

SB

1911

file 2



Legislative  
Information and  
Teleconference Networks

SIGN-IN SHEET

Date: 4-30-88

Site/Location: Guides & Outfitters

Sponsor/Subject:

**PLEASE PRINT**

Name/Representing	Address	Zip	Phone	Here to Testify	Here to Observe
REP. HEPPHANN				✓	
REP. STININGER				✓	
REP. COTTEN				✓	
REP. NAVARRE				✓	
REP. PEARCE				✓	
REP. COLLINS				✓	
REP. SHULTZ				✓	
Schocky GREENBERG	STAFF / REP HEPPHANN			✓	
RANDALL BURNS	DIRECTOR OF OCCUPATIONAL LICENSING			✓	
RICK URION	LOBBYIST			✓	
JOE KLUTSCH	GUIDE			✓	
DARRYL FARMEN				✓	
ED HINE	LEGAL SERVICES			✓	
REED STOOPS				✓	
RON SOMMERVILLE				✓	
PAT MALONE	STAFF				✓
John MANLEY	" "				
KATE TESSER	" "				
John FROM LARSON'S OFFICE	" "				
DAVE STANLIEFF	" "				
TOM WRIGHT	" "				
RICK SOLIS	" "				
### OTHER PEOPLE OBSERVED	" "				

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*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 14:21
* FROM: LIGCKOT
* SUBJECT: HRES;FS;GUIDES;4-3 38
* PRINT DATE: 04/30/88 TIME: 14:22
*
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DATE: APRIL 30, 1988
SITE: KOTZERBUE
SPONSOR: HOUSE RESOURCES
SUBJECT: SB 191 - GUIDES
MODERATOR: MARY BROWN

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FINAL STATS

TESTIFIED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.	PETE SCHAEFFER,	NANA REG. CORP.,	BOX 49,	KOTZERBUE, 99752, 442-3301
2.				
3.				
4.				
5.				
6.				

OBSERVED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.				
2.				
3.				
4.				
5.				
6.				

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TESTIFIED: 1
UNABLE: 0
OBSERVED: 0
TOTAL: 1

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----- START/END TIME ----- 1:00 - 2:10 P.M. -----

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT:          04/30/88  TIME: 15:16
* FROM:          LIOCMAT
* SUBJECT:       FINAL STATS HRES SB 191
* PRINT DATE:   04/30/88  TIME: 15:16
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DATE:          4-29-88
SITE:          M-S LIO
SPONSOR:       HRES
SUBJECT:       SB 191 GUIDE BILL
MODERATOR:    JODJ

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FINAL STATS

1. DICK GUNLOGSON	PO BOX 193	WILLOW 99688	495-6434
2. TOM HUNDLEY	PO BOX 2772	FALMER 99645	745-2084
3. ED GRASSER	PO BOX 1350	FALMER 99645	745-6944
4. ROSEMARY LAROSE	PO BOX 3412	FALMER 99645	745-3775

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TESTIFIED:    3
UNABLE:       0
OBSERVED:     1
TOTAL:        4

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START 1:00 PM

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 15:16
* FROM: LIOCNDM
* SUBJECT: HRES;FS;SB191GUIDE;4-30-88
* PRINT DATE: 04/30/88 TIME: 15:16
*
*****

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4-30-88  
NOME  
HOUSE RESOURCES  
L.W.S: SB191 BIG GAME GUIDE  
ROXANNE BARRON

FINAL STATS

TESTIFIED:	ADDRESS	PHONE#	BILL#
NAME/REPRESENTING			
1. CHUCK WHEELER	BOX 190-NOME	443-2345	SB191

OBSERVED	ADDRESS	PHONE#	BILL#
NAME/REPRESENTING			

TESTIFIED: 1  
UNABLE: 0  
OBSERVED: 0  
TOTAL: 1

2:40 P.M.-3:07 P.M.

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*
* DELIVER TO: LIOCJAM
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* ORIGINAL
* SENT: 04/30/88 TIME: 15:41
* FROM: LIOCKOD
* SUBJECT: HRES;FS;SB 191;4-30-88
* PRINT DATE: 04/30/88 TIME: 15:42
*
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DATE: APRIL 30, 1988
SITE: KODIAK LIO
SPONSOR: HOUSE RESOURCES
SUBJECT: SB 191 GUIDING
MODERATOR: MARY JO SIMMONS

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FINAL STATS

TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1. DICK ROHRER,	BOX 2219, KODIAK 99615	486-5835	SB 191
2. OMAR STRATMAN,	BOX 2376, KODIAK 99615	486-5578	SB 191

OBSERVED

NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1. SUE ROHRER,	BOX 2219, KODIAK 99615	486-5835	SB 191

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TESTIFIED: 2
UNABLE:
OBSERVED: 1
TOTAL: 3

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START/END TIME - 1P.M. TO 3:40P.M.

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\* DELIVER TO: LIOCJAM \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 04/30/88 TIME: 15:49 \*  
\* FROM: LTCCHOM \*  
\* SUBJECT: FINAL STATS SB 191 \*  
\* PRINT DATE: 04/30/88 TIME: 15:49 \*  
\* \*  
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4-30-88  
SB 191 BIG GAME GUIDING  
FINAL STATS  
HOMER  
JEAN

TESTIFIED:  
MERYL WOLFORD BOX 813 HOMER, AK 99603 235-7427  
BRENT JONES 12441 SHELBURNE RD. ANCHORAGE 99516 345-0399  
CECIL JONES HCR 33675 JONES DR. HOMER, AK 99603 235-6455  
RICHARD KOSKOVICH BOX 1282 HOMER, AK 99603 235-5405

OBSERVED:  
SID WOLFORD BOX 942 HOMER, AK 99603 235-7427  
STARTING TIME 1:00 ENDING TIME 3:45 TESTIFIED - 4 OBSERVED - 1

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*****
*
* DELIVER TO: LIOCJAM
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*
* ORIGINAL
* SENT:          04/30/88  TIME: 15:57
* FROM:          LIOCBAR
* SUBJECT:       HRES;FS;SB191;4-30-88
* PRINT DATE:   04/30/88  TIME: 15:57
*
*****

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4-30-88  
BARROW  
HOUSE RESOURCES  
SB 191  
MEG

FINAL STATS

TESTIFY:

NAME/REPRESENTING	ADDRESS	PHONE #
1. GRANT THOMPSON	P.O. BOX 549, BARROW	852-8333
2. DAVE ILMAR	P.O. BOX 836, BARROW	852-7155
3. MICHAEL KAZMIERCZAK	P.O. BOX 718, BARROW	852-4428

OBSERVE:

NAME/REPRESENTING	ADDRESS	PHONE #
1.		

3- TESTIFIED  
0- UNABLE TO TESTIFY  
0- OBSERVED  
3- TOTAL  
START/END TIMES: 1:00 - 3:50 P.M.

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 \* DELIVER TO: LIQCJAM \*  
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 \* ORIGINAL \*  
 \* SENT: 04/30/88 TIME: 17:22 \*  
 \* FROM: LTCCFBX \*  
 \* SUBJECT: HRES.FS, SB 191, 4-30-88, NENANA \*  
 \* PRINT DATE 04/30/88 TIME: 17:22 \*  
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\*\*\*\*\*FINAL STATISTICS\*\*\*\*\*

DATE: APRIL 30, 1988  
 SITE: NENANA  
 SPONSOR: HOUSE RESOURCE  
 SUBJECT: SB 191: BIG GAME GUIDING  
 MODERATOR: KAREN HARVEY

\*\*\*\*\*  
 TESTIFY:

NAME REPRESENTING	ADDRESS	PHONE #
1.) E. LEROY TIECE	P.O. BOX 153, NENANA, 99760	832-5807
2.) WAYNE WALTERS	P.O. BOX 326, NENANA, 99760	582-2662
3.) MARC GROBER	P.O. BOX 467, NENANA, 99760	832-5227

\*\*\*\*\*  
 OBSERVE:

NAME REPRESENTING	ADDRESS	PHONE #
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TESTIFIED \_\_\_ 3 \_\_\_ TIME START \_\_\_ 2:00 P.M.  
 OBSERVED \_\_\_ 0 \_\_\_ TIME END \_\_\_ 4:25 P.M.  
 TOTAL \_\_\_ 3 \_\_\_

\* DELIVER TO: LIOCJAM  
 \*  
 \* ORIGINAL  
 \* SENT: 04/30/88 TIME: 17:15  
 \* FROM: LTCCFBX  
 \* SUBJECT: HRES;FS;SB191;4-30-88  
 \* PRINT DATE: 04/30/88 TIME: 17:15  
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\*\*\*\*\*FINAL STATE\*\*\*\*\*

DATE \_\_\_\_\_ APRIL 30 1988 \_\_\_\_\_  
 SITE \_\_\_\_\_ FAIRBANKS \_\_\_\_\_  
 SPONSOR \_\_\_\_\_ HOUSE RESOURCES \_\_\_\_\_  
 SUBJECT \_\_\_\_\_ SB191 GUIDING \_\_\_\_\_  
 MODERATOR \_\_\_\_\_ FRAN \_\_\_\_\_

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TESTIFY

NAME REPRESENTING	ADDRESS	PHONE #
1.) AUSTIN L. STILES	2409 KEENEY RD., N.P., 99705	488-9820
2.) DON TROUTHAN	2453 HOMESTEAD, N.P., 99705	488-8360
3.) BERNIE KARL	105 FORAN CT., FBKS, 99712	457-6880
4.) CHARLIE CARR	82 STEELHEAD RD., FBKS, 99709	474-0162
5.) WILLIAM WAUGHAN	P.O. BOX 80589, FBKS, 99708	479-2812
6.) JIM ROTHENBUHLER	P.O. BOX 72944, FBKS, 99707	488-3014
7.) BILL EKLUND	2259 KEENEY RD., N.P., 99705	488-2250

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OBSERVE:

NAME REPRESENTING	ADDRESS	PHONE #
1.) JOHN TAYLOR	408 12TH AVE., FBKS, 99701	479-1808
2.) JACK CAMPBELL	P.O. BOX 55491, NORTH POLE, 99705	488-3233
3.) VERN MATES	2256 DILLON AVE., NORTH POLE, 99705	488-2631
4.) BUD MELMERICKS	930 9TH AVE., FBKS, 99701	452-5417
5.) ROBERT HERRING	P.O. BOX 60003, FBKS, 99706	488-8212
6.) HARRY GROOM	P.O. BOX 28248, FBKS, 99711	488-0964
7.) H.C. "BUD" WEISE	1426 2ND AVE., FBKS, 99701	456-5441

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 TESTIFIED \_\_\_\_\_ 7 \_\_\_\_\_ TIME START \_\_\_\_\_ 1:20 P.M. \_\_\_\_\_  
 OBSERVED \_\_\_\_\_ 7 \_\_\_\_\_ TIME END \_\_\_\_\_ 4:25 P.M. \_\_\_\_\_  
 TOTAL \_\_\_\_\_ 14 \_\_\_\_\_

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* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT 04/30/88 TIME 16:42
* FROM LIOCANC
* SUBJECT 20 191 TELE
* PRINT DATE 04/30/88 TIME 16:42
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\*\*\* FINAL TELECONFERENCE STATISTICS \*\*\*

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DATE APRIL 29, 1988
TIME ANCHORAGE LIOC
SPONSOR HOUSE RESOURCES
SUBJECT 20 191 - BIG GAME GUILDING
LOCAL MODERATOR CEC

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TESTIFIED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. ED CRAWFORD	P.O. BOX 220223, ANC 522	3492064
2. TRACY VREM	P.O. BOX 520623, CHUGIAK	688-2419
3. PHIL DRIVER	1306 E 26TH AVE, ANC	277-8829
4. BOB MCCONNELL	1013 E DIEDE, #435, ANC	
5. JIM BICKMAN	P.O. BOX 2117, #233 E.R.	694-9694
6. CURT DEANS	P.O. BOX 171907 E. R.	674-5459
7. SEAN BRADLEY	P.O. BOX 92870, ANC 509	274-3495
8. KORCEN LAPOUREN	3230 W. 79TH, ANC	248-3012
9. DENNIS TORREY	BELUGA RIVE, AK	688-4498
10. JAY MASSEY	P.O. BOX 429, GIRDWOOD	
11. EDD WHITE COGAR	BOX 8855 SRC, PALMER	
12. MEL GILLIS	P.O. BOX 220247, ANC	344-8589
13. HANK RUST	BOX 190325, ANC 519	243-1595
14. STAN FROST	BOX 112449, ANC 511	345-2862
15. LINDA VREM	P.O. BOX 670742, CHUGIAK	688-3736
16. KEITH JOHNSON	3646 N POINT DR, ANC	343-5087
17. ED BEEMAN	P.O. BOX 134, CHUGIAK	688-2722
18. MARC LIND	P.O. BOX 670182, CHUGIAK	688-4515

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OBSERVED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. LINDA VREM	P.O. BOX 520623, CHUGIAK	688-2419
2. SUSAN BICKMAN	P.O. BOX 2117-233, E. R.	
3. LESS KRANK	610 W. 91ST AVE	
4. PAUL ELLIS	2312 LOUSSAC DR, ANC	248-3548
5. ROGER MORRIS	2820 LEXINGTON, ANC	243-1067

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TESTIFIED:  -18-
OBSERVED:   -5-
TOTAL:      -23-

START TIME:  1:00 P.M.
END TIME:    4:25 P.M.

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*
* DELIVER TO: LIOCJAM
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* ORIGINAL
* SENT: 04/30/88 TIME: 16:40
* FROM: LTCCSOL
* SUBJECT: H RES; SB191; FS#2, 4-30-88
* PRINT DATE: 04/30/88 TIME: 16:40
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4-30-88  
 H RES  
 SB-191  
 SOLDOTNA  
 ALYSON

FINAL STATS

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TESTIFIED
NAME/ REPRESENTING ADDRESS PHONE BILL PRO/CON
1. VERN PORTER BOX 4478 SOLDOTNA, 99669 262-3224
SB191 CON
2. CHARLES DICKSON POBOX 2018 SOLDOTNA 262-6020 SB191 CON
3. DUNCAN KISHBAUGH BOX 1066 SOLDOTNA 262-4589 SB191 CON
4. CLARK WHITNEY 43735 SPORT LK. RD. SOLDOTNA 262-4979
SB191 CON

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OBSERVED
NAME/ REPRESENTING ADDRESS PHONE BILL PRO/CON
1. RAY MCNUTT BOX 469 STERLING, 99672 262-4678
SB191 PRO
2. MARK BELL PO BOX 486 SOLDOTNA 262-5237 SB191 CON
3. GREG BELL POBOX 486 SOLDOTNA 262-5237 SB191 CON
4. RON ALDRIDGE BOX 3028 SOLDOTNA 262-7585
SB191 CON
5. DAVE LEONARD BOX 1426 KENAI 99611 283-4010
SB191 PRO
6. NANCY B. NEEL PO BOX 876606 WASILLA 376-7955
SB191 PRO
7. BILL SLEMP BOX 903 SOLDOTNA 262-7409 SB191 CON
8. DAVE NEEL BOX 876606 WASILLA 99687 376-7955
SB191 PRO
9. MATT WOLFE BOX 309 KASILOF, 99610 262-7058
SB191 PRO

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4 TESTIFIED  
 0 UNABLE  
 9 OBSERVED  
 13 TOTAL

1:07/4:25P START/END TIME

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 16:29
* FROM: LIOCJAM
* SUBJECT: HRES, FS, SB191-GUIDING, 4-30
* DEL DATE: 04/30/88 TIME: 16:29
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DATE: APRIL 30, 1988
SITE: DELTA JUNCTION
SPONSOR: HOUSE RESOURCES
SUBJECT: SB191 - BIG GAME GUIDING
MODERATOR: SANDI

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FINAL STATS

TESTIFIED NAME/REPRESENTING	ADDRESS	PHONE #
1. JAY FRAZIER	P.O. BOX 1331, DELTA JCT	895-4740
2. RALPH D. MILLER	5449 RICH. HWY, DELTA JCT	895-4202

OBSERVED NAME/REPRESENTING	ADDRESS	PHONE #
NONE		

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TESTIFIED: 2
UNABLE: 0
OBSERVED: 0
TOTAL: 2

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START/END TIME 1:15-4:25 PM

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DELIVER TO: LIOOJAM

\* DELIVER  
\* FROM: LIOOJAM  
\* TO: LIOOJAM  
\* DATE: 09-02-81 TIME: 14:17

\*\*\*\*\*  
LEVEL: SR BOX 380, GAKONA  
SITE: SLANA  
PROJECT: HOUSE RESOURCES  
SUBJECT: SR 191 - BIG GAME GUIDING  
MODERATOR: THELMA SCHRANK

#### FINAL STATS

##### TESTIFIED

NAME/REPRESENTING	ADDRESS		PHONE #	BILL #
1. BILL ELLIS	SR BOX 370, GAKONA	99586	822-3426	SR 191
2. COLE ELLIS	NABESNA RD, SLANA	99586	822-3426	SR 191
3. KIRK ELLIS	NABESNA RD, SLANA	99586	822-3426	SR 191

##### OBSERVED

NAME/REPRESENTING	ADDRESS		PHONE #	BILL #
1. THELMA SCHRANK	SR BOX 380, GAKONA	99586	822-3426	SR 191
2. DON TAYLOR	SR BOX 340, GAKONA	99586	822-3239	SR 191

TESTIFIED: 3  
UNABLE: 0  
OBSERVED: 2  
TOTAL: 5

##### START/END TIME

START TIME: 1:15 P.M.

END TIME: 4:30 P.M.



March 23, 1988

Senator Rick Uehling  
Pouch V  
Juneau, AK 99811

Dear Senator Uehling:

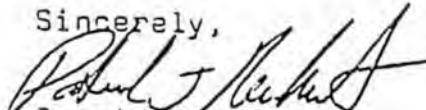
Attached you will find a letter of support for Senate Resolution #62, "Relating to making state facilities and national parks in Alaska accessible to visitors." Also attached is a detailed budget of how Challenge Alaska would spend a \$35,000 grant for the promotion of tourism for the physically challenged. This grant would be made available through the Division of Tourism. I recently had discussions with Mr. Hugh Gellert, Director of the Division, and he is very supportive of our initiative.

Originally, we had combined this request with an existing contract with State Parks. Presently, we are in the Governor's budget under Parks at the \$35,000 level. These funds help support Challenge Alaska recreation activities for disabled Alaskans. We have asked for an additional increment of \$25,000 from Parks to support recreation activities in the Fairbanks area. Your support of this request is appreciated by all those disabled Alaskans who benefit from our program.

As you will notice, the funding we requested for visitor promotion is only 75% of the project budget. Challenge Alaska is committed to the project, and we will demonstrate this commitment by raising the additional funds through service contracts, workshop fees, and donations from private industry. We have also been very successful in raising funds for the activities we provide to disabled Alaskans. You should know that the grant provided by State Parks is less than 25% of our total activity budget.

We have a unique opportunity in Alaska to develop a truly accessible visitor industry. I believe you recognize this fact. I want to thank you for your support of Challenge Alaska and being sensitive to the needs of the physically challenged visitor.

Sincerely,



Patrick J. Reinhart  
Executive Director

Attachments: Physically Challenged Visitor Promotion Budget  
Letter of Support for SJR #62

P.O. BOX 110065 ANCHORAGE, ALASKA 99511: (907) 563-2658  
(907) 783-2925



## GOALS AND OBJECTIVES OF PROJECT

### GOALS:

1. Facilitate travel and outdoor recreation in Alaska by all physically challenged visitors.
2. Bring economic benefits to Alaskans (both disabled and non-disabled) through development of this new visitor market.
3. Generate sufficient resources, through service contracts, grants, fees, commissions, memberships, donated funds, goods or services, volunteer work and other means, to maintain a continuing program.

### OBJECTIVES:

1. Obtain funding for startup phase of project; as part of startup, revise project plan for FY89 in line with funding level.
2. Continue to provide outdoor recreation activities. Develop demonstration activities to test their marketability and to stimulate the interest of private vendors in replacing Challenge Alaska as the operator of these activities wherever possible.
3. Develop and maintain research program on challenged visitor market, including elderly with limited mobility.
4. Promote Anchorage and Alaska as destinations for these visitors.
5. Facilitate travel planning for such visitors with materials, information services, reservation services and other appropriate means.
6. Create new job opportunities for Alaskans experiencing a disability in the travel trade.
7. Develop and maintain ongoing relationships within the travel trade so as to facilitate challenged visitor development.
8. Provide disability awareness or other needed training to front line visitor related employees.
9. Develop ongoing financial support through grants, contracts, memberships, donated funds, donated goods, donated services or other means.
10. Examine feasibility of charging fees or obtaining commissions for provision of training, materials, or travel consulting services to the travel trade.
11. Recruit and train volunteers to support this program as appropriate.
12. Provide information on tax breaks and other financial advantages of providing increased accessibility in private accommodations and visitor related facilities.

CHALLENGE ALASKA  
 Visitor Promotion Program  
 Budget - FY83

SALARIES	
1 FT Visitor Access Specialist	25,000
TAXES/FRINGE	
FICA	737
WORKMANS COMP	1,000
ESC	810
Medical	360
FACILITIES	
Telephone	300
SUPPLIES	
Office	1,000
Workshop Supplies	1,200
Postage	800
Software	1,000
EQUIPMENT	
Computer Hardware	1,600
Workshop Equipment	600
TRAVEL	
Mileage (.25/mile at 4,000)	1,000
Vehicle Rent	300
Airfare (in-state)	
In-state	800
(Juneau, FBX, Kodiak Workshp	
Out-of-state	700
(National Park Service	
Access Workshop)	
Food/Lodging	440
CONTRACT SERVICES	
Consultants	2,000
Workshop Coordinators	2,400
OTHER	
Training	250
Promo/Advertising	500
Printing/Copying	1,500
Resource Materials	250
Miscellaneous	1,200
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Total:	46,937

STATE OF ALASKA  
THE LEGISLATURE

APR 19 1988

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

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

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 Manigault 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.

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

SECTIONAL ANALYSIS  
CS SB 191 (FIN) Am

Section 1

Extends the Guide Board for one year until June 30, 1989.

(If this extension were not made, the Guide Board would have until June 30, 1989 to wind down their business. If they are not extended beyond June 30, 1989 during the next legislative session then they will have until June 30, 1990 to close up their business.)

Section 2

This is the section in the current law that outlines what is unlawful. The changes are on page 2 to numbers 6 and 9(b).

6) The change under Subparagraph 6 deals with transporters. This amendment makes it so that you have to be a specially licensed pilot in order to transport a hunter or except compensation from them for any other service provided by the transporter in the field. Guides and their assistants are exempt from this provision if they are transporting hunters from their areas.

Most outfitters do not have such a license. Reed Stoops who represents the air carriers association indicated support for the amendment.

9) (b) The changes under this Subparagraph is for the purposes of renumbering.

Section 3

Changes the definition of guide and guiding. Under the new language anyone who accompanies, is present with, or provides a personal service to a hunter in the field (for compensation) is a guide or is guiding.

The only exceptions:

- 1) being in a boat with living quarters; (that is the same as current law to accommodate Kodiak fishermen);
- 2) being at a lawfully established cabin or permanent lodge (basically anything that isn't a trespass cabin. The current law is "at a lodge or base camp"); and;
- 3) while providing transportation if the transporters and those being transported do not stalk, pursue, track, kill, or attempt to kill big game. (this is new language for transporters).
- 4) being in a camp while attending to horses that are being use to transport big game hunters to or from the field.

#### Section 4 & 5

Together these sections make it so that a nonresident hunting moose or caribou needs to file an affidavit with the state that shows where the hunter will be hunting and what guiding, transportation or other big game hunting services the non-resident will be employing. There are strict penalties for non-compliance.

#### Section 6

This section makes it so that "big game transporters" are required to report any fish and game code violations that the transporter believes was committed by a client or an employee. Penalties are set out for violating this statute.

#### Section 7

This section establishes the task force under legislative council.

The Task Force is directed to review the operation of the Guide Board and study the problems related to commercial take of the resource. They are supposed to submit a report on findings and proposed legislation to address the problems by January 15, 1989.

The Task Force terminates on January 15, 1989.

#### Section 8

Immediate effective date.

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

- 1) The issue of who can be in a camp, and defining what a camp is;
- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers.

TENTATIVE AGENDA FOR 4/29/88 - H.Res. SB 191

Steve White, Assistant AG - Juneau - 15 Minutes

- \* FAA Part 135 Explanation/Legality
- \* Is it possible to exclude non-resident outfitters
- \* Drue Pearce Question

Randall Burns, Occupational Licensing - Juneau - 5 Minutes

- \* Oral Examination Amendment

Jack Jordan, Public Safety, F&WL Protection - On Line Anch.  
- 15 Minutes

- \* Ramona Barnes Idea?

Lew Pamplin, Game Division, - Juneau - 10 Minutes

- \* To answer questions?

Ed Hein, Legal Services, - Juneau

- \* To answer questions
- \* Help explain and draft amendments

DISCUSSION ON BILL

AMENDMENTS

1 Hour

ANNOUNCEMENT ABOUT HOW THINGS ARE GOING TO PROCEED SATURDAY -  
UNCERTAINTY ABOUT FLOOR SCHEDULE.

Mel Gillis,

called re: SB 191. Would like a specific F+WL protection, Jose Domico to come + testify on this issue. He has ~~plenty~~ facts + figures that no one else presents.

Mel also wants to see the amendment that makes it so that "outfitters" can't use the term unless they are "guides." He has no objection to retail outfits using the term "outfitters."

Mel is getting ~~the~~ worried about the timing.

Thinks it's ~~really~~ very important that there is something done this year.

Mel will probably be one of the people soon lobbying on this.

House Resources Letter of Intent  
For  
CS SB 191 (Finance) AM

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."

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

The task force should also address the issue of whether fish and wildlife protection officers and other state employees 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 look into the issue of who should have insurance, how much and what kind. This includes the issue of what kind of insurance should be required for air taxi operators.

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

operations to accommodate structures that will meet requirements.

al provisions.

enna farm area consists of geographical location and dimensions of area. The antenna towers with respect to aviation may be such area is established by rule making action. A proposal for an antenna farm area is evaluated on the basis of the use of navigable airspace. The views of the Federal Communications Commission are required. The Commission are required to effect that each established antenna farm area would be in compliance with the statutory responsibilities submitted by it, are fully before the antenna farm area is established. If the Commission determines that the establishment of an antenna farm area is consistent with its statutory responsibilities, the proposed area is not

establishment of an antenna farm area is considered whenever it is

Federal Communications Commission

Director of a proposed antenna

person having a substantial interest in a proposed antenna

10 FR 1839, Feb. 10, 1965, and 37 FR 4705, Mar. 10, 1972

establishment of antenna farm

areas described in the provisions of this subpart are antenna farm areas.

77.77 through 77.1100 provisions of antenna farm

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### SPECIAL FEDERAL AVIATION REGULATIONS

- SPAR No. 21
- SPAR No. 27-5
- SPAR No. 29-4
- SPAR No. 41
- SPAR No. 44-5
- SPAR No. 44-8
- SPAR No. 45-1 (NOTE)
- SPAR No. 47

#### Subpart A—General

- Sec. 91.1 Applicability.
- 91.2 Certificate of authorization for certain Category II operations.
- 91.3 Responsibility and authority of the pilot in command.
- 91.4 Pilot in command of aircraft requiring more than one required pilot.
- 91.5 Preflight action.
- 91.6 Category II and III operations: General operating rules.
- 91.7 Flight crewmembers at stations.
- 91.8 Prohibition against interference with crewmembers.
- 91.9 Careless or reckless operation.
- 91.10 Careless or reckless operation other than for the purpose of air navigation.
- 91.11 Alcohol or drugs.
- 91.12 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
- 91.13 Dropping objects.
- 91.14 Use of safety belts and shoulder harnesses.
- 91.15 Parachutes and parachuting.
- 91.17 Towing: Gliders.
- 91.18 Towing: Other than under § 91.17.
- 91.19 Portable electronic devices.
- 91.20 Operations within the North Atlantic Minimum Navigation Performance Specification Airspace.
- 91.21 Flight instruction: simulated instrument flight and certain flight tests.
- 91.22 Fuel requirements for flight under VFR.
- 91.23 Fuel requirements for flight in IFR conditions.
- 91.24 ATC transponder and altitude reporting equipment and use.
- 91.25 VOR equipment check for IFR operations.
- 91.27 Civil aircraft: Certifications required.
- 91.28 Special flight authorizations for foreign civil aircraft.
- Sec. 91.29 Civil aircraft airworthiness.
- 91.30 Inoperable instruments and equipment for multiengine aircraft.
- 91.31 Civil aircraft flight manual, marking, and placard requirements.
- 91.32 Supplemental oxygen.
- 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.
- 91.34 Category II manual.
- 91.35 Flight recorders and cockpit voice recorders.
- 91.36 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
- 91.37 Transport category civil airplane weight limitations.
- 91.38 Increased maximum certificated weights for certain airplanes operated in Alaska.
- 91.39 Restricted category civil aircraft; operating limitations.
- 91.40 Limited category civil aircraft; operating limitations.
- 91.41 Provisionally certificated civil aircraft; operating limitations.
- 91.42 Aircraft having experimental certificates: operating limitations.
- 91.43 Special rules for foreign civil aircraft.
- 91.45 Authorization for ferry flights with one engine inoperative.
- 91.47 Emergency exits for airplanes carrying passengers for hire.
- 91.49 Aural speed warning device.
- 91.50 (Reserved)
- 91.51 Altitude alerting system or device: turbojet powered civil airplanes.
- 91.52 Emergency locator transmitters.
- 91.53 (Reserved)
- 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.
- 91.55 Civil aircraft sonic boom.
- 91.56 Agricultural and fire fighting airplanes; noise operating limitations.
- 91.57 Aviation Safety Reporting Program: prohibition against use of reports for enforcement purposes.
- 91.58 Materials for compartment interiors.
- 91.59 Carriage of candidates in Federal elections.

#### Subpart B—Flight Rules

##### GENERAL

- 91.61 Applicability.
- 91.63 Waivers.
- 91.65 Operating near other aircraft.
- 91.67 Right-of-way rules; except water operations.

Part 91

14 CFR Ch. I (1-1-87 Edition)

Federal Aviation Admini

- Sec.
- 91.69 Right-of-way rules; water operations
  - 91.70 Aircraft speed.
  - 91.71 Acrobatic flight.
  - 91.73 Aircraft lights.
  - 91.75 Compliance with ATC clearances and instructions.
  - 91.77 ATC light signals.
  - 91.79 Minimum safe altitudes; general.
  - 91.81 Altimeter settings.
  - 91.83 Flight plan; information required.
  - 91.84 Flights between Mexico or Canada and the United States.
  - 91.85 Operating on or in the vicinity of an airport; general rules.
  - 91.87 Operation at airports with operating control towers.
  - 91.88 Airport radar service areas.
  - 91.89 Operation at airports without control towers.
  - 91.90 Terminal control areas.
  - 91.91 Temporary flight restrictions.
  - 91.93 Flight test areas.
  - 91.95 Restricted and prohibited areas.
  - 91.97 Positive control areas and route segments.
  - 91.100 Emergency air traffic rules.
  - 91.101 Operations to Cuba.
  - 91.102 Flight limitation in the proximity of space flight recovery operations.
  - 91.103 Operation of civil aircraft of Cuban registry.
  - 91.104 Flight restrictions in the proximity of the Presidential and other parties.

VISUAL FLIGHT RULES

- 91.105 Basic VFR weather minimums.
- 91.107 Special VFR weather minimums.
- 91.109 VFR cruising altitude or flight level.

INSTRUMENT FLIGHT RULES

- 91.115 ATC clearance and flight plan required.
- 91.116 Takeoff and landing under IFR.
- 91.117 [Reserved]
- 91.119 Minimum altitudes for IFR operations.
- 91.121 IFR cruising altitude or flight level.
- 91.123 Course to be flown.
- 91.125 IFR radio communications.
- 91.127 IFR operations; two-way radio communications failure.
- 91.129 Operation under IFR in controlled airspace; malfunction reports.

Subpart C—Maintenance, Preventive Maintenance, and Alterations

- 91.161 Applicability.
- 91.163 General.
- 91.165 Maintenance required.
- 91.167 Operation after maintenance, preventive maintenance, rebuilding, or alteration.
- 91.169 Inspections.

- Sec.
- 91.170 Changes to aircraft inspection programs.
  - 91.171 Altimeter system and altitude reporting equipment tests and inspections.
  - 91.172 ATC transponder tests and inspections.
  - 91.173 Maintenance records.
  - 91.174 Transfer of maintenance records.
  - 91.175 Rebuilt engine maintenance records.

Subpart D—Large and Turbine-Powered Multiengine Airplanes

- 91.181 Applicability.
- 91.183 Flying equipment and operating information.
- 91.185 Familiarity with operating limitations and emergency equipment.
- 91.187 Equipment requirements: Over-the-top, or night VFR operations.
- 91.189 Survival equipment for overwater operations.
- 91.191 Radio equipment for overwater operations.
- 91.193 Emergency equipment.
- 91.195 Flight altitude rules.
- 91.197 Smoking and safety belt signs.
- 91.199 Passenger briefing.
- 91.200 Shoulder harness.
- 91.201 Carry-on baggage.
- 91.203 Carriage of cargo.
- 91.205 Transport category airplane weight limitations.
- 91.209 Operating in icing conditions.
- 91.211 Flight engineer requirements.
- 91.213 Second in command requirements.
- 91.215 Flight-attendant requirements.

Subpart E—Operating Noise Limits

- 91.301 Applicability; relation to Part 36.
- 91.302 Part 125 operators: Designation of applicable regulations.
- 91.303 Final compliance: Subsonic airplanes.
- 91.305 Phased compliance under Parts 121 and 135: Subsonic airplanes.
- 91.306 Replacement airplanes.
- 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.
- 91.308 Compliance plans and status: U.S. operators of subsonic airplanes.
- 91.309 Civil supersonic airplanes that do not comply with Part 36.
- 91.311 Civil supersonic airplanes: Noise limits.

APPENDIX A—CATEGORY II OPERATIONS: MANUAL INSTRUMENTS, EQUIPMENT AND MAINTENANCE

APPENDIX B—AUTHORIZATIONS TO EXCEED MACH 1 (§ 91.55)

Sec. APPENDIX C—OPERATIONS IN LANTIC (NAT) MINIMUM PERFORMANCE SPECIFICATIONS SPACE

AUTHORITY: 49 U.S.C. 1301 (348, 1352 through 1355, 1401, 1431, 1471, 1472, 1502, 1510, through 2125; Articles 12, 25 of the Convention on International Aviation (61 Stat. 1180); 42 sec.; E.O. 11514; 49 U.S.C. Pub. L. 97-449, January 12, 1980.

SOURCE: Docket No. 1580, FR 6704, June 29, 1963, as noted.

SPECIAL FEDERAL AVIATION REGULATIONS

SFAR No. 21—SOUTHERN AVIATION SANCTUARY

- 1-3 [Reserved]
- 4 Records.
- 5 Reports.
- 6 Violations.

1-3 (Reserved)

4. Records. (a) Each person in any carriage or operation before Federal Aviation Regulation before December 16, 1979, shall maintain and accurate record of each operation of this kind in which he is engaged, regardless of whether it was required to license or otherwise, and record available for at least the date of carriage or operation.

(b) This section does not require a particular method of recordkeeping, but require any change in records customarily kept by the person, so long as the records are maintained on a suitable basis for examination and be kept in the form of microphotographic copies.

5. Reports. Each person who is engaged in any carriage or operation before Federal Aviation Regulation before December 16, 1979 shall file reports on his activities in accordance with the regulation as the Administrator may require.

6. Penalties. (a) Attention is directed to section 3(b) of the United States National Act of 1945 (22 U.S.C. 1905) which provides in part:

Any person who willfully violates or attempts to violate any order, rule, or regulation of the President pursuant to subsection (a) of this section shall, upon conviction, be fined more than \$10,000, or, if a corporation, be imprisoned for not more than 5 years, or both.

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

- 1) The issue of who can be in a camp, and defining what a camp is;
- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers;
- 5) The role of the Federal Fish and Wildlife Service, Park Service, and Forest Service in permitting commercial hunting activities.

PROPOSED AMENDMENT #C  
CS SB 191 (Finance) am

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services if  
the provider of that service is in possession of a commercial  
photographers license and has held that license for at least one year.

Renumber following sections.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

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	

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

JUSTIFICATION FOR AMENDMENT # D

This is to allow outfitters to set up camp for big game hunters, fly (or otherwise transport themselves) out of the camp, and then let someone with a Part 135 license fly the hunter in. At no time could the outfitter be in the camp or in the field with the big game hunter.

JUSTIFICATION FOR AMENDMENT # C

One very small group of "iegitimate" outfitters that has been identified is video-photographers. This would allow those video-photographers (there are only a couple on the record) to continue operating. Only a couple will have had a commercial photographer's license for at least year.

JUSTIFICATION FOR AMENDMENT # B

Amendment # B makes it clear that when talking about providing a service to a hunter in the field it means "while" that hunter is in the field. This should clear up any confusion about whether a person who is not a guide can provide a service (such as renting a tent) to a big game hunter before that big game hunter goes into the field.

JUSTIFICATION FOR AMENDMENT # A

By inserting the word "PERMANENT" before "living quarters" it is made clear that someone who rigs up a tent in a skiff, or puts in a make-shift bed can not qualify.

April 18, 1988

2 Representative Adelheid Herrmann and all members of the  
Chairman - House Resources Committee House of Representatives  
P.O. Box 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.

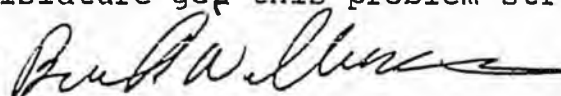
I have played by the rules and came through the ranks the last ten years of my life in the guiding profession. I feel this is a good system and improves every year but doesn't do anyone any good with the so called outfitters raping our resource. Most all of the guides are residents while the so called 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. That's why there is a Guide law and that's what I am asking you to tighten up. Guides are responsible to these 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 licensed 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 license!

If you straighten this out, the game animals will be better protected for everyone - resident and subsistence 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 straightened out this Year!

Sincerely,



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 tent 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.

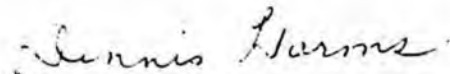
Legal licensed guiding has over a 50-year history. Legal licensed guides are the most controlled and restricted industry in Alaska. The legal guides have gone to great extent to enact laws to help the law enforcement revoke the licenses of those guides who did not respect game resources.

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 we 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 25 1988

Scott Deslauriers  
Box 494  
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,



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. 87 "SECTION 3 OR OB. 54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES 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 FORGID 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 RUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

*Les Krank*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: VERN NOWELL

TITLE:

ADDRESS: 12241 AVION

CITY: ANCHORAGE

ZIP: 99510

PHONE: 345-4417

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

MESSAGE: I AM A VIDEO PHOTOGRAPHER AND STILL PHOTOGRAPHER. I ACCOMPANY HUNTERS 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

#4.  
failed

Amendments to CSSB 191 (Finance) am

by Navarre

\* Sec. 3.

Page ~~8~~<sup>5</sup>, line ~~16~~<sup>2</sup>, amend as follows:

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

Page ~~8~~<sup>5</sup>, after line ~~23~~<sup>9</sup>, add the following definitions:

(4) for the purposes of this section,

(A) "in the field" means being physically outside the immediate area of the camp, cabin or permanent lodge, airstrip or landing area necessary for access to a camp, cabin or permanent lodge or a corridor between the airstrip or landing area and the camp, cabin or permanent lodge necessary for transporting material, gear and equipment to and from an airplane;

(B) "personal 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 camp, cabin or permanent lodge, "personal services" does not include setting up or taking down a camp, advising a hunter about the dangers of weather or other hazards, supplying the hunter with necessary equipment, training the hunter to use a radio or other equipment, loading or unloading aircraft necessary for transporting a hunter to or from a camp, cabin or permanent lodge.

These changes would clearly illustrate the difference between guides and outfitters, and acts and situations prohibited by law.

\$ 5/1/88

\* C.S. - Amend pending

- \* Dries → Air Taxi Insurance
- letter of dubent
- Camp
- Monetary Consideration
- Goods + Services

\* Chuck Wheeler in Name - call + clarify -  
Could take a few friends out, in a  
Part 91

\* Mark in Ed's amendment

Name / Chuck Wheeler - E.C. Wheeler  
675-4452

Baranof  
586-2660

5-0848D

Hein  
4/29/88

Notes indicate changes from CS SB 191 (Fin)am  
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

Oral  
exams  
available  
for  
everyone

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 ~~Comm~~  
7 X (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 ~~Comm~~  
18 X (6) after a hearing, revoke, suspend, or deny renewal of a  
19 license in accordance with AS 08.54.200;

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

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

28 \* Sec. 3. AS 08.54.210 is amended to read:

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

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

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

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

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

advertising  
as a  
'guide'  
or  
'outfitter'

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

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

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

for compensation or hire

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

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

3           (8) [(7)] an assistant guide to contract to conduct a  
4 guided hunt;

5           (9) [(8)] an assistant guide to be in the field on a  
6 guided hunt except while employed and supervised by a registered or  
7 master guide.

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

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

25           (3) "guide" or "guiding" means accompanying or being pre-  
26 sent with, or providing personal service for, a big game hunter in the  
27 field, personally or through an assistant, for compensation or with  
28 the intent or an agreement to receive compensation; "guide" or "guid-  
29 ing" does not include accompanying or being present with a hunter

- 1 \*permanent" inserted { (A) in a boat with permanent living quarters;  
2 (B) at a lawfully established cabin or permanent  
3 lodge;  
4 (C) while providing transportation to or from the  
5 field, if the persons providing transportation and the persons  
6 being transported do not stalk, pursue, track, kill, or attempt  
7 to kill big game; or  
8 (D) in a camp while attending to horses that are being  
9 used to transport big game hunters to or from the field;

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

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

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

17 (e) An applicant for a nonresident big game tag for the taking  
18 of moose or caribou shall first furnish to the state, on a form pro-  
19 vided by the state, an affidavit showing where the applicant will be  
20 hunting and what guiding, transportation, or other big game hunting  
21 services the applicant will be employing. A person who falsifies an  
22 affidavit under this subsection is guilty of perjury under AS 11.56.-  
23 200.

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

25 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-  
26 LATIONS. (a) A person who transports a big game hunter to or from  
27 the field for compensation, or with the intent or an agreement to  
28 receive compensation, shall promptly report to the Department of  
29 Public Safety, division of fish and wildlife protection, and in no

1 event later than 30 days, a violation of a state fish, game, or guid-  
2 ing statute or regulation that the person reasonably believes was  
3 committed by a client or employee of the person.

4 (b) A person who violates this section is guilty of a misde-  
5 meanor and upon conviction is punishable by a fine of not more than  
6 \$2,000 or by imprisonment for not more than one year, or by both.

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

21 (b) The task force shall review the operations of the Guide Board and  
22 shall study problems and issues concerning the commercial taking of big  
23 game in the state and the businesses or professions that provide goods and  
24 services to big game hunters in the state. The task force shall submit to  
25 the legislative council, not later than January 15, 1989, a report on its  
26 findings and proposed legislation to address the problems and issues cover-  
27 ed in the report.

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

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

PROPOSED AMENDMENT # 1  
CS SB 191 (Finance) am

*Adopted*

*11-03*

On Page 3, Line 15 after "with" inset:

**"permanent"**

PROPOSED AMENDMENT #2  
CS SB 191 (Finance) am

On Page 3, Line 24, Insert new section:

"guide" or "guiding" does not include setting up a camp for a big game hunter, if the person providing this service has departed the camp before a big game hunter arrives at the camp.

Renumber the subsequent sections.

*H. St. L.*

*S. C.*

PROPOSED AMENDMENT #3  
CS SB 191 (Finance) am

On Page 3, Delete Line 9 - 14 and Replace with:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, or providing a personal service for a big game hunter while that hunter is in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation.

*Handwritten notes:*  
to be  
D  
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...

KF

PROPOSED AMENDMENT # 4      CS SB 191 (Finance) am

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

*12:11 PM  
Lott  
Dan  
Passed  
4-2*

On page 1, line 29, through page 2, line 1;  
Delete all material, and insert in its place the following:

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

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

PROPOSED AMENDMENT #5  
CS SB 191 (Finance) am

*Not  
Final*

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services to big game hunters if the provider of that service is in possession of a commercial photographer's license and has held that license for at least one year and has been photographing big game hunters for one year.

Renumber following sections.

PROPOSED A M E N D M E N T # 6

Offered in the HOUSE

TO: CSSB 191 (Finance) am

By Cotten

*Cotten not  
iff*

Page 2, line 11, after "if":

Insert "(A)"

Page 2, line 14, after ";":

Insert "or"

Page 2, after line 14:

Insert a new subparagraph to read:

"(B) an owner, operator, or employee of, or a person  
under contract with a hotel or lodge transports a hunter to or  
from the field and the

(i) hunter is a guest at the hotel or lodge;

(ii) transportation is incidental to the business  
of the hotel or lodge; and

(iii) aircraft is operated under 14 C.F.R. Part  
91;"

Page 3, line 21, after "game":

Insert "during the transportation"

*by Commerce,  
Div. of Occup  
ational Licensi  
ng  
re: oral exams*

Insert a new bill section to read:

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

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

(1) prepare, grade, and administer

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

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

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

PROPOSED AMENDMENT # 7 Continued

(3) establish guide performance standards and regulate activity;

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

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

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

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

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

Renumber the following bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

TO: HCS CSSB 191(Resources) (4/29/88 draft)

Page 3, line 20, after "person":

Insert "for compensation or hire"

Page 3, lines 23 - 25:

Delete "if the person is providing the transportation or any other big game hunting service to the hunter for compensation"

Page 3, line 29, after "Part 91;":

Insert "in this paragraph, "for compensation or hire" means receiving any monetary consideration for the transportation, regardless of whether the consideration is directly attributable to the transportation;"

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.

House Resources Letter of Intent  
For  
CS SB 191 (Finance) AM

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 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."

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

The task force should also address the issue of whether fish and wildlife protection officers and other state employees 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 look into the issue of who should have insurance, how much and what kind. This includes the issue of what kind of insurance should be required for air taxi operators.

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

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

- 1) The issue of who can be in a camp, and defining what a camp is;
- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers;
- 5) The role of the Federal Fish and Wildlife Service, Park Service, and Forest Service in permitting commercial hunting activities.

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DRAFT ADDITION TO HOUSE LETTER OF INTENT FOR

CS CS SB 191 (RES)

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.

SECTIONAL ANALYSIS  
CS SB 191 (FIN) Am

Section 1

Extends the Guide Board for one year until June 30, 1989.

(If this extension were not made, the Guide Board would have until June 30, 1989 to wind down their business. If they are not extended beyond June 30, 1989 during the next legislative session then they will have until June 30, 1990 to close up their business.)

Section 2

This is the section in the current law that outlines what is unlawful. The changes are on page 2 to numbers 6 and 9(b).

6) The change under Subparagraph 6 deals with transporters. This amendment makes it so that you have to be a specially licensed pilot in order to transport a hunter or except compensation from them for any other service provided by the transporter in the field. Guides and their assistants are exempt from this provision if they are transporting hunters from their areas.

Most outfitters do not have such a license. Reed Stoops who represents the air carriers association indicated support for the amendment.

9) (b) The changes under this Subparagraph is for the purposes of renumbering.

Section 3

Changes the definition of guide and guiding. Under the new language anyone who accompanies, is present with, or provides a personal service to a hunter in the field (for compensation) is a guide or is guiding.

The only exceptions:

- 1) being in a boat with living quarters; (that is the same as current law to accommodate Kodiak fishermen);
- 2) being at a lawfully established cabin or permanent lodge (basically anything that isn't a trespass cabin. The current law is "at a lodge or base camp"); and;
- 3) while providing transportation if the transporters and those being transported do not stalk, pursue, track, kill, or attempt to kill big game. (this is new language for transporters).
- 4) being in a camp while attending to horses that are being use to transport big game hunters to or from the field.

#### Section 4 & 5

Together these sections make it so that a nonresident hunting moose or caribou needs to file an affidavit with the state that shows where the hunter will be hunting and what guiding, transportation or other big game hunting services the non-resident will be employing. There are strict penalties for non-compliance.

#### Section 6

This section makes it so that "big game transporters" are required to report any fish and game code violations that the transporter believes was committed by a client or an employee. Penalties are set out for violating this statute.

#### Section 7

This section establishes the task force under legislative council.

The Task Force is directed to review the operation of the Guide Board and study the problems related to commercial take of the resource. They are supposed to submit a report on findings and proposed legislation to address the problems by January 15, 1989.

The Task Force terminates on January 15, 1989.

#### Section 8

Immediate effective date.

SENATE LETTER OF INTENT

For

CSSB 191 (Finance)

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.

Senate Letter of Intent  
For CS SB 191 (Fin) am  
Page 2

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.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE C  
UNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1988

SUBJECT:           Constitutionality of air transport  
                  requirements under guide bill  
                  (CSSB 191(Fin) am)

TO:                 Senator Arliss Sturgulewski

FROM:              Edward H. Hein   EHH/LMB  
                  Legislative Counsel

You have asked for a brief discussion of whether the provisions in CSSB 191 (Finance) am, at page 2, lines 5 - 14, violate the equal protection clause of the state or federal constitutions. You asked that I assume as fact that guides engage in substantially less air transportation of clients than outfitters and others who provide big game hunting services; that air travel is only incidental to the business of guiding; and that the state's interest in making these requirements is public safety.

The provision in question makes it a class A misdemeanor for a person to fly a hunter to or from the field for compensation unless the pilot holds an FAA part 135 certificate. A licensed guide, however, may provide air transportation to a client in the guide's own plane, within the restricted area assigned to the guide or the guide's employer, without having a part 135 certificate if the aircraft is operated under part 91. A private pilot is authorized under federal regulations to operate under part 91 instead of part 135 if the flying is only incidental to the business or employment, and if the aircraft does not carry passengers or property for compensation or hire. 14 C.F.R. 61.118. The part 135 certificate, which applies to air taxi operators and commercial pilots, has more stringent requirements than part 91 with respect to qualifications, inspections, and safety.

Because this is an area of economic regulation, the courts would apply the lowest standard of equal protection scrutiny. Under the federal constitution, the test would be

Senator Arliss Sturgulewski  
Page 2  
April 29, 1988

whether the different treatment of guides is rationally related to any conceivable legitimate state interest. Under the Alaska constitution, the test is whether the different treatment substantially furthers a legitimate state interest, and the interest and the means are balanced against the interest of the persons required to have the part 135 certificate.

Public safety is clearly a legitimate state interest, and attempting to protect it is a legitimate exercise of the state's police powers. Requiring guides, outfitters, and others who provide air transportation to big game hunters to comply with federal regulations designed to promote safety is rationally related to and substantially furthers the goal of public safety. The question is whether it is rational to require less of guides in certain circumstances than of other air transporters, or whether this different treatment substantially furthers the goal of protecting public safety.

Under your assumptions, guides are not similarly situated to air taxi operators, commercial pilots, and big game outfitters and transporters. Because guides transport substantially fewer passengers by air and because flying is only incidental to guiding, it can be argued that their flying operations pose substantially less of a risk to public safety. Therefore, imposing higher standards for nonguides is justified and is rationally related to and substantially furthers the state's interest in promoting public safety. The interest of nonguides in saving money and inconvenience by not having to obtain the more expensive and burdensome part 135 certificate is outweighed by the state's interest in promoting safety. Therefore, based on your assumptions, under both the federal and Alaska constitutions the provisions in question do not violate the equal protection clause.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:bb  
b5/069

SB 191 SECTION 2

This section sets out unlawful acts for those commercially involved in big game hunting service activities.

Section (a)(6) delineates that those who offer their transportation services for hire must be part 135 certificated, as is currently required under federal law.

The section additionally provides that guides, who use aircraft in their hunting operations, even though they don't charge for flying (the flying is free, incidental to the basic charge for field or guiding services) must limit their use of aircraft for transporting hunters first, to their own aircraft and secondly, to their own restricted or joint use areas.

It is a policy call, which precludes guides from "outfitting" in areas other than their own, ensures that they are flying aircraft with which they are intimately familiar in limited areas with which they are familiar.

The purpose of Section 2 is not just to ensure safe flights. Part of the purpose of section 2, and of the legislation, is to clarify that only guides are allowed to offer and charge for hunting services in the field. Others then, who cannot charge for such services, yet who are conducting "drop off" hunts must then be primarily offering air transportation services for which current federal law, and now this state statute, require a part 135 certificate.

Using the operative requirements of FAA part 135 regulations this section clarifies in practice, concept and law, that guides, as pilots, do not take passengers or property for hire (that being incidental) while others who charge primarily for air transportation do, and must therefore be part 135 certificated.

Transporters, air taxis and guides are not similarly situated relative to flying activities.

Guides, by concept and design of state statute and guiding regulations, must confine themselves to a limited number of clients. Transporters may, and frequently do, handle large volumes of passengers since their primary service is air transport.

Guides must limit their operation to small areas with which they are familiar. Transporters are licensed and can operate throughout Alaska.

Guides must, as per the statute, use their own aircraft, transporters can fly any aircraft, whether they are familiar with it or not.

One of the purposes of this bill is to ensure that those involved in facilitating commercial harvest of big game resources be well regulated to ensure proper conservation, as well as public health and safety. Section 2 of the bill helps meet this purpose by requiring that those who are involved commercially be regulated either as air taxis, or under the guide laws of the state. Currently one segment of the commercial industry is dodging, or doing an end run, around both sets of regulation. This section would help close that loophole.

CONSTITUENT COMMENTS

Joe Klutch (King Salmon)  
In support

Mike Denuet (sp?) (Pope Vannoy)  
In support

David "Buck" Williams (King Salmon)  
In support

Scott Deslauriers (King Salmon)  
In support

Thomas Karshekoff (Nondalton)  
In support

Dennis Harms (Chugiak not Dist. 26)  
In support

Dicky Deigh (Egegik)  
In support

Dan Salmon (Igiugik)  
In support

RECEIVED APR 1 1988

TELECOPY COVER SHEET  
FAIRBANKS INFORMATION OFFICE  
- 907-452-4448

TO: Jms

FOR: House Resource Rep. Hermann (chair) PHONE: 465-3715

FROM: H.C. "Bud" Wise PHONE: 456-5441

INSTRUCTIONS: Written testimony for HRES T/C-5B191  
4/30/88

DATE/TIME SENT: 4/30/88 SENT BY: Fran

PLEASE ACK. RECEIPT: \_\_\_\_\_ HOLD FOR PICK-UP: \_\_\_\_\_

NUMBER OF PAGES: 1 (NOT COUNTING COVER SHEET)



# Alaska State Legislature

Please enter into the record my testimony to the \_\_\_\_\_  
 committee name

committee on SB 191 , dated April 30, 1988  
 bill/subject

I support SB-191 - but it has to be more restrictive for this coming season until the Task Force Report is in.

My resume is over 47 years in Alaska. Over 40 years active in sports men organizations. About 10 years on the guide board, part as a non-guide and part as a guide - and for over 40 years Fish & Game has accounted for about 99% of our meat.

During these 40 plus years, competition for these resources has continued to grow, and to add more pressure on this resource, we continue to lose access and land open to the public for hunting and fishing.

The commercial use of big game hunting brought about the guide bill and the guide board to license and control the industry. The effect was standards and responsibility for the guides to follow for their clients and the resource. Though not perfect, it has allowed the industry to survive and stopped most of the abuse of the resource. The problem I hear most with the guiding control system is that it's restrictive for additional guiding operations. But this is true in most cases where there is commercial use of a limited resource. There is or has to be a limiting factor.

It is my belief that any and all services, outside of "Air Taxi", be controlled under one Agency, and until something better comes along, that should be the guide bill.

Signed: *Eud Wiese* v. C. (Eud) Wiese

Testifier

*self*  
 Representing (Optional)

126 Second Avenue, Fairbanks, Alaska 99701

Address

456-5441

Phone No.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
307 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1988

SUBJECT:           Constitutionality of air transport  
                  requirements under guide bill  
                  (CSSB 191(Fin) am)

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FROM:              Edward H. Hein   EHH/LMB  
                  Legislative Counsel

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Senator Arliss Sturgulewski

Page 2

April 29, 1988

whether the different treatment of guides is rationally related to any conceivable legitimate state interest. Under the Alaska constitution, the test is whether the different treatment substantially furthers a legitimate state interest, and the interest and the means are balanced against the interest of the persons required to have the part 135 certificate.

Public safety is clearly a legitimate state interest, and attempting to protect it is a legitimate exercise of the state's police powers. Requiring guides, outfitters, and others who provide air transportation to big game hunters to comply with federal regulations designed to promote safety is rationally related to and substantially furthers the goal of public safety. The question is whether it is rational to require less of guides in certain circumstances than of other air transporters, or whether this different treatment substantially furthers the goal of protecting public safety.

Under your assumptions, guides are not similarly situated to air taxi operators, commercial pilots, and big game outfitters and transporters. Because guides transport substantially fewer passengers by air and because flying is only incidental to guiding, it can be argued that their flying operations pose substantially less of a risk to public safety. Therefore, imposing higher standards for nonguides is justified and is rationally related to and substantially furthers the state's interest in promoting public safety. The interest of nonguides in saving money and inconvenience by not having to obtain the more expensive and burdensome part 135 certificate is outweighed by the state's interest in promoting safety. Therefore, based on your assumptions, under both the federal and Alaska constitutions the provisions in question do not violate the equal protection clause.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:bb  
b5/069

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.

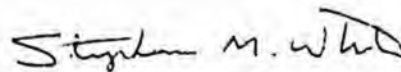
Because the bill has an immediate effective date, Section 3 would necessarily alter the commitments of any transporter who already had contracted to provide that type of service. Both the federal and the Alaska constitution prohibit laws "impairing the obligation of contracts." U.S. Constitution, Article 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

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### SPECIAL FEDERAL AVIATION REGULATIONS

- SPAR No. 21
- SPAR No. 27-5
- SPAR No. 29-4
- SPAR No. 41
- SPAR No. 44-5
- SPAR No. 44-6
- SPAR No. 45-1 [NOTE]
- SPAR No. 47

#### Subpart A—General

- Sec.
- 91.1 Applicability.
  - 91.2 Certificate of authorization for certain Category II operations.
  - 91.3 Responsibility and authority of the pilot in command.
  - 91.4 Pilot in command of aircraft requiring more than one required pilot.
  - 91.5 Preflight action.
  - 91.6 Category II and III operations: General operating rules.
  - 91.7 Flight crewmembers at stations.
  - 91.8 Prohibition against interference with crewmembers.
  - 91.9 Careless or reckless operation.
  - 91.10 Careless or reckless operation other than for the purpose of air navigation.
  - 91.11 Alcohol or drugs.
  - 91.12 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
  - 91.13 Dropping objects.
  - 91.14 Use of safety belts and shoulder harnesses.
  - 91.15 Parachutes and parachuting.
  - 91.17 Towing: Gliders.
  - 91.18 Towing: Other than under § 91.17.
  - 91.19 Portable electronic devices.
  - 91.20 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
  - 91.21 Flight instruction: simulated instrument flight and certain flight tests.
  - 91.22 Fuel requirements for flight under VFR.
  - 91.23 Fuel requirements for flight in IFR conditions.
  - 91.24 ATC transponder and altitude reporting equipment and use.
  - 91.25 VOR equipment check for IFR operations.
  - 91.27 Civil aircraft: Certifications required.
  - 91.28 Special flight authorizations for foreign civil aircraft.

- Sec.
- 91.29 Civil aircraft airworthiness.
- 91.30 Inoperable instruments and equipment for multiengine aircraft.
- 91.31 Civil aircraft flight manual, marking, and placard requirements.
- 91.32 Supplemental oxygen.
- 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.
- 91.34 Category II manual.
- 91.35 Flight recorders and cockpit voice recorders.
- 91.36 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
- 91.37 Transport category civil airplane weight limitations.
- 91.38 Increased maximum certificated weights for certain airplanes operated in Alaska.
- 91.39 Restricted category civil aircraft: operating limitations.
- 91.40 Limited category civil aircraft: operating limitations.
- 91.41 Provisionally certificated civil aircraft: operating limitations.
- 91.42 Aircraft having experimental certificates: operating limitations.
- 91.43 Special rules for foreign civil aircraft.
- 91.45 Authorization for ferry flights with one engine inoperative.
- 91.47 Emergency exits for airplanes carrying passengers for hire.
- 91.49 Aural speed warning device.
- 91.50 [Reserved]
- 91.51 Altitude alerting system or device: turbojet powered civil airplanes.
- 91.52 Emergency locator transmitters.
- 91.53 [Reserved]
- 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.
- 91.55 Civil aircraft sonic boom.
- 91.56 Agricultural and fire fighting airplanes: noise operating limitations.
- 91.57 Aviation Safety Reporting Program: prohibition against use of reports for enforcement purposes.
- 91.58 Materials for compartment interiors.
- 91.59 Carriage of candidates in Federal elections.

#### Subpart B—Flight Rules

##### GENERAL

- 91.61 Applicability.
- 91.63 Waivers.
- 91.65 Operating near other aircraft.
- 91.67 Right-of-way rules; except water operations.

## Sec.

- 91.69 Right-of-way rules; water operations
- 91.70 Aircraft speed.
- 91.71 Acrobatic flight.
- 91.73 Aircraft lights.
- 91.75 Compliance with ATC clearances and instructions.
- 91.77 ATC light signals.
- 91.79 Minimum safe altitudes; general.
- 91.81 Altimeter settings.
- 91.83 Flight plan; information required.
- 91.84 Flights between Mexico or Canada and the United States.
- 91.85 Operating on or in the vicinity of an airport; general rules.
- 91.87 Operation at airports with operating control towers.
- 91.88 Airport radar service areas.
- 91.89 Operation at airports without control towers.
- 91.90 Terminal control areas.
- 91.91 Temporary flight restrictions.
- 91.93 Flight test areas.
- 91.95 Restricted and prohibited areas.
- 91.97 Positive control areas and route segments.
- 91.100 Emergency air traffic rules.
- 91.101 Operations to Cuba.
- 91.102 Flight limitation in the proximity of space flight recovery operations.
- 91.103 Operation of civil aircraft of Cuban registry.
- 91.104 Flight restrictions in the proximity of the Presidential and other parties.

## VISUAL FLIGHT RULES

- 91.105 Basic VFR weather minimums.
- 91.107 Special VFR weather minimums.
- 91.109 VFR cruising altitude or flight level.

## INSTRUMENT FLIGHT RULES

- 91.115 ATC clearance and flight plan required.
- 91.116 Takeoff and landing under IFR.
- 91.117 [Reserved]
- 91.119 Minimum altitudes for IFR operations.
- 91.121 IFR cruising altitude or flight level.
- 91.123 Course to be flown.
- 91.125 IFR radio communications.
- 91.127 IFR operations; two-way radio communications failure.
- 91.129 Operation under IFR in controlled airspace; malfunction reports.

## Subpart C—Maintenance, Preventive Maintenance, and Alterations

- 91.161 Applicability.
- 91.163 General.
- 91.165 Maintenance required.
- 91.167 Operation after maintenance, preventive maintenance, rebuilding, or alteration.
- 91.169 Inspections.

## Sec.

- 91.170 Changes to aircraft inspection programs.
- 91.171 Altimeter system and altitude reporting equipment tests and inspections.
- 91.172 ATC transponder tests and inspections.
- 91.173 Maintenance records.
- 91.174 Transfer of maintenance records.
- 91.175 Rebuilt engine maintenance records.

## Subpart D—Large and Turbo-Powered Multiengine Airplanes

- 91.181 Applicability.
- 91.183 Flying equipment and operating information.
- 91.185 Familiarity with operating limitations and emergency equipment.
- 91.187 Equipment requirements: Over-the-top, or night VFR operations.
- 91.189 Survival equipment for overwater operations.
- 91.191 Radio equipment for overwater operations.
- 91.193 Emergency equipment.
- 91.195 Flight altitude rules.
- 91.197 Smoking and safety belt signs.
- 91.199 Passenger briefing.
- 91.200 Shoulder harness.
- 91.201 Carry-on baggage.
- 91.203 Carriage of cargo.
- 91.205 Transport category airplane weight limitations.
- 91.209 Operating in icing conditions.
- 91.211 Flight engineer requirements.
- 91.213 Second in command requirements.
- 91.215 Flight-attendant requirements.

## Subpart E—Operating Noise Limits

- 91.301 Applicability; relation to Part 36.
- 91.302 Part 125 operators: Designation of applicable regulations.
- 91.303 Final compliance: Subsonic airplanes.
- 91.305 Phased compliance under Parts 121 and 135: Subsonic airplanes.
- 91.306 Replacement airplanes.
- 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.
- 91.308 Compliance plans and status: U.S. operators of subsonic airplanes.
- 91.309 Civil supersonic airplanes that do not comply with Part 36.
- 91.311 Civil supersonic airplanes: Noise limits.

## APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT AND MAINTENANCE

## APPENDIX B—AUTHORIZATIONS TO EXCEED MACH 1 (§ 91.55)

## Sec.

## APPENDIX C—OPERATIONS IN TROPICAL (NAT) MINIMUM PERFORMANCE SPECIFICATIONS SPACE

AUTHORITY: 49 U.S.C. 1301(c) 1348, 1352 through 1355, 1401, 1431, 1471, 1472, 1502, 1510, 1511 through 2125; Article 12, 29, of the Convention on International Aviation (61 Stat. 1180); 42 USC, E.O. 11514; 49 U.S.C. 1001 Pub. L. 97-449, January 12, 1982

SOURCE: Docket No. 1580, FR 6704, June 29, 1963, unless noted.

## SPECIAL FEDERAL AVIATION REGULATIONS

## SFAR No. 21—SOUTHERN AVIATION SANCTIONS

- 1-3 [Reserved]
- 4 Records.
- 5 Reports.
- 6 Violations.

## 1-3 [Reserved]

4. Records. (a) Each person in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979, shall maintain and accurate record of each carriage or operation of this kind in which he is involved, regardless of whether it was effective to license or otherwise, and a copy of such record available for at least 30 days after the date of carriage or operation.

(b) This section does not require a particular method of recordkeeping, but records shall be maintained in a manner that shall be readily accessible and available for examination, so long as the records are maintained on a permanent basis for examination. Such records shall be kept in the form of microfilm or photographic copies.

5. Reports. Each person who is involved in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979 shall report on his activities under this regulation as the Administrator may require.

6. Penalties. (a) Attention is directed to section 5(b) of the United Nations Convention on International Civil Aviation Act of 1944 (22 U.S.C. sec. 1901) which provides in part:

Any person who willfully evades or attempts to violate any rule, regulation, or order, or regulation issued by the President pursuant to subject to section 5(b) of this Act shall, upon conviction, be fined more than \$10,000, or, if a natural person, be imprisoned for not more than 5 years, or both.

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 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 G. ...* 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.

*File*

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 (F-1)  
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
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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  
Division: Administrative Services

Phone: 465-3850  
Date: March 29, 1988

Approved by: Warren Endicott  
Executive Director  
Agency: Legislative Affairs Agency

Date: March 29, 1988

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., the taking of big game, & services to hunters BRU: Occupational Licensing  
 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
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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: Lesley Marshall 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.

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.



# Alaska State Legislature

## Senate

Official Business

April 22, 1968

Pouch V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

To: Rep. Adelheid Herrmann, Co-Chair  
Rep. Sam Cotten, Co-Chair  
House Committee on Resources

From: Senator Ken Fanning *KF*

Subject: SB 191 - Guide bill

Thank you for scheduling SB 191 in a most expeditious manner. You know, as I do, the urgency of addressing the guide/outfitter problem in a meaningful way this session. I appreciate your willingness to take up the bill and resolve the issue.

I believe the bill, as it left the Senate, is a good first step toward stopping the current uncontrolled commercial pressure on big game. However, with some simple but significant additions, the bill would be considerably strengthened.

The first suggestion is to prohibit the use of the term "outfitter" by anyone other than licensed master and registered guides. It has been well-documented that the use of this term by those who are not licensed to provide guided hunts has caused enormous confusion throughout the lower 48, because in other states and Canadian provinces, the outfitter is the one who holds that legal capability. Prospective hunters unwittingly sign up thinking they are contracting with licensed guides. Please refer to the testimony of Lew Pamplin for how hunters react when they become dissatisfied with the services they've paid for.

The second suggestion I would make is in the definition of "guide" or "guiding" in sec. 3, where "providing a camp" should be included as part of what guides do. So long as the unregulated operators are able to maintain camps in the field, they will be able to wholesale the state's big game. By removing that ability, their activities are further reduced by a diminished incentive.

Although other amendments might be proposed, the two I have attached would help to further tighten up the bill.

Thank you again for your quick action on SB 191. If I or my staff can be of any assistance, please call.

enclosure

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 1, line 29, through page 2, line 1;

Delete all material, and insert in its place the following:

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

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 3, line 11, following the word, "providing",

Insert: "a camp or"

Opening weekend  
Sept 1, 1987

# ALASKAN

WILDERNESS OUTFITTING COMPANY

BOX 1516 • CORDOVA, ALASKA 99574

907-424-5552



February 19, 1986

Brian S. Nantais  
P.O. Box 96  
26364 Pine Avenue  
Rimforest, California 92378

Dear Mr. Nantais,

Thank you for your letter and I am sorry to be so long in getting back to you, but I have been on the road working sport shows. There would be no problem in setting you up for a moose hunt in 1987—in fact, it is good to plan ahead as we already have parties talking about next year's hunts. Cow, bull or calf are all open in the area of our camp and you will have excellent chance for taking a black bear. It would be almost impossible to spend a week there and not shoot a moose with the availability of cow, bull or calf—or I would give you a 50-50 chance of four hunters each shooting a trophy bull of 55 inches or better. Moose season will start September 1st in 1987 and you will have six full days of hunting after flying into camp. Daylight at that time of year will usually be from 6:30 a.m. until almost 9:00 p.m..

Our moose camp is our only hunting camp that does not offer good fishing. We advise everyone to plan one extra day on the tail end of their trip in case of bad weather, so if you got out of camp on schedule you could spend a day salmon fishing out of Cordova.

The hunt costs \$995.00 per person for a party of four persons and as long as you are planning on others joining the two of you, you may base the deposit on that fare—making the deposit \$298.50 for each of you. This will hold the first week of the camp and we can adjust the rate later if others do not join you.

Please feel free to call or write again if you have any other questions. We still can be reached at 209-952-7595.

Sincerely yours,

Pat Magie, Managing Owner  
ALASKAN WILDERNESS OUTFITTING COMPANY



FISHING  
HUNTING      RAFTING  
HIKING      TOURS  
CABINS



September 29, 1987

Pat Maggie  
Alaskan Wilderness Outfitting Co.  
Box 1516  
Cordova, Alaska 99574

Dear Mr. Maggie,

In January, 1985, I began talking with you about a moose hunt in Alaska. As I am sure you recall, there were several letters and numerous questions and concerns we had. Having been convinced that our needs would be met, we reserved opening weekend for 1987 and sent you a deposit on July 1, 1986. We met with your family members at the Anaheim Convention Center twice, sent several more letters and I'm sure asked the same questions several times. One thing we were especially concerned about was caring for the meat and butchering. You assured us on several occasions that was not a problem and that it would be taken care of, even quoting a price of 30 cents per pound.

One of our hunting party has his own airplane in Anchorage and the primary reason for using your service was to learn, having never hunted moose or in Alaska before. We are all experienced hunters, however, and do hunt all over the United States.

Our experience with Alaskan Wilderness Outfitting Co. was less than satisfactory. First, it appeared to us that we were not in a prime hunting area, recognizing the weather was not cooperative and it was hot. We felt as if we were a convenience for you to drop us where you did in route to and from your fishing camps. Your helpers rode the ATV for miles near the hunting area, then left the vehicle for us with a large hole in the rear tire and no pump, patch kit or tools. The boat had a leak where it had been patched previously, and several items on the supplies list were not included in the camp supplies.

Our real frustration came when it involved the game. We did manage to see two cows during the week and take both animals. The first was taken on Tuesday, August 25. Your note left at camp the same day said you would be back Wednesday, August 26, "about noon". We all waited from 10:00 a.m. until 3:30 p.m. and you never showed. Finally, about 4:30 p.m. one of your employees stopped by but couldn't take the meat as they were on their way to pick up people at the fish camp. On Thursday morning, the meat was picked up. Thursday afternoon we took the second animal. Friday afternoon the airplane could not take the meat because again they had to pick up people at the fish camp.

At that time, we were informed that there was no one in Cordova who could butcher our game. We were also told that you would be there at 8:30 a.m. Saturday morning to pick up the second animal and around 4:30 p.m. to pick us up and our gear. Everyone waited in camp all day until you showed up with the big airplane at 4:30 p.m. to take meat, gear and us in one trip. At that point, we felt we had lost two complete days of our trip in the field unnecessarily.

Upon arrival back in Cordova, we were told that still no one had been located who could butcher our game. On Sunday, August 30, there was still no change. You would not fly the meat to Anchorage, even when we requested, so we were forced to resolve the issue the best we could. We made three trips from Cordova to Anchorage in our private airplane between Sunday and Monday. We had to remove the seats from our plane Monday to bring the meat over. This was more than \$60.00 each trip for fuel. Second, we had to change our return flight home reservations from Cordova to Anchorage which was an additional \$72.00 each. Finally, we lost yet a third full day of our two week stay because of your lack of organization.

When we finally received our meat we lost several pounds due to maggots. Our finished product, including 270 pounds of burger and 100 pounds of sausage, was 654 pounds for the two animals.

Mr. Maggie, we feel that first we should have been given an opportunity to come on September 1, 1987, and hunt your "regular" moose camp. We were not given that choice. Second, we would have appreciated more counsel on how to hunt the area, browse, sign, etc., especially with the hot weather. We felt like all we received was lip service with no action. No instruction or helpful hints were expressed. All you said was "With this weather it will be weeks before anything is moving in this area" and also told us to position someone on a small hill near the camp every morning. We were not even told of the need for bug nets for our heads considering the weather. Third, we feel you should reimburse us for some of those unnecessary expenses such as \$180.00 fuel, \$288.00 additional airline tickets and \$107.00 for one night in a motel, etc. How do you place a dollar value on three days lost of a two week trip that had been planned for two years?

You draw an enormous amount of business from California through the Sports and R.V. shows, etc., Mr. Maggie. You have been in business a long time, as you told us. and handle upward of 300 clients per year, as you stated. We feel we have been dealt a disservice. Legally, we feel you did not meet your contractual obligations.

I speak for the four of us and challenge you to make things right. This type of service will destroy a good business.

Sincerely,



Brian S. Nantais  
42635 Remora St.  
Rancho California, CA 92390

BSN:cj

cc: Edward W. White  
Donald R. Martin  
Norman E. Stevens  
Anaheim Convention Center  
State of California Dept. of Corporations  
State of California Secretary of State  
State of Alaska Dept. of Fish and Game  
H. Warner Buck Enterprises  
Alaska Professional Hunters Assoc. Inc.

TELEX NO: 147118  
AnswerBack: HUNT REPORT NY



FRUMI

*Alaskan Trophy Hunting*



**DICK GUNLOGSON**

PROFESSIONAL HUNTER  
MASTER GUIDE

BOX  
193

WILLOW, ALASKA  
99888

PHONE  
19071 488-8434

A MONTHLY NEWSLETTER

"SERVING THE HUNTER WH

### DATELINE: ALASKA

*(Editor Note: A big Alaska-Yukon moose is high on the list of many US and European Hunting Report subscribers. But where—and with whom—should you book a hunt? Here are some suggestions from Alaska correspondent, Chris Durr.)*

**M**ost people who know the Alaska hunting scene will tell you that trophy Alaska-Yukon moose exist throughout the state. However, some Game Management Units do have larger concentrations of moose. And more moose, obviously, means a better chance of nabbing a big bull. At present, moose populations in Interior Alaska are at low levels and either stable or increasing. Many populations in Northwest Alaska (units 22 and 23) and southcentral Alaska, however, are at high densities and stable or increasing. Here are my picks for the 1988 season: Guide **Bob Hannon** hunts some high-moose-density areas in Western Alaska and says a hunter has an above-average chance of taking a record-class moose with him. There's plenty of evidence to back up his claim. Western Alaska is a top producer of record-class moose. On the Seward Peninsula, Unit 22, biologists estimate a total population of 3,260 to 4,150 moose. The most popular areas include the Kuzitrin drainage, an area with good access and high harvest, and the Agiapuk drainage, an area with limited access and moderate harvest. The Kuzitrin area has a bull/cow ratio of 36 to 100. In the Agiapuk, the ratio hovers around 80 to 100, perhaps the highest in the state. I feel this latter is the best place in Alaska to bag a record-book moose. In Unit 23, the Kotzebue Sound area, there are

5,000 to 7,000 moose. Best hunting areas include the Buckland and Noatak River drainages, and Eli and Tagayawik rivers. Very high moose densities can also be found in Unit 24, especially in the Koryukuk drainage, where biologists estimate density to be 3.6 moose per square mile. A hunter who books with Hannon has the option of hunting in September or November for a trophy moose. "November offers a totally different moose-hunting experience," Hannon told The Hunting Report. "We go out on snowmachines and glass for moose along the riverbottoms. It's no problem locating moose. They're every-



where. It's a matter of holding back until you see a really large one." Hannon says trophy moose are also available in September, but are a bit harder to locate, because of thick foliage then. Nonetheless he does frequently take 60-plus inchers then. Overall, he takes numerous record-class and even record-book moose each year. Hannon points out to all would-be hunters that his snowmobile hunt is very different from most moose hunts. "The only time you get off the machine is when you're glassing or making a stalk," he says, adding that "may turn some hunters on and turn some off." The machines save

a lot of walking, but they don't mean the hunt is easy, he warns. "You should be in good shape for this hunt, and be prepared to ride long distances in the cold." . . . Another guide to consider is **Bill Fitzgerald**, who hunts the Talkeetna Mountains and the Alaska Range, both of which are known for their record-book moose. Fitzgerald has been hunting moose for 12 years, and has been 100 percent. "We took three bulls last year (the maximum number of moose he takes from his area per year), two of which went over 60 inches," Fitzgerald said. "One was the second-best moose I ever helped a client take. It measured 67 inches and scored 249 1/2 SCI. It was taken by a hunter from West Germany." The best moose Fitzgerald ever took was a 72-incher several years ago. "A 'trophy' moose is in the eye of the beholder," he said. "That 72-incher was quite ugly, if you ask me, but the client was happy with it." He says many of his clients are interested in moose that measure 55 to 60 inches, which are "average" animals in his area. "Plenty of them go 60 to 67 inches and have good baskets and palms, he says. Fitzgerald hunts moose in September, and at this writing had only one opening left in 1988. It was a 1x1 hunt, from spike camps. "Hunters who go with me should be in good physical condition," Fitzgerald warned. "We go where the moose are. I fly over the area before the season, and locate the big ones. That saves a lot of scouting, but it doesn't take the work out of my hunts." Another area that has been producing good numbers of bulls is the Mulchatna area. According to Doug Brewer, who arranges unguided, drop-off hunts, last year was one of

①

## "SERVING THE HUNTER WHO TRAVELS"

his best ever for big moose. "Our success rate was 71 percent for moose, and 93 percent for caribou," he said. "We took more than 140 caribou and 62 moose." Three of those moose qualified for Boone and Crockett, while one made it into Pope and Young. Brewer says more than half of the hunters he books want a "Super Cub hunt." This involves ferrying hunters to a large lake or river, where they are dropped off and taken one at a time to an alpine lake or air-strip away from other hunters. "I think the word is getting out that this is a much more successful way to hunt Alaska," Brewer says. His hunts are completely do-it-yourself affairs. He merely drops hunters off in an area, and picks them (and their meat) up for transportation back to civilization. Hunters must



know how to live and hunt in a wilderness, and how to bag the species they are hunting. Most of the hunting in Brewer's area is in high, alpine country or along riverbottoms. Both types of terrain require hunters to be in good condition. Significantly, the high alpine areas offer a chance for a black bear and caribou, as well as a moose. These are backpack-type hunts, and gear is limited to about 60 pounds per person. Ankle-fit hip boots are a must for both areas due to soggy patches of tundra and riverbottom. Brewer recommends seven to 10 days for one of these hunts, although there is no limit on the stay or extra charge for extra days. . . . Another do-it-yourself operator to consider is **Jim Kacur** of Frontier Flying Service. Ask him about Units 21A and 21E, with a bull/cow ratio of 47 to 100, and Unit 21D, where latest surveys indicate that densities along the Yukon River range

from 2.5 to 3.5 moose per square mile. Densities along the Koyukuk River range from 2.8 moose per square mile in the lower portion to four to six moose per square mile in the upper portion. . . . A final operator to consider is **Joe Klutsch** who hunts Unit 9E on the Alaska Peninsula, which historically has been a big producer of record-book moose. Klutsch has been hunting this area for years, and is one of the few guides who specializes in large moose here. His clients take several record-class moose annually. He also has one of the best record-book caribou areas in the state. Expect large expanses of flat, swampy terrain with dense thickets near river-bottoms. The area offers spectacular scenery of dormant volcanoes, cinder flats and tidal areas. The season on the Peninsula is subject to change, but usually takes place in September.—*Chris Batin.*

(Editor Note: The guides and operators mentioned in this report can be reached as follows: Bob Hannon, General Delivery, Koyuk, Alaska 99753. Tel. 907-963-3221; Bill Fitzgerald, Box 93, Talkeetna, Alaska 99676. Tel. 907-733-2566; Joe Klutsch, P.O. Box 313, King Salmon, Alaska 99613. Tel. 907-246-3030; Doug Brewer, Box 8553, NRB, Kenai, Alaska 99611. Tel. 907-776-5147; Jim Kacur, 3820 University Ave., Fairbanks, AK 99701. Tel. 907-474-0014.)

### DATELINE: TEXAS

(Editor Note: A Texas hunting area we've never written about before is famed Palo Duro Canyon in the Panhandle. Correspondent Ray Sasser filed the gap this month with the following short report on the mule deer and aoudad hunting available there.)

**W**ith one notable exception, the Texas Panhandle is a flat, featureless plain. That exception is Palo Duro Canyon, southeast of Amarillo, where the Prairie Dog Town Fort of the Red River created a canyon that's as colorful and unusual as the name of the river that formed it. The canyon is a harsh and rugged 1,000 feet deep and eight miles across at its widest point. This area is home, however, to mule deer and the state's first and largest free-ranging herd of aoudad



"SERVING THE HUNTER WHO TRAVELS"

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Ken Nowicki	Jim Zumbo

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Gordon Allen

The Hunting Report is a newsletter for the active hunter/conservationist who travels in search of the world's best hunting, and who is deeply involved in efforts to save that hunting for future generations. The Hunting Report is not a booking agent, nor is it affiliated with a booking agent, outfitter or guide. All recommendations contained herein are based on the best information available. The Hunting Report is published monthly by The Hunting Report, Inc., G.P.O. Box 1742, New York, N.Y. 10116. A one-year subscription costs \$60/year. Single copies cost \$7.50. For airmail delivery to all foreign countries except Canada and Mexico add \$21/year. Foreign subscribers send US BANK DRAFT or charge subscription to American Express card. Convertible foreign currency checks from Europe, Japan, Canada and Australia are acceptable. Please send in local currency the equivalent of \$87 US to cover check-clearing charges. Canadian subscribers send local currency equivalent of \$66 US. Send editorial queries and manuscripts to The Hunting Report, G.P.O. Box 1742, New York, N.Y. 10116. Attn: Don Causey. For subscription information use same address. Attn: Cathy Bell. Content copyrighted © 1988 by The Hunting Report. Material herein may not be reproduced without permission of The Hunting Report. Tel. 212-929-7152. Telex 147118. Answerback, HUNT REPORT NY

Production/Research Mgr., Ben Montanelli  
Design by Victor Cloas

# 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.

*My  
approval*

- ° 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

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 AND  
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

Nota Page 2!!!

# Alaska Adventure Planning

3605 Arctic Blvd. #2328, Anchorage, Alaska 99503

Phone: (907) 243-6374

January 14, 1988

North Star Aviation  
P.O. Box 193  
Willow, Alaska 99688

FEB 18 1988


Dear Sirs,

My name is Bruce Nelson, and I have started a new business called Alaska Adventure Planning. I will be planning all aspects of a self-guided trip in Alaska for hunters, fishermen, and other sportsmen. Most importantly I will be selecting a destination and booking any "bush flying".

Perhaps of most interest to flying services such as yourself is the fact that I am asking no commissions of any kind from you. My idea is to get an up-front fee from the client, thus assuring him that there is no bias on my part; I'm looking to find the best, safest, and most economical flying for them.

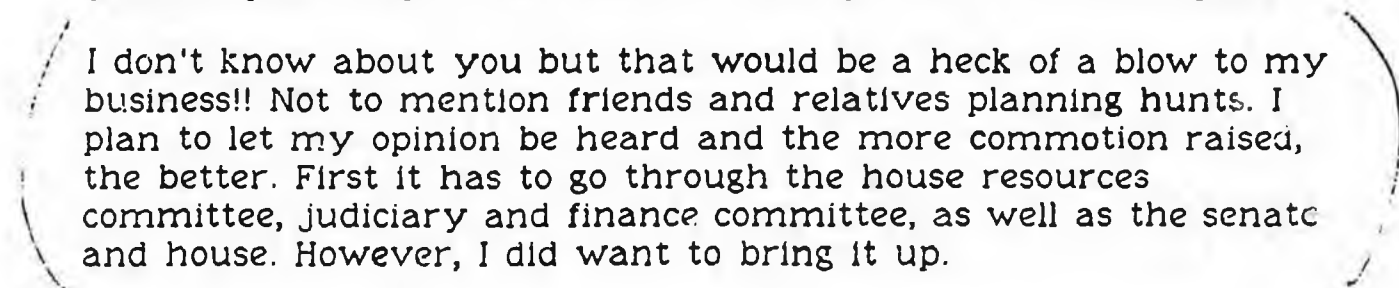
Hopefully this will work out well for all parties involved; I receive my fee, the hunter or fisherman gets a good trip planned, and the flying service gets "free advertising", and deals with people who are squared away on such things as what to pack, how to pack it, dealing with unavoidable flight delays, etc.

As time allows I would like to talk with you personally. In the meantime I would appreciate any brochures, rate schedules, or any other information you may already have printed up. Things I'd like to know are your experience, safety record, number and type of aircraft, capacity of each, float/gravel bar landing capabilities, areas you fly, packages you already have set up, (such as float trips), any outfitting you may do, past hunter/fisherman success, deposit policy, and insurance.

I'm advertising quite extensively in "Field and Stream", "Outdoor Life", "Petersen's Hunting", etc., and I hope to book about 300 people total this summer, so I could be sending quite a bit of business your way. 

One other point I'd like to make that you're no doubt aware of, and that's House Bill 331. The part of most concern to us is obviously Sec. 9. which reads, in part:

"A nonresident may not hunt, pursue, or take a moose, black bear, brown bear, grizzly bear, polar bear, goat, or sheep in the state, unless personally accompanied by a licensed master guide, registered guide, class A assistant guide, or assistant guide."

I don't know about you but that would be a heck of a blow to my business!! Not to mention friends and relatives planning hunts. I plan to let my opinion be heard and the more commotion raised, the better. First it has to go through the house resources committee, judiciary and finance committee, as well as the senate and house. However, I did want to bring it up. 

Hope to be talking to you soon!

Sincerely,

*Buck Nelson*

Bruce L. "Buck" Nelson



RECEIVED JAN 20 1988

# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

P.O. BOX V  
Juneau, Alaska  
99811  
(907)465-3744 or 4991

COMMITTEES

Transportation  
HESS  
Telecommunications  
Fisheries  
International Trade

January 18, 1988

Representative Adelheid Herrmann  
Alaska State Legislature  
Juneau, Alaska

Dear Adelheid:

Enclosed is a copy of HB 331, relating to the Game Board and game guiding in Alaska, together with the sectional analysis of HB 331.

Your comments would be most appreciated.

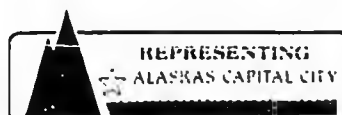
Once you have had a chance to review the enclosed, I'd be very interested in meeting with you to discuss the legislation.

I will be truly grateful, Adelheid, for your insight.

Respectfully yours,

  
Bill Hudson

Enclosures



RECEIVED JAN 20 1988

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
937 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1988

SUBJECT: Sectional analysis of HB 331  
TO: Representative Bill Hudson  
FROM: Edward H. Hein  
Legislative Counsel

Section 1 provides that the governor shall designate the chairman of the Guide Board, rather than having the board members elect a chairman as they currently do.

Section 2 prevents the Guide Board from considering evidence of shortage of game in a district when ruling on a guide's request to transfer to another district.

Section 3 directs the Guide Board to establish restricted (exclusive) guide areas in every game management unit if that would improve or maintain the quality of hunts and would be consistent with sound conservation policies.

Section 4 requires the Guide Board to transfer a guide area to the person recommended by the guide to whom the area is currently assigned, so long as that is not contrary to the public interest. Under existing law the board need not follow the guide's recommendation even if consistent with the public interest.

Section 5 adds four new provisions that: (1) require that the board approve only transfers of whole guide areas, rather than transferring portions of them; (2) allows guides who are jointly sharing portions of a guide area to remove those portions from joint use by presenting their written agreement to do so to the board; (3) prohibits the board from changing the boundaries of a guide area while a petition for transfer of the area is pending before the board; and, (4) requires the board, when assigning a guide area whose boundaries have been redefined by the board, to use the standard criteria, point system, and factors the

board uses in assigning other restricted guide areas.

Section 6 makes it unlawful for anyone but a registered or master guide to advertise or represent themselves as being a guide; restricts use of the title "outfitter" to guides to whom a restricted guide area is assigned. Sec. 6 also makes it unlawful to compensate or agree to compensate someone to guide without a guide license and hunting license. All three offenses would be class "A" misdemeanors. Sec. 6 also removes the requirement that a guide possess a resident hunting license; a nonresident license is sufficient.

Section 7 is identical to Sec. 3 of CSSB 191(2d Res). This section redefines the term "guiding" so that it would be unlawful for a person to be paid to be "in the field" with a hunter, or to provide an established camp to a hunter, unless the person is a licensed guide. The definition provides for three exceptions; a person is not guiding if the person is paid to be with a hunter in a boat with living quarters; at a permanent lodge or structure; or while transporting people to and from the field, as long as the passengers don't hunt along the way.

Section 8 is a duplicate of Sec. 4 of CSSB 191(2d Res). This section adds a definition of "compensation" for purposes of the definition of "guiding."

Section 9 amends AS 16.05.407, which requires nonresident hunters to be accompanied by a licensed guide while hunting certain big game animals. This section of the bill adds moose, black bear, and goat to the list. Sec. 9 also eliminates the exception for nonresidents who hunt with Alaskan relatives instead of a guide. Sec. 9 also requires nonresident walrus hunters to be accompanied by a licensed marine mammal guide or assistant.

Section 10 removes the Guide Board from the state conflict of interest law, AS 39.50.

Section 11 annuls three regulations of the Guide Board, but the section references are incorrect. These should read "12 AAC 38.200(f)(1)(C), 12 AAC 38.260(e), and 12 AAC 38.-280(d)(1)." The sections were recently renumbered. The first regulation requires a guide who seeks to transfer to another restricted guide area to present any of five pieces of evidence that the guide will suffer substantial hardship if not allowed to transfer. In keeping with the provisions of Sec. 2 of the bill, this regulation is included for

Representative Bill Hudson

Page 3

January 15, 1988

annulment. The second regulation is inconsistent with the provisions of Sec. 4 of the bill and, therefore, is included for annulment. The third regulation would be superseded by the joint-use agreement provisions in Sec. 5 of the bill, at page 2, lines 14 - 17.

Section 12 provides for an effective date.

EHH:bb  
WKB1/059

561-2878

Randall Burns

Area office

465-2535

6-3678

Shack

- 1 + 6  
- A.C.  
- 600 Main



TELL AD NOT TO  
LET HB ON MOOSE  
HUNTING GO DOWN.  
REQUIRES ALL NON-  
RESIDENTS TO HAVE  
GUIDE.

P.O. Box 6469 Abilene, Texas 79608 (915) 695-0910

3/21 - 3/29

Atchafalaya

Randall

Barns

+  
teleconference

Not 10:30t

*Hein*  
3-10-88

↓  
*Coghill*

Original sponsors: Coghill and Faika

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (3d 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, the taking of  
7 big game, and businesses or professions that provide  
8 goods and services to big game hunters; and providing  
9 for an effective date."

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

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

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

13 \* Sec. 2. TASK FORCE ON GUIDING AND GAME. (a) The interim task force  
14 on the Guide Board and the commercial taking of big game is established.  
15 The task force consists of the commissioners of fish and game, commerce and  
16 economic development, and public safety, or their designees; two members of  
17 the senate appointed by the president of the senate; two members of the  
18 house of representatives appointed by the speaker of the house; and four  
19 members appointed by the governor as follows: one member of the Guide  
20 Board; one big game guide licensed under AS 08.54 who is not a member of  
21 the Guide Board; one person engaged in a business, other than guiding, that  
22 includes transporting big game hunters to and from the field; and one  
23 public member.

24 (b) The task force shall review the operations of the Guide Board and  
25 shall study problems and issues concerning the commercial taking of big  
26 game in the state and the businesses or professions that provide goods and  
27 services to big game hunters in the state. The task force shall submit to  
28 the legislature, not later than January 15, 1989, a report on its findings  
29 and proposed legislation to address the problems and issues covered in the

1 report.

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

3 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
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330  
Keep in mind

• All Senate Minutes on this Issue

1 Guides <sup>in their</sup> ~~Taxes~~ would contract out - We could let this w/ a limit.... As many areas as guides...

2 Cap on Permitt outflows w/ cap on how many could be permitted

3 Get Some \$.....

4 History on why Transporters were taken out

FRIDAY - 18th me + Sam + Ned - agenda  
Hearings 25th + 28th - Committee only Noted

Packet for Sam } Senate Min.  
                          } Bills  
                          } Letter of Intent

Get ~~Minutes~~ Transcripts in order Ad will work  
for H. Reserves

→ System the fede. are using - get this in ~~figuring~~ writing.

→ Kodiak has a good system

→ Sara Scannlin | Beth Stewart Game Board on  
TMS

→ F + G info. she hopes it's in the minutes w/ how  
information is provided

\* ~~Ed~~ Ed residency memo  
Check Wyoming + other States  
about requiring res. guides...

# Alaska

RECEIVED MAR 11 1988

## Professional Hunters Association, Inc.

P.O. Box 91932 • 301 E. 77th • Anchorage, Alaska 99509  
(907) 522-3221

Dear Governor Cowper,

I understand that you are aware of the bill that Don Young introduced (H.R.623) in 1987. It is a bill to amend the ANILCA to provide for monetary compensation to Professional Registered Guides in Alaska for loss of income resulting from the Alaska Lands Act.

Most of these guides that I know, had held some hope that the efforts of Senators Stevens and Murkowski, in 1982, to redesignate some of the land and remove it from Park status, or at least allow continued sport hunting would sometime become effective. Though a bill was introduced at the same time to compensate the guides, most would have much preferred to have their old hunting areas back in preference to compensation. Consequently only a few with clear vision such as Bud Helmerick, Lynn Castle, and a few of the officers of our Alaska Professional Hunters Association, put much effort into tracking the bill. It was easy to track because it did not go anywhere!

It has now become obvious that none of us will live long enough to see sport hunting return to any of these areas. In fact several of our fellow losers have gone to the "Big Hunting Ground in the Sky" and will never know the outcome. Their only consolation is that they arrived there before Jimmy Carter and should still be able to enjoy the greatest safari of all!

With knowledge that we will never get any of our areas back, we are now prepared to pursue a legislative and or judicial solution. As aggrieved guides facing the reality of our situation we have organized. Guides have historically been about as orderly as a pack of wolverines, but the recent cooperation has been overwhelming. I guess they are all getting old and tired of getting kicked around and like an old dog in the corner ready to fight back.

HB 623 has received no opposition. The greatest obstacle is the small number of us (69) that are affected by it. It is difficult to get a bill that serves so few, very much attention in Congress, especially in light of budget restraints. We hope to appeal to Congress' sense of morality as the legality of compensation is well spelled out.

We urge you as our governor to support us in this effort. With your legal background it would be presumptuous of me to quote the law, however I would like to reaffirm that several of the paramount purposes of the U.S. Constitution are the protection of property rights and personal liberties.

The initial powers of Congress were to be limited and it's authority tightly drawn in the constitution; state legislatures were to protest any usurpations there by further limiting it's authority. However, history reveals that the powers of Congress have become virtually unlimited. Congress routinely enacts statutes intruding into virtually all dimensions of public life.

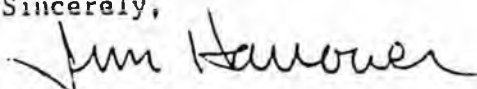
Page 2, cont.

In this situation however, Congress is not only obligated to the guides that were displaced, but to the State of Alaska as well. States have argued that the tenth amendment forbids the bargaining away of sovereignty over areas of traditional state domain, just as they cannot by contract or otherwise bargain away power to regulate private parties in the public interest.

It is our full intention to seek relief through Congress with the hope that a legislative solution can be achieved. In the meantime the Pacific Legal Foundation has agreed to research the law as it applies here and advise us on the merit of filing a suit based on loss and devaluation of personal property as well as loss of concessionary rights.

We are hopeful that with your support and a sympathetic Congress that a judicial solution will be unnecessary, and that this issue that has haunted us for ten years will be finally put to rest.

Sincerely,

  
Jim Harrower

cc. Senator Ted Stevens  
Senator Frank Murkowski  
Honorable Don Young  
Bud Helmricks



# United States Department of the Interior

## NATIONAL PARK SERVICE

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



IN REPLY REFER TO:

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 6.

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.

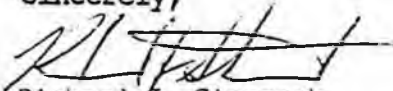
Another issue of concern addressed in the bill is on page 2, lines 16 and 17, whereby it is unlawful for "a person to compensate or agree to compensate another person for guiding..." without being validly licensed as a guide. It seems unrealistic to expect the consumer to be knowledgeable of AS 08.54.210 (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  
Regional Director

Acting

GUIDE/OUTFITTER MEETING OF JANUARY 7, 1988

IN ATTENDANCE:

Nick Peirskalla, President, Alaska Outfitters Association  
Phil Driver, President, Alaska Professional Hunters Association  
Brent Jones, Secretary-Treasurer, Alaska Professional Hunters Association  
Jay Massey, Alaska Outfitters Association  
Charlie Wilcox, Treasurer, Alaska Outfitters Association  
Rocky Keen, Alaska Professional Hunters Association  
Nelson Stimaker, Alaska Professional Hunters Association  
Mel Gillis, Alaska Professional Hunters Association  
Ed Grasser, Vice President, Alaska Professional Hunters Association  
Wayne H. Walters, Alaska Outfitters Association Spokesman  
Vice-President, Fairbanks Chapter AOA  
Ken Fanning, Alaska Professional Hunters Association  
Michael J. Triolo, Alaska Outfitters Association

On January 7, 1988, representatives of the Alaska Professional Hunters Association met with representatives of the Alaska Outfitters Association to explore areas of possible common ground relative to ensuring regulation of commercial utilization of our big game resources in Alaska. The meeting was held in the Senate Conference Room at the Anchorage legislative offices.

This particular meeting represented a landmark of progress in that it was the first time that the major recognized statewide organizations representing both sides agreed conceptually on several basic principles that should be included in statute.

Representatives at that meeting, and by this report, recognized that many individuals who are not members of these two organizations, and even some of their members, are not likely to be satisfied or pleased with any "compromises" or agreements, such as those discussed.

It was recognized that complete agreement is extremely remote, in that some of the desires of each group of commercial resource users are mutually exclusive.

Discussion did not concentrate on the "non-negotiable" differences; rather, it centered on areas of agreement or possible areas of agreement.

A brief discussion of the history, introduction and movement of SB 191 and HB 183 ensued, as well as a discussion of pre-filed bills and potential legislation which would place

some or all big game species on the guide-required list as a simplified alternative.

APHA noted that at its annual member meeting in December 1987 the members voted to support "guide-required" legislation as perhaps the best and simplest solution. APHA considers SB 191 in its "best" form, as compromise legislation.

The Alaska Outfitters Association noted that it was working on different versions of draft legislation, and that it had some various other states' legislation, and was requesting others. Additionally, various Canadian provinces had been contacted to review their respective situations. They may choose to introduce additional legislation.

Both organizations felt a desire to "control their own" regulatory structure through either separate or common boards with equal representation, whose functions among others would be to license and regulate all groups that are involved in providing services to big game hunters on a commercial basis. Leaders of both groups recognize unacceptable abuses of our fish and game resources as well as dismal business practices which reflect poorly on our state by certain segments of the hunting service industry. As in many instances, bad apples appear to be creating a black mark for all. Prevalent among the abusers seem to be non-resident "outfitters" and previously-registered guides who have lost their licenses through illegal practices, and are now "outfitting." Additionally, it is obvious that others, including quick buck artists, be they resident or non, are guiding illegally and/or outfitting illegitimately, or in a manner inconsistent with proper game conservation and good business practice.

ALL PARTIES PRESENT AGREED UPON THE FOLLOWING:

- 1.) Everyone involved in the commercial activity of assisting big game hunters - guides, transporters, gear providers, air taxis, etc - should be licensed and regulated as such. (Currently, "transporters," "providers," and "outfitters" are not so licensed).
- 2.) All groups should be held equally and legally liable and responsible for known game violations by their clients or employees. Additionally, those who provide transportation or food or equipment should be comparably held responsible for providing for reasonable safety and comfort and accurate and proper advertising and business practices. (Current law requires this of guides).
- 3.) All businesses providing services to hunters as discussed should have signed contracts, accurately describing the services offered. (Current law requires a "SFR" contract by guides).

Several methods of achieving the above goals in actual legislative amendment language were discussed. "Conceptual" amendments are being circulated among the parties to attempt to find common ground where possible.

The confusion with the term "outfitter" was discussed. All agreed that all guides are outfitters, in that they provide some or all of the following: Transportation, pre-hunt correspondence, tents, cabins, camping equipment, food, etc., in addition to personal services in the camps and in the field. Likewise, it was agreed that many transporters, gear providers or "outfitters" don't want to guide, per se, and don't want to provide personal field services.

Since all agreed that licensing requirements were essential, an amendment is being proposed that in essence would create a new licensed class of hunting services provider, and would clarify guide/outfitter as one class, and transporter or transporter/outfitter [NO agreement on the actual names] as another class. This concept would basically reinstate the transporter license which was dropped from the statutes three years ago.

Another amendment is being circulated that would change the makeup of the board (currently 4 public members, 3 guides) to an equal representation of guides and transporter/outfitters. This new board would be empowered to regulate the various "transporter", "provider", and "outfitter" services of all who provide hunter services. This proposal would allow the various providers to help formulate and draft regulations applicable to their particular "degree of service" under the jurisdiction of a board of their peers and the public without creating new and additional boards and the additional conflicting and overlapping responsibilities that would create.

Additional areas of possible solutions to the protection problem of proving that certain types of employees "in the field" are not engaged in guiding activities, such as special permits for occasional photographic accompaniment or special cases where a "white water" oarsman is necessary on a float trip, were discussed, and will continue to be explored.

All present recognized the seriousness of the current problem, and desire some legislative solution. Discussion arose concerning the timeliness of solutions, in that the primary booking season of February, March and April is about to begin.

APHA representatives pointed out the importance not only of having legislative solutions in place by mid-summer 1988, but of taking action early to ensure clarification of state law prior to winter commitments to the best degree possible.

In summary, everyone recognizes that there are and will likely continue to be areas of disagreement. Likewise, there appears to be some common ground. Attempts will continue to be made to pinpoint those areas of agreement and work with the Legislature as they take action on pending and/or proposed legislation.

This report was drafted by Senator Ken Fanning, and has been circulated to the officers of both organizations for corrections, deletions, or additions. It is only intended to be a fair and accurate report of the meeting that took place on January 7.

ADDENDUM:

Upon circulation of this report to the various representatives of Alaska Professional Hunters Association and Alaska Outfitters Association, all agreed that it accurately reflected what took place at the meeting.

# Alaska State Legislature

SENATOR KEN FANNING  
P.O. BOX 80329  
COLLEGE, ALASKA 99708



P.O. BOX V—STAT. CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3880

## Senate

### MEMORANDUM

To: Senators Coghill, Halford and Eliason  
Representatives Herrmann, Adams and Grussendorf

From: Senator Ken Fanning *KF*

Date: January 14, 1988

RE: Report of meeting between guides and outfitters

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I want to take the opportunity to give you a preview of the attached report which I will be distributing to members of the House and Senate Resources Committees tomorrow. The report is of a recent meeting between representatives of the guides and outfitters.

As you are aware, SB 191, the guide bill, is back in Senate Resources Committee for additional hearings and possible changes.

I just wanted to keep you abreast of these new developments. If you have questions regarding the meeting or the bill itself, please contact Senator Coghill or his committee aide, Elizabeth Ziegler, or myself or my staff person, John Manly.

*Finlayson Walker*

BEAR PAW OUTFITTERS, INC.

Contract for Transportation and  
Notice of Risk

Bear Paw Outfitters, Inc. is a corporation whose principal business is the outfitting and transportation of photographers, fishermen, hunters, campers, adventurers and other outdoorsmen. Transportation is into scenic remote wilderness areas of Alaska. Camping accommodations and outfitting are available upon request.

Let it be known to all interested parties who enter in and upon and sign this contract, hereby acknowledge that Bear Paw Outfitters, Inc. is not acting as guides for hunting, but transporters of persons, equipment, and related paraphernalia.

By contracting for transportation services with Bear Paw Outfitters, Inc., the Outdoorsman is accepting risks not normally associated with public transportation services. The Outdoorsman's signature on this contract is his acknowledgement that he understands and accepts the risks associated with travel in remote areas. These risks include, but are not limited to fire, flood, wild animal attacks, avalanche, severe weather conditions (including flash floods, blizzards, snow, rain, and wind), treacherous currents, sweepers, floating logs, unseen obstructions, discharge of firearms and other hazards associated with remote travel.

It is the Outdoorsmen's responsibility to inform Bear Paw Outfitters, Inc. of any physical or mental illness he or she may have which may make an extended time in the "bush" a hazard. Bear Paw Outfitters, Inc. expressly disclaims liability for any personal injury or property damage incurred as a result of transportation or other services provided, and the Outdoorsman expressly waives any claim for liability against Bear Paw Outfitters, Inc.

To reserve services, Bear Paw Outfitters, Inc., requires a 30 percent deposit. The entire deposit is refundable upon a 60 day advance notice, but is otherwise non-refundable. Total payment is required prior to rendering of service.



## COMMERCIAL HUNTING SERVICES

This is a concept paper. It is not designed to address every issue or answer every question, but rather to see if there are general concepts that can be agreed on that will help with the passage of a commercial hunting services bill this session.

- I. Licensed providers of transportation would not be affected by this bill unless:
  - A. they are advertising services or transportation specially for hunters, or
  - B. providing services for hunters beyond transportation (providing or renting gear, campsites, etc.)
- II. Others providing commercial services to hunters would have to be licensed by Board in one of two main categories, Guides/Master Outfitters or Transporter/Outfitters
  - A. Nonresidents hunting any big game in Alaska (bear, sheep, goats, muskox, bison, moose, caribou, deer, others?) would be required to have services of licensed contractor.
    1. Except each Alaska resident hunter could take up to 2, 3?, friends hunting without compensation.

2. Guides would be required for nonresidents to hunt Brown Bear, Sheep, or Goats.
  - a) Except for nonresidents hunting with resident hunter who is kindred in the second degree.
- B. Guides/Master Outfitters and Transporter/Outfitters would both be required to file reports on all contracts and all game taken.
- C. Both would be required to pay head fees on all game taken by clients.
  1. Head fees would be graduated and cumulative, designed to penalize abuse of resource and economically establish a maximum take.
  2. Head fees would be set annually by Board of Game based abundance or scarcity of game.
    - a) could vary by game unit or sub unit.
    - b) would be cumulative from one unit to another.

III. Transporter/Outfitters would be allowed to provide transportation (including air, horse, boat, backpacking, etc.), gear, campsites, and general hunting advice, butchering and packing.

A. Transporter/outfitters are not allowed in the field prior to an animal being killed, except to render assistance in a life (human!) threatening emergency.

1. Transporter contracts would be required to advise clients that if a transporter or employee is in the field with the client, the transporter is criminally liable and the client would also be subject to a large civil fine (\$1,500?).

B. Would be allowed to provide a person in the camp, not in the field, at legally established lodges and cabins, boats with living quarters, and at camps not serviced by air (i.e. camps reached by horse, boats, backpacking, or other ground or water transportation.)

C. Would not be allowed to have person in field or camp if camp reached or serviced by air.

D. If transporters provide air transportation with their own planes, they would be required to meet same safety, insurance, etc., requirements as Part 135 Air Taxi operators.

- IV. Guides would be able to provide the full range of guiding services for all Alaska game.
  - A. Guides would be able to guide only in exclusive or joint use guide areas assigned to them.
  - B. If guides had a transporter license, they could also provide transporter service under the same conditions as a transporter.
  
- V. Miscellaneous provisions
  - A. Board may investigate guide or transporter after one complaint.
  - B. Either add provisions to make prohibition against sale of exclusive guide areas enforceable or legalize the sale of guide areas.

Original sponsors: Coghill and Faiks

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IN THE SENATE

BY THE RESOURCES COMMITTEE

CS FOR SENATE BILL NO. 191 (3d Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

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

(20) Guide Board (AS 08.54.010) -- June 30, 1990 [1988].

\* Sec. 2. AS 08.54.010 is amended to read:

Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the purposes of licensing and regulating the activities of guides and transporters in the interest of the state's wildlife resources there is created the Guide Board consisting of seven members. No more than three members of the board shall hold or have held a registered, master, or class A assistant guide license. The other members must have a general knowledge of the game resources of the state and may not have a vested interest in the guiding industry. A minimum of 10 years residence in the state is required for all members of the board. For administrative purposes, the board is in the Department of Commerce and Economic Development.

~~\* Sec. 3. AS 08.54.140 is amended to read:~~

~~Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A person is entitled to be licensed as an assistant guide if the person  
(1) is 19 years of age or more;~~

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~~(2) [REPEALED~~

~~(3)] is favorably recommended to the board, in writing, by a registered guide;~~

~~(3) [(4)] meets additional qualifications which the board may require;~~

~~(4) [(5)] is in sound physical condition; and~~

~~(5) is familiar with the terrain and transportation problems in the district for which the license is requested.~~

*Jim Duncan  
Fred Ziegler  
Loren White*

*John*

\* Sec. 4. AS 08.54 is amended by adding new sections to read:

Sec. 08.54.142. TRANSPORTER LICENSE. (a) A person may not engage in the business of transporting unless the person is licensed as a transporter under this chapter.

(b) A person may be licensed as a transporter if the person

(1) pays the annual license fee required under AS 08.54.-170(a);

(2) holds a current Alaska business license to do business as a transporter; and

(3) has not had a guide license revoked by the board.

Sec. 08.54.143. EXEMPTIONS FROM TRANSPORTER LICENSE REQUIREMENT.

(a) A person, other than a licensed guide, who provides air transportation to big game hunters for compensation is exempt from the license requirements for transporters under this chapter unless the person

(1) derives more than 50 percent of gross income as an air carrier from transporting big game hunters or their equipment or game to or from the field; or

(2) provides big game hunting services in addition to air transportation.

(b) A licensed guide who provides transportation services only in the restricted guide area assigned to the guide or the guide's

1 employer is exempt from the license requirements for transporters  
2 under this chapter.

3 Sec. 08.54.144. LIMITATIONS ON TRANSPORTERS. (a) A person  
4 required to be licensed as a transporter under this chapter may not  
5 accompany or be present with a big game hunter in the field for com-  
6 pensation or with an intent or an agreement to receive compensation  
7 except under the following circumstances:

8 (1) to drop off or pick up the hunter or the hunter's  
9 equipment or game;

10 (2) to provide assistance to another person whose health or  
11 safety is threatened;

12 (3) if prevented from leaving the field by mechanical  
13 failure of a vehicle, an accident, weather, or an act of God;

14 (4) to provide cooking or other personal services to the  
15 hunter at a camp not serviced by aircraft, motorized watercraft, or  
16 other motorized vehicle, as long as the services do not include spot-  
17 ting, stalking, pursuing, tracking, killing, or attempting to kill big  
18 game or meat packing;

19 (5) in a boat with living quarters;

20 (6) at a lawfully established cabin or permanent lodge.

21 (b) Advertising for transporting services must state, if appli-  
22 cable, that the transporter is not a licensed big game guide or out-  
23 fitter and is not authorized by law to provide a guided hunt in the  
24 state. A copy or sample of the advertising shall be submitted to the  
25 board, as provided in regulations of the board.

26 Sec. 08.54.145. CONTRACTS FOR GUIDING AND TRANSPORTING. A  
27 person required to be licensed as a master or registered guide or as a  
28 transporter under this chapter may provide services only by written  
29 contract. The contract must contain the text of AS 08.54.210. A copy

1 of each contract shall be submitted to the Department of Commerce and  
2 Economic Development not later than 30 days after the contract is  
3 signed or the services are provided, whichever occurs first. The  
4 department shall forward a copy of each contract to the Department of  
5 Fish and Game and to the Department of Public Safety, division of fish  
6 and wildlife protection.

7 \* Sec. 5. AS 08.54.150 is repealed and reenacted to read:

8       Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE OR  
9 TRANSPORTER FOR VIOLATIONS. A registered or master guide contracting  
10 for a hunt, or a transporter contracting to transport a big game  
11 hunter, is equally responsible under AS 08.54.200 for a violation of a  
12 federal or state sport fish, game, guide, or transporter statute or  
13 regulation committed by an employee of the guide or transporter,  
14 respectively, if

15               (1) the employee is licensed or required to be licensed  
16 under this chapter; and

17               (2) the violation was committed in the course of the em-  
18 ployment.

19 \* Sec. 6. AS 08.54.170(a) is amended to read:

20       (a) The Department of Commerce and Economic Development shall  
21 set license fees under AS 08.01.065 for each of the following:

22               (1) master guide;

23               (2) registered guide;

24               (3) class A assistant guide;

25               (4) assistant guide;

26               (5) special guide;

27               (6) transporter.

28 \* Sec. 7. AS 08.54.200(a) is repealed and reenacted to read:

29       (a) The board shall hold a hearing to determine whether a

1 licensee should be disciplined within a reasonable time after (1) a  
2 complaint concerning a licensee's guiding or transporting activities  
3 is filed with the board by a client of the licensee; (2) a complaint  
4 concerning a licensee's conduct during a life-threatening situation  
5 while guiding or transporting is filed with the board; or (3) a li-  
6 censee has been convicted of a violation of a federal or state game,  
7 guiding, or transporting statute or regulation.

8 \* Sec. 8. AS 08.54.200(b) is amended to read:

9 (b) After a hearing, the board may revoke, suspend, or deny  
10 renewal of a license, and may withdraw a licensee's restricted guide  
11 area assignment, if the board finds that the licensee

12 (1) engaged in unethical activity, unsafe activity, or  
13 activity that adversely affects the natural resources of the state  
14 when the activity is related to the purposes of the contract hunt or  
15 contracted transportation; or

16 (2) violated a provision of a federal or state game, guid-  
17 ing, or transporting [GUIDE] statute or regulation.

18 \* Sec. 9. AS 08.54.200(d) is amended to read:

19 (d) A person who is disciplined under this section may not  
20 engage in a guiding or transporting activity during the period of  
21 license revocation or disciplinary action. A person licensed under  
22 this chapter may not hire as a guide or transporter a person whose  
23 [GUIDE] license is suspended or revoked under this section. A person  
24 [GUIDE] whose license is suspended or revoked may not guide or trans-  
25 port in the employ of a person licensed under this chapter.

26 \* Sec. 10. AS 08.54.200(f) is amended to read:

27 (f) If a certified copy of a judgment of conviction of a li-  
28 censee [GUIDE] for an offense described under (c)(3) of this section,  
29 or for each of two offenses under (c)(4) of this section, is filed

1 with the board, the board shall immediately suspend the licensee's  
2 [GUIDE'S] license. The suspension may be ordered even if the con-  
3 viction resulted from a plea of nolo contendere or if the conviction  
4 is under appeal. The order remains in effect until after the final  
5 disposition of the disciplinary proceeding under this section.

6 \* Sec. 11. AS 08.54.200(g) is amended to read:

7 (g) A certified copy of a judgment of conviction of a licensee  
8 [GUIDE] for an offense is conclusive evidence of the commission of  
9 that offense in a disciplinary proceeding instituted against the  
10 licensee [GUIDE] under this section based on that conviction.

11 \* Sec. 12. AS 08.54.210 is amended to read:

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

13 (1) a guide or a transporter [MASTER GUIDE, REGISTERED  
14 GUIDE, SPECIAL GUIDE, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE] to  
15 fail to promptly [TIMELY] report to the Department of Public Safety,  
16 division of fish and wildlife protection, and in no event later than  
17 30 days, a violation of a state fish, game, [OR] guiding, or trans-  
18 porting statute or regulation that the guide or transporter reasonably  
19 believes was committed by a client or an employee of the guide or  
20 transporter, respectively;

21 (2) a guide or transporter to commit or aid the commission  
22 of a violation of this chapter or of a state game, [OR] guiding, or  
23 transporting statute or regulation, or for a guide or transporter  
24 to permit the commission of a violation that the guide or transporter  
25 [KNOWS OR] reasonably believes is being or will be committed without  
26 attempting to prevent it, short of using force, and without reporting  
27 it;

28 (3) a person to guide without [HAVING] a current valid  
29 guide license and [RESIDENT] hunting license in actual possession;

1 (4) a person to advertise as or represent to be a guide  
2 without holding a current valid registered or master guide license;

3 (5) a person who offers big game hunting services, includ-  
4 ing transportation, for compensation to advertise as or represent to  
5 be an outfitter with respect to the services without holding a current  
6 valid registered or master guide license;

7 (6) a guide or transporter to intentionally obstruct or  
8 hinder or attempt to obstruct or hinder lawful hunting engaged in by a  
9 person who is not a client of the guide or transporter, respectively;

10 (7) a person to violate AS 08.54.235;

11 (8) [(6)] a person to guide without being validly licensed as  
12 a guide under this chapter and as a [RESIDENT] hunter under AS 16, or  
13 to engage in the business of transporting in violation of AS 08.54.-  
14 142;

15 (9) [(7)] an assistant guide to contract to conduct a  
16 guided hunt;

17 (10) [(8)] an assistant guide to be in the field on a  
18 guided hunt except while employed and supervised by a registered or  
19 master guide;

20 (11) a person to provide transportation for which a license  
21 is required under AS 08.54.142 if the transportation is in an aircraft  
22 for which the <sup>operator</sup>~~person~~ does not hold a current valid air taxi/commercial  
23 operator (ATCO) operating certificate issued by the Federal Aviation  
24 Administration;

25 (12) a guide to provide transportation to a client in the  
26 restricted guide area assigned to the guide or the guide's employer if  
27 the transportation is in an aircraft

28 (A) for which the <sup>operator</sup>~~guide~~ does not hold a current valid  
29 air taxi/commercial operator (ATCO) operating certificate issued

1 by the Federal Aviation Administration; or

2 (B) owned by the guide and the airplane is not  
3 operated under the provisions of 14 CFR Part 91.

4  
5 (13) a person to be accompanied during a big game hunt by an  
6 individual who is guiding the person in violation of (8) of this  
7 subsection.

8 (b) A person who violates (a)(1) - (7) [(a)(1) - (5)] of this  
9 section is guilty of a misdemeanor and upon conviction is punishable  
10 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not  
11 more than one year, or by both, and the person's license may be re-  
12 voked for a period up to five years. However, a person who engages in  
13 guiding or transporting [ACTIVITY] during the period for which the  
14 person's license is suspended or revoked under this chapter, or who  
15 violates (a)(8) - (10) [(a)(6) - (8)] of this section, is guilty of a  
16 felony punishable, upon conviction, by a fine of not more than \$5,000  
17 and by imprisonment for not less than one year nor more than three  
18 years. In addition to punishment for a felony, all guns, fishing  
19 tackle, boats, aircraft, automobiles or other vehicles, camping gear  
20 and other equipment and paraphernalia used in, or in aid of, guiding  
21 or transporting [ACTIVITY] engaged in during the period of suspension  
22 or revocation, or used during a violation of (a)(8) of this section.  
23 may be seized by persons authorized to enforce this chapter and may be  
24 forfeited to the state as provided under AS 16.05.195. A person who  
25 violates (a)(11) or (12) of this section is guilty of a class B misde-  
26 meanor and upon conviction is punishable by a fine of not less than  
27 \$500 nor more than \$1,000. A person who violates (a)(13) of this  
28 section is subject to a civil fine of not more than \$1,500.

29 \* Sec. 13. AS 08.54.230 is amended to read:

CSSB 191(3d Res)

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Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of Commerce and Economic Development shall collect and maintain records of hunts conducted by guides. The department shall send a copy of records pertaining to each hunt to the Department of Fish and Game and to the Department of Public Safety, division of fish and wildlife protection, and shall make the records available to other state and federal agencies charged with the enforcement of statutes and regulations relating to guiding or game if requested for enforcement purposes. For all other purposes, the records are confidential and are not subject to inspection or copying under AS 09.25.110 - 09.25.121.

\* Sec. 14. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.235, TRANSPORTER REPORT. <sup>person required to be licensed</sup> (a) A transporter shall record on report forms provided by the Department of Commerce and Economic Development the following information:

- (1) the names and addresses of all persons transported;
- (2) the numbers from the Alaska hunting license and big game tags possessed by each person transported;
- (3) the date of transporting; ~~and~~
- (4) <sup>the game taken; and</sup>
- (5) <sup>if known, the locality where the game was taken.</sup>

<sup>person required to be licensed as a</sup> (b) A transporter shall have in actual possession, while providing transportation, a report required under this section. The transporter shall enter the information required under (a) of this section as soon as it is available.

(c) The report shall be submitted to the Department of Commerce and Economic Development within 21 days after providing the transportation. The department shall send a copy of each report to the Department of Fish and Game and the Department of Public Safety, division of fish and wildlife protection.

1 (d) This section does not apply to transportation provided by a  
2 guide for which a statement of financial remuneration (S&R) is submit-  
3 ted to the Department of Commerce and Economic Development, as re-  
4 quired under regulations of the board.

5 \* Sec. 15. AS 08.54.240(3) is repealed and reenacted to read:

6 (3) "guide" or "guiding" means accompanying or being pre-  
7 sent with, or providing a camp or personal service for, a big game  
8 hunter in the field, personally or through an assistant, for compen-  
9 sation or with the intent or an agreement to receive compensation;  
10 "guide" or "guiding" does not include the lawful activities of a  
11 licensed transporter under AS 08.54.144(a).

12 (See Page 3, lines 3 - 20)

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18 \* Sec. 16. AS 08.54.240 is amended by adding new paragraphs to read:

19 (7) "compensation" means any money, thing of value, or  
20 economic benefit conferred on or received by a person in return for  
21 services rendered or to be rendered by the person for another;

22 (8) "transport" or "transporting" means, for compensation  
23 or with the intent or an agreement to receive compensation,

24 (A) conveying an individual to or from the field for  
25 the purpose of taking big game;

26 (B) conveying from the field meat or parts from the  
27 big game that the individual has taken; or

28 (C) in conjunction with conveying a big game hunter,  
29

1 providing

2 (i) hunting or camping gear;

3 (ii) a campsite; or

4 (iii) general hunting advice.

7 \* Sec. <sup>17</sup>~~18~~. TASK FORCE ON GUIDING AND GAME. (a) The interim task force  
8 on the Guide Board and the commercial taking of big game is established  
9 under the jurisdiction of the Legislative Council. The task force consists  
10 of the commissioners of fish and game, commerce and economic development,  
11 and public safety, or their designees; two members of the senate appointed  
12 by the president of the senate; two members of the house of representatives  
13 appointed by the speaker of the house; and three members appointed by the  
14 governor as follows: one member of the Guide Board; one big game guide  
15 licensed under AS 08.54 who is not a member of the Guide Board; and one  
16 person engaged in a business, other than guiding, that includes transport-  
17 ing big game hunters to and from the field.

18 (b) The task force shall review the operations of the Guide Board and  
19 shall study problems and issues concerning the commercial taking of big  
20 game in the state and the businesses or professions that provide goods and  
21 services to big game hunters in the state. The task force shall submit to  
22 the Legislative Council, not later than January 15, 1989, a report on its  
23 findings and proposed legislation to address the problems and issues  
24 covered in the report.

23 (c) The task force terminates February 1, 1989.

24 \* Sec. <sup>18</sup>~~19~~. Notwithstanding the provisions of AS 08.54.210, amended by  
25 sec. 12 of this Act, the operation of AS 08.54.210(a)(5), (11), and (12),  
26 as added by sec. 12 of this Act, is suspended until January 1, 1989.

27 \* Sec. <sup>19</sup>~~20~~. Sections 1 - 3, 5 - 13, 15 - 17, and 19 of this Act take  
28 effect immediately under AS 01.10.070(c).

29 \* Sec. <sup>20</sup>~~21~~. Section 18 of this Act takes effect June 1, 1988.

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<sup>21</sup>  
\* Sec. ~~22~~. Sections 4 and 14 of this Act take effect January 1, 1989.

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P. O. BOX D  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-2534

DATE: April 10, 1987  
TO: Guide Board  
FROM: ~~Kevin D. Henderson~~ Kevin D. Henderson  
Regulations Specialist  
SUBJECT: Guide Area Quotas and Point System

One of the next major projects which the Guide Board will have to do will be bringing the existing guide regulations into line with statute revisions implemented by the Legislature last year through Senate Bill 294. That legislation made the following two revisions to guide law which must be addressed:

1. the board's authority to establish a quota of guides operating in a specific area, AS 08.54.040(a)(7), was amended to require that the board establish such a quota by an "equitable, reasonable, and consistent procedure . . . ."; and
2. AS 08.54.195 was added as a new statute that says the board shall "establish uniform and consistent criteria including a point system to be used by the board when it establishes and assigns a restricted guide area."

These two changes, when implemented by regulation, will make significant changes in the procedure the board uses now. It means that a guide applies for a guide area permit that he or she will not only be required to show base use but will have to have established seniority over others applying for that area. It also means that area will open up only when the number of guides in that area drops below the established quota.

New board member, Stan Frost, has written a proposal for a point system which could apply to guides and I have attached his draft for your reference. As I attempted to draft regulations around this proposal, several concerns arose which I need the board to respond to. Mr. Frost's proposal is a good start but I believe it does not go far enough.

These are some of my observations, please give me your feedback:

1. Since guide areas can only be assigned to registered or master guides, there is no need for quotas or points being assigned to assistant or Class A guides.
2. One of the most difficult aspects of this project is going to be finding a consistent way to establish quotas for every guide area. The board must follow, to the extent possible, the criteria identified in AS 08.54.195(b). Stan Frost's proposal addressed the eligibility of the guide, but the statute also requires that some kind of point system be established to address the number of guides who can operate in each area. When these regulations are in place, the board can no longer be as flexible as in the past.
3. Since nowhere in the statutes are the terms, "exclusive guide area," or "joint use area", I suggest that, when changing regulations, the board simply use the statutory term, "restricted guide area," and then set a quota for each area from one guide to twenty, whichever the board determines to be appropriate.
4. In order to really make this new procedure work, all regulations from 12 AAC 38.051 through 12 AAC 38.057 will need to be rewritten. This will be an excellent time to remove the ambiguity these sections now contain.
5. I need some ideas from the board about an acceptable way to assign points to those who do not already have a guide area assignment. If points are to be awarded to guides who are actively guiding, the board needs to be very careful to assure that guides without assigned areas are not unfairly restricted from opportunity to conduct hunts either in open areas or in another guide's area.
6. Is it feasible for the board to establish a quota for the number of guides in a specific area and actually place that quota number in regulation? In other words, how often will the board need to adjust the quota for a guide area because of variables like moving game population.

I would appreciate your input into these concerns and questions. I am not meaning to confuse the issue. What I do want to communicate is that these statute changes mean major and significant changes need to be made in regulations and past board procedure. We will have to work together to draft regulations that work.

With your responses and whatever other help you can provide, I will attempt to draft regulations for the board to review between meetings. If appropriate, we may go ahead with public notice so that the board can conduct hearings at the next meeting.

Thank you for your cooperation and assistance.

KDH/dg17881D  
041087a  
Attachment

cc: Helen Welch, Licensing Examiner

Stan Frost

for Kevin Henderson

PURPOSED POINT SYSTEM FOR GUIDES

SINCE THE BEGINNING OF THE EXCLUSIVE GUIDE AREA CONCEPT, IT HAS BECOME CLEAR TO MANY OF US IN THE GUIDING INDUSTRY OF THE NEED FOR A FAIR AND HONEST WAY TO REASSIGN OPEN AREAS (AREAS WHICH HAVE REVERTED BACK TO THE BOARD) TO THOSE WHO ARE MOST QUALIFIED.

I WOULD LIKE TO THROW OUT A FEW IDEAS FOR THE CONSIDERATION OF THE GUIDE BOARD AND THE GUIDING INDUSTRY.

I BELIEVE THE INTENT OF THE GUIDE AREA CONCEPT, WAS TO UPGRADE THE GUIDING PROFESSION BY MAKING US MORE PROFESSIONAL, BY PRACTICING SOME CONSERVATION IN OUR AREAS AND NOT OVERBOOKING. WHAT, MAKES A TRUE PROFESSIONAL IN ANY PROFESSION ? IT SEEMS HE WOULD BE SOMEONE WHO SPENT MANY YEARS LEARNING HIS TRADE. THIS GETS US DOWN TO THE REASONING BEHIND THIS PURPOSED POINT SYSTEM, THOSE WHO SPEND A GREAT DEAL OF TIME IN THE FIELD CONDUCTING GUIDED HUNTS, ARE GOING TO BE LEARNING A GREAT DEAL MORE ABOUT GUIDING, THEN THOSE WHO SPEND VERY LITTLE TIME.

NATURALLY THERE IS A LOT MORE TO BEING A GUIDE/OUTFITTER THEN SPENDING TIME IN THE FIELD, BUT TIME IN THE FIELD, CONDUCTING GUIDED HUNTS, CONTRIBUTES MORE TO THE LEARNING PROSESS ABOUT GUIDING THEN ANY OTHER METHOD, FOR BOTH REGISTERED AND ASSISANT GUIDES, AND CAN BE DOCUMENTED BY THE FINANCIAL REMUNERATION STATEMENT.

THE OBJECT OF THIS POINT SYSTEM IS TO COME UP WITH A SIMPLE WAY OF GIVING DUE CREDIT TO THOSE DEDICATED TO THE GUIDING PROFESSION AND HAVE THEM PUT IN THE TIME TO BECOME TRUE PROFESSIONALS. BY GIVING POINTS TO THE ASSISTANT GUIDE IT WILL PROVIDE AN INCENTIVE TO BE MORE ACTIVE IN GUIDING, AND PASS HIS REGISTERED GUIDE TEST, AS EACH STEP INCREASES HIS POINT TOTAL, WHICH PUTS HIM HIGHER ON THE LIST FOR THE NEXT OPEN AREA.

YOUR COMMENTS WOULD BE APPRECIATED, DROP ME A LINE.

STAN FROST

## POINTS

1. MASTER GUIDE 6 points per year license issued and used
2. REGISTERED GUIDE 5 points per year license issued and used
3. ASSISTANT GUIDE 2 points per year license issued and used  
( note, issued and used, could mean, he conducted at least 3 or 4 hunts per year. )

### JUSTIFICATION

The number of points allowed is not the important question, but only that everyone is treated the same, and each step up the ladder makes them more qualified. When I say issued and used it just seems to me that a guide who actively conducts hunts each year, should have an advantage over one who just pays for his license. Only in that manner can the Alaskan Guide be upgraded to a true Professional. Would a Reg. guide who can-not book any hunts need an area ???

4. DAYS IN THE FIELD CONDUCTING GUIDED HUNTS  
1 point per day in each year that the Reg. or Asst. Guide has been in the field conducting guided hunts in the last 10 years, divided by 10 (note, divided by 10 to keep the numbers down, and give an average per year.)

### JUSTIFICATION

The more time a man spends doing a job, the more proficient he should become. Give him credit for this. Many Assistant guides will benefit from this as some spend the total season on hunts. (To cover the possibility of accident or sickness to the guide in any given year it might be well to consider allowing him his average point time in the field, to give him time to recover.) 10 years is used because many guides will have 3 or 4 years credit as an Asst. guide and 6 years as a Guide/Outfitter which is not an excessive amount of time to become a full professional.

This time in the field should not include setting up camp before or after the season but only the time when Clients are booked on a hunt. This time can be documented by the FRS.

5. REGISTERED GUIDES WITH NO ASSIGNED AREA  
10 points  
( note, Guides who have transfered areas to another Guide should not qualify for these points. )

### JUSTIFICATION

This gives guides with no area an advantage over those with an area, but they would still have to spend time in the field each year. It would appear that those who have transfered an area have given up their rights to an area and should not get this advantage.

Note; It may not be unreasonable to consider requiring a guide to spend some time in the field each year in order to retain his area. It would be a much better judge of the use an area then the present system.

INITIAL POINT APPLICATION

Name \_\_\_\_\_ Guide Lic.No \_\_\_\_\_ Date \_\_\_\_\_

- (1) I, as a Master Guide, have conducted guided hunts, as a Master Guide for \_\_\_\_\_ years X 6 points per year which equals \_\_\_\_\_ POINTS
- (2) I, as a Registered Guide have conducted guided hunts, as a Registered Guide for \_\_\_\_\_ years X 5 points per year equals \_\_\_\_\_ POINTS
- (3) I, as an Assistant Guide have conducted guided hunts, as an Assistant Guide for \_\_\_\_\_ years X 2 points which equals \_\_\_\_\_ POINTS

NOTE: Do not start with the year that you received your license, list only those years that you conducted hunts under your new license.

- (4) I have been personally present in the field conducting Guided Hunts for the following number of days over the last 10 years as a Master, Registered, or Assistant Guide.

<u>YEAR</u>	<u>NO DAYS</u>	<u>YEAR</u>	<u>NO DAYS</u>
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
TOTAL	_____	TOTAL	_____
COLUMN 1	_____ PLUS	COLUMN 2	_____ = _____
			DIVIDE by 10 equals _____ POINTS

- (5) I have no areas assigned to me, nor have I transferd any areas and hereby claim an additional 10 points \_\_\_\_\_ POINTS
- (6) I have not been convicted of any State or Federal Game laws in the last ten years and hereby claim an additional 30 points \_\_\_\_\_ POINTS

TOTAL NUMBER OF POINTS \_\_\_\_\_ POINTS

I hereby certify under the penalty of perjury that the above information is true and correct.

X \_\_\_\_\_ Applicant Date \_\_\_\_\_



RECEIVED MAR 11 1988

NOTICE OF PROPOSED CHANGE TO  
THE REGULATIONS OF THE GUIDE BOARD

Notice is hereby given that the Department of Commerce and Economic Development, Guide Board, under authority vested by AS 08.-54.040(a)(7) and 08.54.050, proposes to adopt a regulation in Title 12 of the Alaska Administrative Code dealing with guide area permits for game management unit 4 to implement AS 08.54.-040(a)(7) and 08.54.195 as follows:

12 AAC 38.295 is added to set a quota of guides who may hold a guiding area permit for game management unit 4. This proposal is similar to a regulation which was adopted by the Guide Board on May 1, 1986 but disapproved by the regulations attorney on July 20, 1987. That disapproval has been challenged in Juneau Superior Court by Karl Lane and Tarleton Smith v. Grace Berg Schaible No. 1JU-87-1949 CIV.

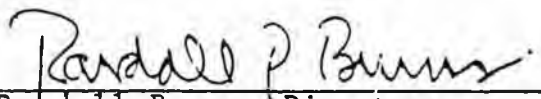
Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box D-LIC, Juneau, Alaska 99811, so that they are received no later than Thursday, April 7, 1988.

Notice is also given that written or oral statements or arguments relevant to the action proposed may be presented at a public hearing to be held Friday, April 8, 1988, from 3:00 p.m. to 4:30 p.m., at Centennial Hall, in Juneau, Alaska. This hearing will also be the public hearing required by AS 08.54.195(d) on whether it is in the public interest for the board to deny transfer or reassignment of the existing guide area permits for game management unit 4 until the number of permits is reduced to the quota level.

Copies of the proposed regulation may be obtained by writing to the above address or by telephoning 907-465-2535.

This action is not expected to require an increased appropriation.

The Guide Licensing and Control Board, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt the proposal within the scope of this notice without further notice or may decide to take no action on it.

  
Randall Burns, Director  
Div. of Occupational Licensing  
Dept. of Commerce &  
Economic Development

DATE:

3/3/88

12 AAC 38 is amended by adding a new section to Article 2 to read:

12 AAC 39.295. QUOTA ON GUIDING AREA PERMITS FOR GAME MANAGEMENT UNIT 4. No application for initial issuance or for reassignment of a guiding area permit for game management unit 4, as defined in 5 AAC 78.005(d), will be considered by the board until normal attrition has reduced the number of guides holding guiding area permits for that game management unit to five. At that time, the board will, in its discretion, issue an additional guiding area permit for that game management unit, and the maximum number of guides authorized to hold guiding area permits for game management unit 4 shall be six. (Eff. / /88, Reg. )

Authority: AS 08.54.040(a)(7)

AS 08.54.195(d)

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P. O. BOX D  
JUNEAU, ALASKA 99811-0900  
PHONE: (907) 465-2534

DATE: April 10, 1987  
TO: Guide Board  
FROM: ~~Kevin D. Henderson~~ Kevin D. Henderson  
Regulations Specialist  
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Guide Board

-3-

April 10, 1987

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KDH/dg17381D  
041087a  
Attachment

cc: Helen Welch, Licensing Examiner

Stan Frost

For Kevin Henderson

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STAN FROST

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( note, issued and used, could mean, he conducted at least 3 or 4 hunts per year. )

### JUSTIFICATION

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INITIAL POINT APPLICATION

Name \_\_\_\_\_ Guide Lic.No \_\_\_\_\_ Date \_\_\_\_\_

- (1) I, as a Master Guide, have conducted guided hunts, as a Master Guide for \_\_\_\_\_ years X 6 points per year which equals \_\_\_\_\_ POINTS
- (2) I, as a Registered Guide have conducted guided hunts, as a Registered Guide for \_\_\_\_\_ years X 5 points per year equals \_\_\_\_\_ POINTS
- (3) I, as an Assistant Guide have conducted guided hunts, as an Assistant Guide for \_\_\_\_\_ years X 2 points which equals \_\_\_\_\_ POINTS

NOTE: Do not start with the year that you received your license, list only those years that you conducted hunts under your new license.

- (4) I have been personally present in the field conducting Guided Hunts for the following number of days over the last 10 years as a Master, Registered, or Assistant Guide.

<u>YEAR</u>	<u>NO DAYS</u>	<u>YEAR</u>	<u>NO DAYS</u>
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
19__	_____	19__	_____
TOTAL	_____	TOTAL	_____
COLUMN 1	_____ PLUS	COLUMN 2	_____ = _____
			DIVIDE by 10 equals _____ POINTS

- (5) I have no areas assigned to me, nor have I transferd any areas and hereby claim an additional 10 points \_\_\_\_\_ POINTS
- (6) I have not been convicted of any State or Federal Game laws in the last ten years and hereby claim an additional 30 points \_\_\_\_\_ POINTS

TOTAL NUMBER OF POINTS \_\_\_\_\_ POINTS

I hereby certify under the penalty of perjury that the above information is true and correct.

X \_\_\_\_\_ Applicant Date \_\_\_\_\_



SLA 1974; am §§ 16, 17 ch 206 SLA 1975; am § 1 ch 20 SLA 1976; am § 13 ch 151 SLA 1978; am § 4 ch 23 SLA 1983; am § 23 ch 132 SLA 1984)

Effect of amendments. — The 1984 word correction in the first sentence and amendment, in subsection (c), made a added the second sentence.

Sec. 16.05.940. Definitions. In AS 16.05 — AS 16.40

(1) "aquatic plant" means any species of plant, excluding the rushes, sedges and true grasses, growing in a marine aquatic or intertidal habitat;

(2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) "a board" means either the Board of Fisheries or the Board of Game;

(4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish;

(5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;

(6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;

(7) "department" means the Department of Fish and Game unless specifically provided otherwise;

(8) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;

(9) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

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Sectional Analysis of HB 183  
An Act relating to the provision of certain goods or services to hunters  
in the field  
by Representative Adelheid Herrmann

Section 1:\*

Section 1 makes it unlawful for anyone but a licensed guide to be compensated for providing camping equipment, vehicles, or personal services to a hunter or a hunting party while that hunter or hunting party is in the field.

Consistent with the current statute AS 08.54.240 (3), this section also clarifies that "in the field" does not refer to being present in a boat with living quarters, or being at a lodge or base camp.

Section 1 also makes it unlawful for a hunter to compensate anyone but a licensed guide to perform the services of a licensed guide.

\*This bill has only one section.

(10) "fish" means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;

(11) "fish derby" means a contest in which prizes are awarded for catching fish;

(12) "fishery" means a specific administrative area in which a specific fishery resource is commercially taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, gear type, or fishery resource; in this paragraph "gear" and "type of gear" have the meanings given in AS 16.43.990;

(13) "fishing derby association" means a civic, service, or charitable organization in the state, not for pecuniary profit, whose primary purpose is to promote interest in fishing for recreational purposes and which has been in existence for five years before applying for a permit under this chapter, but does not include an organization formed or operated for gaming or gambling purposes;

(14) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water which is completely enclosed by a generally escape-proof barrier;

(15) "fish stock" means a species, subspecies, geographic grouping or other category of fish manageable as a unit;

(16) "fur dealing" means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person's own use;

(17) "game" means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;

(18) "game population" means a group of game animals of a single species or subgroup manageable as a unit;

(19) "hunting" means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;

(20) "nonresident" means a person who is not a resident of the state;

(21) "nonresident alien" means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;

(22) "operator" means the individual by law made responsible for the operation of the vessel;

(23) "personal use fishing" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(24) "resident" means a person who for 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained a voting residence in the state; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" means one that has its main office or headquarters in the state; however, a member of the military service who has been stationed in the state for the preceding 12 consecutive months is a resident for the purposes of this paragraph, and the dependent of a resident member of the military service, who has been living in the state for the preceding year is a resident for the purposes of this paragraph, and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purposes of this paragraph;

(25) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(26) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(27) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(28) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(29) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(30) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: (907) 466-2634

December 23, 1985

Mr. Gerald L. Wilkerson  
Legislative Auditor  
Legislative Audit Division  
Pouch W  
Juneau, AK 99811

**RECEIVED**  
DEC 24 1985

**LEGISLATIVE  
AUDIT**

Dear Mr. Wilkerson:

Re: Preliminary Audit Findings  
Guide Licensing and Control Board

Thank you for the opportunity to comment on your preliminary audit report on the Guide Licensing and Control Board.

Our position remains the same from previous correspondence in that, we concur with your findings and recommendations, and also support continuation of the board. We once again offer the following comments regarding your recommendations:

In reference to recommendation #1, it is important to note that many of the actions or decisions made by the Guide Licensing and Control Board were made upon advice and support of counsel from the Department of Law. This is done especially in relation to your finding that hearing officer decisions are replacing that of the Guide Licensing and Control Board where setting quotas for guides are concerned. However, we believe the board has demonstrated an honest effort to act accordingly within the parameters of what they perceived to be correct, based on legal advice.

Regarding recommendation #4, this matter was brought to the attention of the board by staff of the Division of Occupational Licensing during previous board meetings. Although the board did acknowledge the need to address this issue, no time was given to address the oral examination for registered guides.

Mr. Gerald L. Wilkerson

-2-

December 23, 1985

We strongly support your suggestions in recommendation #5 and feel that, although performance bonds posted by master and registered guides may not be entirely adequate to rectify all complaints, it would certainly allow some means of restitution for injured parties from receiving unethical services.

Thank you once again for the opportunity to comment on your findings and for your cooperation.

Sincerely,

  
Loren H. Lounsbury  
Commissioner

LHL/sa1444s  
122385b

The Legislature  
Budget and Audit Committee  
Jim Griffin, Auditor

DEC 19 1985

LEGISLATIVE  
AUDIT

Recommendation #1

The Guide Licensing and Control Board (GLCB) uses the Statements of Financial Remunerations as proof of use and experience in areas when assigning Exclusive Guide Areas (EGA). There have been discrepancies in the past, the last year the GLCB have been adhering closely to the criteria of using SFRS. The GLCB seeks biological and Fish & Game surveys when they are available. This cannot always be done. Some areas Fish & Game haven't run surveys or recent surveys. Most of the time, the GLCB doesn't know which areas will be before them until the applicant comes before the GLCB with his application. This doesn't allow enough time to obtain the information. In cases that are held over and coming before the GLCB at a later date to allow time for soliciting biological information from the Fish & Game biologist located in the area involved. I have sold Fish & Game information in several cases that are coming before the GLCB this next meeting in December 1985.

I hope to get a regulation passed that requires an applicant applying for an EGA to obtain this information from the Fish & Game for presentation to the GLCB.

Along these lines there also should be a regulation requiring the same criteria for a transfer be the same as a new applicant. That is to show proof of experience in the area as would a new applicant. And going farther, an applicant for a transfer from an EGA holder to himself show proof of working with the EGA holder for a certain time. One or two years. Co-signing SFRS could be used as proof as well as additional proof, either in EGAS or joint use areas.

Recommendation #2

Regulation (12 AAC 38.053 (r) (1) applies mostly to applications for joint use areas and EGAs being applied for by more than one guide. The proposal to pass a regulation requiring the applicant to obtain Fish & Game biological information on the area applied for will help in this area.

Recommendation #3

I do not agree that an EGA holder should have to surrender his EGA to the GLCB and not have the opportunity to transfer the EGA to a guide of his choice with the approval of the GLCB. There are many cases where an EGA holder has farmed his area, carefully not to over harvest, so has improved both game populations and size of the animals in the area. To enhance game populations and sportsmen enjoyment is one purpose of the GLCB. Financial investments should also be considered in transfers, land, buildings and equipment related to guiding in the area. A guide who has spent many years building up an area with improvements to game populations should certainly have something to say about who's care the area ~~XXXXXX~~ comes under. Son, ~~XXXXXX~~ Daughter, apprentice or a guide who is well qualified to guide in the area.

The GLCB has a policy not to issue a new applicant an area X in joint use. In other words filing over an area that is already in joint use, or use by only one EGA holder. The GLCB is working to eliminate as much joint use as possible. This can only be done through natural attrition. The GLCB cannot choose two permit holders out of six joint users and pull their permits without due cause. I do think, and it has been the GLCB's policy the last two years. A Ega holder is convicted of some violation that merits revoking his area that is in joint use with others, that area will not be reassigned ~~XXXXXXXXXXXX~~ ..

Where the area is extremely large and doesn't have many joint users some leeway should apply to a new applicant. The guide losing the area should not have a say one way or the other in the matter. However, in cases such as this very careful scrutiny in all criteria must be made. One thing along these lines. At one time the intent of GLCB to review and reassess all EGAS. Considering size, utilization and condition of game populations. This was never done, primarily because time and budget restrictions wouldn't allow it.

#### Recommendation #4

##### Oral guide examinations:

There are inconsistencies in administering oral tests. The purpose of the oral test is to determine the applicant's practical field experience and knowledge of game habits, size and the area's being tested for. Most of this is impossible to determine with a ~~XX~~ tightly held oral tests with set questions and answers. The examiner should have some flexibility but should not be allowed to wander far afield and asking impertinent questions. There should also be a standard time for the test, say 1 or 1 1/2 hours. One ~~xx~~ problem that keeps cropping up is first aid. I propose that an applicant be required to have passed a first aid course within the year prior to taking the guide exam.

The GLCB has been trying to upgrade this portion of the guide test. Here again, the increasing number of applications for testing each meeting is also increasing the work load of the GLCB.

#### Recommendation #5

There should be some changes in Statute 08.54.200 (A) (1). The change should give the GLCB some flexibility on guide complaints. Taking in consideration of the severity of the complaint. Endangering life, flagrant game violations, and unethical practices, etc. The GLCB does have a guiding ethics regulation (12AAC 38.130) The complaint are slowly being corrected since the administration was consolidated in the Department of Commerce, Division of Occupational Licensing. The GLCB investigator is investigating all complaints that come in now.

We are trying to get a section in the new guide bill, (Senate Bill #294) to satisfy the change mentioned above. Bonding is already addressed in S294.

The bill also creates an outfitter's license and repeals the transporters license. This should help to alleviate the wide spread unlicensed guiding. These unlicensed guides are a big factor in guiding complaints.

The bill also goes into more detail on what guiding is. Enforcement people say the present bill doesn't explain guiding enough for them to make a case on ~~unlicensed~~ unlicensed guiding. The new bill should give them the tools they need to enforce that section.

The GLCB would like to conduct more work on all these programs and others as well.

It is very important to the guiding industry that the GLCB not be sun setted. If the guide bill is not extended or a new bill passed, the guiding industry will be plunged into a chaos that it could never recover from. Just about everyone with a super cub or 185 will become instant guides creating an impossible situation for game populations and sportsmen safety.

An addition to recommendation #4.  
At this last GLCB meeting we appointed 2 master guides and a registered guide to study the oral test and make up a new one that would standardize the test. These men ~~are~~ all have an educational background.

Comments Regarding Interim Letter #1  
Sunset review GLCB

Recommendation # 1.

I agree with all of Mr. McNutt's comments. In addition I might add. There have been a number of meetings to establish a point for awarding and transferring guiding areas. The suggested method that had the most merit was to award points for criteria relating to use of the area, financial investment in the area, residence alternate areas, etc. I would suggest that those who did so much work on this system be contacted and a system be finalized and approved. This will eliminate most of the criticism related to transfers.

Recommendation # 2.

Agree with Mr. McNutt.

Recommendation #3.

I completely agree with Mr. McNutt's comments and would like add emphasis here. The assigned area concept will do more to elevate the quality of guiding in Alaska than any change in years. It gives the area holders a responsibility toward the area and game. Now through leases from the state and permits from the federal government, it will be possible for guides to build permanent structures in many areas. The guides will continue to increase their investments in areas. As the investment both in time and monetary increases so does the guides financial responsibility increase. After working for years to build a high quality operation it seems only just that upon retirement the permit holder would be able to choose his successor, who in nearly every case would be the most qualified person for the transfer no matter what selection criteria were used. There have been abuses of this in the past as there were some transactions that seemed to be merely real estate sales. The GLCB is aware of this and is taking a firm stance against real estate dealers. It would seem that guiding like any other business would allow a successful and ambitious business man to build some value into his business so that when it came time for retirement he would have something to sell. Because the guiding business involves land and resources that belong to the public, the burden of responsibility upon the area permit holder is great. aside from his concessionary right to the area and it's wildlife. If he has treated these right with regard and respect and obeyed all covenants both moral and legal it seems only right that he should be able to sell this right to another qualified individual of his choosing. This would allow him to maximize the return for his investment.

Recommendation #4.

The GLCB commented on this in addition to Mr. McNutt's comments and covered it quite thoroughly.

Recommendation # 5.

Agree with Mr. McNutt.

-30-

These comments were made by James Harrower, member GLCB.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P. O. BOX D  
JUNEAU, ALASKA 99811-0500  
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

DATE: October 31, 1986  
TO: Guide Board members  
FROM: Kevin D. Henderson ~~\_\_\_\_\_~~  
Regulations Specialist  
SUBJECT: Department of Law review of proposed regulations

Attached is a memorandum from Lawrence Delay, Assistant Attorney General, and my response to that memo concerning the proposed regulations adopted by the board at your last meeting. The board had asked that they be given a chance to review the potential editing of the Attorney General's Office before they are permanently filed. Here is your opportunity.

I suggest that you review Mr. Delay's suggestions carefully and if you have any comment provide them in writing to me or Ray McNutt by November 17, 1986. Together, we can formulate the board's response and transmit it to Lawrence Delay. With your comments he can then complete his final review and get the regulations filed with the Lt. Governor's Office.

Your timely response to this opportunity will be very much appreciated.

KH/wfs4642W  
103086a  
Enclosures

cc: Helen Welch, Administrative Assistant ✓  
Lawrence Delay, Assistant Attorney General

# MEMORANDUM

# State of Alaska

TO Kathy Marshall, Director  
Division of Occupational Licensing

DATE October 23, 1986

FILE NO

TELEPHONE NO 276-3550

FROM Harold M. Brown  
Attorney General

SUBJECT Guide Licensing and  
Control Board pro-  
posed regulations;  
File No. 993-86-072

By:

*Lawrence C. Delay*  
Lawrence C. Delay  
Assistant Attorney General  
Commercial Section-Anchorage

We have reviewed the above-referenced proposed regulations and offer the following comments and suggestions for your consideration. Further work on these proposed regulations will await your response to the suggestions contained herein.

Proposed 12 AAC 38.052(d) reads as follows:

12 AAC 38.052(d) is amended to read:

(d) A copy of written permission required in (a) and (b) of this section must, at all times during the hunt, be on the person of the guide conducting the hunt or in the base camp from which the hunt is conducted, and must be on the person of each employee of the master or registered guide to whom the permission was given. Permission must be written on the statement of financial remuneration to be filed for that hunt. (Eff. 5/12/78, Reg. 66; am 10/11/81, Reg. 80; am 10/15/82, Reg. 84; am 6/16/85, Reg. 94; am \_\_/\_\_/\_\_, Reg. \_\_)

Authority: AS 08.54.040(a)  
AS 08.54.050

Comment: The proposed change seeks to provide for an organized method of preserving evidence of written permission in a manner which poses no significant additional burden upon the guide requesting permission.

Suggested Action: The only modifications suggested are to reword the last sentence of the proposed regulation and to

STATE OF ALASKA  
DEPARTMENT OF COMMERCE  
& ECONOMIC DEVELOPMENT

OCT 24 1986

DIVISION OF  
OCCUPATIONAL LICENSING

present the proposed draft in a form properly indicating the changes. The suggested modifications may be stated as follows:

(d) A copy of the written permission required in (a) and (b) of this section must, at all times during the hunt, be on the person of the guide conducting the hunt or in the base camp from which the hunt is conducted, and must be on the person of each employee of the master or registered guide to whom the permission was given. [A GUIDE RECEIVING WRITTEN PERMISSION SHALL FILE A COPY OF THAT PERMISSION WITH THE BOARD BY DECEMBER 31 OF THE YEAR IN WHICH THE PERMISSION IS GRANTED.] The written permission must be written upon the statement of financial remuneration filed with the hunt.

Proposed 12 AAC 38.054(g) reads as follows:

12 AAC 38.054 is amended by adding subsection (g) to read:

(g) The board may, consistent with AS 08.54.040 and 12 AAC 38.051, adjust a guiding area permit when reassigning that permit.

Comment: This subsection is consistent with the board's power under 12 AAC 38.054 and 12 AAC 38.051 and serves to clarify the board's power to reassign a permit as well as to adjust the boundaries of the guiding area and the number of permit holders in a specified area. However, the only concern with the proposed subsection is that it is not clear exactly what the board may adjust. We presume that the board may only adjust boundaries and the number of permit holders.

Suggested Action: The subsection may be rewritten, if consistent with the board's intent, to state:

When reassigning a permit, the board may, consistent with AS 08.54.040 and 12 AAC 38.051, adjust the boundaries of the area governed by the permit or adjust the number of guides who hold a permit to conduct guided hunts in that area.

Proposed 12 AAC 38.054(h) reads as follows:

12 AAC 38.054 is amended by adding subsection (h) to read :

(h) In game management units one through four, no initial application or application for reassignment will be considered by the board until such time as normal attrition has reduced the number of guides licensed to conduct hunts in those game management units to five. When the total number of guides licensed in units is five, the board will, in its discretion, approve an additional guide to be licensed in that unit. The maximum number of guides authorized to conduct hunts in game units one through four shall be six. (Eff. 5/12/78, Reg. 66; am. 10/15/82, Reg. 64; am. \_\_\_/\_\_\_/\_\_\_, Reg. \_\_\_)

Authority: AS 08.54.040(a)  
AS 08.54.050

Comment: The focus of attention on units one through four raises concerns of unequal treatment. The board is apparently concerned with protecting the livelihood of the permit holders of these units because of game population decline in the face of increased hunting by non-guided as well as guided hunters. If the board chooses to reduce the number of permit holders for this reason, the board may do so by denying new applicants by exercising its authority under 12 AAC 38.051(b)(2) and allowing the number of existing permit holders to be reduced by natural attrition. The proposed subsection is therefore unnecessary and in view of its unequal treatment aspect, likely to create more problems than it solves.

Suggested Action: This subsection should not be added to the regulations.

Proposed 12 AAC 58.056(g) reads as follows:

12 AAC 38.056 is amended by adding a new subsection to read:

(f) Before a matter will be heard by the board at a meeting, all area permit holders affected shall be contacted in writing by certified-return receipt mail by the applicant and the replies received shall be submitted to the board at that meeting. (Eff. 5/12/78, Reg. 66; am

6/16/80, Reg. 74; am 6/27/81, Reg. 78; am  
\_\_/\_\_/\_\_, Reg. \_\_)

Authority: AS 08.54.040(a)  
(3), (6) and (6)  
AS 08.54.050

Comment: This subsection will enable the board to determine whether certain interested parties have received notice of a petition filed under 12 AAC 38.056 and requires the burden of providing such notice to be placed upon the petitioner. The only change recommended here is a rewording which clarifies these points.

Suggested Action: The proposed subsection should be rewritten as follows:

Before the board will hear any petition or request brought under this section, the petitioner shall contact all permit holders affected by the petition by certified mail, return receipt requested, and the returned receipts or the replies of the affected permit holders shall be submitted to the board.

Proposed 12 AAC 38.085 reads as follows:

12 AAC 38 is amended by adding a new section to read:

12 AAC 38.085. BASE OF OPERATION. Permit holders in game management units one through four must not conduct or supervise guided hunts from more than one vessel over 18 feet or from no more than one land camp of operation. (Eff. \_\_/\_\_/\_\_, Reg. \_\_)

Authority: AS 08.54.040(a)  
AS 08.54.050

Comment: The board's intent behind this proposed section is not clear. One possibility is that the board intends to prevent a hunting party from splitting up into smaller groups. However, it is not clear whether the board has the authority to prevent that from happening.

The proposed section may be in conflict with present guide regulations which do not expressly require guided parties

to remain in one group. Under 12 AAC 38.175, a registered or master guide may employ guides to assist in a guiding operation and when such assistants are employed, the registered or master guide is required by 12 AAC 38.090 to be "in the field and participating in the conduct of the guided hunt." There is no express requirement that assistant guides are to be in the physical presence of their employer guide during the hunt, hence it appears to be permissible for an assistant guide accompanying a hunter to split off from the main group and conduct a hunt as long as that assistant is under the supervision of the employer guide.

The proposed section addresses only units one through four, raising again the suspicion of unequal treatment. The proposed section also appears to have other problems in that the phrase "conduct or supervise guided hunts from ... [a] vessel" is ambiguous if applied to a circumstance where a hunt is first conducted by vessel and later by land. Also, there is no apparent reason for the board's imposition of the 18' limit on the length of the vessel used in the hunt. Is the board encouraging the use of a flotilla of small boats over a single cabin cruiser? Finally, what definition of "land camp of operation" does the board intend to apply? Does the board intend to distinguish between a base camp and a temporary "spike" camp? If so, a new definition section should address this distinction.

Suggested Action: The proposed section should be examined and revised, if necessary, in light of the board's intent and the existing regulatory scheme.

Proposed 12 AAC 38.140(a)(3) reads as follows:

12 AAC 38.140(a) is amended by adding a new paragraph (3) to read:

(3) the applicant must hold a current certification of basic first aid skills prior to taking the examination. (Eff. 6/28/74, Reg. 50; am 6/16/85, Reg. 94; am \_\_\_/\_\_\_/\_\_\_, Reg. \_\_\_)

Authority: AS 08.54.040  
AS 08.54.050  
AS 08.54.110(2)

Comment: Public policy favors requiring guides to have certified first aid skills in view of the nature of their profession. It is noted that 12 AAC 38.140 imposes licensing

Kathy Marshall, Director  
Division of Occupational Licensing

October 23, 1986  
Page 6

requirements in addition to those set forth in AS 08.54.110 and that subsection (3) of that statute requires a guide to have "... practical field experience in ... first aid ...." This requirement is in contrast to the proposed subsection which provides that an applicant for a registered guide license is not allowed to take the examination unless the applicant holds a current certification of first aid skills. However, these two requirements are not wholly duplicative in that one calls for practical experience whereas the other calls for formal certification of those skills.

Suggested Action: This subsection is approved for submittal to the Lieutenant Governor's office.

LCD:ihr

cc: Kevin Henderson ✓  
Regulations Specialist  
Ray McNutt, Chairman  
Guide Licensing & Control Board  
Charles Ward, Investigator

# MEMORANDUM

# State of Alaska

TO: Lawrence C. Delay  
Assistant Attorney General  
Commercial Section  
Department of Law

DATE: October 31, 1986

FILE NO.: 993-86-0072

THRU:

TELEPHONE NO.: 465-2535

SUBJECT: Guide Board proposed regulations

~~Kevin D. Henderson~~  
FROM: Kevin D. Henderson  
Regulations Specialist  
Division of Occupational Licensing  
Department of Commerce and  
Economic Development

I have received your October 23, 1986 memorandum to Kathy Marshall concerning proposed regulations adopted by the Guide Board. The Guide Board requested an opportunity to review the comments and editing of the Attorney General's Office prior to the proposed regulations being filed; your review should clearly satisfy that request. I have sent your memo to all guide board members and have asked that they channel their concerns through me or Ray McNutt for forwarding to you.

These regulations were adopted by the board on April 10, 1986 and the adoption order was signed by the chairman on May 1, 1986. On May 12, 1986, they were transmitted to the Department of Law for final review and filing. The proposed regulations were typed in final form, without the changes indicated, in accordance with page 56 of the Drafting Manual for Administrative Regulations, Department of Law, 9th Edition.

On behalf of the division, allow me to respond to your comments and suggestions in the order you presented them.

1. Your suggested change to 12 AAC 38.052(d) is an improvement and appears to be well within your authority under AS 01.05.031(b). This amendment with your change should be approved for filing.
2. Your proposed rewrite of 12 AAC 38.054(g) is consistent with the board's intent and with 12 AAC 38.051 and should be approved for filing.
3. The division concurs with your assessment of 12 AAC 38.054(h) being equally concerned that this subsection provides for unequal treatment. This concern was highlighted by the Legislature in their passage of HCS CSSB 294 (Chapter 71, SLA 1986). Section 6 of that bill amends AS 08.54.040 by adding the word "consistent" to paragraph (7) and section 14 of the same bill adds AS 08.54.195 as a new statute calling for a point system for determining quotas for guide areas, this has yet to be developed. If this section is disapproved, I would suggest that your reasoning be fully explained to the board as guidance for adopting regulations in the future.

4. The division concurs with your revision to 12 AAC 38.056 and feels it is both consistent with the intent of the board and with your authority under AS 01.05.031(b).
5. As I understand it, 12 AAC 38.085 was originally proposed by guides in Southeast as a way of preventing a registered or master guide from conducting several hunts concurrently from more than one base camp. This has been a problem in Southeast especially with the use of larger marine vessels. Apparently there have been times when a single registered or master guide would conduct hunts from two large boats that could sleep several people. The boats would be hunting in different locations and, therefore, making it impossible for the guide to comply with 12 AAC 38.090. The significance of an 18' boat is not clear. Ray McNutt, Guide Board chairman, could be of more help on this proposed regulation.
6. The purpose of 12 AAC 38.140(a)(3) was to assure that an applicant has verifiable first aid knowledge at the time of application so that the Guide Board could remove first aid questions from the written examination. These questions have been controversial in the past. With the passage of SB 294, however, a primary authority for the entire section of 12 AAC 38.140 was removed by the repeal of AS 08.54.110(12). The division is currently working on a new regulation project that will include a proposal to repeal 12 AAC 38.140 entirely. We believe, however, that AS 08.54.110(3) is sufficient authority for requiring first aid certification and suggest that this section be approved and renumbered as a single separate section.

After you have received a response from the board chairman, your final review, editing, and approval for filing of these regulations would be appreciated. We are beginning to work on a major reworking of all guide board regulations, including renumbering. Any comments or suggestions you have concerning the Guide Board and its regulations will be appreciated.

KH/wfs4643W  
103186b

cc: Kathy Marshall, Director  
Helen Welch, Administrative Assistant ✓  
Guide Board members

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG  
COMMISSIONER

P. O. BOX 5108, ANNEX  
ANCHORAGE, ALASKA 99502

February 28, 1983

Clark Engel, Master Guide  
4129 Lana Court  
Anchorage, Alaska 99504

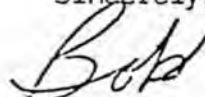
Dear Clark:

During the past few years the guiding industry through the Guide Board has made substantial improvements in cleaning up the industry and improving the image of guiding in Alaska. The Guide Board distribution of exclusive guide areas and its thorough investigations of accusations made against members of the guiding industry have gone a long way to improving the guiding business in Alaska.

With over 1,100 licensed guides, ranging from Master Guides to Assistants it takes a well coordinated effort to ensure that the same standards are applied by the guiding industry throughout the state. The industry has an impact upon tourism and upon the image of the state of Alaska through the sportsmen that it caters to. This Board has helped standardize the practices and procedures through which the guides have operated thereby giving the guiding industry in Alaska a good image on the outside. From a law enforcement standpoint, during the past few years we have seen a steady decline in the number of guide related violations. In fact, in FY-82 of the commercial users of the resource, the guiding industry had one of the lowest of violation rates of any in the state. I think this speaks highly on the industry and this trend should be continued. Guiding has a role in Alaska and how big that role will be will depend entirely upon the activities and the image of the industry.

Clark, this isn't much but I hope this will give you and your members some idea of how I felt the industry has progressed and the usefulness of the Board during my few years of association with them.

Sincerely,



Colonel Robert J. Stickles  
Director

RJS/rt

Packet  
Sargent Bowtang

nick jordan

in charge ?? 269-5653

LIST

NEWSLETTER

Personal Arrangements

Car  
Airlines/Travel Agent  
Place to Stay

Research Questions

List of Guides and Outfitters/Associations - Who represents who  
Summary of Master, Assistant, Registered Guide  
Proof of Illegal Outfitting  
Game Management Unit Map with Overlay of Who has What area  
Where Allocation Process fits  
Federal Lands/Commercial Operations  
Enforcement Actions  
Enforcement Dollars  
Where does subsistence fit

Problems with Guides/Outfitters

Women training  
History of bad experiences  
Illegal actions by guide board  
Is entry too limited  
Illegal Outfitting  
Legitimate Outfitting  
What's best for the resource  
What's best for the economy

Possible Solutions/Angles

More Money for Enforcement  
Guides doing a better job at safari shows etc.  
Regulating Outfitters  
Allocation Process  
Fairer way to get your own area  
Require Hunters who hire a guide to check registered guide  
list or revoke license

Phone Log  
 Calls made by Rep Herrmann's Office for  
 House Resources Committee

TO	#	PLACE
465-4648	Juneau C10	Juneau
842-5667	Dorothy Larson	Dillingham
842-5319	Dorothy Dillingham C10	"
465-3706	Rep Adams	Juneau
465-4942	Rep Herrmann 3x	"
465-2450	Legal Services	71
465-4992	Rep Kaponen 2x	"

NA  
NA

David McGuire MD - King Salmon → 562-4142<sup>##</sup>

Ed Grasser - Talkeetna → 745-6944

Bernie Harms -

Jay Murray Cordwood

Joe Klutsch

Naknek → Borough ..... Jim Clark .....

Togalak

Bridge #  
562-2867

20 ~~Bill~~  
~~Bill~~ of Over Contact C10

• Public

~~Bills~~  
~~Sectional~~  
~~Press Release~~  
~~Agendas~~

WRITTEN

Sectional Analysis  
More Letters  
Resources Calendar  
Memo Tam  
Memo to Ben re: Lyman  
Max re: minutes???

TELECONFERENCE

Call Juneau re: sites  
Egegik  
Newhalen  
Dorothy  
Lyman/re: Bethel  
Port Heiden

OUTFITTER CALLS

Carol Klutxch  
Karl Lane  
White Cougar  
Jay Massey  
Others in Book  
Jim Clark

SET-UP

Pads  
Pens  
Pencils  
Scrap Pads

✓ write, compile xerox

Bills  
Public Packets  
✓ Sign - In

WITNESSES

Ed  
Seargent Boutang

Jack Jordan  
Liza McCracken  
Keving Henderson/Jenny Strickler

Dave Tim  
✓ Chuck Weir (sp?)

Game Board People  
Guide Licensing & Control Board People

Beth Ziegler  
✓

RESEARCH

Page 9 of Report registered and master guides can have a max. of three exclusive areas/designated areas check on curretn law.

Guide Board Membership - are all guides?

Info. on Examiners and who becomes a guide.

\*\*\*Maps\*\*\*

HOUSE RESOURCES COMMITTEE HEARINGS

Agenda for Hearings & Teleconference On HB 183 - Guides & Outfitters  
Representative Adelheid Herrmann, Co-chair  
October 14-16, 1987

WEDNESDAY OCTOBER 14, 1987

9:00 AM - 12:00 NOON

1 Introductions

11 Opening Remarks

Remarks on the Issue by Representative Herrmann  
Senator Coghill's Office - Status of SB 191

111 History of Guiding in Alaska

Chuck Weir - Member, Guide Licensing and Control Board  
Charles Ward & Other Staff, Guide Licensing and Control Board

1V Division of Fish and Wildlife Protection

Enforcement actions, Violations, Enforcement Funds

V Assistant Attorney General

Issues concerning Residency  
The Role of the Game Board in making allocations

12:00 NOON - 1:30 PM - LUNCH

1:30 PM - 5:00 PM

V1 Question/Answers

Questions of witnesses from legislators  
Legislators' discussion on issue and suggestions for change  
Requests from legislators for further witnesses

THURSDAY OCTOBER 14, 1987

9:00 AM - 12:00 NOON

Carry Over From Wednesday

12:00 Noon - 1:30 PM - Lunch

1:30 PM - 5:00 PM

Public Testimony may begin pending completion of legislators'  
discussion

FRIDAY OCTOBER 16, 1987

9:00 AM - 12:00 NOON

1:30 PM - 5:00 PM

These times are reserved for Public Testimony.