilty of
29 a felony punishable, upon conviction, by a fine of not more than

1 \$50,000 and by imprisonment for not more than three years.

2 (e) In addition to the penalties set out in (b), (c) and (d) of
3 this section,

4 (1) the court may revoke the person's license to provide
5 guide-outfitting or transportation services for not more than five
6 years; and

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

12 (f) Upon conviction of a person for committing an offense set
13 out in (a) of this section, the court may not suspend imposition of
14 sentence.

15 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
16 judgment of the board a person has engaged in an act in violation of
17 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
18 520 or the regulations adopted under them, the board may apply to the
19 appropriate court for an order enjoining the action. Upon a showing
20 by the board that the person is engaging in the act, the court shall
21 grant injunctive relief or other appropriate order without bond.

22 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-
23 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is
24 equally responsible under AS 08.54.500 for a violation of a federal or
25 state sport fish, game, or guide-outfitting statute or regulation
26 committed by a class-A guide-outfitter or an assistant guide-outfitter
27 while in the course of the class-A guide-outfitter's or assistant
28 guide-outfitter's employment for the guide-outfitter.

29 ARTICLE 7. GENERAL PROVISIONS.

1 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS
2 AND ACTIVITY REPORTS. (a) The department shall collect and maintain
3 hunt records provided by guide-outfitters or marine mammal guide-out-
4 fitters. A hunt record must include a list of all big game hunters
5 who used the services of the guide-outfitter or marine mammal guide-
6 outfitter, the number of each big game species taken, and other infor-
7 mation required by the board. The department shall provide forms for
8 reporting hunt records.

9 (b) The department shall make hunt records, and activity reports
10 received under AS 08.54.400, available to state and federal agencies
11 charged with the enforcement of statutes and regulations relating to
12 guide-outfitting or game or with management of game if requested for
13 game management or law enforcement purposes. Aggregated data compiled
14 from hunt records and activity reports may be included in reports by
15 the department. For all other purposes, the hunt records and activity
16 reports are confidential and are not subject to inspection or copying
17 under AS 09.25.110 - 09.25.125.

18 Sec. 08.54.590. DEFINITIONS. In this chapter

19 (1) "big game" means brown bear, grizzly bear, polar bear,
20 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
21 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

22 (2) "board" means the Big Game Commercial Services Board;

23 (3) "department" means the Department of Commerce and
24 Economic Development;

25 (4) "guide-outfit" means to provide big game commercial
26 hunting services, for compensation, in the field but does not include
27 transportation services;

28 (5) "field" means an area outside of established year-round
29 dwellings, businesses, or other developments usually associated with a

1 city, town, or village; "field" does not include permanent hotels or
2 roadhouses on the state road system;

3 (6) "transportation services" means the carriage for com-
4 pensation of big game hunters, their equipment, or big game animals
5 harvested by hunters to, from, or in the field;

6 (7) "unethical activity" means

7 (A) deception or misrepresentation involving prospec-
8 tive or actual clients either before, during, or following the
9 provision of big game commercial services, including misrepresen-
10 tations through private or public advertising of the type, dura-
11 tion, cost, or conditions of the services;

12 (B) making a guaranty that a species or certain number
13 of species of game will be taken on a hunt;

14 (C) engaging in unsafe or unsportsmanlike activities
15 that are detrimental to the game resources of the state, as
16 defined by regulations of the board, including violations of
17 state hunting or big game commercial services statutes or regu-
18 lations; or

19 (D) accepting a deposit for big game commercial ser-
20 vices without providing before the services are rendered a signed
21 written contract to provide the services.

22 * Sec. 4. AS 16.05 is amended by adding a new section to read:

23 Sec. 16.05.344. BIG GAME CONSERVATION FEE. (a) A big game
24 conservation fee is due to the state for each animal taken by a hunter
25 who

26 (1) takes an animal for which the hunter is required to
27 have a big game tag under AS 16.05.340; and

28 (2) utilizes the services of a guide-outfitter, marine
29 mammal guide-outfitter, or transporter licensed under AS 08.54 to

1 facilitate the taking of that animal.

2 (b) The big game conservation fee is equal to 25 percent of the
3 big game tag fee set out in AS 16.05.340.

4 (c) The big game conservation fee shall be paid by the guide-
5 outfitter or marine mammal guide-outfitter who contracted to guide-
6 outfit the hunt on which the animal was taken. If the animal was not
7 taken on a guide-outfitted hunt, then the fee shall be paid by the
8 transporter who transports the animal from the field.

9 (d) A guide-outfitter, marine mammal guide-outfitter, or trans-
10 porter shall pay fees due under this section to the Department of
11 Commerce and Economic Development at the time of application for
12 renewal of a guide-outfitter license, marine mammal guide-outfitter
13 license, or transporter license. If the person who owes the fee due
14 under this section does not apply for renewal of a license under AS
15 08.54, the person shall pay the fee to the Department of Commerce and
16 Economic Development by the end of the calendar year in which the
17 animal was taken.

18 (e) The commissioner of administration shall separately account
19 for big game conservation fees deposited in the general fund by the
20 Department of Commerce and Economic Development. The annual estimated
21 balance in the account may be used by the legislature to make appro-
22 priations to the Department of Fish and Game and the Department of
23 Public Safety to carry out their respective responsibilities for
24 management of game resources and enforcement of game laws.

25 * Sec. 5. AS 16.05.407(a) is amended to read:

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

29 (1) a person who is licensed as a guide-outfitter, [MASTER

1 GUIDE, REGISTERED GUIDE,] class-A guide-outfitter. [ASSISTANT GUIDE]
2 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-
3 vices [GUIDE] Board; or

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

5 (A) the spouse of the nonresident; or

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

8 * Sec. 6. AS 16.05.407(d) is amended to read:

9 (d) A nonresident who violates (a) of this section, or who fails
10 to furnish an affidavit under (b) [OR (e)] of this section, is guilty
11 of a misdemeanor and upon conviction is punishable by imprisonment for
12 not more than one year, or by a fine of not more than \$5,000, or by
13 both.

14 * Sec. 7. AS 16.05.408(a) is amended to read:

15 (a) It is a class A misdemeanor for a nonresident alien

16 (1) to hunt, pursue, or take marine mammals unless person-
17 ally accompanied by a licensed marine mammal guide-outfitter [GUIDE];
18 or

19 (2) to hunt, pursue, or take a big game animal as defined
20 by the Board of Game unless personally accompanied by a guide-outfit-
21 ter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A guide-out-
22 fitter licensed [ASSISTANT GUIDE] under AS 08.54.

23 * Sec. 8. AS 16.05 is amended by adding a new section to read:

24 Sec. 16.05.783. BIG GAME HUNTING CLUBS PROHIBITED. (a) A
25 hunting club may not

26 (1) engage in activities in direct support of big game
27 hunting, including transportation or guide-outfitting of big game
28 hunters; or

29 (2) provide facilities or services for big game hunting.

1 (b) In this section "hunting club" means

2 (1) an organization that offers use of property or services
3 to individuals who pay a membership fee for the privilege of using the
4 property or services for hunting; or

5 (2) a partnership, limited partnership, corporation, or
6 unincorporated association through which property is jointly owned,
7 leased, or otherwise held by members of the entity and through which
8 the members are entitled to use the property for hunting.

9 * Sec. 9. AS 39.50.200(b)(48) is amended to read:

10 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-
11 300 [(AS 08.54.010)]; and

12 * Sec. 10. 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
14 authority of

15 (1) the Department of Fish and Game, the Board of Fisher-
16 ies, the Board of Game, or the Big Game Commercial Services [GUIDE
17 LICENSING AND CONTROL] Board under AS 08.54, AS 16, or AS 41.99.010;

18 (2) the Department of Environmental Conservation under AS
19 46.03; or

20 (3) state agencies and municipalities under AS 44.19.145(a)-
21 (11) and AS 46.40.100.

22 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

23 (35) Big Game Commercial Services [GUIDE LICENSING AND
24 CONTROL] Board

25 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
26 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
27 54.010 - 08.54.240 are valid for the period for which the licenses were is-
28 sued.

29 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3

1 of this Act, until new licenses are issued under this section, a

2 (1) master guide license issued under former AS 08.54.100 and a
3 registered guide license issued under former AS 08.54.110 shall be con-
4 sidered a guide-outfitter license issued under AS 08.54.350;

5 (2) class-A assistant guide license issued under former AS 08.-
6 54.120 shall be considered a class-A guide-outfitter license issued under
7 AS 08.54.380;

8 (3) an assistant guide license issued under former AS 08.54.140
9 shall be considered an assistant guide-outfitter license issued under
10 AS 08.54.390.

11 (c) At the time of the next license renewal following the effective
12 date of this Act, each person licensed as

13 (1) a master guide or registered guide shall receive a guide-
14 outfitter license, if the person

15 (A) is in good standing at the time of issuance of the
16 license; and

17 (B) has paid the guide-outfitter license fee and the com-
18 mercial use permit fee;

19 (2) a class-A assistant guide shall receive a class-A guide-
20 outfitter license, if the person

21 (A) is in good standing at the time of issuance of the
22 license; and

23 (B) has paid the class-A guide-outfitter license fee;

24 (3) an assistant guide shall receive an assistant guide-out-
25 fitter license, if the person

26 (A) is in good standing at the time of issuance of the
27 license; and

28 (B) pays the assistant guide-outfitter license fee.

29 (d) Notwithstanding (c) of this section, the Department of Commerce

1 and Economic Development may issue a new license under AS 08.54.300 -
2 08.54.590, without an additional fee, to a person licensed under former
3 AS 08.54.010 - 08.54.240 before the next renewal period following the
4 effective date of this Act, if the person satisfies the requirements for
5 the license and the license is valid only for the same period for which the
6 replaced license was issued.

7 * Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,
8 as enacted by sec. 3 of this Act, a natural person is entitled to receive a
9 guide-outfitter license if the person

10 (1) applies on a form provided by the Department of Commerce and
11 Economic Development;

12 (2) registered a camp, cabin, or lodge under AS 16.05.787 during
13 1988;

14 (3) provides evidence satisfactory to the Big Game Commercial
15 Services Board that the person has engaged in the business of big game
16 outfitting in 1986, 1987, and 1988;

17 (4) passes the guide-outfitter examination administered by the
18 Big Game Commercial Services Board within one year after the effective date
19 of this Act;

20 (5) pays the guide-outfitter license fee and the commercial use
21 permit fee; and

22 (6) possesses a business license to provide guide-outfitting
23 services.

24 (b) A guide-outfitter license issued under (a) of this section is for
25 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of
26 this Act.

27 (c) A person who satisfies (a)(1) - (3) of this section, holds a
28 business license as a big game outfitter, and pays a license fee set by the
29 Department of Commerce and Economic Development is entitled to receive an

1 interim outfitter license pending a final determination of a person's
2 eligibility for a guide-outfitter license under (a) of this section. The
3 right to receive and hold an interim outfitter license terminates on the
4 earlier of

5 (1) the date of issuance of a guide-outfitter license to the
6 person;

7 (2) a final determination under (a) of this section that the
8 person is not eligible to receive a guide-outfitter license; or

9 (3) one year from the effective date of this Act.

10 (d) A person who holds an interim outfitter license, notwithstanding
11 contrary provisions of AS 08.54, may provide transportation to, from, and
12 in the field to big game hunters and supply other services in the field to
13 big game hunters. The person may not provide guiding services. The person
14 is responsible for paying to the Department of Commerce and Economic Devel-
15 opment the big game conservation fee due under AS 16.05.344.

16 (e) A person who holds an interim outfitter license shall promptly
17 report to the Department of Public Safety, division of fish and wildlife
18 protection, but not later than 30 days after the violation, a violation of
19 a state fish, game, or big game commercial services statute or regulation
20 that the person reasonably believes was committed by a client or employee
21 of the person.

22 (f) A person who holds an interim outfitter license may accompany or
23 be present with a hunter at a base camp, cabin, or permanent lodge in
24 connection with a big game hunt for compensation only if the person has
25 furnished an affidavit to the Department of Public Safety, division of fish
26 and wildlife protection, at least two weeks in advance. The person may not
27 register more than two base camps. The affidavit must be signed by the
28 person and must provide the following information:

29 (1) the specific location of the camp, cabin, or lodge;

1 (2) the number of big game hunters in each party that will use
2 the camp, cabin; or lodge; and

3 (3) the kinds or species of big game that will be hunted.

4 (g) A person who furnishes an affidavit under (f) of this section
5 shall notify the Department of Public Safety of the amount and kinds or
6 species of big game taken by each hunter who uses the base camp, cabin, or
7 permanent lodge to which the affidavit relates. Notice shall be given
8 within 30 days after the game is taken. The Department of Public Safety
9 shall provide the information received under this subsection to the Depart-
10 ment of Fish and Game.

11 (h) A person who

12 (1) violates (e) of this section is guilty of a misdemeanor and
13 upon conviction is punishable by a fine of not more than \$2,000 or by
14 imprisonment for not more than one year, or by both; or

15 (2) falsifies an affidavit under (f) of this section is guilty
16 of perjury under AS 11.56.200.

17 (i) In this section,

18 (1) "big game" and "field" have the meaning given in AS 08.54.-
19 590, as enacted by sec. 3 of this Act;

20 (2) "base camp" does not include spike camp, fly camp, or over-
21 night camp;

22 (3) "guiding" means accompanying or being present with a big
23 game hunter in the field, personally or through an assistant, for compen-
24 sation or with the intent or an agreement to receive compensation; "guid-
25 ing" does not include

26 (A) providing transportation to or from the field, if the
27 person providing transportation and the persons being transported do
28 not stalk, pursue, track, kill, or attempt to kill big game during the
29 transportation; or

1 (B) selling, leasing, or renting goods, if the transaction
2 does not take place in the field;

3 (4) "outfitting" means the provision of services, other than
4 guiding services, to big game hunters in the field for compensation.

5 * Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.
6 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the
7 initial appointments to the Big Game Commercial Services Board under

8 (1) AS 08.54.300(b)(4) may also be filled by the appointment of
9 a master guide, registered guide, or a class-A assistant guide licensed
10 under former AS 08.54.010 - 08.54.240 or a person who registered a camp,
11 cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business
12 of big game outfitting in 1986, 1987, and 1988;

13 (2) AS 08.54.300(b)(5) may also be filled by the appointment of
14 a person who engaged in the business of providing transportation to big
15 game hunters in 1986, 1987, and 1988.

16 * Sec. 15. TRANSITION. Litigation, hearings, investigations, and other
17 proceedings pending under a law amended or repealed by this Act continue in
18 effect and may be continued and completed notwithstanding an amendment or
19 repeal provided for in this Act. Licenses, orders, and regulations issued
20 or adopted under authority of a law amended or repealed by this Act remain
21 in effect for the term issued or until revoked, vacated, or otherwise
22 modified under the provisions of this Act.

23 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
24 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
25 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
26 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-
27 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and
28 16.05.787 are repealed.

29 * Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

1 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).