

CSSB

1911

HOUSE COMMITTEE REPORT

(11)

Date referred: 5/3/88

FURTHER REFERRALS:

DATE: 5-4-88

The Finance Committee has considered CSSB 191(Fin)am

"An Act relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 191 (FIN) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 3/31/88 Sen.
- same as previous zero fiscal note published Sen. 3/31/88

SIGNING DO PASS:

ADAMS Cel Adams

POURCHOT Pat Pourchot with amend

MORSON Dan Morson

GOLL Peter Goll Review effective dates

BOXER Max Boxer with amends, its effective dates/sunset dates
base camp

FRANK Frank with amend

DAVIS Mike Davis with amendment

SIGNING OTHER RECOMMENDATIONS:

RIEGER Steve Rieger

WALLIS Ray Wallis desperately seeking resource bill

BROWN Jay Brown - needs amendment

Cel Adams
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
 Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
 Sponsor: Coghill & Faiks
 Requestor: _____
 Agency Affected: Fish and Game
 BRU: Game
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 tele-conferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190
 Division: Game Date: 3/11/88

Approved by Commissioner: *Norman Abbott* Date: 3/11/88
 Agency: Fish and Game

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 191 (Fin)
Publish Date: Senate 3/31/88

REQUEST
Revision Date: _____
Title: "An Act amending the defini-
tion of big game guiding.."
Sponsor: Senator Coghill
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

(Handwritten initials)

Prepared by: Kyle Weaver
Division: Fish & Wildlife Protection

Phone: 269-5539
Date: 3/23/87

Approved by Commissioner: William R. Nix
Agency: Public Safety

Date: 3/24/87

Distribution (by preparer):

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

RECEIVED MAR 29 1988

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (FIN)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (Finance)
An Act relating to the Guide Board...
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Pamela A. Stoops, Manager *Pamela A. Stoops* Phone: 465-3850
Division: Administrative Services Date: March 29, 1988

Approved by Warren Endicott *Warren W. Endicott* Date: March 29, 1988
Executive Director
Agency: Legislative Affairs Agency

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

- 3 Executive Branch members - absorbed within existing executive branch departments.
- 4 Legislative Branch members -- absorbed within existing Legislative Operating Budget.
- 6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320
Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000
Supplies	- Will come from existing Legislative Council and Legislative Operating supplies.	
Equipment	- Will come from existing Legislative Council and Legislative Operating equipment.	

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88 Agency Affected: Dept. of Commerce
Title: An Act relating to the Guide Brd., BRU: Occupational Licensing
the taking of big game, & services to hunters
Sponsor: Senate Resources Committee Components: Administration
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0
CAPITAL						
REVENUE						
		65.1	9.0	9.0	9.0	9.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: RPB Randall P. Burns Phone: 465-2535
Division: Occupational Licensing Date: 03/30/88
Approved by Commissioner: Kathy Marshall for Anthony Smith Date: 3/30/88
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JULIEAU, ALASKA 99811
(907) 465-3715

House Resources Letter of Intent For HCS CSSB 191(Res)

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichuk vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements

House Resources Letter of Intent
For HCS CS SB 191 (Resources)
Page 2

between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The task force should describe what commercial providers should be allowed in "camps" and "in the field." "Compensation", and "monetary consideration" should also be further defined and explained by the task force.

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should address the issue of whether fish and wildlife protection officers and other state employees whose ~~whose~~ responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

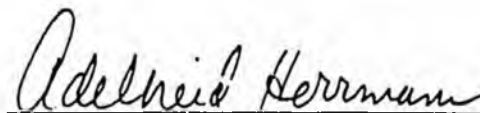
The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

House Resources Letter of Intent
For HCS CS SB 191 (Resources)
Page 3

The task force should examine the possibility of bonding requirements for providers of big game hunting services.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.



Rep. Adelheid Herrmann
Co-Chairman, H. Resources
5/2/88



Rep. Sam Cotten
Co-Chairman, H. Resources
5/2/88

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- December 31 [JUNE 30],
14 1988.

15 * Sec. 2. AS 08.54.040(a) is amended to read:

16 (a) Except as provided in AS 08.54.045, the board shall

17 (1) prepare, grade, and administer

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

25 (B) an oral examination of a registered or master
26 guide who seeks an amendment of a game management unit certifica-
27 tion; the examination must require demonstration that the guide
28 is qualified to provide guided hunts in each new game management
29 unit for which the guide seeks to be certified [EXAMINATIONS,

1 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE
2 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

3 (2) determine qualifications of applicants for licenses and
4 authorize the issuance of licenses to those who qualify;

5 (3) establish guide performance standards and regulate
6 activity;

7 (4) compile, maintain, and publish an annual register of
8 master and registered guides who have not been convicted of a vio-
9 lation of a state game or guiding statute or regulation; a guide
10 listed in the register whose license is revoked or suspended shall be
11 removed from the register while the guide's license is revoked or
12 suspended;

13 (5) prohibit guiding activities which are unsportsmanlike,
14 unethical, unsafe, against principles of conservation, degrading to
15 the guiding profession, or which adversely affect the natural re-
16 sources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a
18 license in accordance with AS 08.54.200;

19 (7) establish a quota of licensed operating guides who may
20 operate within designated geographical game units or subunits of the
21 state and provide for an equitable, reasonable, and consistent pro-
22 cedure for limiting the number of guides to that quota; preference may
23 be given to qualified available and willing licensed guides who reside
24 within the designated game unit or subunit;

25 (8) meet at least twice annually, once in Anchorage and
26 once in another municipality.

27 * Sec. 3. AS 08.54.210 is amended to read:

28 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

29 (1) a master guide, registered guide, special guide, class

1 A assistant guide, or assistant guide to fail to timely report to the
2 Department of Public Safety, division of fish and wildlife protection,
3 and in no event later than 30 days, a violation of a state fish, game,
4 or guiding statute or regulation that the guide reasonably believes
5 was committed by a client or an employee of the guide;

6 (2) a guide to commit or aid the commission of a violation
7 of this chapter or of a state game or guiding statute or regulation or
8 to permit the commission of a violation that the guide knows or rea-
9 sonably believes is being or will be committed without attempting to
10 prevent it, short of using force, and without reporting it;

11 (3) a person to guide without having a current valid guide
12 license and resident hunting license in actual possession;

13 (4) a person without a current valid registered or master
14 guide license to advertise as or represent to be

15 (A) a guide; or

16 (B) an outfitter offering big game hunting services

17 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

18 (5) a guide to intentionally obstruct or hinder or attempt
19 to obstruct or hinder lawful hunting engaged in by a person who is not
20 a client of the guide;

21 (6) a person for compensation or hire to transport a hunter
22 to or from the field in an aircraft for which the person does not hold
23 a current valid air taxi commercial operator (ATCO) operating certifi-
24 cate issued by the Federal Aviation Administration under 14 C.F.R.
25 Part 135, except that it is not a violation of this paragraph if a
26 licensed guide transports a hunter to or from a restricted or joint-
27 use guide area assigned to the guide or to the guide's employer in an
28 aircraft owned by the guide and operated under 14 C.F.R. Part 91; in
29 this paragraph, "for compensation or hire" means receiving any

1 monetary consideration for the transportation, regardless of whether
2 the consideration is directly attributable to the transportation; "for
3 compensation or hire" does not include reimbursement for actual ex-
4 penses incurred for aircraft fuel for the transportation;

5 (7) a person to guide without being validly licensed as a
6 guide under this chapter and as a resident hunter under AS 16;

7 (8) [(7)] an assistant guide to contract to conduct a
8 guided hunt;

9 (9) [(8)] an assistant guide to be in the field on a
10 guided hunt except while employed and supervised by a registered or
11 master guide.

12 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
13 section is guilty of a misdemeanor and upon conviction is punishable
14 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not
15 more than one year, or by both, and the person's license may be re-
16 voked for a period up to five years. However, a person who engages in
17 guiding activity during the period for which the person's license is
18 suspended or revoked under this chapter, or who violates (a)(7) - (9)
19 [(a)(6) - (8)] of this section, is guilty of a felony punishable, upon
20 conviction, by a fine of not more than \$5,000 and by imprisonment for
21 not less than one year nor more than three years. In addition to
22 punishment for a felony, all guns, fishing tackle, boats, aircraft,
23 automobiles or other vehicles, camping gear and other equipment and
24 paraphernalia used in, or in aid of, guiding activity engaged in
25 during the period of suspension or revocation may be seized by persons
26 authorized to enforce this chapter and may be forfeited to the state
27 as provided under AS 16.05.195.

28 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

29 (3) "guide" or "guiding" means accompanying or being

1 present with, or providing a personal service for, a big game hunter
2 in the field, personally or through an assistant, for compensation or
3 with the intent or an agreement to receive compensation; "guide" or
4 "guiding" does not include

5 (A) accompanying or being present with a hunter

6 (i) in a boat with permanent living quarters;

7 (ii) at a lawfully established base camp, cabin,
8 or permanent lodge if the owner or operator has informed the
9 division of fish and wildlife protection that the base camp,
10 cabin, or permanent lodge will be used for big game hunting
11 services during the current hunting season and has provided
12 to the division an estimate of the total number of persons
13 who will use the base camp, cabin, or permanent lodge; or

14 (iii) while providing transportation to or from the
15 field, if the persons providing transportation and the
16 persons being transported do not stalk, pursue, track, kill,
17 or attempt to kill big game; or

18 (B) selling, leasing, or renting goods, if the trans-
19 action does not take place in the field;

20 * Sec. 5. AS 16.05.407(d) is amended to read:

21 (d) A nonresident who violates (a) of this section, or who fails
22 to furnish an affidavit under (b) or (e) of this section, is guilty of
23 a misdemeanor and upon conviction is punishable by imprisonment for
24 not more than one year, or by a fine of not more than \$5,000, or by
25 both.

26 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

27 (e) An applicant for a nonresident big game tag for the taking
28 of moose or caribou shall first furnish to the state, on a form pro-
29 vided by the state, an affidavit showing where the applicant will be

1 hunting and what guiding, transportation, or other big game hunting
2 services the applicant will be employing. A person who falsifies an
3 affidavit under this subsection is guilty of perjury under AS 11.56.-
4 200.

5 * Sec. 7. AS 16.05 is amended by adding a new section to read:

6 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIOLATIONS. (a) A person who transports a big game hunter to or from
7 the field for compensation, or with the intent or an agreement to
8 receive compensation, shall promptly report to the Department of
9 Public Safety, division of fish and wildlife protection, and in no
10 event later than 30 days, a violation of a state fish, game, or guid-
11 ing statute or regulation that the person reasonably believes was
12 committed by a client or employee of the person.
13

14 (b) A person who violates this section is guilty of a misde-
15 meanor and upon conviction is punishable by a fine of not more than
16 \$2,000 or by imprisonment for not more than one year, or by both.

17 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
18 on the Guide Board and the commercial taking of big game is established
19 under the jurisdiction of the legislative council. The task force consists
20 of the commissioners of fish and game, commerce and economic development,
21 and public safety, or their designees; two members of the senate appointed
22 by the president of the senate; two members of the house of representatives
23 appointed by the speaker of the house; and six members appointed by the
24 governor as follows: one member of the Guide Board; one big game guide
25 licensed under AS 08.54 who is not a member of the Guide Board; and one
26 person engaged in a business, other than guiding, that includes transport-
27 ing big game hunters to and from the field; and three public members, at
28 least two of whom have no financial interest in any business involving or
29 related to the commercial taking of game. The governor shall appoint at

1 least one member from each judicial district in the state. The members
2 shall elect a person to chair the task force.

3 (b) The task force shall review the operations of the Guide Board and
4 shall study problems and issues concerning the commercial taking of big
5 game in the state and the businesses or professions that provide goods and
6 services to big game hunters in the state. The task force shall submit to
7 the legislative council, not later than January 15, 1989, a report on its
8 findings and proposed legislation to address the problems and issues cover-
9 ed in the report.

10 (c) A subpoena requiring the attendance of a witness before the task
11 force may be issued by the person chairing the task force if authorized to
12 do so by a majority of the membership of the task force. The provisions of
13 AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection
14 and to witnesses called by the task force.

15 (d) The task force terminates January 15, 1989.

16 * Sec. 9. Sections 1, 2, and 5 - 8 of this Act take effect immediately
17 under AS 01.10.070(c).

18 * Sec. 10. Sections 3 and 4 of this Act take effect January 1, 1989.
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FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
Sponsor: Coghil & Faiks
Requestor: _____

Agency Affected: Fish and Game
BRU: Game

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight

Phone: 465-4190

Division: Game

Date: 3/11/88

Approved by Commissioner: *Norman*

Date: 3/11/88

Agency: Fish and Game

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST _____
 Revision Date: _____
 Title: "An Act amending the defini-
 tion of big game guiding.."
 Sponsor: Senator Coghill
 Requestor: Senate Resources

Bill Version. CSSB 191 (Fin)
 Publish Date: Senate 3/31/87
 Agency Affected: Public Safety
 BRU: Fish & Wildlife Protection
 Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.



Prepared by: Kyle Weaver Phone: 269-5539
 Division: Fish & Wildlife Protection Date: 3/23/87

Approved by Commissioner: William R. Nix Date: 3/24/87
 Agency: Public Safety

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (FV)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (Finance)
An Act relating to the Guide Board...
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game Is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: 465-3850
Division: Administrative Services Date: March 29, 1988

Approved by Executive Director *Warren Endicott* Date: March 29, 1988
Agency: Legislative Affairs Agency

Distribution (by preparer):

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

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

4 Legislative Branch members --absorbed within existing Legislative Operating Budget.

6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320

Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000

Supplies - Will come from existing Legislative Council and Legislative Operating supplies.

Equipment - Will come from existing Legislative Council and Legislative Operating equipment.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (Fin)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88 Agency Affected: Dept. of Commerce
Title: An Act relating to the Guide Brd., BRU: Occupational Licensing
the taking of big game, & services to hunters
Sponsor: Senate Resources Committee Components: Administration
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		65.1	9.0	9.0	9.0	9.0
---------	--	------	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: RPB Randall P. Burns Phone: 465-2535
Division: Occupational Licensing Date: 03/30/88
Approved by Commissioner: Kathy Marshall for Jonathan Smith Date: 3/30/88
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

April 28, 1988

Hon. Adelheid Herrmann, Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Herrmann:

In response to your requests and in comment on CSSB 191 (Finance) am, I offer the following.

I. PREVENTING NON-RESIDENTS FROM BECOMING TRANSPORTERS

You asked me to explore legal ways to prevent nonresidents from becoming transporters.

At my last meeting with the committee, I explained our reasons for recommending against enforcement of the law which prevented non-residents from becoming registered guides. As you may recall, the Attorney General Opinion of October 29, 1986, stated that this law violates the privileges and immunities clause, Article 4, Section 2 of the U.S. Constitution. This is because the pursuit of a livelihood is a protected privilege under the privileges and immunities clause, and there is no substantial justification for this type of discrimination against nonresidents.

Any law which discriminates in the same way against persons who desire to become transporters would have the same weakness. There may be ways to distinguish the two groups without directly using the terms "resident/nonresident." But no matter how written, if the application of a law categorically and without substantial justification excludes persons from a vocation because of their residency, it would likely be found unconstitutional.

If the legislature decides to regulate transporters, it may establish qualifications based upon other criteria, for example, experience, skill, financial responsibility, and demonstrated knowledge of pertinent laws. Then the only constitutional requirement is that these qualifications be

reasonable and not arbitrary. (See discussion of substantive due process in Part II below.) I would be glad to assist you in developing such criteria.

II. PROPOSED AMENDMENT BY REPRESENTATIVE PEARCE

Representative Pearce asked me to comment on a proposed amendment which would prohibit transporters from providing services to nonresidents. The effect of this proposal would be to limit a transporter's business to only Alaska residents and to limit the access of nonresidents to all game species.

As I stated before the committee, this proposal is not jeopardized by the privileges and immunities clause. This is because recreational hunting has not been recognized as a protected privilege under this clause. Baldwin v. Montana Fish and Game Commission, 436 US 371 (1978).

Nevertheless, this proposal must meet other constitutional requirements, in particular, those of equal protection and substantive due process. These requirements call for an analysis which is similar to an analysis under the privileges and immunities clause. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

A. Equal Protection

The 14th Amendment of the U.S. Constitution and Article 1 of the Alaska Constitution guarantee citizens equal protection of the law. Equal protection analysis is appropriate whenever legislation creates "classifications," that is, whenever it treats people differently who may be similarly situated. At a minimum, the legislation must be (1) based on a legitimate public purpose (2) the classification must be reasonable, not arbitrary, and (3) the classification must rest upon some ground of difference which has a fair and substantial relationship to the object of the legislation. State v. Ostrosky, 667 P.2d 1184 (Alaska 1983).

Applying this analysis, Representative Pearce's proposal could conceivably be based on the "legitimate public purposes" of hunter safety, consumer protection, or the management and preservation of game resources. Her proposal intends to serve these purposes by distinguishing between nonresidents and residents and between transporters and others who provide services to hunters. Thus, the outcome depends on whether this double classification has a fair and substantial relationship to

these purposes. In other words, the final step in equal protection analysis is to ask whether it is reasonable for the legislature to attempt to promote hunter safety, consumer protection, or the preservation and management of game resources by prohibiting transporters from serving nonresidents, but not placing a similar restriction on other providers.

Concerning the first purpose, her proposal would survive if there is evidence that nonresidents in the hands of transporters constitute a greater hunter safety problem than nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, residents with transporters, or residents with guides. Does the legislature know how many transporter clients are nonresidents and whether these persons are responsible for proportionately more hunter accidents than the other groups?

The same questions apply to the other purposes. Has the legislature any testimony, studies, or similar information that nonresidents are more often victims of consumer fraud by transporters than they are by guides, or than residents are by either transporters or guides? Is there evidence that nonresidents served by transporters are proportionately a greater threat to game resources than are nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, or residents with either transporters or guides?

These are questions that a court would likely ask if this proposal is challenged on equal protection grounds. Unless the state has evidence that this classification reasonably serves at least one of these purposes, a court may find that the classification serves only the purpose of economically assisting one group over another. When a classification that serves only economic purposes is based upon residency, it has been struck down by our Supreme Court. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

B. Substantive Due Process

Under the Alaska Constitution, substantive due process is denied "when a legislative enactment has no reasonable relationship to a legitimate governmental purpose." Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough 527 P.2d 447, 452 (Alaska 1974). This constitutional guarantee assures that a legislature's actions are not arbitrary, but are instead based on some rational policy. Concerned Citizens, 527 P.2d at 452.

Although substantive due process does not examine the treatment of different classes, its approach is similar to that of equal protection. Because it uses a "reasonable means-to-end" approach, the analysis would be the same as above.

III. COMMENTS ON SECTION 2 OF CS FOR SB 191 (FINANCE) am

This section requires a transporter to have an air taxi commercial operator certificate under federal regulation 14 C.F.R. Part 135, but exempts a guide from the same requirement if the guide operates his or her aircraft under 14 C.F.R. Part 91 to the guide's exclusive or joint use area.

Regulations under Part 91 pertain to the operations of all aircraft pilots. Regulations under Part 135 place additional requirements on those pilots who carry passengers or property for compensation or hire in smaller aircraft. (Section 135.1(a)(3)).

Operating requirements under Part 135 are significantly greater than those under Part 91. According to the FAA, Part 135 operators must have either a commercial or an airline pilot license, must meet more stringent maintenance and equipment requirements, have stricter limitations on operating in inclement weather, have required rest and duty periods, and must undergo additional training requirements beyond those required for their licenses. Also, Part 135 pilots must maintain an operating base in the state and must comply with reoccurring proficiency, exam, and training requirements. For example, they must undergo a flight review either once or twice a year. In contrast, pilots operating under Part 91 must undergo this review every other year.

Section 2 makes a "classification" because it treats transporters and guides quite differently even though they may be similarly situated. Therefore, it also must pass the equal protection/substantive due process analyses. Again, the questions are, "What are the legitimate purposes of this legislation? Are the means chosen by the legislature reasonably related to these purposes?"

The FAA regulations deal with pilot proficiency, safe operation, and equipment standards. Presumably, then, the purpose of Section 2 is insure safe flights for the clients of guides and transporters.

Apparently, this section has been justified because proportionately more of a transporter's business consists of

providing transportation than that of a guide's. There is a belief that under the FAA regulations, the former would be required to have an air taxi certificate, but not the latter. Apparently, there is a belief that need for a 135 certificate is determined by whether business flying is "incidental" to the main service provided.

Another regulation, 14 C.F.R. 61.118, does speak about whether a flight is incidental to a pilot's business or employment. However, that regulation deals with what a person who holds a private pilot license may do. This regulation is not related to Part 135; the operative condition for an air taxi certificate is whether the pilot takes passengers or property for compensation or hire.

As a matter of practice, the Alaska office of the FAA does not categorically require transporters to hold air taxi certificates and allow guides to operate under private pilot licenses. The policy of that office is to examine each operator on a case-by-case basis, and only examine an operator if he or she comes to the office's attention by way of a report or complaint. An attorney for the FAA stated that under his interpretation of Part 135, both guides and transporters would be required to become air taxi operators.

The reasonable conclusion is that the distinction in Section 2 cannot be grounded on an interpretation of a federal regulation that speaks about proportion of flying or upon a federal policy that does not exist. Whether a provider's service has a greater or lesser flying component is irrelevant to the safety of that flying.

Thus, Section 2 must be justified by independent evidence that speaks to the public safety purpose. In the case of guides, perhaps this purpose is served because they will be exempted from Part 135 only if flying their own aircraft into country with which they are familiar. However, the requirements of 135 go well beyond such local knowledge. A court would ask how safety is furthered by requiring one group but not the other to hold a higher pilot license, to have more stringent equipment standards, to have more frequent FAA "check rides," to maintain a facility in Alaska, and so forth. Without a reasonable basis for this distinction, Section 2 would likely be struck down.

IV. COMMENTS ON SECTION 3 OF CS FOR SB 191 (FINANCE) am

Section 3 changes the definition of guiding so that certain non-guiding activities would be prohibited. With several exceptions, transporters would be prohibited from setting up and maintaining a camp, cooking in the camp, or performing other camp services while their clients are in the field.

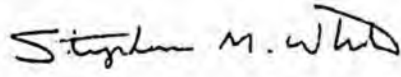
Because the bill has an immediate effective date, Section 3 would necessarily alter the commitments of any transporter who already had contracted to provide that type of service. Both the federal and the Alaska constitution prohibit laws "impairing the obligation of contracts." U.S. Constitution, Article I, Section 10, Alaska Constitution, Article I, Section 15. Thus, there is a question whether these "contract clauses" would prevent section 3 from taking immediate effect with respect to those earlier commitments.

I have concluded that the contract clauses would not prevent Section 3 from taking immediate effect. My analysis was similar to that provided by Legislative Counsel Ed Hein in his April 19th memo to Senator Fanning, and my conclusion was the same. Since this memo is available to your committee, I will not burden you with a redundant discussion of this issue.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:


Stephen M. White
Assistant Attorney General

SW:jf:prm

MEMORANDUM

State of Alaska

TO: Don McKnight
Acting Deputy Director
Division of Game
Juneau

DATE: April 11, 1988

FILE NO:

TELEPHONE NO: 267-2231

THRU:

SUBJECT: HB 183 (Resources)

FROM:

Lew Pamplin
Lew Pamplin
Director
Division of Game
Department of Fish and Game
Anchorage

Provided below is the testimony I gave on April 8, 1988 to House Resources on HB 183.

- My comments were similar to those given to the various Senate committees addressing this issue.
- The Guide License and Control Board should be retained and expanded as appropriate to provide a regulatory framework for commercial activities involving the harvest of game.
- We would be pleased to participate on an interim task force if one is established to evaluate the current situation.
- Big game guiding, air taxi operators, "outfitters," and others providing hunting services influence game management in certain areas and for some species (e.g., moose) by affecting hunter distribution and harvest in terms of the number of animals taken and the sex and age composition of populations.
- Increased access by using aircraft, boats, ATV's, and other means is affecting hunter success and hunting quality in some areas.
- It is important that the public, including nonresidents, clearly understand the different categories of commercial activities relating to hunting big game. We agree completely with the efforts to tighten-up on outfitters and others trying to exploit Alaska's big game, particularly those using false and misleading pretenses. There is no question that these activities are getting out-of-hand in certain areas (e.g., moose hunting in portions of Units 9, 19, 21, and 23).

- ° Although we do not have a "good handle" on the number of outfitters using most parts of the state, we do know that the number has increased substantially in the last 3 to 5 years. It is very difficult knowing how many people are providing these kinds of services since the only requirement is for a person to have a business license to operate as an outfitter.
- ° There are about 30 guides using Kodiak (i.e., Unit 8) and we know of at least 60 outfitters. In Unit 21, we know of one outfitter who has booked over 220 moose hunters into one subunit of that area; two years ago, this person took only 10 to 15 hunters into the same area. In Unit 17, there are about 120 to 130 commercial operators including big game guides, fishing lodge owners, air transporters, and outfitters. We suspect that more than half of these operations are outfitter-related.
- ° If a task force is established, we recommend that it review what species should be added to the guide-required list for nonresident hunters. We do not agree that moose, caribou, and deer should be added to the list and are opposed to reporting requirements being placed on residents who may take nonresidents hunting (e.g., friend, relative). These requirements would be impractical, unenforceable, and an unnecessary burden on Alaska resident hunters. These requirements would probably result in a substantial decrease in nonresident license and tag fees going into the Fish and Game Fund.
- ° One possible solution to the current dilemma would be to simply make it unlawful for a person (a resident or nonresident) to take another person (a resident or nonresident) big game hunting for compensation or with an intent of an agreement for compensation unless the person is a guide.
- ° The rumors floating around that the Division of Game does not want to work with the Guide Board and is unwilling to provide information are not true. When requested in the past, we have provided information and assistance, and we will continue to do so. We do not believe that it would be appropriate for this department to have the responsibility for regulating guides. However, this does not mean that we don't want to assist the Guide Board.
- ° When asked what percentage of outfitters were non-residents, I took a "wild guess" that about 40 percent were nonresidents and 60 percent residents.

By J. Johnson

- ° I made it clear that the increase in outfitting services is a serious problem in certain portions of the state and that it would get worse over time, unless something is done to control these activities.
- ° Page 2 of the bill, line 7, add or hunting after the word "camping."
- ° In line 7, the word "vehicle" needs to be defined. I suggested adding a section (C) in this paragraph and defining vehicle--"a vehicle includes such things as aircraft, pickup trucks, boats, rafts, and all terrain machines (i.e., ATV's)."

cc: Norman Cohen
Roland Shanks
Warren Wiley
Game Regional Supervisors

Alaska State Legislature



HOME ADDRESS
PO BOX 160
KENAI ALASKA 99541
307 262 3356

DISTRICT 5

Representative Mike Navarre

May 3, 1988

Representative Al Adams, Chair
House Finance Committee

SUBJECT: Proposed amendments to House CS for CS for SB 191
(Resources)

Dear Representative Adams:

Below are some proposed amendments to this measure that I think would make it a better bill. The first proposed change is:

Amendment #1:

Page 6, lines 18 - 20: Amend as follows:

...two members of the senate appointed by the president of the senate[;] and two members of the house of representatives appointed by the speaker of the house, none of whom have any financial interest in any business involving or related to the commercial taking of game;

Page 6, line 25: Amend as follows:

"...least two [ONE] of whom have [HAS] no financial interest..."

I believe this would reduce the opportunity for one special interest group have more weight than another on the task force, either inadvertently, or by design.

Under the current version of this measure, virtually all "outfitters" would be put out of business. While this may, or may not be, good policy in the final analysis, I firmly believe that the task force being established under the bill should have a chance to address the policy problems we have in this area and come up with equitable guidelines, before the legislature takes action. I also strongly feel that many of the problems cited in the various committees of review illustrate the need for a change in operation by the Guide Board. If change fails to occur the board should not be continued in its present form.

I feel the following amendments would address this:

Page 1: Delete lines 12 -13.

Page 5, line 4, amend as follows:

(ii) at a lawfully established base camp, cabin or permanent lodge;

Delete lines 10 - 12.

Page 5: Add a new bill section:

* Sec. 5. AS 08.54.240 is amended by adding a new subsection to read:

(7) "personal services" and "big game hunting services" means actively assisting a big game hunter in reconnaissance, stalking, pursuit, killing, dressing out and transporting game in the field, or from the field to a base camp, cabin or permanent lodge.

I believe these amendments would allow legitimate outfitting businesses to continue their operation through this season, but makes it clear that accompanying hunters in the field (other than at a base camp, cabin, or permanent lodge) is illegal for anyone other than a registered guide.

In the event that the above amendments are unacceptable to the majority of the Finance Committee, I would like to propose the following amendments to the effective date clause as an alternative:

Amend section 9 of the bill as follows:

* Sec. 9. Sections 1,2 5,6,7 and 8 of this Act take effect immediately under AS 01.10.070(c).

Add a new section 10:

* Sec. 10: Sections 3 and 4 of this Act take effect June 1, 1989.

Thank you for your consideration of these proposals. Any assistance you can give is appreciated.

Sincerely,



Mike Navarre
Representative

SYNOPSIS
OF
HCS for CS for SB 191 (Resources)

Section 1 would extend the Guide Board for one year.

Section 2 adds language to clarify that the Guide Board may administer oral examinations, as well as written, to any license applicant. This is basically a technical amendment precipitated by a recent AG opinion that said that, as they interpreted what the Legislature enacted in 1986, the Guide Board was not authorized to give oral exams, except to applicants who do not understand English. The oral portion of the guide exam is essential to determine that the individual applicant understands the terrain, weather conditions, game regulations and available safety facilities, among other things, for the area of the state for which he is applying. The oral portion has been an integral part of the guide licensing system since the mid-60s.

Section 3 makes two separate changes to the list of unlawful acts under AS 08.54. The first (subsection 4) is to prohibit the use of the term "outfitter" by anyone other than a licensed master or registered guide. This is to eliminate confusion caused when unlicensed operators represent themselves to be outfitters at hunting shows in the Lower 48, because, in the Lower 48 and in Canada, the terms "outfitting" and "guiding" are used synonymously. At best, this causes confusion for clients who often think they are getting one thing, but end up with another; and at worst, so long as the operator is able to have personnel in the field, sets the stage for unlicensed guiding to take place.

The second change in sec. 3 would require that to legally transport hunters to or from the field for compensation, a person would have to hold a Part 135 air taxi certificate from the FAA. A licensed guide flying his own aircraft to or from his guide area would be exempted. This change also explains that "for compensation or hire" includes any payment received, even though the payment is not directly attributable to the transportation.

Section 4 provides a new definition for "guide" or "guiding" that does not allow anyone who is not a licensed guide to be present in the field with the hunters. Specific exemptions are allowed for those operating from boats with permanent living quarters, permanent lodges or cabins, during transporting activities, or who have to tend horses being used to transport hunters. This definition was amended by the addition of (B) to clarify that persons other than guides may provide base camps for hunters, so long as they set them up before the hunters arrive in the field. The addition of (C) would further clarify that selling, leasing or renting of goods, so long as this is not done in the field, does not constitute guiding.

Section 5 provides a penalty of up to one year in jail, and up to \$5000 fine for violation of section 6.

Section 6 requires a nonresident hunter, when applying for a big game tag, to provide an affidavit showing where the hunter will be hunting, and what big game hunting service the hunter will be employing. It also provides that a person who falsifies this affidavit is guilty of perjury.

Section 7 requires that anybody who transports hunters to or from the field must report any game violations which the transporter reasonably believes may have taken place. This is already required of licensed guides.

Section 8 would establish an interim task force of 13 members to investigate the various questions and problems pertinent to the guide/outfitter controversy, and report to the Legislature next January 15.

Section 9 provides an immediate effective date.

RECENT LETTERS OF SUPPORT

CS SB 191 (FIN) AM



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

SB 191 GUIDE BILL

The problem to be remedied is that unregulated outfitters, providing essentially guided hunts without the actual presence of a guide, are putting heavy hunting pressure on moose and caribou in Alaska. Operators exploiting this loophole in existing guiding regulations are not restricted to certain areas, nor are there any limits on the number of hunters they can book. When one area is hunted out, they are free to move to another, creating a disincentive for conservation or protection for other uses, including subsistence, sport hunting, or nonconsumptive activities. The Alaska Department of Fish and Game cites a compelling example of the problem in one unit where an outfitter has gone from booking 10 hunters several years ago to booking over 220 hunters in the same area this year.

The current version of this bill requires that:

- Anyone providing field or hunting camp personnel be a licensed guide.
- Anyone flying hunters for compensation either have an air taxi or guide license.
- Outfitter information be submitted on all non-resident moose and caribou tag applications.
- A task force be established to study the problems and issues concerning the commercial taking of big game and the businesses or professions that provide goods and services to big game hunters in the state.

The Alaska Environmental Lobby supports conservation of the game resources of the state by closing the loophole that allows outfitters who are not licensed guides to commercially exploit those resources. There are responsible outfitters who might be adversely affected, but we do not see better solutions at present. We are concerned that legislation must not grant undue privilege to licensed guides or unnecessarily restrict legitimate and responsible activities of others. Resource protection must remain the focus. Uncompensated friends and other legitimate transporters, such as the air taxi and riverboat charter operations, should be allowed to continue transporting hunters. Rights of guides and outfitters involved in activities other than big game hunting (i.e., fishing, float trips, hiking, photography) should be protected.

The Alaska Environmental Lobby supports the current version of SB 191 and will work to see that final versions continue to address these concerns.

Issue paper prepared by Bill Glude, April 22, 1988.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB
 KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
 DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
 KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE
 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
 KNIK KANGERS AND KAYAKERS



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

POSITION STATEMENT

BIG GAME GUIDING

SB 191

April 10, 1988

The Alaska Outdoor Council membership clarified their official position on SB 191 which deals with Big Game Guiding.

The Alaska Outdoor Council has consistently supported the maintenance of a well regulated, ethical, economically viable and stable guiding industry in Alaska. The Council has supported the establishment and maintenance of the Guide Board, elimination of illegal or non-fair chase operators, reasonable allocations for non-resident hunters and reasonable non-resident fees.

The Alaska Outdoor Council has actively supported efforts to clean up the guiding industry from the "vacuum guiding" operations that existed in Alaska during the late 1950's and early 1960's. We give the industry credit for the progress that has been made so far, although we recognize that some dissention still exists within the industry. We support continued efforts by the Department of Commerce, the Guide Board and the guiding industry to improve the regulations and policies dealing with licensing, area designations and other aspects peculiar to this industry.

This particular piece of legislation has gone through numerous drafts which has required the Alaska Outdoor Council to once again enunciate its position more clearly.

The Council originally supported the concepts outlined in the original SB 191 which: (1) clearly defined the term "guide"; (2) more clearly delineated between a so called transporter or outfitter and a licensed guide by defining "in the field" services; and (3) extended the Guide Board.

From the very beginning, the Fish and Wildlife Protection officers have asked for a clear separation of "in the field" guiding from other transporter type activities. From an enforcement standpoint, this is essential and we support a clear distinction for enforcement purposes.

The Outdoor Council is concerned about the rapid increase in so-called quasi-guiding activities which have grown in recent years and we are particularly concerned about the rapid increase

in non-resident businesses who are posing as legitimate Alaskan guides and outfitters. Part of this problem would be corrected if the Fish and Wildlife Enforcement Division were adequately funded. The Council is actively supporting increases in this enforcement program.

A major concern of the Council is the fact that, in some areas, a new and rapidly growing commercial big game harvesting industry is being established which will create increasing conflicts between urban and rural residents, subsistence versus non-subsistence users and resident versus non-resident hunters. Inevitably, an extremely mobile commercial harvesting operation similar to the ones that existed in the early 1960's will lead to severe resource management problems and user conflicts.

Alaskans are relatively lucky that at this point most of our big game populations are fairly high. We are concerned that severe winter mortalities like those we experienced from 1969 - 1971 may create severe big game shortages again which will further elevate the conflicts, especially with increasing commercial harvests.

We recognize that the legislature has chosen in the past to allow for transporters to exist to provide access to Alaska's back country. We support the continuation of that policy. We also support the concept that outdoor users be allowed to rent equipment and supplies for their outdoor activities. We do, however, propose that there be a clear distinction between these potential commercial activities and those of the registered, licensed and closely regulated guiding industry.

During our annual meeting in Sitka (April 8-10, 1988) the delegates voted to reaffirm their support of their original position as stated above. They did, however, vote to oppose adding additional species to the list of those requiring a licensed guide for non-residents. Their concern was the added complexity of the legislation, the increased constitutional questions raised by adding moose and caribou, the problems created if a resident is hunting with a non-resident friend and the impact on legitimate transporters.

The Alaska Outdoor Council supports a resolution of this issue during this session. Delaying the solution another year or two will only allow a continued escalation of the conflicts. We believe that legislation can be crafted to provide reasonable control of both the big game type transporters and the guiding industry. Most importantly, it is critical that legislation be developed to continue the careful control of any existing or potential commercial big game harvesting industry.

April 18, 1988

2 Representative Adelheid Herrmann and all members of the
Chairman - House Resources Comitee House of Representatives
P.O. Boxx V (MS 3100)
Juneau, Alaska 99811

From: David "Buck" Williams
Box 375
King Salmon, Alaska 99613

Dear Adelheid and members of the Resources Committee,

I have lived in King Salmon since 1961. I am a commercial fisherman, trapper, class A Assistant Guide, and dog musher.

I have played by the rules and came through the ranks the last ten years of my life in the guiding profession. I feel this is a good system and improves every year but doesn't do anyone any good with the so called outfitters rapping our resource. Most all of the guides are residents while the so called outfitters will only spend the hunting season in the State. They get away with using the word outfitter to cover for the fact they are really guiding and you can bet they know it! They don't respect or even or even appreciate our resource because most of them don't live in the State and are out for a fast buck. And I'm damn sick of watching these jerks get away with it!

I love our game animals and want them to be around when my children are my age. The only way this can be accomplished is through good game management and a system that controls the exploitation that I have described. Thats why there is a Guide law and thats what I am asking you to tighten up. Guides are responsible to there areas and we would ruin our futures if we over harvest game.

You should make sure that the law does not allow the Phoney class of operator to call themselves outfitters because: outfitting is what lisenced Guides do. No one other than guides should be allowed to go with people in the field. Don't believe for one minute that meat packing and camp cooking is a big industry for Alaskans. That's just a cover for being in the field to guide without a lisenca!

If you straighten this out, the game animals will be better protected for everyone - resident and subsistance hunters and people who just want to look at these beautiful animals. Legitimate guiding provides many jobs for Alaskans. This will all be lost along with the resource unless the members of the Legislature get this problem straightend out this Year!

Sincerely, 

RECEIVED APR 25 1988

Scott Deslauriers
Box 194
King Salmon, Alaska 99613

To all members of the House of Representatives

Dear Legislator,

As an Assistant guide and commercial fisherman in the State of Alaska, I depend heavily on the natural resources seriously threatened by these so called outfitters. SB 191 does not do nearly enough to slow down this kind of hunting. We need the existing guide system for the resources to be harvested in a responsible manner especially when this involves non residents.

The so called outfitters who are running rampant all over the State are not interested in the number of animals left but only the number they can get. This sort of hunting is unethical, unfair, and has to be stopped! A real strong definition of guiding in the field is needed. Guiding services in the field whether cooking, packing, camping or any other services should only be provided by licensed guides who have worked their way through a proven effective and professional system. Licensed guides are the only people who should be able to use the word outfitter. This is the loop hole name that is used to get away with all this destructive hunting.

You must take action to make this bill effective this year or there won't be anymore decent hunting for anybody. These are the facts. I just can't believe it has taken so long to figure out a common sense solution to stopping these pirates.

Sincerely,



PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: THOMAS KARSHEKOFF

TITLE:

ADDRESS: BOX

CITY: NONDALTON

ZIP: 99640

PHONE: N/R-

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

MESSAGE: I URGE THE HOUSE COMMITTEES OF FINANCE, RULES, AND RESOURCES TO TAKE IMMEDIATE ACTION TO PASS SB 191 THIS SESSION. THIS BILL NEEDS TO CONTAIN A STRICTER DEFINITION OF GUIDE/GUIDING, IT NEEDS TO LIMIT THE USE OF THE TERM "OUTFITTER" TO REGISTERED GUIDES ONLY, AND SHOULD BECOME EFFECTIVE IMMEDIATELY.

FOMIO: 03151911

DATE: 04/26/88

TIME: 15:19:11

LIONAME: ANCHORAGE LIO

RECEIVED



Darrell Farmen, Registered Guide
12800 Ridgewood Road
Anchorage, Alaska 99516
Representative Adelheid Herrmann
P.O. Box V (MS 3100)
Juneau, AK 99811

907-345-0786 (Evening)
907-344-9719 (Day)

Fall brown bear and Sitka deer
hunting at Deadman Bay
Kodiak Island

April 20, 1988

Dear Representative Herrmann:

I am a 35 year resident and have been associated with the guiding industry throughout that time. My first guide license was obtained in 1961 and I have been active up to now and would like to continue in the profession.

I am requesting that SB 191 be made more effective by further curtailment of illegal guiding activities being conducted under the guise of outfitting. Guiding, a longtime Alaskan industry, is threatened by the unrestricted outfitter participation in the taking of certain big game species, primarily moose and caribou. These two species cannot withstand the increasing demand placed upon them by an expanding entity. The outfitter is creating problems for certain villages to obtain their subsistence moose and is resulting in seasons being shortened in certain areas. The local people are the ones left to deal with the problem of a depleted species while the outfitter moves on to a new area since there are no restrictions placed upon them.

It is important to maintain SB 191 as passed by the Senate and to strengthen the definition of guiding to include the setting up of camps in the field for hunters. Further, the term "outfitter" should be restricted to use by only registered or master guides. Outfitter and guide mean the same thing in the rest of the states and Canada. Lets clear up the confusion.

This bill must be passed this session. The problem continues to grow and the ultimate losers will be our moose and caribou stocks.

With best personal regards,

Darrell Farmen



The Kodiak Island experience for hunters who enjoy the outdoors



Howard D. Flynn & Son

Registered Guides
Mother Goose Lake Lodge
Alaska Peninsula

RECEIVED APR 25 1988



April 22 1988

DEAR SIRs,

I URge you to support
SB 191. My Livelihood Depends
on it. The Outfitters Do NOT HAVE
to ABide by the Rules set up
to conserve game in AK. This is NOT
Right! YOU AS my Representatives
SHOULD NOT let this situation PASS
you By. IF you do it ONLY MAKES
the UNLAWFUL Hunters ~~AND~~ ENCOURAGED.
PLEASE put A ~~RE~~ STOP to UNlicensed
quicky.

Howard D. Flynn
4203 Minnesota Dr.
Anchorage, Alaska 99503
Telephone: 907 - 562-4541

David H. Flynn
9800 Tolsona Cir.
Anchorage, Alaska 99502
Telephone: 907 - 349-5752

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER



P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

State of Alaska
Resource Committee
Mr. Herrmann
Sam Cotton
Juneau, Alaska

April 20, 1983

Gentlemen,

I am writing in regards to SB 191 as it passed on Monday, April 19. This legislation is very important to the survival of a healthy wildlife resource and deserves your dedicated support.

We have a critical resource problem that has been getting worse over the last several years and that is simply defined as wanton disregard for the resource by a few unregulated individuals the "outfitters". We had a similar problem in the early 1970's when the guides were allowed to roam at will over the state. At that time a few individuals found it to their financial advantage to go into an area and take all the game possible, with the idea that they would simply change location the next year. Obviously this was disaster for the game. Many of the guides recognized this problem and moved to eliminate it. In 1977 a new concept was introduced, restricted guiding area. The primary criteria in application for an area was one of previous use. A guide had to show that he had hunted the same area for three years out of the past five in order to qualify for consideration of his application. The purpose of this policy was to effectively eliminate those individuals who had displayed disregard for the wildlife resource. It virtually eliminated the guides who had abused the game year after year. It also gave individuals a great incentive to care for the game populations in their areas. In other words, what was good for the game became good for the business. The restricted area concept has worked exceptionally well.

Now we have a new problem. Because of a broad loophole in the guiding laws, unlicensed individuals have been able to start up illegal guiding operations under the guise of "Outfitting". For the most part these individuals are operating illegally, providing the services guides, taking compensation for assisting on the hunt, and many in the past are abusing the resource. Quite simply, they operate much as the guiding bands of our past, as they have the freedom to hunt the state at will without restriction. In many areas the resources are in critical state to the extent that resident and subsistence hunting opportunities are being jeopardized. They are guiding illegally, and have absolutely no incentive to care for the game population. As guides, we have seen

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471



trying to work with the Department of Fish and Game and the Department of Protection in an attempt to solve this problem but we have had very little success. We need your help.

Guiding has been an established industry in this state for over fifty years, and attracts tens of millions of dollars to the state annually. Not only does it support the guides but the dollars are plowed right back into the Alaskan economy through purchases of food, wages, equipment, fuel and maintenance. The industry has been a solid part of the Alaska heritage for many many years and deserves your support.

At this point I would like to say that I am not at all opposed to the pure concept of Outfitting, only the way it has been corrupted by illegitimate operators. If an individual wishes to go into business renting camping or hunting equipment, I feel he has a genuine right to do so. However when that individual starts providing hunting services to the general public, offering operating camps with transportation and "camp help that know the area and the game" as is often advertised, then this is stepping over the boundary into the realm of guiding, and infringes illegally on an activity that the state has long chosen to regulate under stiff and exacting laws and standards. The guiding laws have been developed over a period of more than fifty years, developed with the specific purpose of protecting the game resource. Now we have individuals who have simply chosen to ignore the intent of the law and are doing so at the expense of the vary resource we have been so careful to protect.

I support one ninety one, (191), but would like to see the definitions made tighter to preclude continued abuse. Lets make the law clear and concise. Guiding has always been defined as the providing of hunting services for financial gain. This included established camps and personal services. If an airtaxi wishes to provide equipment, that's fine. If an individual wishes to go into the equipment rental business, that's perfectly in line with the intent of existing laws. However, once an individual starts providing air service to established camps without an airtaxi license he is stepping into the realm of licensed airtaxis or guides. And once either of them start providing established camps, with or without camp help, they are infringing on the guiding profession, and the opportunity for abuse is present. In order to clear up the question and eliminate a cloudy area that is open for abuse, permanent camps must be limited to the use of licensed guides. This does not restrict the airtaxi from flying or renting and it does not stop the legitimate operation from renting out equipment, but it does eliminate any temptation to provide illegal guiding services.

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

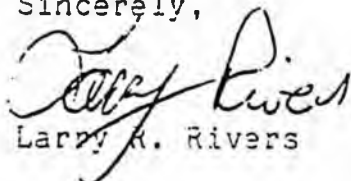


I would also like to see you define the term "OUTFITTER", as it relates to the hunting industry. Many of our current crop of "outfitters" i.e. unlicensed guides, attend the hunting conventions, and advertise their services as OUTFITTERS. This is a serious form of fraud. In every part of the world, except Alaska, outfitting refers to the services of licensed guides. These individuals know this, and in advertising themselves this way they present themselves as guides, seldom telling the client differently. Many a hunter comes to Alaska to hunt with an outfitter, believing that they are licensed guides, approved by the State of Alaska. Let's clear up this terminology so that individual purchasing the various services knows exactly what they are dealing with. In other words, its time our terminology came in line with the world standard. Only Registered or Master Guides should be allowed to use the term outfitter. Furthermore, I would suggest that the term be further restricted so that it applies only to those Registered or Master guides with restricted guiding areas assigned by the State of Alaska.

It is extremely important that we protect the resource NOW. Alaska needs this legislation now, before the problem is totally out of hand. We need the bill this session and it needs to become effective as soon as it is signed by the Governor.

I sincerely thank you for you support of this bill.

Sincerely,


Larry A. Rivers

LR:dd

cc: House of Representatives



RECEIVED APR 25 1988

MIKE McCANN

ALASKAN REGISTERED GUIDE

TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY

BOX 583 • GLENNALLEN, AK 99588

(907) 822-3240

Dear Adelheid,

I am writing in regards to the bill 191, and it is imperative that you vote for it. I have been guiding for 12 years in Alaska and am now a registered guide. My entire living is made by guiding in the spring and fall and in the winter I trap by dog team. And after I passed the registered guide exam I am still working with other guides, because I do not have an area. The passing of bill 191 is very important to me. And to the state of Alaska! These people that are calling themselves "Outfitters" are taking the resources without a license and an area! The word Outfitter should only legally be used for a legitimate registered or master guide. People in the lower 48 states assume an outfitter is one and the same. A lot of these people are taking too much of the game and is making a resource crisis. Legitimate subsistence hunting is being threatened and the general resident hunting is going to lose out if these people continue to illegally guide. The resource cannot take the pressure. The definition of guiding needs to be tightened up and keep this people out of the field. Camps for hunting should be the legitimate, licensed guides function.



MIKE McCANN
ALASKAN REGISTERED GUIDE
TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY
BOX 583 • GLENNALLEN, AK 99588
(907) 842-3240

If you do not pass bill 191, The state of Alaska is going to lose out in many ways, not just the guides, The people of the state, the economy that the guides generate, and the natural resources will all lose it These people are allowed to advertise and outfit without restrictions. The guides have licenses (mine cost \$240) and regulations to abide by. The situation is very critical! Please vote for 191.

Sincerely,

Mike L. McCann

- cc - John Sand
- Mike Wauver
- Cliff Davidson
- Druc Pierce
- Henry Springer
- Lyman Hoffman
- Dick Shutte

RECEIVED APR 25 1988

THE HELMERICKS
Walker Lake - Colville Village
Via 930-9th Avenue
Fairbanks, Alaska 99701-9908
(907) 452-5417

April 22, 1988

Dear Adelheids,

We want to ask you to schedule the bill SB 191 and move it out for quick passage this session. It is important for us to extend the Guide Bond for another year and to pass this bill to protect our wildlife resources and strengthen the guiding industry.

The outfitters who wish to become guides may, those who want to be air taxi operators may while those who wish to become both may but they must pass the same exams and abide by the laws the way the rest of us have to.

I have been a registered or master guide for 43 years and I have not found it a hardship to follow our regulations. I'm proud to have worked in the guiding industry all those years and I want to see the guides continue to protect our fish and wildlife resources as we all once did. Anyone guiding in Alaska should be an Alaskan.

Thanks for your help. May each day be a happy one. We send our best wishes and our kindest personal regards.

Sincerely yours,

Red + Martha



RECEIVED APR 25 1988

P. O. Box 670071
Chugiak, Ak. 99567
April 20, 1988

Ms. Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Ak. 99811

Dear Ms. Herrmann,

Our big game wildlife resources are being threatened by an uncontrolled group, illegally guiding hunters, who call themselves "outfitters".

This group is made up of past guides who lost their licenses through illegal activities, non-residents, and those too lazy or defiant of the restrictions of the law to get a legal guide's license.

Senate Bill 191 passed out of the Senate April 19, 1988, addresses this issue, but doesn't go nearly far enough. This group of unlicensed guides, who call themselves outfitters, are grossly out of control. From every region of the State, I have heard of and have personally seen, atrocities against good game management.

This group of illegal guides, who call themselves outfitters, have used unbelievable imagination in finding loopholes to operate through. It will take a tough law to bring this back into control. These illegal guides go into an area, wipe the game out and move on.

Loopholes, like letting illegal outfitters rent camps in the field, are big enough for them to wholesale thousands of precious Alaska game animals to non-residents.

Absolutely every last one of these illegal outfitters knew they were outright illegal or operating through a loophole in the guide law.

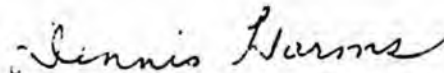
Legal licensed guiding has over a 50-year history. Legal licensed guides are the most controlled and restricted industry in Alaska. The legal guides have gone to great extent to enact laws to help the law enforcement revoke the licenses of those guides who did not respect game resources.

A licensed registered guide is limited to his area of operation so it would be foolish for him not to be a good steward of the game resources. However, he is at the mercy of the illegal outfitters who move in and out of guide areas wiping out the game populations.

This is a critical resource issue that is grossly out of control. I urge you to support S.B. 191 with strong amendments to stop these atrocities against our wildlife resources.

Every resident of the State will benefit from properly controlled game harvest.

Sincerely,



Dennis Harms
Alaska Master Guide

RECEIVED APR 27 1988

DONALD TROUTMAN
2453 HOMESTEAD DRIVE
NORTH POLE, ALASKA 99705
(907) 188-6300

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I am writing in regards to SB191. I am very concerned about this legislation which has passed from the Senate to the House of Representatives. I feel that the time has come for the Senate and House to open their eyes as to the situation regarding Alaska big game moose and caribou. It is time to STOP the unregulated slaughtering of our animals by outsiders who are only interested in a fast buck, instead of trying to wisely use the available moose and caribou in a way that is best for Alaska residents.

I have enclosed two copies of advertisements that have been published in NATIONWIDE magazines. If something isn't done soon to regulate our animal resources, there won't be moose or caribou to hunt. What will we tell our children when they are grown? "I'm sorry but the State of Alaska legislatures, didn't care ten years ago about the moose and caribou, so now you as a resident of Alaska are not permitted to hunt for subsistence or sport." This situation is fast getting out of hand, and if something isn't done now to stop it, it will have grave consequences on the future of Alaska.

Thank you for your time to review my thoughts on this subject and the enclosed literature.

Sincerely,



Donald Troutman

James B. Bates
2256 Dillon Ave.
North Pole, Ak. 99705
(907) 188-2631
April 1, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

I would like to take a few moments of your time to discuss an issue that, if you are reluctant to face controversy, you may prefer not to discuss. However, because it concerns the big game resources of Alaska, I think it would be good of you to consider what I have to say.

As a resident hunter, I feel like I am caught in the middle of the outfitter controversy. There seem to be four important elements to this question. First, there are the guides, some good and some bad, who have worked within the system over the years, and who generally tolerate the other legal hunters who hunt in their areas. Then there are the so-called "outfitters", who, because they are not restricted to any particular area, are able to hunt wherever they want, and take as many clients as they can find moose for. Then there are the resident hunters like myself, who, at this point have not been seriously impacted as a group, but many of whom have been individually effected by uncontrolled outfitters. Finally, there are the subsistence users. As we all know, the subsistence users are given the priority when a game resource runs in short supply.

Now, if the outfitters put so much pressure on the moose population in a particular game management unit that the subsistence priority kicks in, what happens to the other user groups? Obviously, a guide is out of business, because he cannot move to another area. An outfitter can and will. The resident hunter will also be forced out of his traditional spot and will have to move to another area, if possible. The problem is that if all the hunters move to another unit, the game in that other unit will be decimated. The net result will obviously be that nobody will be able to hunt moose or other species except for subsistence.

For these reasons, I strongly urge you to support a serious solution to this problem before you adjourn in May.

Thank you.

Best regards,

James B. Bates

March 23, 1988

John G. Duley
2190 Remington Circle
North Pole, Alaska 99705
(907) 438-3741

Senator or Representative
P.O. Box 1
Juneau, Alaska
99811

Dear Senator or Representative,

I have been a resident hunter in Alaska for the past three years, and am concerned that the uncontrolled influx of outfitters into the State will eliminate my hunting opportunities if nothing is done to stop it. SB191, as it passed out of Senate Resources does not accomplish anything, and I urge you not to support that version. In order for any piece of legislation to be effective, it must address the problem this year, not put it off until next year. I would urge you to insist that SB191 or HB183 include a definition of guiding, to eliminate anyone out in the field, such as a 'camp cook', who could very well be guiding - we don't know unless protection investigate them. My opinion is that many of these men characterize as guiding under the guise of 'cooking', etc. In addition, the bill would

put more of our big game on the guide required
list for non-resident hunters - particularly moose
and caribou - as long as residents can take
friends out.

As I said above, I have been a winter
hunter for many years, and I am personally
acquainted with many other winter hunters
who will not tolerate more closed and shorter
seasons that are resulting from uncontrolled
hunting pressure from outside outfitters.

Thank you. Please do something now.

Sincerely Yours,
John G. Daly

Kurt Smith
Box 1351
North Pole, Ak. 99705
(907)488-2596
April 5, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

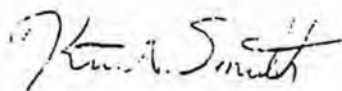
I have just read the Third(!) Resources committee substitute for Senate Bill 191, and I must say there appears to be a shortage of backbone down there in Juneau! Don't you people realize that if this illegal outfitter problem isn't fixed this session it will very likely be beyond fixing next session? I am a resident and a hunter, and am concerned for my right to hunt big game in my home state - especially moose.

I recognize this is an election year, and that this latest - gutted - version of this important bill may be written so as not to offend or put out of business some very important campaign supporters. However, you must realize that if the resident hunters of Alaska are prevented from pursuing their favorite big game animal, just so a few illegal resident outfitters and a whole bunch of Outside commercial operators like Cabellas and others from New Jersey, Pennsylvania and Wisconsin can get them, the resident hunters will remember that at the ballot box.

I urge you to support any amendments to this stripped-down bill that will put some effectiveness back into it.

Thank you for hearing me out, and don't hesitate to show some guts on this one.

Sincerely yours,



Rick Davis

3/25/88

300 Howland #59

Fairbanks, AK. 99712-1506

Phone 457 2720

Dear Senator or Representative,


I AM A RESIDENT HUNTER, HAVING HUNTED IN THE FAIRBANKS AREA FOR THE PAST 27 YEARS. I HOPE TO CONTINUE TO HUNT IN THIS AREA IN THE FUTURE, BUT AM QUITE CONCERNED THAT IF YOU IN THE LEGISLATURE DO NOT DO SOMETHING ABOUT THE ILLEGAL OUTFITTING PROBLEM - AND VERY SOON - I WILL NOT BE ABLE TO CONTINUE TO HUNT.

I HAVE FOLLOWED THE PROGRESS OF SB 191 + HB 183, ALTHOUGH THERE HASN'T BEEN MUCH PROGRESS ON EITHER ONE. FROM THE LOOKS OF THE LATEST VERSION OF SB 191, I WOULD WONDER IF MAYBE SOMEONE DOWN THERE IS AFRAID TO MAKE A DECISION. BE FOREWARNED THAT THIS FAILURE TO DECIDE IS STILL A DECISION, & IT WILL HAVE GRAVE CONSEQUENCES FOR US RESIDENT HUNTERS OF ALASKA BECAUSE OF OUR SUBSISTENCE PRIORITY LAW. IT WILL ALSO HAVE A GREAT IMPACT ON HOW INDIGENOUS VOTE, IT WILL ALSO HAVE CONSEQUENCES ON SUBSISTENCE HUNTERS, SINCE A PRIORITY IS OF LITTLE VALUE IF THE MOOSE + CARIBOU ARE GONE.

PLEASE SINCERELY CONSIDER PRESSING AN AMENDED VERSION OF EITHER OF THESE TWO BILLS THAT WILL STOP THE FLOW OF ILLEGAL OUTFITTERS INTO THE (COUNTRY)

These people should be guides if they were
to be involved in commercial taking of big game.
Make them go through the guide system.

Thank you for taking the time to read my
comments. Also the new game regulations for
1988 put moose "spike" bull & over 50" moose for
hunting only in unit 20A. This puts half of the
residents from filling their freezers this year.
I will be watching to see if you resolve this
problem

Sincerely yours


Alaska
Hon. Sen. [unclear]
Hon. [unclear]

400-1997

Re: CS 50-191

Dear Senator or Representative,

I see that in the above-mentioned version of the bill the committee would avoid off-mountain a decision to solve the illegal hunting problem for another year. It is not the way to handle the problem, and I hope you will show a little more statesmanship when the bill comes to the Senate floor for a vote. It should be amended, and Alaska's big game resources are dependent on it. I am totally opposed to the concept of forcing the guide industry the problems associated with the guide industry, and could support that part of the bill that had some guts to it. Although I am not a guide, I support a well-regulated guide system, and would think the guides would maintain the security which has been provided. However, as a resident hunter, I am very outraged over these "outfitters" coming into the state and dropping off thousands of moose and caribou hunters. The guide population cannot maintain the type of hunting that has been done when they crash, we will have them flood into the state with no hunting at all.

Sincerely,
[Signature]

Charlie Draper
2820 RIVERVIEW
FAIRBANKS, ALASKA
99709

4779612

Dear Senator or Representative

Alaska's big game resources are in a very vulnerable position at this time. Because of loopholes in our hunting and guiding laws. I hope you support closing those loopholes this session. As you do no doubt know, our big game guide system came about in response to just the type of predatory activity we are now seeing with wolfers. At that earlier time it was the guides who could operate freely anywhere on the state, and who had no vested interest in taking care of the resources. We have effectively regulated their businesses since then, and that's why sheep populations have benefited by the system. Now however, we have a parallel situation with uncontrolled hunting on moose and caribou. It will be difficult to protect these important big game species. It is imperative that you take action this session. I hope you will take my concerns into account. I am not a guide and have no interest in any guide business, and I believe you are not concerned!

My dear Mr. [Name] I am very concerned that my [business] [activity] will be diminished if not eliminated, and I am [convinced] that a few [wholesome] outlets [from] [business] will [make] a great profit [in] [business] [and] [earn] [income] [and] [this] is [wrong] [and] [I] [hope] [you] [will] [be] [able] [to] [help] [me] [in] [this] [matter].

Thank you for considering my [request].

Sincerely,

[Signature]

(

KEITH N. JOHNSON

MASTER GUIDE & OUTFITTER

3646 NORTH POINT DRIVE
ANCHORAGE, ALASKA 99515

April 26, 1988

Phone: (907) 243-5087

Representative Adelheid Herrmann
P. O. Box U
State Capitol
Juneau, Alaska 99811

Dear Representative Herrmann:

I would like to see Senate Bill 191 moved through the house as rapidly as possible this session so that it can be passed before the end of the legislative session. In order for this to be done, we are going to need a lot of help from all of you and sincerely request your help on this.

The general public and the guiding industry needs this bill to be passed in order to get some restraints put on those who are now literally raping the natural resource. It has been called to all of our attention that several outfitters are taking between 100 and 300 hunters in the field each season. They are not restricted to any general area so when one areas game is used up, so to speak, they move on to another valley.

We also need to strengthen S.B. 191 by adding some wording to it. Just recently a decision by an Assistant District Attorney made it illegal for the oral portion of the Registered Guide Exam to be required for licensing. The oral exam is extremely effective in sorting out those who really know Alaska, its wildlife and the guiding regulations from those who have just studied books and are good at taking written tests.

We need to insert the words "Written and Oral" in (a) (1) between administer and examinations to correct this matter in Sec. 08.54.040 Powers and Duties.

I know of no person that is against the insertion of these words into the bill. It is just something that was deleted because of confusing wording. It is merely a housecleaning change that must be done on this bill.

The guiding industry respectively requests your support on S.B. 191. Our industry has come a long way in the last few years to clean up our act and strengthen our regulations and we need all the help we can get from all of you. One step that would certainly be beneficial to the guiding industry is if we were given more than one year extension of the sunset. The dates should be moved to June 30, 1990 to give us time to correct any problems we have in the industry. As it currently stands we seem to spend most all of our time in political turmoil trying to get a bill passed.

Respectively yours,



Keith N. Johnson
Guide Board Advisory Committee Chairman

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I too, am an Alaskan who enjoys our state's game resources and I applaud Governor Cowper's recent commercial, which I heard on public radio. "The Fish and Game Zenith number", to report game violations is a way to protect our state's game resources.

Why then is the same administration not willing to address and support the issue of "Unlicensed Outfitting". It would seem to me that to truly protect our game "Unlicensed Outfitters" should have to follow the same rules and state regulations that are demanded of current licensed guides, both Master and Registered.

How can the game resource be protected when "Outfitters" are guiding people, both residents and non-residents anywhere in the state to take Moose and Caribou without regulation? How can we know the impact on the area populations without knowledge of "where" and "how many"?

As the wife of an assistant guide, I am especially concerned with the answers to these questions and the outcome of SB 191, as it is our livelihood.

If these "Unlicensed Outfitters" can not or will not become a part of the state's guide licensing system, then they should be regulated in their taking of game.

Our state's game resources depend on it.

Sincerely concerned,

Cindy Chadd

Cindy Chadd
P.O. Box 230241
Anchorage, Alaska 99523

T.F. SMITH

Licensed Master Guide

~~PO BOX 1132~~ 3407 HPR

SITKA, ALASKA 99835

(907) 747-8807

April 27, 1988

Representative Adelheid
Co-Chair: Resources Committee
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adelheid Herrman:

Please schedule SB 191 and move it out of your
Committee, if this hasn't already been done. I support this Bill
and feel that it is too important to let die upon adjournment.
Thank you.

Sincerely,

T. F. Smith
T. F. Smith

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: VERN NOWELL
TITLE:
ADDRESS: 12241 AVION
CITY: ANCHORAGE
PHONE: 345-4417
BILL NO: SB 191
SUBJECT: GUIDE BOARD; BIG GAME GUIDING
MESSAGE: I AM A VIDEO PHOTOGRAPHER AND STILL PHOTOGRAPHER. I ACCOMPANY HUNT
IN THE FIELD AND PHOTOGRAPH THE HUNT. PLEASE MAKE ALLOWANCES IN THIS BILL FOR
ME TO CONTINUE OPERATIONS.

POMID: 03133352
DATE: 04/25/88
TIME: 13:33:52
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

COTTEN
DAVIDSON
HOFFMAN
NAVARRE
PEARCE
SHULTZ
SPRINGER
SUND

PUBLIC OPINICH MESSAGE

DEAR: REPRESENTATIVE HERPMANN

NAME: NICK ERICSON
TITLE:
ADDRESS: 3450 LAKEVIEW DRIVE #313
CITY: FAIRBANKS ZIP: 99701
PHONE: 456-5210

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

MESSAGE: I SUPPORT THE ABOVE REFERENCED BILL WITH THE FOLLOWING AMENDMENT.
IN THE 2ND READING DATED 4/15/88 ON AMENDMENT #3, SEC. 3 (D) CHANGE TO READ
"IN A CAMP WHILE ATTENDING TO HORSES OR SLED DOGS THAT ARE BEING USED TO
TRANSPORT BIG GAME HUNTERS TO OR FROM THE FIELD." MY MAIN INTEREST
IS TO SEE THAT SLED DOGS ARE INCLUDED AS A FORM OF TRANSPORTATION FOR THE
HUNTERS. THIS WOULD CHANGE 08.54.240 (3).

POMID: 07135906
DATE: 04/27/88
TIME: 13:59:06
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

BOYER	FAHRENKAMP
COTTEN	COGHILL
DAVIDSON	FAIKS
HOFFMAN	
NAVARRE	
PEARCE	
SHULTZ	
SPRINGER	
SUND	

RECENT LETTERS AGAINST

CS SB 191 (FIN) am

DEAR MEMBERS OF THE HOUSE,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM AFRAID THE WORDING OF S.D. 191 "SECTION 3 AS 08.54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOGS REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SPOTTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SEASON, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECIEVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY, PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST, AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED, I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE, ALASKA

99515

Les Krank



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

April 20, 1988

The Honorable Adelheid Herrmann, Chairman
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Chairman Herrmann:

On April 19, 1988, the Kenai Peninsula Borough Assembly adopted Res. 88-38, "Supporting the Formation of a Task Force by the Senate Resources Committee in Regard to Senate Bill 191, and Urging that Equal Representation of all User Groups be Assured" (McGahan). Both Mayor Don Gilman and the Assembly have requested the enclosed copy of the resolution be forwarded to you.

Your review is most appreciated.

Very truly yours,

Catherine Y. DeLacee,
Deputy Borough Clerk

ENC: (1)

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

WHEREAS, considerable controversy has arisen over the harvest of big game in Alaska by all user groups in the sports hunting public; and

WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

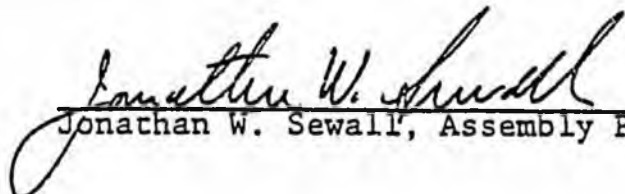
NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

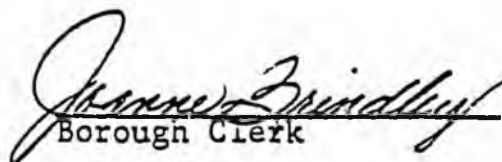
Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.

Section 3. That copies of this resolution shall be sent to Governor Steve Cowper; Commissioner of Fish & Game; Senator John B. Coghill, Chairman of the Senate Resources Committee; Senators John Binkley, Paul Fischer, Jalmar Kerttula and Mike Szymanski; and Representatives Adelheid Herrmann and Sam Cotten, Co-Chairmen of the House Resources Committee and Representatives Bette Cato, Mike Navarre, C.E. Swackhammer, Kay Wallis and Jim Zawacki.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 19th DAY OF April, 1988.


Jonathan W. Sewall, Assembly President

ATTEST:


Borough Clerk

RECEIVED APR 27 1988

TO: MR. ADEL HEID HERRMANN
POUCH B
JUNEAU AK. 99811

FROM: MR. JOHN LONGSTREET
UNITED STATES COAST GUARD AIR STATION
TRAVERSE CITY, MI. 49684

DEAR SIR :

I AM AN ALASKA RESIDENT STATIONED IN MICHIGAN. I HAVE BEEN HEARING SOME VERY DISTURBING THINGS CONCERNING OUTFITTERS IN ALASKA. I UNDERSTAND THAT SENATE BILL 191, THAT IF PASSED WILL MAKE OUTFITTING ILLEGAL, PUTING ALOT OF PEOPLE OUT OF WORK, TAKEING BUSINESS AWAY FROM SPORTING GOODS STORES, OUTDOOR CLOTHING STORES, FOOD STORES, AND AIRTAXI SERVICES, TO NAME A FEW.

I AM A VERY ACTIVE HUNTER AND FROM TIME TO TIME EMPLOY THE SERVICES OF OUTFITTERS. THE REASON I USE OUTFITTERS INSTEAD OF GUIDES IS ECONOMICS. I CAN HIRE A GOOD OUTFITTER WHO WILL MAINTAIN A VERY COMFORTABLE CAMP, AND PROVIDE FOR ME EVERYTHING FROM A SLEEPING BAG, TENTS, FOOD, A CAMPCOOK, ECT. FOR AROUND \$1000.00 PER WEEK, WHERE A GUIDE CHARGES ABOUT \$6000.00 PER WEEK.

I REALIZE THAT AN OUTFITTER CAN NOT ACCOMPANY ME IN THE FIELD NOR HAVE I EVER HAD ONE THAT WANTED TO. I DO NOT WANT OR NEED A GUIDE, BUT I ENJOY COMING BACK FROM A HARD DAYS HUNT TO A COMFORTABLE CAMP, WHERE THE CAMPCOOK MEETS ME WITH A HOT CUP OF COFFEE, WITH SUPPER NOT TO FAR BEHIND. I KNOW THAT I AM NOT ALONE IN THIS, I HAVE TALKED AND HUNTED WITH SEVERAL OTHER HUNTERS BOTH RESIDENT AND NON-RESIDENT WHO PREFER TO USE OUTFITTERS, IF FOR NO OTHER REASON THAN THAT GUIDES HAVE OVER PRICED THEM SELFS COMPLETELY BEYOND REASON.

IF YOU PASS THIS BILL, COMFORTABLE CAMPS WILL BE SOMETHING ONLY A RICH MAN CAN AFFORD. AND FEWER PEOPLE WILL COME TO HUNT IN ALASKA WHICH FROM AN TOURISM POINT OF VIEW MEANS FEWER DOLLARS SPENT IN LOCAL STORES.

ALSO I FEEL IT IS MY RIGHT TO HAVE A CHOICE BETWEEN OUTFITTERS AND GUIDES, THEY BOTH FILL IMPORTANT AREAS IN THE HUNTING COMMUNITY, IF YOU CAN AFFORD A GUIDE AND WANT ONE GREAT, BUT IF YOU ARE LIKE ME AND CANNOT AFFORD A GUIDE, AN OUTFITTER IS THE ONLY WAY TO GO.

SO PLEASE VOTE AGAINST "SENATE BILL 191" AND ANY OTHER BILL THAT WOULD STOP OUTFITTERS FROM PROVIDING A MUCH NEEDED SERVICE.

THANK YOU FOR YOUR TIME

John Longstreet
JOHN LONGSTREET

RECENT LETTERS/OTHER COMMENTS ON

CS SB 191 (FIN) AM

RECEIVED APR 28 1988

FISHING AND FLYING
Box 2349
Cordova, Alaska 99574
April 28, 1988

Representative Adelheid Hermann
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Hermann:

This letter concerns SB 191 which involves big game guiding, transporting, outfitting, and hunting. . .obviously, there was some need for a new look at management of hunts. I believe that the Bill successfully addresses the issues. However, I would like to point out a minor problem with the Bill which could become a grave problem.

My concerns are about Sec. 3 (3). . ."guide" or "guiding" means accompanying or being present with, or providing personal service for, a big game hunter in the field. . .

it continues on with "guide" or "guiding" does not include accompanying or being present with a hunter . . .B at a lawfully established cabin or permanent lodge;

We operate a small air taxi and do some outfitting. . .We go through the long, arduous process of obtaining permits for temporary tent camp sites. We are allowed, after the massive paperwork and the necessary fees and the outfitters insurance, to set up camps for use with our guests--and these are hikers, sportsfishermen, and hunters. We are not guides and therefore we simply fly our clients out to the camps, arrange for a pickup time and they are on their own. The advantages to our guests are these:

1. They do not have to bother with bringing all of the camp gear with them. It is all ready for use, and the visitors do not have to worry about shipping things ahead. What a lot of hassle is avoided by flying into an outfitted camp!

2. Obviously, this is not a champagne and lobster setup--and it is a lot less expensive. Our visitors have to be prepared to rough it (if you call a nice dry tent with a wood stove AND bunks roughing it!) and they have to be capable of being on their own in the woods. Obviously, from the time a

person first contacts us, there are a lot of questions asked: if the person requires the luxury route, we direct them to a guide with lodge facilities. But it must be remembered that hunting is a privilege and should not be limited to guided hunts. We must protect the rights of the middle-class hunter, who may be able to afford a tent camp hunt, unguided, but wonderfully Alaskan.

3. When a person goes to an outfitted camp, we know that the person has the right type of camp for the weather and for the area. Often, people elect to provide their own gear. For locals, it works. They know our area and know how to stay dry and warm. For people unfamiliar with an area, it can mean a miserable, uncomfortable time.

Therefore, I would respectfully submit that the SB 191 needs the wording changed to include (B) at a lawfully established cabin, permitted camp, or permanent lodge. Otherwise, we are in danger of a very unfair situation.

Please contact me if I have not explained my thoughts clearly: I know what I'm trying to say, but it may not be very obvious or clear to you. Thank you for your attention to this matter.

Sincerely,

Gayle Ranney

5-0848F
Hein
5/4/88

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- December 31 [JUNE 30],
14 1988.

15 * Sec. 2. AS 08.54.040(a) is amended to read:

16 (a) Except as provided in AS 08.54.045, the board shall

17 (1) prepare, grade, and administer

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

25 (B) an oral examination of a registered or master
26 guide who seeks an amendment of a game management unit certifica-
27 tion; the examination must require demonstration that the guide
28 is qualified to provide guided hunts in each new game management
29 unit for which the guide seeks to be certified [EXAMINATIONS,

1 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE
2 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

3 (2) determine qualifications of applicants for licenses and
4 authorize the issuance of licenses to those who qualify;

5 (3) establish guide performance standards and regulate
6 activity;

7 (4) compile, maintain, and publish an annual register of
8 master and registered guides who have not been convicted of a vio-
9 lation of a state game or guiding statute or regulation; a guide
10 listed in the register whose license is revoked or suspended shall be
11 removed from the register while the guide's license is revoked or
12 suspended;

13 (5) prohibit guiding activities which are unsportsmanlike,
14 unethical, unsafe, against principles of conservation, degrading to
15 the guiding profession, or which adversely affect the natural re-
16 sources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a
18 license in accordance with AS 08.54.200;

19 (7) establish a quota of licensed operating guides who may
20 operate within designated geographical game units or subunits of the
21 state and provide for an equitable, reasonable, and consistent pro-
22 cedure for limiting the number of guides to that quota; preference may
23 be given to qualified available and willing licensed guides who reside
24 within the designated game unit or subunit;

25 (8) meet at least twice annually, once in Anchorage and
26 once in another municipality.

27 * Sec. 3. AS 08.54.210 is amended to read:

28 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

29 (1) a master guide, registered guide, special guide, class

1 A assistant guide, or assistant guide to fail to timely report to the
2 Department of Public Safety, division of fish and wildlife protection,
3 and in no event later than 30 days, a violation of a state fish, game,
4 or guiding statute or regulation that the guide reasonably believes
5 was committed by a client or an employee of the guide;

6 (2) a guide to commit or aid the commission of a violation
7 of this chapter or of a state game or guiding statute or regulation or
8 to permit the commission of a violation that the guide knows or rea-
9 sonably believes is being or will be committed without attempting to
10 prevent it, short of using force, and without reporting it;

11 (3) a person to guide without having a current valid guide
12 license and resident hunting license in actual possession;

13 (4) a person without a current valid registered or master
14 guide license to advertise as or represent to be

15 (A) a guide; or

16 (B) an outfitter offering big game hunting services

17 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

18 (5) a guide to intentionally obstruct or hinder or attempt
19 to obstruct or hinder lawful hunting engaged in by a person who is not
20 a client of the guide;

21 (6) a person for compensation or hire to transport a hunter
22 to or from the field in an aircraft for which the person does not hold
23 a current valid air taxi commercial operator (ATCO) operating certifi-
24 cate issued by the Federal Aviation Administration under 14 C.F.R.
25 Part 135, except that it is not a violation of this paragraph if a
26 licensed guide transports a hunter to or from a restricted or joint-
27 use guide area assigned to the guide or to the guide's employer in an
28 aircraft owned by the guide and operated under 14 C.F.R. Part 91; in
29 this paragraph, "for compensation or hire" means receiving any

1 monetary consideration for the transportation, regardless of whether
2 the consideration is directly attributable to the transportation; "for
3 compensation or hire" does not include reimbursement for actual ex-
4 penses incurred for aircraft fuel for the transportation;

5 (7) a person to guide without being validly licensed as a
6 guide under this chapter and as a resident hunter under AS 16;

7 (8) [(7)] an assistant guide to contract to conduct a
8 guided hunt;

9 (9) [(8)] an assistant guide to be in the field on a
10 guided hunt except while employed and supervised by a registered or
11 master guide.

12 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
13 section is guilty of a misdemeanor and upon conviction is punishable
14 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not
15 more than one year, or by both, and the person's license may be re-
16 voked for a period up to five years. However, a person who engages in
17 guiding activity during the period for which the person's license is
18 suspended or revoked under this chapter, or who violates (a)(7) - (9)
19 [(a)(6) - (8)] of this section, is guilty of a felony punishable, upon
20 conviction, by a fine of not more than \$5,000 and by imprisonment for
21 not less than one year nor more than three years. In addition to
22 punishment for a felony, all guns, fishing tackle, boats, aircraft,
23 automobiles or other vehicles, camping gear and other equipment and
24 paraphernalia used in, or in aid of, guiding activity engaged in
25 during the period of suspension or revocation may be seized by persons
26 authorized to enforce this chapter and may be forfeited to the state
27 as provided under AS 16.05.195.

28 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

29 (3) "guide" or "guiding" means accompanying or being

1 present with, or providing a personal service for, a big game hunter
2 in the field, personally or through an assistant, for compensation or
3 with the intent or an agreement to receive compensation; "guide" or
4 "guiding" does not include

5 (A) accompanying or being present with a hunter

6 (i) in a boat with permanent living quarters;

7 (ii) at a lawfully established base camp, cabin,
8 or permanent lodge if the owner or operator has informed the
9 division of fish and wildlife protection that the base camp,
10 cabin, or permanent lodge will be used for big game hunting
11 services during the current hunting season and has provided
12 to the division an estimate of the total number of persons
13 who will use the base camp, cabin, or permanent lodge; or

14 (iii) while providing transportation to or from the
15 field, if the persons providing transportation and the
16 persons being transported do not stalk, pursue, track, kill,
17 or attempt to kill big game; or

18 (B) selling, leasing, or renting goods, if the trans-
19 action does not take place in the field;

20 * Sec. 5. AS 16.05.407(d) is amended to read:

21 (d) A nonresident who violates (a) of this section, or who fails
22 to furnish an affidavit under (b) or (e) of this section, is guilty of
23 a misdemeanor and upon conviction is punishable by imprisonment for
24 not more than one year, or by a fine of not more than \$5,000, or by
25 both.

26 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

27 (e) An applicant for a nonresident big game tag for the taking
28 of moose or caribou shall first furnish to the state, on a form pro-
29 vided by the state, an affidavit showing where the applicant will be

1 hunting and what guiding, transportation, or other big game hunting
2 services the applicant will be employing. A person who falsifies an
3 affidavit under this subsection is guilty of perjury under AS 11.56.-
4 200.

5 * Sec. 7. AS 16.05 is amended by adding a new section to read:

6 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
7 LATIONS. (a) A person who transports a big game hunter to or from
8 the field for compensation, or with the intent or an agreement to
9 receive compensation, shall promptly report to the Department of
10 Public Safety, division of fish and wildlife protection, and in no
11 event later than 30 days, a violation of a state fish, game, or guid-
12 ing statute or regulation that the person reasonably believes was
13 committed by a client or employee of the person.

14 (b) A person who violates this section is guilty of a misde-
15 meanor and upon conviction is punishable by a fine of not more than
16 \$2,000 or by imprisonment for not more than one year, or by both.

17 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
18 on the Guide Board and the commercial taking of big game is established
19 under the jurisdiction of the legislative council. The task force consists
20 of the commissioners of fish and game, commerce and economic development,
21 and public safety, or their designees; two members of the senate appointed
22 by the president of the senate; two members of the house of representatives
23 appointed by the speaker of the house; and six members appointed by the
24 governor as follows: one member of the Guide Board; one big game guide
25 licensed under AS 08.54 who is not a member of the Guide Board; and one
26 person engaged in a business, other than guiding, that includes transport-
27 ing big game hunters to and from the field; and three public members, at
28 least two of whom have no financial interest in any business involving or
29 related to the commercial taking of game. The governor shall appoint at

1 least one member from each judicial district in the state. The members
2 shall elect a person to chair the task force.

3 (b) The task force shall review the operations of the Guide Board and
4 shall study problems and issues concerning the commercial taking of big
5 game in the state and the businesses or professions that provide goods and
6 services to big game hunters in the state. The task force shall submit to
7 the legislative council, not later than January 15, 1989, a report on its
8 findings and proposed legislation to address the problems and issues cover-
9 ed in the report.

10 (c) A subpoena requiring the attendance of a witness before the task
11 force may be issued by the person chairing the task force if authorized to
12 do so by a majority of the membership of the task force. The provisions of
13 AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection
14 and to witnesses called by the task force.

15 (d) The task force terminates January 15, 1989.

16 * Sec. 9. Sections 1, 2, and 5 - 8 of this Act take effect immediately
17 under AS 01.10.070(c).

18 * Sec. 10. Sections 3 and 4 of this Act take effect January 1, 1989.
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1 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

2 (2) determine qualifications of applicants for licenses and
3 authorize the issuance of licenses to those who qualify;

4 (3) establish guide performance standards and regulate
5 activity;

6 (4) compile, maintain, and publish an annual register of
7 master and registered guides who have not been convicted of a vio-
8 lation of a state game or guiding statute or regulation; a guide
9 listed in the register whose license is revoked or suspended shall be
10 removed from the register while the guide's license is revoked or
11 suspended;

12 (5) prohibit guiding activities which are unsportsmanlike,
13 unethical, unsafe, against principles of conservation, degrading to
14 the guiding profession, or which adversely affect the natural re-
15 sources;

16 (6) after a hearing, revoke, suspend, or deny renewal of a
17 license in accordance with AS 08.54.200;

18 (7) establish a quota of licensed operating guides who may
19 operate within designated geographical game units or subunits of the
20 state and provide for an equitable, reasonable, and consistent pro-
21 cedure for limiting the number of guides to that quota; preference may
22 be given to qualified available and willing licensed guides who reside
23 within the designated game unit or subunit;

24 (8) meet at least twice annually, once in Anchorage and
25 once in another municipality.

26 * Sec. 3. AS 08.54.210 is amended to read:

27 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

28 (1) a master guide, registered guide, special guide, class
29 A assistant guide, or assistant guide to fail to timely report to the

1 Department of Public Safety, division of fish and wildlife protection,
2 and in no event later than 30 days, a violation of a state fish, game,
3 or guiding statute or regulation that the guide reasonably believes
4 was committed by a client or an employee of the guide;

5 (2) a guide to commit or aid the commission of a violation
6 of this chapter or of a state game or guiding statute or regulation or
7 to permit the commission of a violation that the guide knows or rea-
8 sonably believes is being or will be committed without attempting to
9 prevent it, short of using force, and without reporting it;

10 (3) a person to guide without having a current valid guide
11 license and resident hunting license in actual possession;

12 (4) a person without a current valid registered or master
13 guide license to advertise as or represent to be

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

17 (5) a guide to intentionally obstruct or hinder or attempt
18 to obstruct or hinder lawful hunting engaged in by a person who is not
19 a client of the guide;

20 (6) a person for compensation or hire to transport a hunter
21 to or from the field in an aircraft for which the person does not hold
22 a current valid air taxi commercial operator (ATCO) operating certifi-
23 cate issued by the Federal Aviation Administration under 14 C.F.R.
24 Part 135, except that it is not a violation of this paragraph if a
25 licensed guide transports a hunter to or from a restricted or joint-
26 use guide area assigned to the guide or to the guide's employer in an
27 aircraft owned by the guide and operated under 14 C.F.R. Part 91; in
28 this paragraph, "for compensation or hire" means receiving any mone-
29 tary consideration for the transportation, regardless of whether the

1 consideration is directly attributable to the transportation;

2 (7) a person to guide without being validly licensed as a
3 guide under this chapter and as a resident hunter under AS 16;

4 (8) [(7)] an assistant guide to contract to conduct a
5 guided hunt;

6 (9) [(8)] an assistant guide to be in the field on a
7 guided hunt except while employed and supervised by a registered or
8 master guide.

9 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
10 section is guilty of a misdemeanor and upon conviction is punishable
11 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not
12 more than one year, or by both, and the person's license may be re-
13 voked for a period up to five years. However, a person who engages in
14 guiding activity during the period for which the person's license is
15 suspended or revoked under this chapter, or who violates (a)(7) - (9)
16 [(a)(6) - (8)] of this section, is guilty of a felony punishable, upon
17 conviction, by a fine of not more than \$5,000 and by imprisonment for
18 not less than one year nor more than three years. In addition to
19 punishment for a felony, all guns, fishing tackle, boats, aircraft,
20 automobiles or other vehicles, camping gear and other equipment and
21 paraphernalia used in, or in aid of, guiding activity engaged in
22 during the period of suspension or revocation may be seized by persons
23 authorized to enforce this chapter and may be forfeited to the state
24 as provided under AS 16.05.195.

25 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

26 (3) "guide" or "guiding" means accompanying or being pre-
27 sent with, or providing a personal service for, a big game hunter in
28 the field, personally or through an assistant, for compensation or
29 with the intent or an agreement to receive compensation; "guide" or

1 "guiding" does not include

2 (A) accompanying or being present with a hunter

3 (i) in a boat with permanent living quarters;

4 (ii) at a lawfully established cabin or permanent
5 lodge;

6 (iii) while providing transportation to or from the
7 field, if the persons providing transportation and the
8 persons being transported do not stalk, pursue, track, kill,
9 or attempt to kill big game; or

10 (iv) in a base camp while attending to horses that
11 are being used to transport big game hunters to or from the
12 field; or

13 (B) setting up a base camp for a big game hunter while
14 the hunter is not in the field;

15 (C) selling, leasing, or renting goods, if the trans-
16 action does not take place in the field;

17 * Sec. 5. AS 16.05.407(d) is amended to read:

18 (d) A nonresident who violates (a) of this section, or who fails
19 to furnish an affidavit under (b) or (e) of this section, is guilty of
20 a misdemeanor and upon conviction is punishable by imprisonment for
21 not more than one year, or by a fine of not more than \$5,000, or by
22 both.

23 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

24 (e) An applicant for a nonresident big game tag for the taking
25 of moose or caribou shall first furnish to the state, on a form pro-
26 vided by the state, an affidavit showing where the applicant will be
27 hunting and what guiding, transportation, or other big game hunting
28 services the applicant will be employing. A person who falsifies an
29 affidavit under this subsection is guilty of perjury under

1 AS 11.56.200.

2 * Sec. 7. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
4 LATIONS. (a) A person who transports a big game hunter to or from
5 the field for compensation, or with the intent or an agreement to
6 receive compensation, shall promptly report to the Department of
7 Public Safety, division of fish and wildlife protection, and in no
8 event later than 30 days, a violation of a state fish, game, or guid-
9 ing statute or regulation that the person reasonably believes was
10 committed by a client or employee of the person.

11 (b) A person who violates this section is guilty of a misde-
12 meanor and upon conviction is punishable by a fine of not more than
13 \$2,000 or by imprisonment for not more than one year, or by both.

14 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
15 on the Guide Board and the commercial taking of big game is established
16 under the jurisdiction of the legislative council. The task force consists
17 of the commissioners of fish and game, commerce and economic development,
18 and public safety, or their designees; two members of the senate appointed
19 by the president of the senate; two members of the house of representatives
20 appointed by the speaker of the house; and six members appointed by the
21 governor as follows: one member of the Guide Board; one big game guide
22 licensed under AS 08.54 who is not a member of the Guide Board; and one
23 person engaged in a business, other than guiding, that includes transport-
24 ing big game hunters to and from the field; and three public members, at
25 least two of whom have no financial interest in any business involving or
26 related to the commercial taking of game. The governor shall appoint at
27 least one member from each judicial district in the state.

28 (b) The task force shall review the operations of the Guide Board and
29 shall study problems and issues concerning the commercial taking of big

1 game in the state and the businesses or professions that provide goods and
2 services to big game hunters in the state. The task force shall submit to
3 the legislative council, not later than January 15, 1989, a report on its
4 findings and proposed legislation to address the problems and issues cover-
5 ed in the report.

6 (c) The task force terminates January 15, 1989.

7 * Sec. 9. Sections 1, 2, and 5 - 8 of this Act take effect immediately
8 under AS 01.10.070(c).

9 * Sec. 10. Sections 3 and 4 of this Act take effect January 1, 1989.

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the state is either good or bad whether Alaska is organized, you know, doing things that are decent for the public and all that and when you have a lot of ambiguity or confusion, it leaves a bad taste in people's mouth which is not good for Alaska as a state.

TESTIMONY OF
LEW PAMPLIN
DIR, DIVISION OF
GAME, FISH &
SEAS
SEN. RESOURCES
COMMITTEE
MARCH 2, 1988

And the other thing is back to the department's position is that when people go out, for example, and they read things in you know outdoor magazines or catalogs or this or that, and they see these advertisements in terms like outfitters used, or other terms, the impression they get is that they are actually dealing with is a master guide because, most states like Montana and other states, that is the term that is used to describe guide. What happens is they come to Alaska and think that is what they're getting. Well, they may not be getting that and so what do they do? The first thing they do is come to the Department of Fish and Game and raise all kinds of hell. We end up answering correspondence, doing this, doing that, and we're using state money to compensate for something that is unclear and, again, the people get the bad taste and it tarnishes our image - the state and the departments - since we have no control (over) any of that stuff.

Regarding the drafts dated 2/26/88, I have a few specific comments on that. Any reporting requirements that are placed on transporters or guides or anyone else involved in

STATE OF ALASKA
THE LEGISLATURE

POUCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 4, 1988

SUBJECT: Fine for guide's failing to report violations
(HCS CSSB 191 (Finance)(5/3/88 draft))

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Enclosed is a draft Finance CS for SB 191 relating to guiding, requested by your assistant, Martha Stewart. At page 4, line 11, I have raised the maximum fine for a guide failing to report a violation of a fish, game, or guiding law by the guide's or employee. The maximum penalty provided for the same type of violation by a transporter is specified as \$2,000 at page 6, line 13. This discrepancy is unconstitutional under the equal protection clause because it treats similarly situated persons differently without justification. The penalties must be made the same. Martha Stewart instructed me to increase the penalty for guides to \$2,000.

The discrepancy between the fines arose inadvertently. The Senate Resources 2d CS had increased the penalty for violations by guides to \$2,000 and also imposed the same penalty for transporters. When the Senate Finance Committee decided to keep the fine at \$1,000 for guides, I failed to note the different penalty for transporters. The error was continued without notice or comment by the House Resources Committee.

Enclosure

EHH:bb
b5/093



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

SB 191 Guide Bill

The problem to be remedied is that unregulated outfitters, providing essentially guide hunts without the actual presence of a guide, are putting heavy hunting pressure on moose and caribou. Operators exploiting loopholes in existing guiding regulations are not restricted to certain areas, nor are there any limits on the number of hunters they can book. When one area is hunted out or closed, they are free to move to another area, creating a disincentive for conservation or protection for other uses including subsistence, sport hunting or nonconsumptive activities. The Alaska Department of Fish and Game reports compelling harvest increases of moose in Unit 9 (Alaska Peninsula) of nearly 300% in last five years and in Unit 17 (upper Mulchatna) of nearly 150% in last five years. Both are popular moose hunting areas.

The current version of this bill requires that:

- anyone providing field or hunting camp personnel be a licensed guide
- anyone flying hunters for compensation or hire have either a commercial air taxi or guide license
- non-resident moose and caribou tag applications include where the person plans to hunt and what guiding, transporting and outfitting services will be employed
- persons who transport big game hunters report violations of game and guiding statutes and regulations
- a task force be established to study and make recommendations on the problems and issues concerning commercial big game hunting and the businesses and professions that provide services and good to big game hunters

The Alaska Environmental Lobby supports conservation of game resources by closing loopholes that allow outfitters who are not licensed guides to exploit commercially those resources. There are responsible outfitters who might be adversely affected, but we are unaware of better present solutions.

We are concerned that legislation must not grant undue privilege to licensed guides or unnecessarily restrict the legitimate and responsible activities of others. **Protection of the resources must remain the focus.** Rights of guides and outfitters involved in activities other than big game hunting (such as fishing, float trips, photography) should be protected.

The Alaska Environmental Lobby supports the current version of SB 191 and will continue to work to see that final versions continue to address these concerns.

Issue paper updated by Mary Grisco 5/4/88

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 KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE
 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
 KNIK KANOERS AND KAYAKERS



Alaska State Legislature

HOUSE OF REPRESENTATIVES

COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

House Resources Letter of Intent For HCS CSSB 191(Res)

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichek vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements

between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The task force should describe what commercial providers should be allowed in "camps" and "in the field." "Compensation", and "monetary consideration" should also be further defined and explained by the task force.

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should address the issue of whether fish and wildlife protection officers and other state employees whose whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

House Resources Letter of Intent
For HCS CS SB 191 (Resources)
Page 3

The task force should examine the possibility of bonding requirements for providers of big game hunting services.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.

Adelheid Herrmann

Rep. Adelheid Herrmann
Co-Chairman, H. Resources
5/2/88

Sam Cotten

Rep. Sam Cotten
Co-Chairman, H. Resources
5/2/88

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 13 1988

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

April 19, 1988

SUBJECT: Impairment of the obligation of
contracts (CSSB 191(Finance) am)

TO: Senator Ken Fanning

FROM: Edward H. Hein *EHA*
Legislative Counsel

You have asked for a brief explanation of the constitutional prohibition on the impairment of contracts and how it applies to amendment #3 to CSSB 191 (Finance).

The Contracts Clause is found in Article I, section 10 of the United States Constitution, which reads: "No state shall . . . pass any . . . law impairing the obligation of contracts. . . ." This language is mimicked in Article I, section 15 of the Alaska Constitution, which states "No law impairing the obligation of contracts . . . shall be passed."

The Contract Clause of the United States Constitution, in general, prevents the states from passing any legislation that would alleviate the commitments of one party to a contract or make enforcement of the contract unreasonably difficult. The primary intent behind the drafting of the clause was to prohibit states from adopting laws that would interfere with the contractual arrangements between private citizens. Specifically, the drafters intended to inhibit the ability of state legislatures to enact debtor relief laws. Those who attended the Constitutional Convention recognized that banks and financiers required some assurance that their credit arrangements would not be abrogated by state legislatures. Although the framers of the Constitution believed the Contract Clause would have limited

HEIN ON OBLIGATIONS OF CONTRACTS

application, the United States Supreme Court over the years has expanded its scope to protect property interests from unwarranted state regulation. Since the Great Depression of the 1930's, however, the court has sustained the great majority of state laws against attacks to their constitutionality under the Contract Clause. Rotunda, Nowak, and Young. Constitutional Law: Substance and Procedure, Sec. 15.8 (West, 1986).

State governments are not absolutely prohibited from modifying the obligations in private contracts (or public contracts, for that matter). As the United States Supreme Court stated in Allied Structural Steel Co. v. Spannaus, 57 L.Ed2d 727, 734, (1978): "It is the settled law of this court that the interdiction of statutes impairing the obligation of contracts does not prevent the State from exercising such powers as are vested in it for the promotion of the common weal, or are necessary for the general good of the public, though contracts previously entered into between individuals may thereby be affected. This power, which in its various ramifications is known as the police power, is an exercise of the sovereign right of the Government to protect the lives, health, morals, comfort and general welfare of the people, and is paramount to any rights under contracts between individuals." Citing Maignault v. Springs, 50 L.Ed. 274.

In determining whether a state law affecting an individual's ability to carry out obligations under contract is an improper impairment of contract, the court must go through a three-step analysis. First, the court must ask whether the state law has "operated as a substantial impairment of a contractual relationship." Second, if the law does constitute a substantial impairment, the court asks whether the state law is designed to promote a significant and legitimate public purpose. Third, the court asks whether the law is a reasonable and narrowly tailored means of promoting the significant public purpose identified in step two of the analysis. Spannaus, at 734 - 736; also see Rotunda, Sec. 15.8.

The Alaska Supreme Court has not interpreted the Contracts Clause. Because of the lack of guidance from our court, and because of the similarity of language in the state and federal clauses, it must be presumed that the legal analysis under both clauses is the same.

Senator Ken Fanning
Page 3
April 19, 1988

Amendment #3 to CSSB 191 (Finance) was adopted by the Senate on April 15. The amendment changes the definition of "guiding" under AS 08.54.240(3). Under current law, guiding means "accompanying or directing a hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation, while the hunter or the person accompanying or directing the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game." The term "in the field" does not include being present in a boat with living quarters or at a lodge or base camp. The amendment broadens the scope of guiding to cover any "accompanying, or being present with, or providing a personal service for, a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation." The amendment specifically allows a person without a guide license to accompany a hunter in the field under four circumstances: (1) in a boat with living quarters; (2) at a lawfully established cabin or permanent lodge; (3) while providing transportation to or from the field; and (4) in a camp while attending the transporter's horses.

The first question in the analysis is whether this restriction on non-guides' activities is a substantial impairment of a contractual relationship. Clearly the amendment will affect the contractual relationships of outfitters who have agreed to provide clients with certain kinds of personal services in the field that are currently allowed under the statute. These would include any services provided in a base camp, such as cooking. Arguably, this is a substantial impairment in cases in which the outfitter's main service is setting up and maintaining a camp and providing all personal services in the camp while the hunters are in the field. On the other hand, the amendment does not restrict transportation services; providing quarters, meals and other personal services in a lawful cabin, permanent lodge, or a boat; renting equipment; or setting up a camp in the field before the hunters arrive. In addition, it must be recognized that most contracts are contingent on the seasons and bag limits set by the Board of Game, and subject to possible emergency closures by the board or commissioner. Thus, these contracts by their own terms are already subject to being impaired by regulatory action by the state. Therefore, a reasonable argument can be made that amendment #3 does not substantially impair the outfitters' contractual obligations and, therefore, does not violate the constitution.

Senator Ken Fanning

Page 4

April 19, 1988

Even assuming that the amendment does represent a substantial impairment of contract, it is designed to promote a significant and legitimate public purpose. By restricting non-guides' access to hunting areas while accompanying hunters, the amendment serves to reduce the opportunities for outfitters to violate guiding and game laws. It also promotes the use of licensed guides, who generally are more qualified to protect the hunter's safety in the field. Given the difficulty of detecting guiding and game law violations in the field, the amendment appears reasonably calculated to achieve the legitimate goal of protecting both the game resources of the state and the hunters. It is narrowly tailored in that it does not prevent outfitters from providing services in the field or from continuing existing operations.

In light of all these considerations, it should be concluded that amendment #3 does not violate the Contracts Clause of the United States Constitution or of the Alaska Constitution. To conclude otherwise would be to allow outfitters by contract to frustrate the legislature's ability to expand the definition of guiding and to effectively regulate the guiding industry and manage game resources. The private interests at stake in this instance are outweighed by the state's interest in exercising its legitimate police powers for the protection of its game resources and for the safety of the public.

EHH:gc
WKG3:009



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

SB 191 GUIDE BILL

The problem to be remedied is that unregulated outfitters, providing essentially guided hunts without the actual presence of a guide, are putting heavy hunting pressure on moose and caribou in Alaska. Operators exploiting this loophole in existing guiding regulations are not restricted to certain areas, nor are there any limits on the number of hunters they can book. When one area is hunted out, they are free to move to another, creating a disincentive for conservation or protection for other uses, including subsistence, sport hunting, or nonconsumptive activities. The Alaska Department of Fish and Game cites a compelling example of the problem in one unit where an outfitter has gone from booking 10 hunters several years ago to booking over 220 hunters in the same area this year.

The current version of this bill requires that:

- Anyone providing field or hunting camp personnel be a licensed guide.
- Anyone flying hunters for compensation either have an air taxi or guide license.
- Outfitter information be submitted on all non-resident moose and caribou tag applications.
- A task force be established to study the problems and issues concerning the commercial taking of big game and the businesses or professions that provide goods and services to big game hunters in the state.

The Alaska Environmental Lobby supports conservation of the game resources of the state by closing the loophole that allows outfitters who are not licensed guides to commercially exploit those resources. There are responsible outfitters who might be adversely affected, but we do not see better solutions at present. We are concerned that legislation must not grant undue privilege to licensed guides or unnecessarily restrict legitimate and responsible activities of others. Resource protection must remain the focus. Uncompensated friends and other legitimate transporters, such as the air taxi and riverboat charter operations, should be allowed to continue transporting hunters. Rights of guides and outfitters involved in activities other than big game hunting (i.e., fishing, float trips, hiking, photography) should be protected.

The Alaska Environmental Lobby supports the current version of SB 191 and will work to see that final versions continue to address these concerns.

Issue paper prepared by Bill Glude, April 22, 1988.

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 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
 KNIK KANGERS AND KAYAKERS



United States Department of the Interior
NATIONAL PARK SERVICE



IN REPLY REFER TO:

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

C38(ARO-OC)

29 JAN 1988

Honorable John B. "Jack" Coghill
Chairman, Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill,

As the resource committee hearings on Senate Bill No. 191 will be convening in the near future, Senator Fanning asked us to offer comments for consideration. His request came as the result of a meeting with my concessions staff on January 8.

We are pleased to see the state recognize the problems which can arise by not having a clear definition of "guiding" for the purposes of hunting. We would, however, like to encourage a more restrictive definition than the one proposed. We recommend deleting the word "established" when referring to camps on page 3, line 7 of the bill. The use of the term "established" connotes permanent camps as opposed to temporary camps. The impacts of outfitting for hunting when a camp goes up with the client and down with the client, or when a camp goes up for just several weeks, are not necessarily less than those of an established camp. It has been our experience that the duration of the camp does not, in itself, distinguish between guiding and outfitting. It is the actions of the operator and the management of the camp that makes the distinction.

It has not been our policy to allow outfitting for hunting in the Alaskan national preserves. Unlike many government agencies, we do have the discretion to determine if a commercial activity is both "necessary and appropriate" relative to the purpose of the area. Our current stance will allow any private individual who has the knowledge and expertise to provide his own camp and hunt without a guide. Unguided persons may still rent equipment and charter an air taxi service to transport them to the field, but should be completely self-sufficient in the field. We feel those individuals who are not capable of taking care of all their needs in a wilderness setting are a risk to themselves and to others and probably should hire a registered guide to provide the needed services.

In addition to our concerns for visitor safety, we feel authorization of outfitting of hunting parties within a registered guide's area could have a significant negative impact on that guide's operation and the resources in the unit. Uncontrolled outfitting could lead to overharvesting of game within a guide area. The incentives to practice good game management are less for outfitters than for guides since it is the guides

who have a long-term stake in a guide area. When the game is depleted in an area, the outfitter simply moves on; the guide cannot.

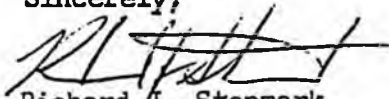
Another issue of concern addressed in the bill is on page 2, lines 16 and 17, whereby it is unlawful for "a person to compensate or agree to compensate another person for guiding..." without being validly licensed as a guide. It seems unrealistic to expect the consumer to be knowledgeable of AS 08.54.210 (a)(9). Keep in mind one of the reasons people hire registered guides is for their knowledge of the game laws. If consumers are duped into believing they have contracted with a legitimate guide, should the state hold the consumers liable?

One last item of concern centers around pilots knowingly dropping hunting parties off in areas closed to hunting. The addition of a statement such as the following would place accountability on air taxi pilots: "It is unlawful for a person to aid and abet a hunting violation by knowingly transporting persons for the purpose of hunting, into areas closed to hunting."

After discussing the various issues and possible resolutions, with our staff and several guides, it seems a simple and viable means to control the conflicts between outfitting and hunting would perhaps be the reinstatement of the transporter license. We found the transporter license to work well with our system of permitting commercial activities and would support its return.

Thank you for the opportunity to comment.

Sincerely,



Richard J. Stenmark

Acting Regional Director

The effects of Representative Navarre's proposed amendments are to eliminate the Guide Board, and to defeat the purpose of the bill, thereby allowing the degradation of our big game resources to continue.

Specifically, the amendments would have the following effects (see attachment for amendment numbers):

Amendment #1 would reinsert the stipulation that none of the members of the Legislature appointed to the task force could have any financial interest in a commercial hunting business. As was pointed out by Sen. Eliason on the Senate floor when this language was taken out, it is ridiculous to suppose we could set up a task force and then prohibit members who have expertise on that issue from participating on it. The example he gave was that of a commercial fisheries task force on which he and Sen. Zharoff would be prohibited from appointment, or an educational task force from which Sen. Fahrenkamp would be prohibited because she is a teacher.

Amendment #2 would ensure that two of the three public members of the task force could not have a financial interest in a commercial hunting business. Rep. Navarre's stated purpose would be to eliminate the possibility that any one side of the issue could weight the task force, yet, the commercial operator he is eliminating could as easily be an transporter or air taxi operator as a guide. A balance should be attained, but not by eliminating those with expertise.

Amendment #3 would delete the one-year extension of the Guide Board. While Rep. Navarre would argue that the board would have one year to wind down its activities, and would probably be renewed next session, Legal Services has advised that the net effect on the board would be to eliminate its power to enter into long-term contracts, and to adopt any regulations with long-term effects. This would significantly reduce the board's ability to respond to and effectively manage guide-related conflicts and would prohibit the assigning of restricted areas to new guides.

Amendment #4 would add "base camp" as an exemption to the definition of guiding. In other words, by adding "base camp" along with cabin or lodge, the activities conducted at a base camp would not constitute guiding. The problem with this addition is that base camps can be moved. The only rationale behind allowing the exemption for cabins and lodges is that they are permanent to their locations, and the operators of them will have a vested interest in seeing that the big game resource will not be impacted significantly in their immediate area. Base camps, on the other hand, can be easily moved as game populations drop. This is the very loophole in the current law which has caused the problem to begin with.

page 2

Amendment #5 would eliminate the "wrangler" exemption from the definition of guiding. Presumably, this is a technical amendment related to amendment #4, which would make it lawful for anyone to be in a base camp. Standing alone, however, it would eliminate the provision that operators who use horses would be able to attend to their horses in camp without falling under the definition of guiding.

Amendment #6 provides a very narrow definition for the terms "personal services" and "big game hunting services" to mean only those activities that actually take place during the hunt. The problem with this is precisely that which has brought on the present problem; the definition of guiding in current statute allows a wide range of people into the field, under one guise or another, the legitimacy of which it is impossible for Protection to establish without resorting to expensive undercover operations. This definition of "...services" provides the same convenient loophole, and would perpetuate the devastation of our big game resources.

Amendments #7 and #8 would provide a second effective date for sections 3 and 4 of the bill. Section 3 prohibits the use of the term "outfitter" by anyone other than a licensed guide, and requires anyone transporting a hunter to or from the field to either hold a Part 135 air taxi certificate, or be a guide flying to his guide area. Section 4 is the new definition of "guide" or "guiding". The net effect of the amendments would be to gut the bill and allow unlicensed operators to continue unrestricted for another year. The argument has been presented that these unlicensed businesses have made contracts to provide hunts for the coming season, and financial hardship will result if their deposits must be refunded. The problem with this argument is that it does not hold water. The Board of Game has the authority to shorten or close seasons, alter and reduce bag limits, or eliminate nonresident and resident hunting. These game regulations occur annually, and become effective July 1st, and effect all commercial operators every year. If a guide is forced to return a deposit because the season was adjusted by the Board of Game, that's called "financial responsibility." Additionally, the hunting public must live with the emergency closure authority of the department of fish and game. Those unregulated operators who are now putting forth this argument knew full well that the Legislature was likely to take action on this bill this session, and, in fact, used this same argument to postpone action on the bill last session.

Alaska State Legislature
Representative Niilo Koponen

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Editorial Opinion and Comment of

FAIRBANKS
Daily News - Miner

"Independent in All Things . . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

A temporary fix

The bill to take outfitters out of the guiding business is a good one, and we hope the Legislature passes it this session.

SB191, which has passed the Senate and awaits action in the House, is a temporary solution to a thorny problem that has arisen during the last three years. That is, a proliferation of outfitters, some from out of state, who are conducting commercial, mass-production hunts anywhere in the state they find sufficient game.

One section of the bill would establish an interim task force of 13 members to investigate the various questions and problems that the guide/outfitter controversy has brought to light.

Another section would require that to legally transport hunters to or from the field, a person would have to either hold an air-taxi license from the Federal Aviation Administration, or be a licensed guide flying to or from his assigned area.

Under the state's system, only registered guides are allowed to take clients on full-service hunts for sheep, grizzly and musk oxen. Anyone with an airplane or other method of transportation can drop off hunters, resident or non-resident, to hunt these and other big-game animals. In Alaska, these people call themselves outfitters, and they're not supposed to accompany hunters in the field.

Guides are restricted to specific areas where they can conduct their activities. Outfitters have no such restrictions and may be less inclined to practice good conservation measures.

The overriding concern in the controversy is the welfare of our big game animals. Commercial hunting should be carefully regulated just as commercial fishing is. This is the reason the state registers guides.

Persons who want to get into the guiding business should go through the qualification process that other guides have had to. Pilots who just drop hunters off may still do so under the bill as long as they meet minimum safety requirements as air taxi operators.

SB191 is a temporary fix, but it is a good one until a task force can find a permanent solution.

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

14 * Sec. 2. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade, and administer

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

24 (B) an oral examination of a registered or master
25 guide who seeks an amendment of a game management unit certifica-
26 tion; the examination must require demonstration that the guide
27 is qualified to provide guided hunts in each new game management
28 unit for which the guide seeks to be certified [EXAMINATIONS,
29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

1 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

2 (2) determine qualifications of applicants for licenses and
3 authorize the issuance of licenses to those who qualify;

4 (3) establish guide performance standards and regulate
5 activity;

6 (4) compile, maintain, and publish an annual register of
7 master and registered guides who have not been convicted of a vio-
8 lation of a state game or guiding statute or regulation; a guide
9 listed in the register whose license is revoked or suspended shall be
10 removed from the register while the guide's license is revoked or
11 suspended;

12 (5) prohibit guiding activities which are unsportsmanlike,
13 unethical, unsafe, against principles of conservation, degrading to
14 the guiding profession, or which adversely affect the natural re-
15 sources;

16 (6) after a hearing, revoke, suspend, or deny renewal of a
17 license in accordance with AS 08.54.200;

18 (7) establish a quota of licensed operating guides who may
19 operate within designated geographical game units or subunits of the
20 state and provide for an equitable, reasonable, and consistent pro-
21 cedure for limiting the number of guides to that quota; preference may
22 be given to qualified available and willing licensed guides who reside
23 within the designated game unit or subunit;

24 (8) meet at least twice annually, once in Anchorage and
25 once in another municipality.

26 * Sec. 3. AS 08.54.210 is amended to read:

27 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

28 (1) a master guide, registered guide, special guide, class
29 A assistant guide, or assistant guide to fail to timely report to the

1 Department of Public Safety, division of fish and wildlife protection,
2 and in no event later than 30 days, a violation of a state fish, game,
3 or guiding statute or regulation that the guide reasonably believes
4 was committed by a client or an employee of the guide;

5 (2) a guide to commit or aid the commission of a violation
6 of this chapter or of a state game or guiding statute or regulation or
7 to permit the commission of a violation that the guide knows or rea-
8 sonably believes is being or will be committed without attempting to
9 prevent it, short of using force, and without reporting it;

10 (3) a person to guide without having a current valid guide
11 license and resident hunting license in actual possession;

12 (4) a person without a current valid registered or master
13 guide license to advertise as or represent to be

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

17 (5) a guide to intentionally obstruct or hinder or attempt
18 to obstruct or hinder lawful hunting engaged in by a person who is not
19 a client of the guide;

20 (6) a person for compensation or hire to transport a hunter
21 to or from the field in an aircraft for which the person does not hold
22 a current valid air taxi commercial operator (ATCO) operating certifi-
23 cate issued by the Federal Aviation Administration under 14 C.F.R.
24 Part 135, except that it is not a violation of this paragraph if a
25 licensed guide transports a hunter to or from a restricted or joint-
26 use guide area assigned to the guide or to the guide's employer in an
27 aircraft owned by the guide and operated under 14 C.F.R. Part 91; in
28 this paragrph, "for compensation or hire" means receiving any mone-
29 tary consideration for the transportation, regardless of whether the

1 consideration is directly attributable to the transportation;

2 (7) a person to guide without being validly licensed as a
3 guide under this chapter and as a resident hunter under AS 16;

4 (8) [(7)] an assistant guide to contract to conduct a
5 guided hunt;

6 (9) [(8)] an assistant guide to be in the field on a
7 guided hunt except while employed and supervised by a registered or
8 master guide.

9 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
10 section is guilty of a misdemeanor and upon conviction is punishable
11 by a fine of not more than \$1,000 or by imprisonment for not more than
12 one year, or by both, and the person's license may be revoked for a
13 period up to five years. However, a person who engages in guiding
14 activity during the period for which the person's license is suspended
15 or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) -
16 (8)] of this section, is guilty of a felony punishable, upon con-
17 viction, by a fine of not more than \$5,000 and by imprisonment for not
18 less than one year nor more than three years. In addition to punish-
19 ment for a felony, all guns, fishing tackle, boats, aircraft, automo-
20 biles or other vehicles, camping gear and other equipment and para-
21 phernalia used in, or in aid of, guiding activity engaged in during
22 the period of suspension or revocation may be seized by persons au-
23 thorized to enforce this chapter and may be forfeited to the state as
24 provided under AS 16.05.195."

25 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

26 (3) "guide" or "guiding" means accompanying or being pre-
27 sent with, or providing a personal service for, a big game hunter in
28 the field, personally or through an assistant, for compensation or
29 with the intent or an agreement to receive compensation; "guide" or

- 1 "guiding" does not include
- 2 (A) accompanying or being present with a hunter
- 3 (i) in a boat with permanent living quarters;
- 4 (ii) at a lawfully established cabin or permanent
- 5 lodge;
- 6 (iii) while providing transportation to or from the
- 7 field, if the persons providing transportation and the
- 8 persons being transported do not stalk, pursue, track, kill,
- 9 or attempt to kill big game; or
- 10 (iv) in a base camp while attending to horses that
- 11 are being used to transport big game hunters to or from the
- 12 field; or
- 13 (B) setting up a base camp for a big game hunter while
- 14 the hunter is not in the field;
- 15 (C) selling, leasing, or renting goods, if the trans-
- 16 action does not take place in the field;

17 * Sec. 5. AS 16.05.407(d) is amended to read:

18 (d) A nonresident who violates (a) of this section, or who fails

19 to furnish an affidavit under (b) or (e) of this section, is guilty of

20 a misdemeanor and upon conviction is punishable by imprisonment for

21 not more than one year, or by a fine of not more than \$5,000, or by

22 both.

23 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

24 (e) An applicant for a nonresident big game tag for the taking

25 of moose or caribou shall first furnish to the state, on a form pro-

26 vided by the state, an affidavit showing where the applicant will be

27 hunting and what guiding, transportation, or other big game hunting

28 services the applicant will be employing. A person who falsifies an

29 affidavit under this subsection is guilty of perjury under

1 AS 11.56.200.

2 * Sec. 7. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
4 LATIONS. (a) A person who transports a big game hunter to or from
5 the field for compensation, or with the intent or an agreement to
6 receive compensation, shall promptly report to the Department of
7 Public Safety, division of fish and wildlife protection, and in no
8 event later than 30 days, a violation of a state fish, game, or guid-
9 ing statute or regulation that the person reasonably believes was
10 committed by a client or employee of the person.

11 (b) A person who violates this section is guilty of a misde-
12 meanor and upon conviction is punishable by a fine of not more than
13 \$2,000 or by imprisonment for not more than one year, or by both.

14 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
15 on the Guide Board and the commercial taking of big game is established
16 under the jurisdiction of the legislative council. The task force consists
17 of the commissioners of fish and game, commerce and economic development,
18 and public safety, or their designees; two members of the senate appointed
19 by the president of the senate; two members of the house of representatives
20 appointed by the speaker of the house; and six members appointed by the
21 governor as follows: one member of the Guide Board; one big game guide
22 licensed under AS 08.54 who is not a member of the Guide Board; and one
23 person engaged in a business, other than guiding, that includes transport-
24 ing big game hunters to and from the field; and three public members, at
25 least one of whom has no financial interest in any business involving or
26 related to the commercial taking of game. The governor shall appoint at
27 least one member from each judicial district in the state.

28 (b) The task force shall review the operations of the Guide Board and
29 shall study problems and issues concerning the commercial taking of big

1 game in the state and the businesses or professions that provide goods and
2 services to big game hunters in the state. The task force shall submit to
3 the legislative council, not later than January 15, 1989, a report on its
4 findings and proposed legislation to address the problems and issues cover-
5 ed in the report.

6 (c) The task force terminates January 15, 1989.

7 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 191 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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21 was committed by a client or an employee of the guide;

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23 of this chapter or of a state game or guiding statute or regulation or
24 to permit the commission of a violation that the guide knows or rea-
25 sonably believes is being or will be committed without attempting to
26 prevent it, short of using force, and without reporting it;

27 (3) a person to guide without having a current valid guide
28 license and resident hunting license in actual possession;

29 (4) a person to advertise as or represent to be a guide

1 without holding a current valid guide license;

2 (5) a guide to intentionally obstruct or hinder or attempt
3 to obstruct or hinder lawful hunting engaged in by a person who is not
4 a client of the guide;

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6 an aircraft for which the person does not hold a current valid air
7 taxi commercial operator (ATCO) operating certificate issued by the
8 Federal Aviation Administration under 14 C.F.R. Part 135 if the person
9 is providing the transportation or any other big game hunting service
10 to the hunter for compensation, except that it is not a violation of
11 this paragraph if a licensed guide transports a hunter to or from a
12 restricted or joint-use guide area assigned to the guide or to the
13 guide's employer in an aircraft owned by the guide and operated under
14 14 C.F.R. Part 91;

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16 guide under this chapter and as a resident hunter under AS 16;

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26 period up to five years. However, a person who engages in guiding
27 activity during the period for which the person's license is suspended
28 or revoked under this chapter or who violates (a)(7) - (9) [(a)(6) -
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1 conviction, by a fine of not more than \$5,000 and by imprisonment for
2 not less than one year nor more than three years. In addition to
3 punishment for a felony, all guns, fishing tackle, boats, aircraft,
4 automobiles or other vehicles, camping gear and other equipment and
5 paraphernalia used in, or in aid of, guiding activity engaged in
6 during the period of suspension or revocation may be seized by persons
7 authorized to enforce this chapter and may be forfeited to the state
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16 (B) at a lawfully established cabin or permanent
17 lodge;

18 (C) while providing transportation to or from the
19 field, if the persons providing transportation and the persons
20 being transported do not stalk, pursue, track, kill, or attempt
21 to kill big game; or

22 (D) in a camp while attending to horses that are being
23 used to transport big game hunters to or from the field;

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27 appointed by the speaker of the house; and six members appointed by the
28 governor as follows: one member of the Guide Board; one big game guide
29 licensed under AS 08.54 who is not a member of the Guide Board; and one

1 person engaged in a business, other than guiding, that includes transport-
2 ing big game hunters to and from the field; and three public members, at
3 least one of whom has no financial interest in any business involving or
4 related to the commercial taking of game. The governor shall appoint at
5 least one member from each judicial district in the state.

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7 shall study problems and issues concerning the commercial taking of big
8 game in the state and the businesses or professions that provide goods and
9 services to big game hunters in the state. The task force shall submit to
10 the legislative council, not later than January 15, 1989, a report on its
11 findings and proposed legislation to address the problems and issues
12 covered in the report.

13 (c) The task force terminates January 15, 1989.

14 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).