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Kenai River Fishing Guide Association

P.O. Box 624----Kenai, Ak. 99611

March 9, 1985

Harry Gaines
PRESIDENT

R.L. Parker, Jr.
Vice President

Bill Coghill
Secretary-Treasurer

Alaska Professional Sportfishing Association
P. O. Box 6748
Anchorage, Alaska 99502

Attention: Bud Hodson
Sec Treas APSA

Dear Mr. Hodson:

Thank you for your letter and material regarding the licensing of Sportfishing Guides Statewide.

We have examined the material very closely and agree with all points of the proposed statutes.

The sportfishing guide industry must be regulated. It has always been the contention of this association to establish some type of regulations and/or statutes relating to sportfishing guides.

The only possible change in the proposed wording relates to 08.xx.210 Unlawful Acts. We would like to see a more definite time of reporting offenses. We feel that a too long of reporting time allows "non-resident" violators the opportunity to avoid prosecution.

I urge the Administration, State Legislators and all other interested parties to consider for adoption some statutes for regulating sportfishing guides.

Yours Truly

Harry Gaines
Harry Gaines

CC: Gov. Sheffield
Lenny Boston
Sen. Pat Rodey
Sen. Dick Schultz

**ALASKA PROFESSIONAL
SPORTFISHING ASSOCIATION**



P.O. Box 6349
Anchorage, Alaska 99502
907-248-1714

Subject: The licensing of Sportfishing Guides Statewide

As much as we dislike regulations or government interference, it is apparent that the state needs regulations governing sportfishing guides and outfitters, to protect the public, resources and sportfish guiding industry. It is also apparent that the industry needs controls to protect the aesthetic value of a "wilderness experience".

The commercial sportfishing industry is growing at an accelerated pace. A study in 1982 by ADF&G Habitat Div. showed the Sportfish guiding and outfitting industry generated over 30 million dollars for guiding and or related services, in the Bristol Bay area. For 1985 we think that figure will top 40 million dollars. It is fast becoming "Big Business". We feel that state wide, the industry is worth over 100 million dollars annually.

The most publicize problem area for our industry is the Kenai River. The problem there is simply too much impact. A river can hold only so many guides and anglers. This problem is associated with the large population of Anchorage and the road access to the Kenai peninsula.

The problem areas go far beyond the Anchorage vicinity rivers. For example: U.S. Fish & Wildlife service has placed a moratorium on issuing any additional guiding permits for the Togiak National Wildlife Refuge and also the Yukon Delta Wildlife Refuge. The U.S. Fish & Wildlife Service has determined that rivers within these refuges have to much guiding impact. These areas of the state are as remote as you can get. According to a report from U.S.F&WS on guided anglers for the Togiak Wildlife Refuge in 1983, there were a total of 1521 clients for 5489 client use days, in 1984 there were 2073 clients for 10,086 client use days. Other areas of the state have been equally impacted.

We feel that our industry still has room to grow and that growth is healthy but on the other hand the uncontrolled growth and popularity of sportfishing in Alaska is presenting a lot of problems.

Reactions from bush communities and thier fears of local rivers becoming another "Kenai River" situation has created a negative outlook on our industry.

Nonresident and resident individuals and companies are portraying themselves as expert and knowledgeable guides advertising and selling guided trips to rivers and areas where they have never been before and in some cases have never been to Alaska before.

"The Keepers of the Streams"

**ALASKA PROFESSIONAL
SPORTFISHING ASSOCIATION**



P.O. Box 6349
Anchorage, Alaska 99502
907-248-1714

Unethical and naive guides are abusing the resource, trespassing on native lands, littering and conducting unsafe operations.

There is a growing concern amongst local sportfishermen who do use guides, that the guides are dominating all of the "fishing Holes".

These are some of the problems that we are encountering and that give our industry and Alaska a bad reputation. To take a guided sportfishing trip in Alaska is not cheap. The prices range from \$100 to \$400 per day not including travel to and from the state. Because of the high prices it is quite appealing to get into the business, especially when all it takes is a couple of rafts and tents to get started in the float trip business. Unfortunately the fishermen are usually the ones that get burned on this kind of deal.

With an industry of this size and expanding to the point of saturating the state it is our position that some sort of state regulations should be adopted to control quality, safety and expansion of the Sportfish Guiding Industry.

"The Keepers of the Streams"

Governor Bill Sheffield
Office of the Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

January 9, 1985

Dear Bill:

Pursuant to our conversation in Juneau with reference to suggested legislation to regulate sportfishing guides. The enclosed is our suggested wording for a statute to accomplish these goals.

With the help of the Alaska Professional Sportfishing Association and other interested parties including the Attorney General's Office and the Division of Occupational Licensing, we have spent over 500 man hours compiling these suggested regulations. It is our feeling and that of the big game Guide Licensing and Control Board members, that to license and regulate possibly 3000 sportfishing guides and 450 big game guides with a single combined board would be counter productive and not to the best interest of the resource and the public.

In light of the fact that a suggested fee of \$100 per resident license and \$250 for a non-resident license, in excess of \$300,000 could be generated to the general fund to substantiate budgetary requirements for a separate board. If additional revenues are required to justify a separate board, than the industry is supportive of increasing the license fees. One possibility is to have the licensing fees set by regulation rather than statute, to facilitate any increases in revenue requirements as needed to administer the board.

In consideration of the size and diversity of the industry which includes: Fixed lodges, wilderness camps, float trips, charter boats, air taxies and freelance guides. We have determined that this legislation could not directly address the problems of the industry but could set up a vehicle to do so. This legislation is intended to:

- 1: Make the guides competent and responsible.
- 2: Protect the public and resources.

- 3: provide a fair vehicle for new licensees to qualify.
- 4: Promote the orderly growth of the industry.
- 5: Create a board to administer and implement regulations as required.

It is not our intent that a value should be placed on any license or permit at the time of transfer.

At the meeting hosted by the Alaska Professional Sportfishing association on December 14, 1984. The following agencies were represented for a review of the proposed wording and the over all concept of the legislation. In attendance were representatives from: Alaska Dept of Fish & Game Sportfish Division, Alaska State Parks, U.S. Park Service, U.S. Fish & Wildlife Service, U.S. Forest Service. Comments made by those in attendance were positive and supportive of the proposed legislation. It was felt that this licensing proposal would compliment and simplify the different agencies administrative responsibilities and that the board would provide a vehicle for cooperation and communication between the agencies and the guiding industry.

With out further help from the Attorney Generals office, we felt it unwise to include wording for a grand-father clause at this time. It is our intent that those currently in the sportfish guiding business that are qualified, should be grand-fathered in.

As much as we dislike regulations or government interference, it is apparent that the State needs regulations to protect both the public and the resources. It is also apparent that the industry needs controls to protect the aesthetic value of a "wilderness trip". If I can be of any further help, please call at me at your convenience.

Sincerely,

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Chuck Wier

CW:bh

Enclosures;

MAY 13 1985

Alaska State Legislature



PO. BOX 1441
WRANGELL, ALASKA 99929
(907) 874-2316

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4905

COMMITTEES:
VICE-CHAIRMAN
HEALTH, EDUCATION & SOCIAL SERVICES
JUDICIARY
FINANCE SUB-COMMITTEE
ON COURT SYSTEM
JOINT COMMITTEE ON
FOREIGN TRADE

House of Representatives

ROBIN L. TAYLOR

MEMORANDUM

DATE: May 10, 1985
TO: Senator Fred Zharoff *R.L.T.*
FROM: Representative Robin L. Taylor
RE: SB 304

SB 304 regarding sport fishing guide licenses is currently in the Senate Labor and Commerce Committee.

Several constituents have contacted me about SB 304 and I would appreciate it if you could keep me informed of Committee hearing dates.

Thank you.



L & L OUTFITTERS

Jack Lechner

P.O. Box 1616
Kodiak, Alaska, 99615
(907) 486-5851



JANUARY 27, 1986

FEB 3 1986

SENATOR FRED ZHAROFF
ALASKA STATE LEGISLATURE
POUCH V (MS3100)
JUNEAU, ALASKA 99811

DEAR SENATOR ZHAROFF:

I'VE BEEN REVIEWING TWO SENATE BILLS THAT ARE CURRENTLY IN COMMITTEE (NUMBER 294 AND 304). BOTH BILLS HAVE FAR REACHING AFFECTS UPON THE ECONOMIC INTERESTS OF MANY PEOPLE IN KODIAK. BOTH BILLS ARE DIFFICULT TO UNDERSTAND, IN RESPECT TO THE ACTUAL OBJECTIVES.

I'LL FIRST COMMENT UPON BILL NO. 294, WHICH I ASSUME IS RELATED TO THE SENATE CONCURRENT RESOLUTION NO. 18, THAT ESTABLISHES OBJECTIVES AND DETAILED CRITERIA FOR ASSIGNMENT OF GUIDE AREA PERMITS. CERTAINLY A BETTER TRACKING OF AREA PERMITS ISSUED BY THE GUIDE BOARD HAS BEEN LONG OVERDUE.

SENATE BILL NO. 294 MAY ASSIST IN SERVING SOME OF THESE CONSIDERATIONS, BUT LIKE MOST BILLS, FINDS INCLUSION OF ITEMS THAT COULD BE VERY SELF SERVING FOR THE SUPPORTERS OF THE LEGISLATION. MY MAIN CONCERN IS SEC. 08.54.090 OF THE BILL, WHICH ESTABLISHES AN OUTFITTERS LICENCE. I HAVE NO PROBLEM WITH AN OUTFITTERS LICENCE, IF IT SHOULD BE A NECESSARY MONITORING SYSTEM OR A DEFINITE DEFINITION OF OUTFITTING THAT WOULD BE IN HARMONY WITH PRESENT ESTABLISHED OUTFITTER OPERATIONS. I CERTAINLY OBJECT TO PART (1) AND (2), THAT WOULD PLACE THIS TYPE OF BUSINESS UNDER COMPLETE CONTROL OF MASTER AND REGISTERED GUIDES.

I CAN ONLY SPEAK FOR KODIAK ISLAND, INWHICH THE OUTFITTING BUSINESS HAS BEEN A MORE RECENT EXPANSION OF ECONOMIC GAIN FOR A GREAT NUMBER OF THE ISLANDS RESIDENTS. MOST OF THIS ACTIVITY HAS BEEN GENERATED BY PROVIDING SERVICES FOR DEER HUNTING AND SPORTFISHING.

OVER THE PAST TWO YEARS, I HAVE INVESTED CONSIDERABLE MONEY INTO THIS TYPE OF SERVICE AND HAVE DEVELOPED PHOTOGRAPHY AND SIGHTSEEING TYPES OF OPERATIONS, WHICH HOPEFULLY WILL EXPAND IN THE FUTURE.

IT IS OBVIOUS THAT ANY BILL OF THIS NATURE NEEDS TO BE CAREFULLY STUDIED, TO INSURE THAT EXISTING OPERATORS WILL NOT FIND THEMSELVES LEGISLATED OUT OF BUSINESS, FOR THE BENEFIT OF A SELECT FEW. IT SHOULD BE KEPT IN MIND, THAT THE MAJORITY OF THE REGISTERED GUIDES, DO NOT RESIDE IN KODIAK AND MANY OPERATE BY REMOTE CONTROL FROM OTHER AREAS OF THE STATE AND POSSIBLY EVEN FROM LOCATIONS OUT OF THE STATE. I'VE ACCEPTED THE BEAR HUNTING GUIDE SYSTEM, AS A CLOSED ENTRY OPERATION, SINCE IT WAS A LONGTERM ESTABLISHED SYSTEM, THAT WAS EMBRACED BY BOTH FEDERAL AND STATE REGULATORY SUPPORT. I CERATINLY OBJECT TO THIS EXCLUSIVE RIGHT BEING APPLIED TO ALL OTHER TYPES OF RESOURCE UTILIZATION. I HAVE DIFFICULTY IN ACCEPTING THIS EXPANSION OF RIGHTS TO SUBSISTENCE TYPE GAME, SMALL GAME, SIGHTSEEING AND PHOTOGRAPHY UTILIZATION OF OUR RESOURCES.

referred to LTC

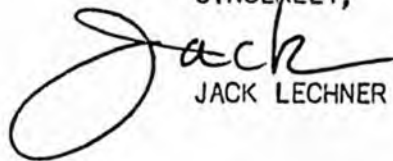
IN RESPECT TO SENATE BILL 304, I FIND EXTREME DIFFICULTY TO REALLY UNDERSTAND WHAT IT MEANS. CURRENTLY, TO THE BEST OF MY KNOWLEDGE, THE ONLY SPORTFISH GUIDING RESTRICTIONS IS THE KENIA RIVER, EXCEPT FOR REFUGE LAND USE PERMITS (ATTACHED EXAMPLE). THE BILL PROVIDES FOR NO DEFINED ENTRY OF SPORTFISH GUIDES LOCATED IN THE REMAINDER OF THE STATE. CURRENTLY YOU ARE A SPORTFISH GUIDE, IF YOU CHOOSE TO PROVIDE THAT TYPE OF SERVICE OFF FEDERAL LANDS (REFUGE) ON KODIAK, ISLAND. THE SAME APPLIES FOR PHOTOGRAPHY, SIGHTSEEING, SMALL GAME AND ANY OTHER TYPE OF GUIDING REQUIRING KNOWLEDGE OF THE LOCAL AREA.

AGAIN, I HAVE NO PROBLEM WITH A LICENCING REQUIREMENT, IF THIS TYPE OF ACCOUNTABILITY IS NECESSARY, BUT WOULD LIKE TO SEE WHAT THE ACTUAL REQUIREMENTS WILL BE, PAST PARTICIPATION CONSIDERATIONS, SO THAT EXISTING OPERATIONS WOULD NOT BE ELIMINATED FROM THIS TYPE OF BUSINESS.

BASICALLY I'VE NEVER BEEN A GREAT ADMIRER OF THE OPERATIONS OF THE GUIDE BOARD AND WOULD RATHER SEE THESE FUNCTIONS BE CONTROLLED BY THE BOARD OF FISHERIES AND THE GAME BOARD.

THANK YOU FOR YOUR TIME AND HOPE THAT ANY PROGRESS OF THESE BILLS WILL ALLOW AMPLE REVIEW.

SINCERELY,


JACK LECHNER



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service

Kodiak National Wildlife Refuge

SPECIAL USE PERMIT

Permit number **ED-21-85** Sta. No. to be credited **74530**

Contract number

Date **March 26, 1985**

Permittee (Name and address)

**Jack Lechner
P. O. Box 1616
Kodiak, Alaska 99615**

Period of use (inclusive)

From **April 1 1985**
To **December 31 1985**

Purpose (Specify in detail privilege requested, or units of products involved)

To conduct a commercial sport fish guiding operation and photography guiding operation on specified Refuge lands.

Description (Specify unit numbers; metes and bounds; or other recognizable designations)

Use involving overnight camping is allowed only within the Spiridon and Little River drainages. Day use is permitted on all Refuge lands/waters. Photography guiding is not subject to overnight camping area restrictions listed above. All special conditions for sportfish guiding also apply to photography guiding.

Amount of fee \$ **100.00** If not a fixed fee payment, specify rate and unit of charge:

- Full payment
- Partial payment-Balance of payments to be made as follows:

Record of Payments

Payment received 3/27/85, check # 528

Special Conditions

1. See attached supplemental Special Conditions.
2. The following items are required for completion of this permit:
 - a. Permit fee.
 - b. Proof of liability insurance (see special condition number 7).
 - c. Letter of concurrence if operations will be conducted on Native selected lands.

This permit is issued by the U.S. Fish and Wildlife Service, and accepted by the undersigned, subject to the terms, covenants, obligations, and reservations, expressed or implied therein, and to the conditions and requirements appearing on the reverse side.

Permittee (Signature)

Issuing Officer (Signature and title)

Jack R. Lechner

Jay R. Bollinger
Jay R. Bollinger, Refuge Manager

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 304
Title: Establishing sport-fishing guide licenses

Sponsor: Senate Judiciary
Requester: Senate Labor & Commerce
Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
BRU: Occupational Licensing

Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.4	40.3
TRAVEL		.6	.6	.6	.7	.7
CONTRACTUAL		2.5	8.2	8.6	9.1	9.5
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.3				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		40.5	44.7	46.8	49.4	51.7

CAPITAL						
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REVENUE		562.5	237.4	661.7	261.4	766.5
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FUNDING: (Thousands of dollars)

GENERAL FUND		40.5	44.7	46.8	49.4	51.7
FEDERAL FUNDS						
OTHER						
TOTAL		40.5	44.7	46.8	49.4	51.7

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

This bill establishes the licensing of sport-fish guides in two categories, registered and assistants. Although the bill authorizes the licensing function to be administered by the department, it places the sport-fish act under AS 08.54 which establishes the Guide Licensing and Control Board to oversee the practice of hunting guides in Alaska.

Prepared by: Jennifer Strickler, Management Analyst
Division: Occupational Licensing

Phone: 465-2144
Date: 3/3/86

Approved by Commissioner: Donna S. Lounsbury
Agency: Commerce and Economic Development

Date: 3/3/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

PERSONAL SERVICES:

1 Licensing Examiner I, Range 12A, GGU, 12 months in Juneau 33.1

TRAVEL:

This would provide travel and per diem funding for the Licensing Examiner to administer an examination in Homer since a large number of sport-fish guides are from the Kenai Peninsula area. \$352 x 240 (3 days per diem) = \$592.00

An additional examination can be administered in Juneau for the Southeast area at no additional travel costs.

CONTRACTUAL:

In FY 87, funding of \$2.5 would provide the following:

-Design of a sport-fish licensing examination under contract, based on costs incurred during a similar contract agreement with the hunting guide exams. 1.5

-Miscellaneous operating costs for telephone, printing of applications and statute books; and other publications such as public notices in accordance with the Administrative Procedure Act for two exams at \$20 per notice x 3 papers. 1.0

In FY 88, funding of \$8.2 would provide the following:

-Litigation costs for hearing officers, court reporters, witnesses, etc., based on similar costs incurred by hunting guides which amount to approximately 5% of the allocated contractual funds for this purpose. 7.2

-Miscellaneous operating costs for telephone, printing of applications and statute books, renewal forms; and other publications such as public notices in accordance with the Administrative Procedure Act for two exams at \$20 per notice x 3 newspapers. 1.0

Succeeding years are based on a 5% increase.

SUPPLIES:

This funding will provide stationary, envelopes, pens, pencils and other desk top supplies to support the licensing function. 1.0

EQUIPMENT:

This funding will provide standard office equipment for the Licensing Examiner position. 3.3

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

Expenditures identified in this fiscal note are less than for other proposed licensing bills because of the absence of a board. While revenues appear to be high, they are the result of estimated numbers of eligible licensees provided by supporters of the bill.

If the fee structure is amended to allow licensing fees to be established by regulations under AS 08.01.065, fees will be amended to reflect the actual cost of the licensing activity.

Supporters of the bill have advised that there may be as many as 2500 registered sport-fish guides eligible for licensure upon enactment of the bill. However, we are unable to identify the number of assistant sport-fish guides who may be eligible for licensure. Therefore, based on Section 08.54.790(f) which states "a registered sport-fish guide may not employ or supervise more than three assistant sport-fish guides at the same time", this fiscal note is based on three assistant sport-fish guides to each registered sport-fish guide for a total of 7500 assistant sport fish guides in the first year (2500 x 3 = 7500).

REVENUES are based on licensing fees established in the current bill.

FY 87:	2500 Registered sport-fish guides x \$150 biennial fee	= \$	375.0
	7500 Assistant sport-fish guides x \$25 annual fee	=	187.5
		\$	562.5

There is no sure method upon which a reasonable estimate of new registered sport-fish guides can be determined. Therefore, a 5% increase in the number of new applicants over the 2500 licensed in the first year has been added. The revenue figures are subject to change if more concrete numbers of eligible licensees are identified.

FY 88:	7500 Assistant sport-fish guides renewing x \$25	= \$	187.5
	375 new Assistant sport-fish guides x \$25	=	9.4
	125 new Registered sport-fish guides, assuming that at least half are non-residents:		
	62 non-resident registered sport-fish guides x \$450	=	27.9
	63 resident registered sport-fish guides x \$150	=	9.5
	125 new Registered sport-fish guides x \$25 exam fee	=	3.1
		= \$	237.4

FY 89:	7875 Assistant sport-fish guides renewing x \$25	= \$	196.9
	394 new Assistant sport-fish guides x \$25	=	9.9
	131 new Registered sport-fish guides, assuming that at least half are non-residents:		
	65 non-resident registered sport-fish guides x \$450	=	29.3
	66 resident registered sport-fish guides x \$150	=	9.9
	131 new registered sport-fish guides x \$25 exam fee	=	3.3
	2625 registered sport-fish guides renewing of which 62 are non-residents:		
	62 x \$450 biennial fee	=	27.9
	2563 x \$150 biennial fee	=	384.5
		= \$	661.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 304

FY 90:	8269 Assistant sport-fish guides renewing x \$25	= \$	206.7
	413 new Assistant sport-fish guides x \$25	=	10.3
	137 new Registered sport-fish guides, assuming that at least half are non-residents:		
	68 non-resident registered sport-fish guides x \$450	=	30.6
	69 resident registered sport-fish guides x \$150	=	10.4
	137 new Registered sport-fish guides x \$25 exam fee	=	<u>3.4</u>
		= \$	261.4
FY 91:	8682 Assistant sport-fish guides renewing x \$25	= \$	217.1
	434 new Assistant sport-fish guides x \$25	=	10.9
	138 new Registered sport-fish guides, assuming that at least half are non-residents:		
	69 non-resident registered sport-fish guides x \$450	=	31.1
	69 registered sport-fish guides x \$150	=	10.4
	138 new Registered sport-fish guides x \$25 exam fee	=	3.5
	2762 Registered sport-fish guides renewing of which 264 are non-residents:		
	264 x \$450 biennial fee	=	118.8
	2498 x \$150 biennial fee	=	<u>374.7</u>
		= \$	766.5

SB 304: "An Act establishing sport-fishing guide licenses."

The Department of Commerce and Economic Development, Division of Occupational Licensing, is neutral on this bill. We are aware that the bill is directed at reducing congestion on the Kenai and other popular fishing rivers. In addition, the Office of the Governor and the Department of Natural Resources favor the regulation of guides in general.

As the bill is written, this reduction would be accomplished by establishing requirements for examination, recommendations, bonding, insurance and a record free of certain convictions. However, the bill does not provide for the assignment of exclusive guiding areas, which is how the existing Guide Board currently limits hunting pressure by guides within a specific geographic area. Thus, the bill does not provide guaranteed relief from overcrowding in popular areas.

The division supports the opportunity to discuss whether or not regulation of sport-fish guides is needed at this time for reasons of consumer protection, which are more directly related to the intent of licensing and enforcement.


Division staff contacted the following agencies for records of complaint against sport-fish guides with the following results: Consumer Protection has no complaints on file for FY 84-FY 86 in Juneau and Fairbanks offices; the Anchorage office shows 5-6 per year. Fifty percent of those complaints were resolved amicably between the guide and complainant. The Better Business Bureau reported no complaints statewide for that period. The Anchorage Chamber of Commerce reported two complaints in 1985.

It is possible that other complaints bypass these offices and that small claims lawsuits are filed instead. However, without further documentation of complaints in this area, it would appear that the bill establishes a complex system of regulation out of proportion to need in terms of consumer protection.

In the event this bill passes, the department prefers that the responsibility of licensing sport-fish guides be placed under the existing Guide Licensing and Control Board, to provide for exchange of information regarding resource management, to ensure that complaints are acted on by professionals with knowledge of the field, and in the eventuality that area assignments are required. Such a step may require reformation of the Guide Board to include licensed sport-fish guides.

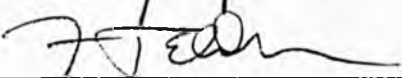
The division also recommends that Section 08.54.780 be amended to delete reference to more than one complaint as the basis for disciplinary action. The Division of Legislative Audit recommended deletion of a similar provision in the currently existing Guide Board statutes on the basis that such a provision is a constraint to effective disciplinary action.

We have also proposed several amendments to the bill in the interest of conforming to existing statutes controlling the division's administrative responsibilities, including the handling of complaints. Other proposed amendments are made in the interest of clarity.



Nancy Dunn, Director
Division of Occupational Licensing

Date: 3/17/86



Loren H. Lounsbury, Commissioner
Department of Commerce and
Economic Development

The Division of Occupational Licensing offers the following amendments to SB 304, An Act establishing sport-fish guide licenses.

Section 08.54.710(9) on page 2, line 14, delete ". . . [PREPARED AND]." This amendment will allow the division to contract with someone knowledgeable in the field of sport-fish guiding to prepare an examination similar to the contract which developed the exam for hunting guides.

Section 08.54.720, page 2, line 27, consider the deletion of "[IS EMPLOYED AND]" from the requirements for an Assistant Sport-fish guide license. It appears that this language is based on current guide statutes. However, the level of supervision required in sport-fish guiding may be less needed than that of hunting guides. This section as written could be construed as unnecessarily restricting entry into the profession.

Section 08.54.730, page 3, amend language to read:

Sec. 08.54.730. DURATION OF SPORT-FISHING LICENSES. [(a)] A [REGISTERED] sport-fishing guide license issued under this chapter expires biennially on a date set by the department [TWO YEARS FROM THE DATE OF ISSUANCE].

[(b) An assistant sport-fishing guide license expires on year from the date of issuance.]

Combining both (a) and (b) into one section will make this section conform with standard language found throughout other licensing statutes and in AS 08.01, the Central Licensing Act. The purpose of this amendment is to set one date on which all licenses shall be renewed. This allows renewals to be processed more efficiently.

Section 08.54.740, page 3, lines 16 - 21, amend to read: (a) The department shall, by regulations adopted under AS 08.01.065, establish fees for sport-fishing professionals for the following: [LICENSE FEES FOR REGISTERED SPORT-FISHING GUIDES ARE AS FOLLOWS]

	(1) <u>application fee;</u>
	(2) <u>examination fee;</u>
fee;	[1] (3) <u>nonresident registered sport-fishing license and renewal</u>
	[, BIENNIAL \$450]
BIENNIAL	[2] (4) <u>resident sport-fishing license and renewal fee; [,</u>
 150]
ANNUAL	[3] (5) <u>assistant sport-fishing license and renewal fee; [,</u>
 25]

This amendment will allow licensing fees to be established by regulations to reflect the actual costs of the activity for which the fee is charged.

Section 08.54.760, Examination Fee. Delete this section since it is incorporated into the previous section 08.54.750.

Section 08.54.770, page 3, regarding complaints should be amended to read:

"Sec. 08.54.770. COMPLAINTS. The department shall notify an individual licensed under AS 08.54.700 - 08.54.900 of each complaint received against the individual within two weeks of receiving the complaint, unless in the department's opinion, the complainant is a flight risk or to do so may otherwise jeopardize the conduct of an investigation."

An alternative would be to delete this entire section since the Administrative Procedure Act, (AS 44.62.360) establishes the formal procedure to be followed when acting on complaints.

Section 08.54.780(a)(1), page 4, lines 1 - 7, delete. It is contrary to public protection to wait until three complaints have been filed against a licensee before initiating a hearing. One valid complaint should be substantial reason to start the hearing process.

Section 08.54.780(b), page 4, line 11, delete "[RENEWAL OF]." The section as presently written would allow the department to take disciplinary action against renewal of a license. After a hearing, the department should be able to take action against the license under any circumstances, and not limited to the renewal.

08.54.780(b)(1), lines 13-14. Language in this section gives the board or the department broad authority to define what constitutes an activity which "adversely affects the natural resources of the State." We recommend that this section be more specific.

08.54.780(c)(3), lines 24-25. This section is unclear regarding the types of violations that would constitute the two violations necessary to revoke a license. Must the violations be two federal, two state or could they be one "federal" and one "state"?

08.54.780(e), amend this subsection to specifically identify the agencies to be contacted. Presently, all contact with other agencies for hunting guide licenses are conducted by the Division of Fish and Wildlife Protection in the Department of Public Safety.

Section 2, page 7, line 2 and all references to Game Guides thereafter, delete 'Game' if licensing is to be administered by the department, and refer to our original suggestion of placing Sport-fish Guides under a separate chapter.

Section 4 (a)(4), page 7, line 13-14, and amend to read: ". . . board if a board regulates the act or practice involved under AS 08.01.010" or as determined by the department [UNDER AS 08.54.700 - 08.54.900 FOR SPORT-FISHING GUIDES];

Section 4 (a)(9), lines 21-22, amend to read the same as mentioned in section (a)(4).

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

1024 W. 6th Avenue, Suite 308
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During Session:
Pouch V
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February 14, 1986

FEB 17 1986

TO : Senator Fred Zharoff, Chairman
Senate Labor & Commerce Committee

FROM: Senator Patrick M. Rodey *Pat*

RE : Senate Bill relating to sport-fishing guide licensing

I would appreciate your assistance in having the above-referenced bill scheduled for committee consideration as soon as possible.

I have discussed this bill with a number of sport-fishing businesses throughout the state who support the proposal.

If you have any questions about the proposal, or need additional information, please feel free to contact my office.