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**HOUSE COMMITTEE REPORT**

(11)

Date referred: March 15, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/30/89

The FINANCE Committee considered:

HB 112

HOUSE BILL NO. 112 (BIG GAME GUIDING AND SPORT HUNTING)  
"An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters; creating the Big Game Commercial Services Board; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 112 (Fin)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) ED 3/15/89, F&G 3/15/89
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis DVR 3/15/89, Pub Safety 3/15/89

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Do Not Pass  
No Rec  
Amend

Lynne Hoffman Hoffman  
Ronald J. Larson Larson  
Nick Koronen Koronen  
Jim Ulmer Ulmer  
Dick Shultz Shultz  
Roll E. Phillips Phillips  
Steve Rieger Rieger  
Kay Wallis Wallis

SIGNING	Do Not Pass	No Rec	Amend
<u>Ed Swackhammer</u> Swackhammer	X		
<u>Ray Brown</u> Brown	X		
<u>General Barnes</u> Barnes	X		

Co- Ronald J. Larson  
 Chairman's Signature  
 Co- Lynne Hoffman

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION LSHB 112 (Res)

PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 15-Feb-89  
 Title: An Act relating to big game hunting and regulation of commercial services.  
 Sponsor: House Resources  
 Requestor: House Resources

Agency Affected: Natural Resources  
 BRU: Management and Administration  
 Components: Commissioners Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Travel costs for Natural Resources will be included in DCED fiscal note.

Prepared by: Carol Wilson Phone: 465-2400  
 Division: Commissioners Office Date: 15-Feb-89

Approved by Commissioner: Lennie Gorsuch Date: 15-Feb-89  
 Agency: Department of Natural Resources

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

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Commercial  
 Services for Big Game Hunters  
 Sponsor: Resources Committee  
 Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
 BRU: Wildlife Conservation  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	31.5	76.8	67.5	58.2	58.2	58.2
TRAVEL	1.5	5.0	3.0	1.0	1.0	1.0
CONTRACTUAL		.5	.5	.5	.5	.5
SUPPLIES		1.7	1.0	1.0	1.0	1.0
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>33.0</b>	<b>90.0</b>	<b>72.0</b>	<b>60.7</b>	<b>60.7</b>	<b>60.7</b>

CAPITAL	0	0	0	0	0	0
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary) The FY89, FY90, and FY91 expenditures are necessary to coordinate the development of a computerized area-based management system for use in administering the guide/outfitting industry. The FY92, FY93, and FY94 expenditures would depend on the guide/outfitter area management system which is devised and ADF&G's role in that system.

Prepared by: W. Lewis Pamplin, Jr., Director  
 Division: Wildlife Conservation

Phone: 465-4190  
 Date: 2/15/89

Approved by Commissioner: [Signature]  
 Agency: Fish and Game

Date: 2/15/89

**Distribution (by preparer):**

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

FISCAL NOTE FOR HOUSE BILL 112

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	FY89		FY90		FY91		FY92	
	Mos.	Cost	Mos.	Cost	Mos.	Cost	Mos.	Cost
LINE 100								
WB III @ \$4.5/month	3	13.5	11	49.5	11	49.5	11	49.5
AP II @ \$3.3/month	3	9.9	5	16.5	3	9.9	1	3.3
DPC II @ \$2.7/month	3	8.1	4	10.8	3	8.1	2	5.4
TOTAL		31.5		76.8		67.5		58.2
LINE 200 TRAVEL		1.5		5.0		3.0		1.0
LINE 300 CONTRACTUAL SERVICES		0.0		0.5		0.5		0.5
LINE 400 SUPPLIES		0.0		1.7		1.0		1.0
LINE 500 EQUIPMENT		0.0		6.0		0.0		0.0
TOTAL		33.0		90.0		72.0		60.7*

\* This total may vary with the role that ADF&G ultimately plays in the guide/outfitter area management system.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting... BRIJ: Occupational Licensing  
 Sponsor: House Resources Components: All  
 Requestor: House Resources

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		39.8	39.8	39.8	39.8	39.8
TRAVEL		28.7	28.7	13.9	13.9	13.9
CONTRACTUAL		16.3	16.3	16.3	16.3	16.3
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		12.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>98.8</b>	<b>86.8</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>
<b>CAPITAL</b>						
<b>REVENUE</b>		<b>103.0</b>	<b>105.5</b>	<b>108.0</b>	<b>110.5</b>	<b>113.0</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER (GF/PR)		98.8	86.8	72.0	72.0	72.0
<b>TOTAL</b>		<b>98.8</b>	<b>86.8</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME		2	2	2	2	2
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

See attached for explanation.

Prepared by: Jennifer Strickler, Administrative Officer  
 Division: Occupational Licensing

Phone: 465-2144

Date: March 14, 1989

Approved by Commissioner: Larry Mercurieff  
 Agency: Commerce and Economic Development

Date: 3/14/89

**Distribution (by preparer):**

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

## BIG GAME COMMERCIAL SERVICES BOARD EXPENSES

The expenses identified in this fiscal note, except where noted, are new costs expected to be incurred by the new Commercial Services Board in addition to those already budgeted for the current Guide Board. The increase in board expenses will be covered by a parallel increase in the division's program receipt authority. The expenses will be paid for by revenues generated by new or increased licensing fees.

FY 90:

### PERSONAL SERVICES:

Occupational Licensing Examiner I, Range 12A 6 months (PPT), Juneau	\$17.3
Investigator II, Range 16A 6 months (PPT), Anchorage	22.5
Personal Services Sub-Total:	\$39.8

### BOARD-RELATED TRAVEL:

Travel costs are based on nine (9) members from the following locations:

- 2 Anchorage members
- 2 Fairbanks members
- 1 Juneau member
- 1 Kenai member
- 1 King Salmon member
- 1 Kodiak member
- 1 Kotzebue member

and four (4) staff members (three from Juneau, and one from Anchorage)

Travel to board meetings by board members and staff in the first year is based on:

2 Anchorage meetings (\$6330 x 2)	\$12.7
1 Fairbanks meeting	8.6
1 Juneau meeting	8.5
	\$29.8

### STAFF TRAVEL (Rural Implementation):

In order to encourage rural resident participation in the big game commercial services industry, it is planned that a Licensing Examiner will travel to seven rural sites for out-reach purposes; Barrow, Kotzebue, McGrath, Bethel, Dillingham, Kodiak, and Ketchikan  
\$5.8

### STAFF TRAVEL (Investigations):

Primarily to focus on the licensure of transporters and commercial use permit holders, funds are necessary for an Investigator to travel to seven sites for enforcement activity: Fairbanks, King Salmon, Kotzebue, Bethel, Kenai, Cordova, and Bettles  
\$4.1

(Travel to be reduced by \$11.0 already built into the Licensing Boards component of the Division of occupational licensing operating budget.)

[\$11.0]

CONTRACTUAL

Printing (decals, forms, etc.)	\$5.0
Advertising (meetings and regulations)	1.7
Exam consultation	5.0
Phones, postage	3.0
Space rent (for meetings)	1.6
	\$16.3

Contractual Sub-Total \$16.3

COMMODITIES:

Standard operating supplies such as stationery, envelopes, pens, etc. \$2.0

EQUIPMENT: (one-time costs only)

2 - Phone units	.4ea.	.8
2 - DP/WP Computer workstations	2.2ea.	4.4
2 - Desks, double pedestal, 70x36	.7ea.	1.4
2 - Chairs, swivel with arms	.7ea.	1.4
2 - Chairs, side without arms	.2ea.	.4
2 - Typewriters, IBM Selectric III	1.2ea.	2.4
2 - Desk calculators	.1ea.	.2
2 - Tables, 72x36	.2ea.	.4
2 - File cabinets, 5 dr legal with lock	.3ea.	.6
		\$12.0

Equipment Sub-Total: \$12.0

TOTAL FY 90 COSTS: 98.8

FY 91:

Costs in FY 91 are anticipated to be the same as in FY 90, less the one-time FY 90 equipment costs of \$12.0.

TOTAL FY 91 COSTS: \$86.8

FY 92:

Cost differences between FY 90 and FY 92 result from a reduction in FY 92 of the number of meetings budgeted under travel. FY 92 expense is based on two meetings, one in Anchorage and one in Fairbanks, while FY 90 was based on four.

Anchorage Board Meeting Deleted	[6.3]	
Juneau Board Meeting Deleted	[8.5]	
	[14.8]	[14.8]

TOTAL FY 92 COSTS: \$72.0

Costs are the same for FY 93 and FY 94 taking into consideration two meetings to be held each year, one in Anchorage and the other to alternate between Fairbanks and Juneau each fiscal year.

## BIG GAME COMMERCIAL SERVICES BOARD PROGRAM RECEIPTS

The current Guide Board already generate program receipts through its licensing fees. The revenues reflected in this fiscal note represent the amount of additional revenue necessary to cover the added costs associated in CSHB 112(Res) with sunseting the Guide Board and creating a Big Game Commercial Services Board. The revenues are based on a modest increase of \$50.00 to the fees presently established by regulation and assessed against licensed guides renewing their licenses and against persons seeking initial licensure. Unlike other occupational licensing areas, which renew biennially, CSHB 112(Res) requires annual renewal and the revenue reflects that mandate.

FY 90 is based on:

437 Guide-Outfitters x \$50	\$21.8
1224 Class-A and Assistant Guides x \$50	61.2
300 Transporters x \$50	15.0
100 Outfitters x \$50	5.0
<b>FY 90 Revenue</b>	<b>\$103.0</b>

FY 91 is based on FY 90 calculations with an additional 50 new licensees added:

437 Guide-Outfitters x \$50	\$21.8
1224 Class-A and Assistant Guides x \$50	61.2
325 Transporters x \$50	16.3
125 Outfitters x \$50	6.2
<b>FY 91 Revenue</b>	<b>105.5</b>

FY 92 is based on FY 91 calculations with an additional 50 new licensees added:

437 Guide-Outfitters x \$50	\$21.8
1224 Class-A and Assistant Guides x \$50	61.2
350 Transporters x \$50	17.5
150 Outfitters x \$50	7.5
<b>FY 92 Revenue</b>	<b>\$108.0</b>

FY 93 is based on FY 92 calculations with an additional 50 new licensees added:

437 Guide-Outfitters x \$50	\$21.8
1224 Class-A and Assistant Guides x \$50	61.2
375 Transporters x \$50	18.8
175 Outfitters x \$50	8.7
<b>FY 93 Revenue</b>	<b>\$110.5</b>

FY 94 is based on FY 93 calculations with an additional 50 new licensees added:

437 Guide-Outfitters x \$50	\$21.8
1224 Class-A and Assistant Guides x \$50	61.2
400 Transporters x \$50	20.0
200 Outfitters x \$50	10.0
FY 94 Revenue	\$113.0

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 112 (RES)  
PUBLISH DATE: HOUSE 3/15/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: Big game guiding and sport BRU: Fish & Wildlife Protection  
hunting  
Sponsor: House Resources Component: Enforcement & ISU  
Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GR/NTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-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)

Passage of HB 112 would create a nine-member Big Game Commercial Services Board. It is anticipated that travel expenses for Board members would be included in the budget of the Department of Commerce and Economic Development, Division of Occupational Licensing. Department of Public Safety (DPS) staff time will be provided to assist the Board as necessary; no additional fiscal impact on DPS is anticipated.

*Jir*  
*3/15/89*

Prepared by: Captain Conrad Seibel Phone: 269-5509  
Division: Fish & Wildlife Protection Date: 3/15/89

Approved by Commissioner: *J.A.H.* Arthur English Date: 3/15/89  
Agency: Department of Public Safety

Original sponsor: Resources Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 112 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to big game hunting and to the  
7 regulation of big game and marine mammal guide-out-  
8 fitting, transportation, and other commercial ser-  
9 vices for big game hunters; creating the Big Game  
10 Commercial Services Board; relating to presumptive  
11 sentences for violation of certain big game commer-  
12 cial services statutes; and providing for an effec-  
13 tive date."

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

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

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

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

18 (20) Big Game Commercial Services Board (AS 08.54.300) --

19 June 30, 1993.

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

21 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

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

28 (b) The board consists of nine members:

29 (1) two members who are licensed guide-outfitters;

1 (2) two members who are licensed transporters, one of whom  
2 must be engaged in the business of providing air transportation ser-  
3 vices;

4 (3) one member who holds a commercial use permit, but does  
5 not hold any class of guide-outfitter license or a transporter  
6 license;

7 (4) one member of the Board of Game who is chosen by the  
8 Board of Game and who does not hold a commercial use permit;

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

10 (6) two public members.

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

12 (1) prepare, grade, and administer

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

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

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

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

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

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

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

19 (7) authorize issuance of transporter licenses;

20 (8) authorize issuance of commercial use permits;

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

23 (10) provide for registration of base camps and facilities  
24 used by persons who are licensed or who hold a permit under this  
25 chapter.

26 (b) The board may

27 (1) establish, subject to the prior approval of the commis-  
28 sioner of fish and game, a resource-based management system for allo-  
29 cating access to big game hunting opportunities among guide-outfitters

1 licensed under this chapter;

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

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

8 Sec. 08.54.330. BOARD ASSISTANCE. The Department of Fish and  
9 Game, Department of Natural Resources, and Department of Public Safety  
10 shall provide the board with information, data, or technical assis-  
11 tance requested by the board for the purposes of licensing and reg-  
12 ulating the activities of providers of commercial services to big game  
13 hunters.

14 ARTICLE 5. LICENSING.

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

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

18 (2) has practical field experience in the handling of  
19 firearms, hunting, judging trophies, field preparation of meat and  
20 trophies, first aid, photography, and related guide-outfitting activi-  
21 ties;

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

24 (4) has passed the qualification examinations prepared and  
25 administered by the board;

26 (5) has demonstrated to the board sufficient standards of  
27 competence and ethical conduct and has not been convicted of a state  
28 or federal hunting or guide-outfitting statute or regulation within  
29 the last five years for which the person was fined more than \$500 or

1 imprisoned for more than five days;

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

5 (7) has been licensed as and performed the services of a  
6 class-A assistant guide-outfitter or assistant guide-outfitter in the  
7 state for a part of each of three years, or has guide-outfitted in the  
8 state for a part of each of three years under a marine mammal guide-  
9 outfitter license issued under AS 08.54.360;

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

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

14 (10) has been favorably recommended in writing by six big  
15 game hunters, two for each year of the person's most recent three  
16 years as a class-A assistant guide-outfitter or assistant guide-out-  
17 fitter, when the person has guide-outfitted or assisted in guide-out-  
18 fitting as a class-A assistant guide-outfitter or assistant guide-out-  
19 fitter, whose recommendations have been solicited by the board from a  
20 list provided by the applicant;

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

23 (12) has paid the license fee and commercial use permit  
24 fee.

25 (b) A person who receives a master guide-outfitter license under  
26 sec. 12 of this Act may use the title master guide-outfitter and may  
27 annually renew the license unless the license has been revoked or  
28 suspended or has lapsed under AS 08.54.440. A master guide-outfitter  
29 license is for all purposes under this chapter a guide-outfitter

1 license.

2 (c) A guide-outfitter may contract to guide-outfit hunts for big  
3 game and may provide transportation to, from, or in the field that is  
4 incidental to a guide-outfitted hunt.

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

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

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

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

14 (4) has demonstrated knowledge of the following areas to an  
15 extent and degree satisfactory to the board:

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

17 (B) relevant characteristics of the specific species  
18 to be hunted;

19 (C) field preparation of trophies;

20 (D) care of game meat;

21 (E) use of guide-outfitting gear;

22 (F) firearm safety;

23 (G) practical first aid; and

24 (H) booking and contracting hunts;

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

29 (6) possesses a business license to provide guide-

1 outfitting services; and

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

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

6 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE  
7 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a  
8 guide-outfitter license or a marine mammal guide-outfitter license  
9 shall submit with the application for renewal

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

12 (2) the license fee for the next licensing period; and

13 (3) the commercial use permit fee for the next licensing  
14 period.

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

18 Sec. 08.54.380. CLASS-A ASSISTANT GUIDE-OUTFITTER LICENSE. (a)  
19 A natural person is entitled to a class-A assistant guide-outfitter  
20 license if

21 (1) the person

22 (A) has been employed for at least one season as a  
23 licensed assistant guide-outfitter; and

24 (B) has had at least 10 years hunting experience in  
25 the game management units in which the person is to be employed;  
26 military service outside the state for not more than three years  
27 shall be accepted as part of the required 10 years hunting ex-  
28 perience; or

29 (2) the person

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

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

8 (C) has passed qualification examinations prepared and  
9 administered by the board.

10 (b) A class-A assistant guide-outfitter

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

12 (2) shall be under the supervision of a guide-outfitter who  
13 has contracted with the client for whom the class-A assistant guide-  
14 outfitter is conducting the hunt; and

15 (3) may take charge of a camp and conduct guide-outfitter  
16 activities from it without the guide-outfitter being present in the  
17 area if the guide-outfitter is supervising the guide-outfitting activ-  
18 ities.

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

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

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

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

25 (4) has demonstrated practical knowledge of first aid and  
26 cardiopulmonary resuscitation;

27 (5) is in sound physical condition; and

28 (6) meets additional qualifications that the board may  
29 establish.

1 (b) An assistant guide-outfitter

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

3 (2) shall be employed by a guide-outfitter and under the  
4 supervision of a guide-outfitter or class-A assistant guide-outfitter  
5 at all times while the assistant guide-outfitter is in the field on  
6 guide-outfitted hunts.

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

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

10 (2) pays the license fee;

11 (3) pays the commercial use permit fee;

12 (4) provides proof of

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

17 (B) licensure by the Coast Guard to carry passengers  
18 for hire, if the person provides water transportation services to  
19 big game hunters and if licensure is required by the Coast Guard;  
20 and

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

22 (b) A transporter may provide transportation services for com-  
23 pensation to big game hunters and accommodations in the field at a  
24 permanent lodge, house, or cabin owned by the transporter or on a boat  
25 with permanent living quarters located on salt water. A transporter  
26 may also provide, under authority of a commercial use permit, other  
27 big game commercial services as defined under AS 08.54.460. A trans-  
28 porter may not provide big game commercial hunting services without  
29 holding the appropriate license.

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

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

6 (2) the license fee for the next licensing period;

7 (3) the commercial use permit fee for the next licensing  
8 period; and

9 (4) proof of

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

14 (B) licensure by the Coast Guard to carry passengers  
15 for hire, if the applicant provides water transportation services  
16 to big game hunters and if licensure is required by the Coast  
17 Guard.

18 (d) The department may not renew a transporter license unless  
19 all fees have been paid in full and the activity report required under  
20 (c)(1) of this section and the proof required under (c)(4) of this  
21 section have been filed.

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

28 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF  
29 LICENSE. The commissioner of commerce and economic development may

1 order that an applicant for an initial license under AS 08.54.350 -  
2 08.54.400 be allowed to take the license examination or be issued the  
3 license if, after reviewing a petition filed by the applicant, the  
4 commissioner finds that

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

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

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

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

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

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

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

18 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-  
19 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-  
20 er licenses shall be renewed annually on dates set by the department  
21 with the approval of the board.

22 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)  
23 The board shall administer the qualification examinations required  
24 under this chapter at least twice a year. An examination may not be  
25 given within 90 days after the previous examination. At least once  
26 every other year the board shall give the examination at a location  
27 other than Anchorage.

28 (b) The board shall regularly disseminate information regarding  
29 examinations and other qualifications for all classes of

1 guide-outfitter licenses to residents of the rural areas of the state.

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

9 (b) Notwithstanding (a) of this section, a guide-outfitter who  
10 fails to renew a license is not required to requalify under AS 08.54.-  
11 350(a)(7), unless the license has been lapsed for three or more years.

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

- 15 (1) guide-outfitter
- 16 (2) class-A assistant guide-outfitter;
- 17 (3) assistant guide-outfitter;
- 18 (4) marine mammal guide-outfitter;
- 19 (5) transporter.

20 (b) The license fee for the guide-outfitter, marine mammal  
21 guide-outfitter, class-A assistant guide-outfitter, or assistant  
22 guide-outfitter license is in addition to the fee required for a  
23 hunting license.

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

27 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. (a) A person,  
28 other than a guide-outfitter, marine mammal guide-outfitter, or a  
29 transporter, who provides other big game commercial services for

1 compensation shall register with the board on a form provided by the  
2 board and shall obtain a commercial use permit and pay the annual  
3 commercial use permit fee set under AS 08.54.470. In this section  
4 "other big game commercial services" includes provision of accommoda-  
5 tions in the field at a permanent lodge, house, or cabin owned by the  
6 commercial use permit holder, hunt broker services, gear rental ser-  
7 vices, photographic or videographic services, and services as defined  
8 by the board by regulation.

9 (b) A commercial use permit may not be issued to a hunting club.  
10 A hunting club may not provide other big game commercial services for  
11 compensation.

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

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

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

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

29 ARTICLE 6. PENALTIES.

1           Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board  
2 may hold a hearing to determine whether disciplinary action is neces-  
3 sary if a written complaint concerning the guide-outfitting activities  
4 of a licensee who holds any class of guide-outfitter license is filed  
5 with the board. The board shall hold a hearing to determine whether a  
6 licensee should be disciplined within a reasonable time after

7           (1) written complaints concerning a licensee's guide-out-  
8 fitting activities are filed with the board within a two-year period  
9 by three or more of the licensee's clients from separate hunting  
10 parties;

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

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

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

19           (1) engaged in unethical activity, unsafe activity, or  
20 activity that adversely affects the natural resources of the state  
21 when the activity is related to the purposes of providing guide-out-  
22 fitting services, however the board may not discipline a licensee  
23 under this paragraph for unsafe operation of an aircraft; or

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

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

29           (1) does not meet the qualifications specified by statute

1 or regulation for the license held;

2 (2) is incompetent as a guide-outfitter, marine mammal  
3 guide-outfitter, class-A assistant guide-outfitter, or assistant  
4 guide-outfitter; or

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

8 (A) waste of a wild food animal;

9 (B) hunting on the same day airborne;

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

11 (D) hunting in an area closed by state or federal  
12 regulation.

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

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

29 (1) written complaints concerning a licensee's or

1 permittee's activities are filed with the board within a two-year  
2 period by three or more of the licensee's or permittee's clients from  
3 separate hunting parties; or

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

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

10 (1) engaged in unethical activity, unsafe activity, or  
11 activity that adversely affects the natural resources of the state  
12 when the activity is related to the purposes of providing big game  
13 commercial services, however the board may not discipline a licensee  
14 or permittee under this paragraph for unsafe operation of an aircraft;  
15 or

16 (2) violated a provision of a federal or state statute or  
17 regulation relating to hunting or provision of big game commercial  
18 services.

19 (c) The board may not revoke, suspend, or deny renewal of a  
20 transporter license or commercial use permit for a violation of a  
21 federal or state statute or regulation relating to game or provision  
22 of big game commercial services committed by an employee of the li-  
23 censee or permittee unless the licensee or permittee participated or  
24 aided in the violation.

25 (d) After a hearing, the board shall revoke a license or permit  
26 if the board finds that the licensee or permittee

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

29 (2) during the five years immediately preceding the hearing

1 has been convicted of a violation of a federal or state statute or  
2 regulation prohibiting

3 (A) waste of a wild food animal;

4 (B) hunting on the same day airborne;

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

6 (D) hunting in an area closed by state or federal  
7 regulation.

8 (e) If a certified copy of a judgment of conviction of a licens-  
9 ee or permittee for an offense described under (d)(2) of this section  
10 is filed with the board, the board shall immediately suspend the  
11 licensee's or permittee's license or permit. The suspension may be  
12 ordered even if the conviction resulted from a plea of nolo con-  
13 tendere or if the conviction is under appeal. The suspension remains  
14 in effect until after the final disposition of the disciplinary pro-  
15 ceeding under this section.

16 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person  
17 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in  
18 the provision of big game commercial services during the period of  
19 license or permit revocation or other disciplinary action. A person  
20 who is licensed under this chapter, or who holds a permit issued under  
21 this chapter, may not hire a person whose license or permit to provide  
22 big game commercial services is suspended or revoked under AS 08.54.-  
23 500 or 08.54.505. A person whose license or permit is suspended or  
24 revoked may not be employed by a person who is licensed or who holds a  
25 permit under this chapter.

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

29 (c) A certified copy of a judgment of conviction of a licensee

1 or permittee for an offense is conclusive evidence of the commission  
2 of that offense in a disciplinary proceeding instituted against the  
3 licensee or permittee under AS 08.54.500 or 08.54.505 based on that  
4 conviction, regardless of whether the conviction resulted from a plea  
5 of nolo contendere or the conviction is under appeal, unless the  
6 conviction is overturned on appeal.

7 (d) Within 30 days after conclusion of a hearing under AS 08.-  
8 54.500 or 08.54.505, the board shall notify the complainant of the  
9 results of the hearing, including written reasons justifying a deci-  
10 sion not to take disciplinary action.

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

12 (1) person who is licensed or who holds a commercial use  
13 permit under this chapter to knowingly fail to timely report to the  
14 Department of Public Safety, division of fish and wildlife protection,  
15 and in no event later than 30 days, a violation of a state fish, game,  
16 or big game commercial services statute or regulation that the person  
17 reasonably believes was committed by a client or an employee of the  
18 person;

19 (2) person who is licensed or who holds a commercial use  
20 permit under this chapter to knowingly

21 (A) commit or aid the commission of a violation of  
22 this chapter, a regulation adopted under this chapter, or a state  
23 fish or game statute or regulation; or

24 (B) permit the commission of a violation of this  
25 chapter, a regulation adopted under this chapter, or a state fish  
26 or game statute or regulation that the person knows or reasonably  
27 believes is being or will be committed without

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

1 (ii) reporting it;

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

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

8 (5) class-A assistant guide-outfitter or an assistant  
9 guide-outfitter to knowingly guide-outfit a hunt except while employed  
10 and supervised by a guide-outfitter;

11 (6) person who holds any class of guide-outfitter license  
12 to knowingly enter or remain on private land without prior authoriza-  
13 tion during the course of providing guide-outfitting services;

14 (7) person to knowingly guide-outfit without having a  
15 current guide-outfitter, marine mammal guide-outfitter, class-A assis-  
16 tant guide-outfitter, or assistant guide-outfitter license and hunting  
17 license in actual possession;

18 (8) person without a current guide-outfitter or marine  
19 mammal guide-outfitter license to knowingly advertise as or represent  
20 to be a guide-outfitter;

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

23 (10) class-A assistant guide-outfitter or an assistant  
24 guide-outfitter to knowingly contract for a hunt; or

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

28 (b) A person who commits an offense set out in (a)(1) - (6) of  
29 this section is guilty of a misdemeanor and is punishable by a fine of

1 not more than \$30,000 or by imprisonment for not less than two months  
2 or more than one year, or both.

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

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

8 (2) for a second or subsequent offense, of a class C fel-  
9 ony.

10 (d) A person who violates (a)(11) of this section, is guilty of  
11 a class C felony.

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

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

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

22 (f) Upon conviction of a person for committing an offense set  
23 out in (a) of this section, the execution of sentence may not be  
24 suspended and probation may not be granted except on the condition  
25 that the minimum term of imprisonment is served. Imposition of sen-  
26 tence may not be suspended.

27 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the  
28 judgment of the board a person has engaged in an act in violation of  
29 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and

1 08.54.520 or the regulations adopted under them, the board may apply  
2 to the appropriate court for an order enjoining the action. Upon a  
3 showing by the board that the person is engaging in the act, the court  
4 shall grant injunctive relief or other appropriate order without bond.

5 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-  
6 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is  
7 equally responsible under AS 08.54.500 for a violation of a federal or  
8 state game or guide-outfitting statute or regulation committed by a  
9 class-A assistant guide-outfitter or an assistant guide-outfitter  
10 while in the course of the class-A assistant guide-outfitter's or  
11 assistant guide-outfitter's employment for the guide-outfitter.

12 ARTICLE 7. GENERAL PROVISIONS.

13 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS  
14 AND ACTIVITY REPORTS. (a) The department shall collect and maintain  
15 hunt records provided by guide-outfitters and marine mammal guide-out-  
16 fitters. A hunt record must include a list of all big game hunters  
17 who used the services of the guide-outfitter or marine mammal guide-  
18 outfitter, the number of each big game species taken, and other infor-  
19 mation required by the board. The department shall provide forms for  
20 reporting hunt records.

21 (b) The department shall make hunt records, and activity reports  
22 received under AS 08.54.400, available to state and federal agencies  
23 charged with the enforcement of statutes and regulations relating to  
24 guide-outfitting or game or with management of game if requested for  
25 game management or law enforcement purposes. Aggregated data compiled  
26 from hunt records and activity reports may be included in reports by  
27 the department. For all other purposes, the hunt records and activity  
28 reports are confidential and are not subject to inspection or copying  
29 under AS 09.25.110 - 09.25.125.

1                   Sec. 08.54.590. DEFINITIONS. In this chapter

2                   (1) "base camp" means a guide-outfitter's or marine mammal  
3 guide-outfitter's primary base of operations in the field; "base camp"  
4 does not include a spike camp;

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

8                   (3) "big game commercial hunting service" means a service  
9 for which the provider of the service must obtain a guide-outfitter,  
10 marine mammal guide-outfitter, class-A assistant guide-outfitter, or  
11 assistant guide-outfitter license;

12                   (4) "big game commercial service" means a service for which  
13 the provider of the service must obtain a commercial use permit;

14                   (5) "board" means the Big Game Commercial Services Board;

15                   (6) "compensation" means payment for services including  
16 wages or other remuneration but not including reimbursement for actual  
17 expenses incurred;

18                   (7) "department" means the Department of Commerce and  
19 Economic Development;

20                   (8) "field" means an area outside of established year-round  
21 dwellings, businesses, or other developments usually associated with a  
22 city, town, or village; "field" does not include permanent hotels or  
23 roadhouses on the state road system or state or federally maintained  
24 airports;

25                   (9) "game management unit" means one of the 26 geographic  
26 areas defined by the Board of Game for game management purposes;

27                   (10) "guide-outfit" means to provide, for compensation or  
28 with the intent or with an agreement to receive compensation, big game  
29 commercial hunting services in the field; "guide-outfit" includes

1 accompanying or being present with a big game hunter in the field  
2 either personally or through an assistant; "guide-outfit" does not  
3 include the provision of transportation to, from, or in the field if  
4 the person providing the transportation and the person being trans-  
5 ported do not stalk, pursue, track, kill, or attempt to kill big game  
6 during the provision of transportation;

7 (11) "hunting club" means an organization that offers use of  
8 property or services to individuals who pay a membership fee for the  
9 privilege of using the property or services for hunting;

10 (12) "spike camp" means a camp in the field other than a  
11 base camp and includes a fly camp or an overnight camp;

12 (13) "transportation services" means the carriage for com-  
13 pensation of big game hunters, their equipment, or big game animals  
14 harvested by hunters to, from, or in the field; "transportation ser-  
15 vices" does not include the carriage by aircraft of big game hunters,  
16 their equipment, or big game animals harvested by hunters

17 (A) on nonstop flights between state or federally  
18 maintained airports; or

19 (B) by an air taxi operator or air carrier for which  
20 the carriage of big game hunters, their equipment, or big game  
21 animals harvested by hunters is only an incidental, as defined by  
22 the board, portion of its business;

23 (14) "unethical activity" means

24 (A) deception or misrepresentation involving prospec-  
25 tive or actual clients either before, during, or following the  
26 provision of big game commercial services, including misrepresen-  
27 tations through private or public advertising of the type, dura-  
28 tion, cost, or conditions of the services;

29 (B) making a guaranty that a species or certain number

1 of species of game will be taken on a hunt;

2 (C) engaging in unsafe or unsportsmanlike activities  
3 that are detrimental to the game resources of the state, as  
4 defined by regulations of the board, including violations of  
5 state hunting or big game commercial services statutes or regu-  
6 lations; or

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

10 \* Sec. 4. AS 12.55.125(e) is amended to read:

11 (e) A defendant convicted of a class C felony may be sentenced  
12 to a definite term of imprisonment of not more than five years, and  
13 shall be sentenced to the following presumptive terms, subject to  
14 adjustment as provided in AS 12.55.155 - 12.55.175:

15 (1) if the offense is a second felony conviction, two  
16 years;

17 (2) if the offense is a third felony conviction, three  
18 years;

19 (3) if the offense is a first felony conviction, and the  
20 defendant knowingly directed the conduct constituting the offense at a  
21 uniformed or otherwise clearly identified peace officer, fire fighter,  
22 correctional officer, emergency medical technician, paramedic, ambu-  
23 lance attendant, or other emergency responder who was engaged in the  
24 performance of official duties at the time of the offense, one year;

25 (4) if the offense is a first felony conviction, and the  
26 defendant violated AS 08.54.520(a)(7) - (10), one year.

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

28 (a) It is unlawful for a nonresident to hunt, pursue, or take  
29 brown bear, grizzly bear, polar bear, mountain goat, or sheep in this

1 state, unless personally accompanied by

2 (1) a person who is licensed as a guide-outfitter, [MASTER  
3 GUIDE, REGISTERED GUIDE,] class-A assistant guide-outfitter, [GUIDE]  
4 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-  
5 vices [GUIDE] Board; or

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

7 (A) the spouse of the nonresident; or

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

10 \* Sec. 6. 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  
13 of 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. 7. AS 16.05.408(a) is amended to read:

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

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

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

25 \* Sec. 8. AS 39.50.200(b)(48) is amended to read:

26 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-  
27 300 [(AS 08.54.010)]; and

28 \* Sec. 9. AS 41.23.420(d) is amended to read:

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

1 authority of

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

5 (2) the Department of Environmental Conservation under AS  
6 46.03; or

7 (3) state agencies and municipalities under AS 44.19.145(a)-  
8 (11) and AS 46.40.100.

9 \* Sec. 10. AS 44.62.330(a)(35) is amended to read:

10 (35) Big Game Commercial Services [GUIDE LICENSING AND  
11 CONTROL] Board

12 \* Sec. 11. TRANSITION; GUIDE-OUTFITTER LICENSES. (a) Notwithstanding  
13 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-  
14 54.010 - 08.54.240 are valid for the period for which the licenses were is-  
15 sued.

16 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3  
17 of this Act, until new licenses are issued under this section, a

18 (i) master guide license issued under former AS 08.54.100 and a  
19 registered guide license issued under former AS 08.54.110 shall be con-  
20 sidered a guide-outfitter license issued under AS 08.54.350;

21 (2) class-A assistant guide license issued under former AS 08.-  
22 54.120 shall be considered a class-A assistant guide-outfitter license  
23 issued under AS 08.54.380;

24 (3) an assistant guide license issued under former AS 08.54.140  
25 shall be considered an assistant guide-outfitter license issued under  
26 AS 08.54.390.

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

29 (1) a master guide shall receive a master guide-outfitter  
CSHB 112(Fin) -26-

1 license if the person

2 (A) is in good standing at the time of issuance of the  
3 license; and

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

6 (2) a registered guide shall receive a guide-outfitter license  
7 if the person

8 (A) is in good standing at the time of issuance of the  
9 license; and

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

12 (3) a class-A assistant guide shall receive a class-A assistant  
13 guide-outfitter license if the person

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

16 (B) has paid the class-A assistant guide-outfitter license  
17 fee;

18 (4) an assistant guide shall receive an assistant guide-out-  
19 fitter license if the person

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

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

23 (d) Notwithstanding (c) of this section, the Department of Commerce  
24 and Economic Development may issue a new license under AS 08.54.300 -  
25 08.54.590, without an additional fee, to a person licensed under former  
26 AS 08.54.010 - 08.54.240 before the next renewal period following the  
27 effective date of this Act, if the person satisfies the requirements for  
28 the license and the license is valid only for the same period for which the  
29 replaced license was issued.

1 \* Sec. 12. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,  
2 as enacted by sec. 3 of this Act, a natural person is entitled to receive a  
3 guide-outfitter license if the person

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

6 (2) lawfully registered a camp, cabin, or lodge under AS 16.-  
7 05.787 during 1988;

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

11 (4) passes the guide-outfitter examination administered by the  
12 Big Game Commercial Services Board within two years after the effective  
13 date of this Act;

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

18 (6) has legally hunted in the state for part of each of any five  
19 years in a manner directly contributing to the person's experience and  
20 competency as a guide-outfitter;

21 (7) has been favorably recommended in writing by six big game  
22 hunters, two for each year of the person's most recent three years as a big  
23 game outfitter, whose recommendations have been solicited by the Big Game  
24 Commercial Services Board from a list provided by the applicant;

25 (8) pays the guide-outfitter license fee and the commercial use  
26 permit fee; and

27 (9) possesses a business license to provide recreational ser-  
28 vices.

29 (b) A person who is denied a guide-outfitter license under (a) of  
CSHB 112(Fin)

1 this section by the Big Game Commercial Services Board may appeal to the  
2 commissioner of commerce and economic development. The commissioner may  
3 order that the applicant be allowed to take the license examination or be  
4 issued the license if, after reviewing a petition filed by the applicant,  
5 the commissioner finds that

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

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

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

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

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

15 (4) the applicant is otherwise qualified to take the examination  
16 or to be issued the license; and

17 (5) sustaining the board's denial or refusal would work a sub-  
18 stantial injustice on the applicant.

19 (c) A guide-outfitter license issued under (a) of this section is for  
20 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of  
21 this Act.

22 (d) A person who satisfies (a)(1) - (3) of this section, holds a  
23 business license as a big game outfitter, and pays a license fee set by the  
24 Department of Commerce and Economic Development and the commercial use  
25 permit fee is entitled to receive an interim outfitter license pending a  
26 final determination of a person's eligibility for a guide-outfitter license  
27 under (a) of this section. The right to receive and hold an interim out-  
28 fitter license terminates on the earlier of

29 (1) the date of issuance of a guide-outfitter license to the

1 person;

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

4 (3) two years from the effective date of this Act.

5 (e) A person who holds an interim outfitter license, notwithstanding  
6 contrary provisions of AS 08.54, may provide transportation to, from, and  
7 in the field to big game hunters and supply other services in the field to  
8 big game hunters. The person may not provide guiding services.

9 (f) A person who holds an interim outfitter license shall promptly  
10 report to the Department of Public Safety, division of fish and wildlife  
11 protection, but not later than 30 days after the violation, a violation of  
12 a state fish, game, or big game commercial services statute or regulation  
13 that the person reasonably believes was committed by a client or employee  
14 of the person.

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

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

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

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

26 (h) A person who furnishes an affidavit under (g) of this section  
27 shall notify the Department of Public Safety of the amount and kinds or  
28 species of big game taken by each hunter who uses the base camp, cabin, or  
29 permanent lodge to which the affidavit relates. Notice shall be given

1 within 30 days after the game is taken. The Department of Public Safety  
2 shall provide the information received under this subsection to the Depart-  
3 ment of Fish and Game.

4 (i) A person who

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

8 (2) falsifies an affidavit under (g) of this section is guilty  
9 of unsworn falsification under AS 11.56.210.

10 (j) In this section,

11 (1) "base camp" does not include spike camp, fly camp, or over-  
12 night camp;

13 (2) "big game" and "field" have the meaning given in AS 08.54.-  
14 590, as enacted by sec. 3 of this Act;

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

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

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

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

27 \* Sec. 13. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.  
28 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the  
29 initial appointments to the Big Game Commercial Services Board under

1 (1) AS 08.54.300(b)(1) may also be filled by the appointment of  
2 a master guide or registered guide licensed under former AS 08.54.010 -  
3 08.54.240 or a person who lawfully registered a camp, cabin, or lodge under  
4 AS 16.05.787 during 1988 and legally engaged in the business of big game  
5 outfitting in 1986, 1987, and 1988;

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

9 \* Sec. 14. TRANSITION. Litigation, hearings, investigations, and other  
10 proceedings pending under a law amended or repealed by this Act continue in  
11 effect and may be continued and completed notwithstanding an amendment or  
12 repeal provided for in this Act. Licenses, orders, and regulations issued  
13 or adopted under authority of a law amended or repealed by this Act remain  
14 in effect for the term issued or until revoked, vacated, or otherwise  
15 modified under the provisions of this Act.

16 \* Sec. 15. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,  
17 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-  
18 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,  
19 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-  
20 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and  
21 16.05.787 are repealed.

22 \* Sec. 16. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

23 \* Sec. 17. AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, takes  
24 effect on the earlier of

25 (1) January 15, 1990; or

26 (2) the date of submission to the legislature of a recom-  
27 mendation by the Task Force on Guiding and Game for a resource-based  
28 management system for allocating access to big game hunting opportuni-  
29 ties among guide-outfitters licensed under AS 08.54.

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\* Sec. 18. Except for AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, this Act takes effect immediately under AS 01.10.070(c).

A M E N D M E N T

OFFERED IN THE HOUSE

TO: Draft CSHB 112(Finance)  
dated 3/29/89

Page 12, line 27, after "HOLDER.":

Insert "(a)"

Page 13, after line 8:

Insert a new subsection to read:

"(b) A commercial use permit may not be issued to a hunting club. A hunting club may not provide other big game commercial services for compensation."

Page 23, after line 3:

Insert a new paragraph to read:

"(11) "hunting club" means

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

~~(B) a partnership, limited partnership, corporation, or unincorporated association through which property is jointly owned, leased, or otherwise held by members of the entity and through which the members are entitled to use the property for hunting;"~~

Renumber the following paragraphs accordingly.

Page 25, line 19, through page 26, line 3:

Delete all material.

Renumber the following bill sections accordingly.

The amendments as proposed in the CS dated 3/29/89 are discussed and listed in this overview.

CS HB 112 (FIN) UNTIL  
ACTION RESCINDED  
THEN THE BILL  
BEFORE COMMITTEE  
IS:

CS HB 112 (RESOURCES)  
HB 112

HB 112, AN ACT RELATING TO BIG GAME HUNTING AND TO THE REGULATION OF BIG GAME AND MARINE MAMMAL GUIDE-OUT-FITTING, TRANSPORTATION, AND OTHER COMMERCIAL SERVICES FOR BIG GAME HUNTERS; CREATING THE BIG GAME COMMERCIAL SERVICES BOARD; AND PROVIDING FOR AN EFFECTIVE DATE, IS SPONSORED BY THE RESOURCES COMMITTEE.

TESTIMONY AND ACTION WAS TAKEN BY THE COMMITTEE WITH REGARD TO HB 112 YESTERDAY. AS YOU RECALL, SEVERAL TECHNICAL AMENDMENTS WERE PROPOSED BY THE RESOURCES COMMITTEE. THERE WAS CONSIDERABLE DISCUSSION BY MEMBERS WITH REGARD TO SEVERAL OF THE PROPOSED CHANGES REGARDING USE OF THE WORD "UNLAWFUL". SUBSEQUENT TO YESTERDAY'S MEETING, THE CHANGES WERE DISCUSSED WITH LEGISLATIVE LEGAL COUNSEL. FOLLOWING THE RECOMMENDATIONS OF LEGAL COUNSEL, I WOULD REQUEST THAT THE COMMITTEE RESCIND ITS ACTION IN ADOPTING AMENDMENTS TO CS HB 112 (RESOURCES) AND REPORTING OUT OF COMMITTEE CS HB 112 (FINANCE) FOR THE PURPOSE OF CONSIDERATION OF A NEW PROPOSED FINANCE COMMITTEE SUBSTITUTE.

BEFORE YOU IS A COPY OF A PROPOSED DRAFT FINANCE CS WHICH  
CORRECTS SEVERAL AMENDMENTS WHICH WERE PREVIOUSLY PROPOSED. (see  
March 20 1989 letter attached)

PAGE 14, LINES 4 AND 7 CONTINUE TO INCLUDE THE WORD "WRITTEN"  
WITH REGARD TO COMPLAINTS TO BE HEARD TO DETERMINE WHETHER A  
LICENSEE SHOULD BE DISCIPLINED.

PAGE 19, LINE 8, IS CHANGED TO DELETE THE WORDS, "UNLAWFULLY  
ON STATE, FEDERAL, OR". THEREFORE IT IS UNLAWFUL FOR PERSONS  
WHO HOLD ANY CLASS OF GUIDE-OUTFITTER LICENSE TO KNOWINGLY  
ENTER OR REMAIN ON PRIVATE LAND WITHOUT PRIOR AUTHORIZATION  
DURING THE COURSE OF PROVIDING GUIDE-OUTFITTING SERVICES.

PAGE 21, LINE 12, IS AMENDED TO DELETE THE WORD "OR" AND  
INSERT THE WORD "AND" TO READ, "THE DEPARTMENT SHALL COLLECT  
AND MAINTAIN HUNT RECORDS PROVIDED BY GUIDE-OUTFITTES AND  
MARINE MAMMAL GUIDE-OUTFITTERS.

PAGE 22, IS CHANGED TO DELETE LINES 17 AND 18 TO CONFORM WITH  
THE CHANGES MADE TO PAGE 19, LINE 8.

(FOLLOWING DISCUSSION YOU WILL NEED A MOTION TO ADOPT THE NEW  
PROPOSED CS AT SOME POINT).

MR. RANDALL BURNS, AND YOHANNA MUNSON, ARE HERE SHOULD THERE  
BE ANY QUESTIONS.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 462-3715

## AMENDMENTS

### MEMORANDUM

TO: REP. RON LARSON, CO-CHAIR HOUSE FINANCE COMMITTEE  
REP. LYMAN HOFFMAN, CO-CHAIR HOUSE FINANCE COMMITTEE

FROM: REP. CURT MENARD, <sup>Cur</sup> CO-CHAIR HOUSE RESOURCES COMMITTEE  
REP. SLIFF DAVIDSON, CO-CHAIR HOUSE RESOURCES COMMITTEE

DATE: MARCH 20, 1989

RE: CSHB 112

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It has just come to our attention that during our deliberations on HB 112, we inadvertently overlooked a few technical changes which should have been made in the house resources committee substitute.

The first change which should be made is the deletion of the word "unlawfully" at page 19, line 8. The purpose of this particular unlawful acts section is to require guide-outfitters to obtain prior authorization from landowners before entering upon their land. It also gives emphasis to the law of trespass. Also, page 22, line 17, delete "unlawfully".

It was brought to our attention by Laurie Otto with the Dept. of Law, Criminal Division, that inclusion of the word "unlawfully" after "enter and remain" would inappropriately put the burden of proof on the property owner when enforcing this provision. If this were the case, we believe that the purpose of the section would in all practical terms be defeated. Lack of effective enforcement is an existing problem under the current trespass statute.

The second change which should be made is the addition of the word "written" at page 15, line 25, before the word "complaint". The change will make the process for filing complaints against transporters consistent with that required for guide-outfitters.

These amendments were adopted by  
Committee at Tuesday's mtg.

Page 2

Memo. to Finance Committee

The third and final change which we inadvertently failed to make was at page 21, line 5. The line should read "state game and guide-outfitting statutes or regulations".

We would appreciate the Finance Committee's consideration of the above-described changes during their deliberations on CSHB 112. We would also encourage the Committee to hear the bill at the earliest available date.

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 27, 1989

**SUBJECT:** Sectional Summary of CSHB 112 (Resources); An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters, creating the Big Game Commercial Services Board; relating to presumptive sentences for violation of certain big game commercial services statutes; and providing for an effective date.

**TO:** Representative Lyman Hoffman  
Representative Ron Larson  
Co-Chairs, House Finance Committee

**FROM:** George Utermohle *GU*  
Legislative Counsel

The following is a sectional summary of CSHB 112 (Resources).

Please note that a summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 08.01.010(10) to provide that the Big Game Commercial Services Board is subject to and benefits from centralized licensing procedures under AS 08.01.

Section 2 of the bill repeals and reenacts AS 08.03.010(c)-(20) to provide that the Big Game Commercial Services Board terminates on June 30, 1993 under the "sunset" provisions of AS 08.03.

Section 3 of the bill adds new sections to AS 08.54.

ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

Sec. 08.54.300 establishes the Big Game Commercial Services Board (Board) in the Department of Commerce and Economic Development. The Board consists of nine members. Two members of the board are licensed guide-outfitters. Two members of the Board are licensed transporters. One member of the Board is a commercial use permit holder who is not a guide-outfitter or transporter. One member of the Board is a member of the Board of Game who is chosen by the Board of Game. One member is a person who represents Native landholders. Two members of the Board are public members. The guide-outfitter, transporter, commercial use permit holder, and public members of the Board, as well as the representative of Native landholders, are appointed by the governor.

Sec. 08.54.310 sets out the duties and powers of the Board. The Board shall prepare, grade, and administer examinations for guide-outfitters licenses and for game management unit certifications; determine qualifications for class-A assistant guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses; establish performance standards for providers of big game commercial services and regulate the activities of these providers; publish an annual list of big game commercial services providers; prohibit big game commercial services that are unsportsmanlike, unethical, unsafe, etc; revoke, suspend, or deny renewal of licenses and permits; authorize issuance of transporter licenses and commercial use permits; meet at least twice each year; and provide for registration of base camps and other facilities.

The Board may establish a management system for guide-outfitters and establish standards of supervision that a guide-outfitter must exercise over class-A assistant guide-outfitters and assistant guide-outfitters.

Sec. 08.54.320 provides that the Board shall adopt regulations as required by this chapter and as necessary for administration of this chapter.

Sec. 08.54.330 provides that the Department of Fish and Game, Department of Natural Resources, and Department of Public Safety shall provide the Board with information necessary to regulate providers of big game commercial services.

ARTICLE 5. LICENSING.

Sec. 08.54.350 sets out the minimum qualifications necessary for a guide-outfitter license. A person who currently holds a master guide license may receive a master guide-outfitter license, but is in all other respects treated as a guide-outfitter. A guide-outfitter may contract to guide-outfit hunts for big game.

Sec. 08.54.360 sets out the minimum qualifications necessary for a marine mammal guide-outfitter license. A marine mammal guide-outfitter may contract to guide-outfit hunts for marine mammals.

Sec. 08.54.370 sets out the requirements for renewal of guide-outfitter and marine mammal guide-outfitter licenses. The department may not renew a license unless these requirements are satisfied.

Sec. 08.54.380 sets out the minimum qualifications necessary for a class-A assistant guide-outfitter license. A class-A assistant guide-outfitter may not contract to guide-outfit hunts. A class-A assistant guide-outfitter must be under the supervision of a guide-outfitter but may take charge of a camp in the absence of a guide-outfitter.

Sec. 08.54.390 sets out the minimum qualifications necessary for an assistant guide-outfitter license. An assistant guide-outfitter may not contract to guide-outfit hunts and must be employed by a guide-outfitter and supervised by a guide-outfitter or class-A assistant guide-outfitter while in the field on a hunt.

Sec. 08.54.400 sets out the requirements for obtaining and renewing a transporter license.

A transporter may provide transportation services to big game hunters. A transporter may also provide accommodations to big game hunters in the field in certain situations. A transporter must place a decal provided by the department on each piece of transportation equipment that the transporter uses in providing transportation services to big game hunters.

Sec. 08.54.410 provides for an appeal to the commissioner of commerce and economic development if an applicant for any

class of guide-outfitter license or transporter license is denied a license by the Board. Specific criteria that an appellant must satisfy in order to file an appeal under this section are set out.

Sec. 08.54.420 provides that guide-outfitter, marine mammal guide-outfitter, and transporter licenses are renewed annually.

Sec. 08.54.430 provides for examinations for any class of guide-outfitter license that may be required under this chapter. The Board shall administer qualification examinations at least twice a year and at least once each two years shall administer the examinations at a location outside of Anchorage. The examinations must be administered at least 90 days apart.

The Board shall regularly provide information on examinations and qualifications for all classes of guide-outfitter licenses to residents of rural areas.

Sec. 08.54.440 provides for renewal of all classes of guide-outfitter licenses after the license has lapsed. If any class of guide-outfitter license has lapsed for two consecutive years, the applicant must satisfy the requirements for initial issuance of the license.

A guide-outfitter does not have to repeat the three year apprenticeship as a class-A assistant guide-outfitter or an assistance guide-outfitter unless the guide-outfitter license has been lapsed for three years or more.

Sec. 08.54.450 provides that the department shall set fees for examinations and licenses required under this chapter. A license fee for any class of guide-outfitter license is in addition to the fee paid for a hunting license.

Sec. 08.54.460 requires that a person, other than a licensed guide-outfitter, marine mammal guide-outfitter, or transporter, who provides other big game commercial services for compensation register with the Board, obtain a commercial use permit, and pay the commercial use permit fee. Examples of "other big game commercial services" are listed.

Sec. 08.54.470 requires guide-outfitters, marine mammal guide-outfitters, and transporters to obtain an annual commercial use permit and pay the commercial use permit fee.

The department, in consultation with the Board, shall set the amount of the commercial use permit fee.

A guide-outfitter, marine mammal guide-outfitter, or transporter shall pay the commercial use permit fee with the application for issuance or renewal of their license.

The commissioner of administration shall separately account for the fees received for commercial use permits. The legislature may use the money received for commercial use permits to make appropriations to the Department of Fish and Game and the Department of Public Safety for game management and enforcement of game laws.

#### ARTICLE 6. PENALTIES.

Sec. 08.54.500 sets out the procedures for discipline of a person who holds any class of guide-outfitter license.

The Board may hold a disciplinary hearing upon receiving a written complaint about the guide-outfitter licensee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about a licensee's activities or a complaint about a licensee's conduct in a life-threatening situation or if the licensee is convicted or certain state or federal laws.

The Board may revoke, suspend, or deny renewal of any class of guide-outfitter license after a hearing if the Board finds that the licensee engaged in certain proscribed activities or violated certain state or federal laws.

The Board shall revoke any class of guide-outfitter license after a hearing if the Board finds that the licensee is not qualified for the license held, is incompetent, or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend any class of guide-outfitter license if a certified copy of a judgment of conviction of a licensee for certain state or federal crimes is filed with the Board.

Sec. 08.54.505 provides for the discipline of transporters and commercial use permittees.

The Board may hold a disciplinary hearing regarding the activities of a transporter or commercial use permittee upon receiving a complaint about the transporter or commercial use permittee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about the transporter's or permittee's activities or if the transporter or permittee is convicted of certain state or federal laws.

The Board may revoke, suspend, or deny renewal of transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee engaged in certain proscribed activities or violated certain state or federal laws.

The Board shall revoke a transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee is not qualified for the license or permit or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend a transporter license or commercial use permit, if a certified copy of a judgment of conviction of licensee or permittee for certain state or federal crimes is filed with the Board.

Sec. 08.54.510 sets out general provisions applicable to disciplinary proceedings.

A person who is disciplined under AS 08.54.500 or 08.54.505 may not engage or be employed in the business of providing big game commercial services during a period of license or permit revocation or other disciplinary action. A person who is licensed under this chapter or who holds a commercial use permit may not employ a person whose license or permit under this chapter has been suspended or revoked.

A license or permit that has been revoked must be surrendered immediately to the department.

A certified copy of a judgment of conviction is conclusive evidence of the commission of the offense in a disciplinary proceeding of the Board, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

The Board shall notify a complainant of the result of the Board's hearing within 30 days after the hearing. The Board must also notify a complainant of its reasons for not taking disciplinary action.

Sec. 08.54.520 sets out unlawful acts involving the provision of big game commercial services and establishes the penalties for those acts.

A person may be punished by a fine of not more than \$30,000 or imprisonment for not less than two months or more than one year or both for

- (1) failing to report violations of certain laws by a client or employee if the person holds a license or permit issued under this chapter;
- (2) committing, aiding in the commission of, or allowing a violation of certain fish and game laws if the person holds a license or permit issued under this chapter;
- (3) providing big game commercial services without holding a commercial use permit;
- (4) obstructing the lawful hunting activities of hunter who is not a client of the person, if the person holds a license or permit under this chapter;
- (5) providing guide-outfitting services except while employed and supervised by a guide-outfitter, if the person is a class-A assistant guide-outfitter or assistant guide-outfitter;
- (6) entering or remaining unlawfully on state, federal, or private land without prior authorization, if the person holds any class of guide-outfitter license.

A person may be punished by a fine of not more than \$30,000, or imprisonment for not less than two months or more than one year, or both for a first offense or by a fine of not more than \$50,000 or imprisonment for not more than five years for a second or subsequent offense for

- (1) providing guide-outfitter services without having an appropriate class of guide-outfitter license and hunting license in actual possession;

(2) advertising or to representing to be a guide-outfitter without holding a guide-outfitter or marine mammal guide-outfitter license;

(3) providing transportation services to a big game hunter without holding a transporter license;

(4) contracting to lead a hunt, if the person is a class-A assistant guide-outfitter or assistant guide-outfitter.

A person who provides big game commercial services while the person's license to provide those services is suspended or revoked is punishable by a fine of not more than \$50,000 or by imprisonment for not more than three years.

A person who is convicted of an act set out in this section may also be subject to revocation of the person's license to provide guide-outfitter and transportation services for not more than five years and forfeiture of guns, boats, aircraft, and other equipment used in committing the act.

A court may not suspend imposition or execution of sentence and the person may not be granted probation until the minimum sentence is served, if a person is convicted of an act set out in this section.

Sec. 08.54.530 provides that the Board may obtain an injunction to stop a person from violating certain provisions of this chapter.

Sec. 08.54.540 provides that a guide-outfitter is subject to discipline by the Board under AS 08.54.500 for violations of certain state and federal laws committed during the course of employment by a class-A assistant guide-outfitter or assistant guide who is employed by the guide-outfitter.

#### ARTICLE 7. GENERAL PROVISIONS.

Sec. 08.54.550 provides for the collection of certain information and reports from guide-outfitters, marine mammal guides, and transporters by the department. This information is confidential except that aggregated information may be released in reports by the department.

Sec. 08.54.590 established definitions for "base camp", "big game", "big game commercial hunting services", "big game

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commercial service", "board", "compensation", "department", "enter or remain unlawfully", "field", "game management unit", "guide-outfit", "spike camp", "transportation services", and "unethical activity".

Section 4 of the bill amends AS 12.55.125(e), by establishing a one year presumptive sentence for a first felony conviction if the offender is convicted of AS 08.54.520(a)(7) - (10).

Section 5 of the bill amends AS 16.05.407(a) by adding mountain goat to the list of species for which a nonresident hunter is required to utilize the services of a guide-outfitter and by making certain technical changes that are necessary to conform with the remainder of the bill.

Section 6 of the bill amends AS 16.05.407(d) by making a technical change that is necessary to conform to the repeal of AS 16.05.407(e).

Section 7 of the bill amends AS 16.05.408(a) by making technical changes necessary to conform with Section 3 of the bill.

Section 8 of the bill amends AS 16.05 by adding a new section.

Sec. 16.05.783 prohibits hunting clubs from supporting big game hunting activities or providing facilities or services for big game hunting. "Hunting club" is defined.

Section 9 of the bill amends AS 39.50.200(b)(48) in order that the members of the Big Game Commercial Services Board are subject to the conflict of interest law.

Section 10 of the bill amends AS 41.23.420(d) by making a technical change that is necessary to conform to section 3 of the bill.

Section 11 of the bill amends AS 44.62.330(a)(35) to provide that the Big Game Commercial Services Board is subject to certain provisions of the Administrative Procedure Act.

Section 12 of the bill provides for the transition from the existing classes of guide licenses to the new classes of guide-outfitter licenses.

All classes of guide licenses that are in effect on the effective date of this bill continue to be valid for the period for which the licenses were originally issued.

Persons who currently hold master guide licenses shall be issued master guide-outfitter licenses. Persons who currently hold registered guide licenses shall be issued guide-outfitter licenses. Persons who currently hold class-A assistant guide licenses shall be issued class-A assistant, guide-outfitter licenses. Persons who currently hold assistant guide licenses shall receive an assistant guide-outfitter license. The new licenses shall be issued to the current licensee at the time of the next license renewal following the effective date of this bill, if the person is in good standing at the time of issuance and pays the appropriate fees.

If the Department of Commerce and Economic Development can issue new licenses sooner than is required by this section, the department may do so without charge to the licensee.

Section 13 of this bill provides that natural persons who have provided big game outfitting services in the past may qualify for a guide-outfitter license.

In order to qualify for a guide-outfitter license under this section, the person must have registered a camp, cabin, or lodge under AS 16.05.787 during 1986, 1987, and 1988, engaged in the business of big game outfitting in 1986, 1987, and 1988, passed the guide-outfitter examination within two years from the effective date of this bill, and satisfied other requirements.

A person who is denied a guide-outfitter license under this section by the Big Game Commercial Services Board may under certain circumstances appeal the action of the Board to the commissioner of commerce and economic development.

A person who provides sufficient proof of past history as a big game outfitter may receive an interim outfitter license that is valid for a period not to exceed two years from the effective date of this bill.

A person who holds an interim outfitter license may provide transportation and other big game commercial services to hunters in the field, except that the person may not provide big game guiding services.

A person who holds an interim outfitter license must promptly report violations of certain laws committed by a client or employee of the person.

A person who holds an interim outfitter license must register base camps, cabins, and lodges that the person uses in providing big game outfitting services. The person must report the amount and kinds of big game taken by each hunter who uses the registered camp, cabin, or lodge.

A person who holds an interim outfitter license and who fails to report violations of certain laws by clients and employees is punishable by a fine of not more than \$2,000 or imprisonment for up to one year or both. Falsification of an affidavit of registration for a base camp, cabin, or lodge constitutes the crime of unsworn falsification under AS 11.56.210.

The terms "base camp", "big game", "field", "guiding", and "outfitting" are defined.

Section 14 of the bill allows certain extraordinary appointments to fill the initial vacancies on the Big Game Commercial Services Board.

The guide-outfitter seats on the Board may initially be filled by persons who are either a master guide or registered guide under current law or who registered a camp, cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business of big game outfitting in 1986, 1987, and 1988.

The transporter seats on the Board may initially be filled by persons who engaged in the business of providing transportation to big game hunters in 1986, 1987, and 1988.

Section 15 of the bill provides for the continuance of legal proceedings, hearings, investigations, and regulations during the transition from the current guide statutes (AS 08.-54.010 - 08.54.240) to the guide-outfitter statutes contained in this bill.

Section 16 of the bill provides for the repeal of the current guide statutes (AS 08.54.010 - 08.54.240); the requirement for big game tag harvest reports and big game transporter reports (AS 16.05.370(b) and (c)); the requirement that nonresident hunters provide information on big game hunting services used in taking moose and caribou

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(AS 16.05.407(e)); provisions relating to the duty of big game transporters to report violations of certain state law (AS 16.05.786); and the requirement for registration of big game hunting base camps, cabins, and lodges (AS 16.05.787).

Section 17 of the bill provides for the repeal of certain amendments to AS 08.54 and AS 16.05 that are scheduled to take effect on July 1, 1989.

Section 18 of the bill provides that the power of the Big Game Commercial Services Board to develop a resource based management system for allocating access to big game hunting opportunities among guide-outfitters under AS 08.54.310-(b)(1) does not take effect until the earlier of January 15, 1990 or the date of submission of a report on this subject by the Task Force on Guiding and Game.

Section 19 of the bill provides that the remainder of the bill takes effect immediately.

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## JOINT DEPARTMENT POSITION PAPER ON HB 112

### A. General Comments

HB 112 basically repeals the existing Guide Board and replaces it with a Big Game Commercial Services Board which is empowered to license and regulate not just one provider of commercial big game hunting services (i.e., guides) but all aspects of the commercial big game hunting industry in Alaska.

HB 112 reflects the work and recommendations of the Legislative Task Force on Guiding and Game, which included representatives from the Departments of Commerce and Economic Development, Fish and Game, and Public Safety, as well as the active (but nonvoting) participation of the Department of Law. The report of the Task Force reflects the position of the Administration on many of the issues addressed in HB 112, and has been endorsed by the departments' representatives. All members of the Task Force deserve thanks for the time, patience, and thought each member brought to the deliberations that resulted in both the final report and this bill.

Because the recommendations generally reflect Administration policy, we will not in detail reiterate here what has already been more than adequately expressed in the report and in this proposed legislation. However, we do wish to emphasize a few particular issues raised in the report and offer, where we believe appropriate or necessary, a number of amendments to HB 112.

First, we wish to stress our belief in and support for the "holistic" approach taken by the Task Force to the commercial taking of Alaska's "big game" resource. We believe it is key to the bill. The intent is clear: if any person directly or indirectly receives compensation from the commercial harvest of Alaska's big game, then that person needs to be identified and regulated. As envisioned by the Task Force and as drafted in SB 140, the degree to which a commercial big game services provider is regulated reflects the level of consumer and resource protection deemed necessary by the Task Force.

Thus, some service providers are only required to register with the Big Game Commercial Services Board, receiving a simple commercial use permit which identifies them as a beneficiary of our game resource but requires no special licensing or admission criteria. Examples of commercial use permit holders include a hunting lodge on a remote lake, a hunt broker, or a sporting goods store renting hunting gear.

Other providers, however, are required to meet certain conditions before they may be licensed and receive compensation for the big game commercial hunting services they provide. There are two classes of these more highly regulated commercial users: guide-outfitters and transporters.

Of these two, transporters (persons who may provide transportation services of any kind) are somewhat less regulated under this act than are guide-outfitters. As you are aware, a majority of the transporters provide air or water transportation services. Under this bill, any person

seeking to provide such services to big game hunters must have a transporter license from the board. However, to qualify for that license, the transporter must first provide proof to the board that the transporter holds the applicable FAA or Coast Guard commercial operator licenses.

For the guide-outfitter (a class which contains a number of subcategories: class A, marine mammal, and assistant), licensure is dependent upon demonstration -- to an extent and degree satisfactory to the board -- of considerable expertise in the field of guide-outfitting. For example, in order to be licensed as an assistant guide-outfitter (an apprentice, of sorts), a person must first pass an exam and meet other established criteria. An assistant must later pass a more rigorous exam to become a licensed guide-outfitter, because the guide-outfitter is the only licensed professional eligible to actually sign contracts to conduct big game hunts.

A license to transport or guide-outfit is conditioned because the activities of these two groups have the most significant impact on the resource. It is especially important to consider the impact of the airplane on the degree and distribution of the harvest of the resource and the impression of that impact (mostly negative) on the Task Force's actions in regulating transporters.

While there may only be some 180 FAA licensed air taxi/commercial air services in the state, there are in excess of 1,000 transportation services providers which have been identified by the Department of Fish and Game. While many of these businesses appear to principally provide outfitting or lodging, or both, almost all also provide transportation to, from, and in the field, and all serve big game hunters. The survey of rural residents and village and Native Corporations done by RurALCAP on behalf of the Task Force makes it clear that the use of the airplane -- because of its easy access to the game in the field -- may contribute substantially to the overharvest and waste of game. This conclusion is also concurred in by Departments of Fish and Game and Public Safety.

By requiring resident and nonresident transporters to have to meet FAA Part 135 requirements, the Task Force hopes to reduce the potential for unregulated overharvest of those big game species that are of great importance to subsistence and resident users as meat animals (i.e., moose and caribou).

This bill also eliminates the distinction between guides and outfitters, and creates a "guide-outfitter" class. Outfitters in the past have been unregulated; this bill now requires that these individuals meet the licensing criteria established for all persons given direct, one-on-one responsibility for the conduct of a big game hunt. By melding guides and outfitters into one license category, the Task Force -- through this bill -- hopes to establish a pool of well-qualified, licensed persons to provide guided or outfitted big game hunts. In addition, these licensing requirements will indirectly serve to regulate the numbers available to conduct guided or outfitted hunts.

(In fairness to the previously unregulated outfitters, the bill does provide some transition -- or grandfather -- provisions, in order that those who have outfitted for the past three years and met the require-

ments of last year's SB 191 might continue to outfit while preparing to take the guide-outfitter exam for which this bill makes them eligible to sit.)

The Task Force also recognized that the commercial harvest of Alaska's big game resource plays a major role in Alaska's economic well-being. The Administration is anxious that this point not be overlooked by the Legislature.

Hunts by nonresidents (whether U.S. citizens or foreigners) for Alaska's big game trophy animals are a significant part of our "tourist" industry. In addition, nonresident tag fees provide 75% or more of the fish and game funds currently supporting the resource management budget within the Division of Wildlife Conservation. Although, unfortunately, no one can currently say with any real authority just exactly how many millions of dollars are spent each year in Alaska as a result of the harvest of Alaska's wildlife resource (including how much is spent on incidentals and gift items while visiting here), no one has contested the \$100 million figure so often used by industry proponents.

It is important to note that, as with our fisheries, the "product" of this industry -- the game -- costs the commercial big game industry absolutely nothing to create: it is growing in the wild, free and available. The fact that such significant sums of money are generated from a public resource mandates that the state:

1. identify and regulate those who financially benefit from the commercial activities associated with big game hunting;
2. receive back from all private sector commercial users a portion of that revenue to assist in game management and enforcement of game laws and regulations; and
3. continue to manage the game resource in order to insure that not only subsistence and resident user needs are met, but that a sufficient yield is maintained to also provide for nonresident hunters and a viable big game commercial services industry.

HB 112 provides us with the tools to accomplish these three important goals.

The bill requires all persons covered by the act to pay a "commercial use permit fee" which will be separately accounted for in the general fund. The bill provides that the Legislature may make appropriations based on the annual estimated balance of that special fund to the Departments of Fish and Game and Public Safety for game management and enforcement. The bill also establishes a "big game conservation fee," which, under certain criteria, is due to the state for each animal taken by a big game hunter. Again, these fees are to be separately accounted for and utilized by Fish and Game and Public Safety.

These fees "reimburse," as it were, the citizens of Alaska for the annual commercial harvest of their game resource, and provide the state with

funds to continue to properly manage the game and adequately enforce game laws and regulations.

We are aware that many previously unregulated persons may well resist the sweeping changes proposed in the bill and resent its tough accountability provisions. We strongly believe, however, that the advantages to Alaskans generally that accrue from this bill outweigh the concerns of those commercial users who must now stand, be counted, assume some responsibility for the resource, and pay.

Finally, there is the issue of proposed amendments. The Administration has a few substantive changes to propose. We also have a number of mostly self-explanatory technical amendments, the majority of which were requested by the Department of Public Safety to clarify the discipline and penalty provisions of the bill. Each of these proposals is separately discussed below.

#### B. Rationale for Proposed Amendments

Attached to this position paper are our proposed amendments. They are numbered 1 through 14 and will be discussed in that order.

##### Amendment No. 1: Board Composition

Proposed AS 08.54.300(b)(1), (2), and (3) would include among the members of the proposed board three representatives of the Administration: the commissioners of fish and game, natural resources, and public safety (or their designees). We believe this is not a good idea.

The proposed board is a regulatory one. Its powers and duties would include the power to discipline those regulated by the proposed board. If a state agency filed a complaint with the proposed board, which might result in the proposed board taking disciplinary action, an obvious due process problem would result: with the agency bringing the complaint also being represented on the proposed board itself, the agency would be serving as both accuser and adjudicator.

A second problem: since the three named state departments are clearly within the executive branch and, therefore, represent the Administration, we believe agency representation on the proposed board might limit the Administration's flexibility in responding to the proposed board's actions and recommendations. A related problem is that, since the Administration always tries to speak with one voice, albeit not always successfully, having three separate agency representatives on the proposed board either would be redundant or, worse, would open the door to having internal disagreement within the Administration aired in a public forum.

None of these situations seem advisable to us. The board's disciplinary/enforcement role could be compromised and, if the agency representatives attempt to speak with but one voice, the board, which needs the benefit of free discussion, would be considerably hampered by the lack of independent viewpoints and perspectives.

We have proposed instead, two amendments. This first one would remove the three state agency representatives from the Big Game Commercial Services Board (CSB). In their place, we have added one seat for the class of commercial use permit holders discussed in AS 08.54.460, not previously represented on the board, and increased the public membership on the board from one to three.

In addition, we have clarified that the board member appointed by the Board of Game cannot, while serving on the CSB, also hold a commercial use permit. This would ensure that the Board of Game representative did not have a financial interest in the big game hunting industry while on the board, thus attempting to maintain (along with the additional public members) some balance of special interests on the board.

In addition, because we recognize that much of the impetus behind the Task Force's decision to place state agency representation on the CSB came from a desire that the board be assured of receiving adequate information and data from the various departments, we have proposed Amendment No. 4, which will state, in statute, that the Departments of Fish and Game, Natural Resources, and Public Safety must provide the board with technical assistance and information.

#### Amendment No. 2: Board Duties

This amendment clarifies that the roster of big game commercial services providers maintained by the CSB should list only those qualified to be listed, regardless of the origin (federal or state) of the convictions.

#### Amendment No. 3: Management System

A majority of the members of the Task Force were fairly clear in their desire to recreate, to the maximum extent possible, an area scheme similar in construction to that which was held unconstitutional in Owsichek v. State, Guide Licensing and Control Board, 763 P.2d 488 (Alaska 1988). To this end, proposed AS 08.54.310(b)(2) provides that the CSB may "establish, in consultation with the Department of Fish and Game or the Department of Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters licensed under this chapter" (emphasis added). The inclusion of the Department of Natural Resources makes clear that a land-based, as well as resource-based system is contemplated. We are concerned over the constitutionality of this section.

Article VIII, section 3 of the Alaska Constitution provides: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In Owsichek, the Court held that the statutes authorizing the establishment of restricted guide areas were unconstitutional under this common use provision.

The court also noted that the common use provision precluded restricted guide areas even if they could be justified as a wildlife management tool. In the court's view, traditional management tools -- "[l]icensing requirements, bag limits, and seasonal restrictions" -- are apparently

sufficient to protect game resources without conflicting with common use guarantees.

A majority of the Task Force, however, believes that some system of limitation may be available through the granting of leases and concessions on state lands. Inclusion of the commissioner of natural resources (or designee) on the proposed board and the grant of authority to "establish" an allocation system "in consultation" with the Department of Natural Resources signals, we believe, an intent to employ the state's land management authority to recreate, to the extent possible, the type of area system found unconstitutional in Owsichek.

As contemplated by the Task Force, commercial guide-outfitting concessions on state lands would involve fairly large tracts of land for substantial periods of time and would, again to the extent feasible, legally preclude anyone other than the designated concessionaire(s) from leading guided or outfitted hunts in the areas for which the concessions are granted. (Some members of the Task Force also expressed strong support for some form of preference rights under which individuals currently holding restricted guide areas would be given priority in obtaining such concessions.)

Other points must also be considered. First, the scheme presently contemplated by the Task Force would apply only to state land. It could not be applied to federal land or privately owned land (including land owned by Native corporations). It thus would not provide the statewide economic relief the guide-outfitters are seeking, nor would it provide Alaskans with what we most want: a game management system that will extend across all lands and be agreeable to all land owners. If we do not cooperatively develop a game management system acceptable to all land owners, the resulting loss of control over our statewide game resources will defeat any comprehensive attempt to manage our big game resources by the required sustained yield concepts. Finally, even with such a program, the limited duration of the exclusive concessions which could be granted probably would not provide the kind of long-term economic security and certainty the guide-outfitters desire.

In brief, it seems to us that the court has signalled in Owsichek that the common use clause requires that there be equal opportunity of access to the resource for all qualified guide-outfitters, and that traditional fish and game management tools -- e.g., licensing requirements, bag limits, and seasonal restrictions (we also believe these also include random permit drawings for both sport and commercial hunts) -- be used to protect the resource, at least unless and until the Alaska Constitution is amended to authorize exclusive guide areas.

Our proposed amendment removes the language providing the CSB with the authority to "establish" any kind of game management system. We believe that that must be done by the appropriate resource agencies. Instead, we suggest the board be given authority to "consult" with the Departments of Fish and Game and Natural Resources with respect to the creation of a resource-based management system that makes provision for commercial hunting opportunities for guide-outfitters.

We believe any language placing the CSB at the center of the creation of a system to allocate big game hunting opportunities among licensed guide-outfitters will give us the same complex problems that have dogged the Guide Board for so many years.

Amendment No. 4: Board Assistance

Justification for this amendment was previously discussed under Amendment No. 1 above. This new section would require specific state agencies to provide information and technical assistance to the CSB in lieu of those agencies holding seats on the Commercial Services Board itself.

Amendment No. 5: Commercial Use Permit Holders

This amendment clarifies that the class of commercial use permit holders does not include businesses providing accommodations (hotels, motels) within cities, towns and villages. Only lodges and the like situated in the "field" are required to get a commercial use permit if they provide accommodations (or other big game commercial services) to hunters.

Amendment No. 6: Discipline of Guide-Outfitters

This amendment expands the list of persons who may file a complaint against a guide-outfitter. The present language limits complaints to those filed with the board "by a client of the licensee." By deleting that restriction, other persons may file complaints, including land owners, fish and wildlife protection officers, and any others aware of potential violations.

Amendment No. 7: Discipline of Guide-Outfitters

This amendment would add, as a ground for discipline, the unauthorized use of state, federal, or private land by a licensed guide-outfitter.

Amendment No. 8: Discipline of Guide-Outfitters

This amendment clarifies that hunting in closed areas, whether closed by state or federal regulation, is grounds for the summary suspension of a guide-outfitter license.

Amendment No. 9: Discipline of Transporters/Commercial Use Permittees

This amendment clarifies that hunting in closed areas, whether closed by state or federal regulation, is grounds for the summary suspension of a transporter license or a commercial use permit.

Amendment No. 10: Unlawful Acts

This amendment would make it unlawful for big game commercial service providers to use state, federal, or private land without authorization.

Amendment No. 11: Unlawful Acts

This amendment clarifies which of the listed offenses is solely subject to misdemeanor penalties and deletes any specific reference to a required jail term.

This amendment, and the following two (numbers 12 and 13), follow suggestions provided to the Task Force by the Department of Law's Criminal Division, which deals regularly with these provisions in handling unlawful guiding activities.

Amendment No. 12: Unlawful Acts

This amendment clarifies which of the listed offenses is subject, on first offense, to misdemeanor penalties, and which, on a second or subsequent offense, is deemed serious enough to warrant escalation to felony penalties. The amendment also deletes the words "two months" in favor of "sixty consecutive days," which more tightly defines the sentencing conditions.

Amendment No. 13: Unlawful Acts

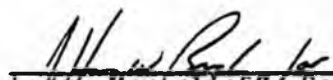
This amendment does not change the intent of this section in the bill, but adds language which specifically references the statutes which apply to the suspension or reduction of penalties during sentencing; the bill intends to limit the court's sentencing discretion in cases involving unlawful acts by big game commercial services providers.

Amendment No. 14: Definitions of "Guide-Outfit"

This amendment substantially rewrites the definition of "guide outfit" in the bill. The changes add language that exists in the definition of "guide" or "guiding" in the present statutes. We believe much important language was unintentionally left out during the drafting of the definition for guide-outfitting and, primarily for enforcement purposes, we are recommending that this definition be expanded to include portions of the language that presently exists in statute.

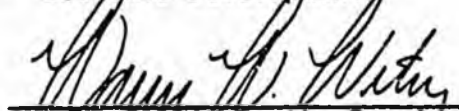
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In the final analysis, the Administration is very supportive of HB 112 and urges its passage. We would appreciate consideration of our proposed amendments as well.

  
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Larry Merculieff, Commissioner  
Department of Commerce &  
Economic Development

2/15/89

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Date

  
\_\_\_\_\_  
Don W. Collinsworth, Commissioner  
Department of Fish and Game

2/15/89

\_\_\_\_\_  
Date

  
Lennie Boston-Gorsuch, Commissioner  
Department of Natural Resources

2/14/89  
Date

  
Arthur English, Commissioner  
Department of Public Safety

2-14-89  
Date

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PROPOSED AMENDMENTS TO HB 112

Page/Lines

Amendments

Page 1, Lines 26  
through 29; Page 2,  
Lines 1 through 10

1. Repeal and reenact AS 08.54.300(b) to read:

(b) The board consists of nine members:

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

(2) one member who is a licensed transporter;

(3) one member who is a commercial use permit holder, as defined in AS 08.54.460;

(4) one member of the Board of Game who is chosen by the Board of Game, but who cannot hold a commercial use permit while serving on the board;

(5) one member who represents Native land holders; and

(6) three public members.

Page 3, Lines 4  
through 10

2. Amend AS 08.54.310(a)(4) to read:

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

Page 3, Lines 26  
through 29

3. Amend AS 08.54.310(b)(2) to read:

(2) consult [ESTABLISH, IN CONSULTATION] with the Departments of Fish and Game and [OR DEPARTMENT OF] Natural Resources [,] with respect to a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters licensed under this chapter;

Page 4, Line 7

4. Amend Article 4 ("Big Game Commercial Services Board") by adding a new section to read:

AS 08.54.330. BOARD ASSISTANCE. The departments of fish and game, natural resources, and public safety shall provide the board with any information, data, or technical assistance requested by the board for the pur-

poses of licensing and regulating the activities of the providers of commercial services subject to this chapter.

Page 12, Lines 1 through 10

5. Amend AS 08.54.460 to read:

Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set under AS 08.54.470. In this section "other big game commercial services" includes provision of accommodations in the field, hunt broker services, gear rental services, photographic or videographic services, expediter services, and services as defined by the board by regulation.

Page 12, Line 29;  
Page 13, Lines 1 through 5

6. Amend AS 08.54.500(a) to read:

Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board may hold a hearing to determine whether disciplinary action is necessary if a complaint concerning the guide-outfitting activities of a licensee who holds any class of guide-outfitter license is filed with the board [BY A CLIENT OF THE LICENSEE]. The board shall hold a hearing to determine whether a licensee should be disciplined within a reasonable time after . . . .

Page 13, Lines 15 through 24

7. Amend AS 08.54.500(b) to read:

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

(1) engaged in unethical activity, unsafe activity, or activity that adversely affects the natural resources of the state when the activity is related to the purposes of providing guide-outfitting services; [OR]

(2) violated a provision of a federal or state statute or regulation relating to hunting or provision of big game commercial services; or

(3) used state, federal, or private land without authorization, when such authorization is required by state or federal law, regulation, or other authority.

Page 14, Lines 3 through 9

8. Amend AS 08.54.500(c)(3) to read:

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

- (A) waste of a wild food animal;
- (B) hunting on the same day airborne;
- (C) hunting during a closed hunting season; or
- (D) hunting in an area closed by state or federal regulation.

Page 15, Lines 18 through 24

9. Amend AS 08.54.505(c)(2) to read:

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

- (A) waste of a wild food animal;
- (B) hunting on the same day airborne;
- (C) hunting during a closed hunting season; or
- (D) hunting in an area closed by state or federal regulation.

Page 18, Lines 13 through 15

10. Amend AS 08.54.520(a) to add a new subparagraph to read:

(11) [A] person to engage in a big game commercial services activity during the period for which the person's license to conduct that activity is suspended or revoked;

(12) person who is licensed or holds a commercial use permit under this chapter to use state, federal, or private land without authorization, when such authorization is required by federal or state law, regulation, or other authority.

Page 18, Lines 16 through 19

11. Amend AS 08.54.520(b) to read:

(b) A person who commits an offense set out in (a)(1), (4) and (5) [(a)(1) - (6)] of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment for not [LESS THAN TWO MONTHS OR] more than one year, or both.

Page 18, Lines 20 through 27

12. Amend AS 08.54.520(c) to read:

(c) A person who commits an offense set out in (a)(2) and (3) and (6) - (12) [(a)(7) - (10)] of this section is guilty,

(1) for a first offense, of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment for not less than sixty consecutive days [TWO MONTHS] or more than one year, or both;

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

Page 19, Lines 12  
through 14

13. Amend AS 08.54.520(f) to read:

(f) Upon conviction of a person for committing an offense set out in (a) of this section, [THE COURT MAY NOT SUSPEND IMPOSITION OF SENTENCE] the imposition or execution of the minimum sentence prescribed in this section may not be suspended or reduced in accordance with AS 12.55.080 or 12 55.085.

Page 20, Lines 25  
through 27

14. Amend AS 08.54.590(4) to read:

(4) "guide-outfit" means to provide, for compensation, or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field, [FOR COMPENSATION, IN THE FIELD BUT DOES NOT INCLUDE TRANSPORTATION SERVICES,] including accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include providing transportation services to, from, or in the field if the persons providing transportation services and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of those services;

RB/cw9377c  
21389d

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

February 14, 1989

The Honorable Bettye Fahrenkamp, Chairwoman  
Senate Resources Committee  
P.O. Box V  
Juneau, Alaska

Dear Senator Fahrenkamp:

To assist your committee in its consideration of Senate Bill 140, I am writing to provide a synopsis of the Owsichek decision and its implications for creating an area management system for allocating guide access to big game.

### 1. SYNOPSIS OF THE OWSICHEK DECISION.

On October 21, 1988, the Alaska Supreme Court decided that the statutes and regulations that underlie the state's exclusive guide area system ("EGA") are unconstitutional. 1/

On December 8, the court granted the state's request that the effect of this decision be postponed until June 1, 1989. Therefore, the EGA system is currently enforceable. Beginning in June, the system will have no legal effect, and any licensed person may guide hunters in a game management unit for which he or she is certified. 2/

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1/ The court uses the term "exclusive guide areas" to describe not only joint use areas but also "restricted guide areas," a term used to describe EGA's since 1986 when the term appeared in AS 08.54.195.

2/ When a guide is licensed by the Division of Occupational Licensing, he or she is "certified" to conduct hunts in only those game management units where the guide has experience. Except for older guides who were "grandfathered" into more units, most guides are limited by regulation to certification in not more than three game management units. 12 AAC 38.200.

(Footnote Continued)

The supreme court based the Owsichek decision on its interpretation of the "common use clause," i.e., article VIII, section 3 of the Alaska Constitution. This clause says, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

This was the first time the court was called on to interpret the common use clause with respect to wildlife. In earlier decisions, it had discussed the clause in the context of state waters (Wernberg and CWC Fisheries) and in the context of fish (Ostrosky and Johns). In light of its earlier decisions, the court declared that the "common use clause was intended to guarantee broad public access to natural resources."

In order to further clarify the meaning of the common use clause, the court looked at the constitutional history of this clause and at the historic development of wildlife law in general. Concerning the constitutional history, the court said that the purpose of the clause was "anti-monopoly." It also found that the framers of the constitution intended to prohibit "exclusive grants or special privileges" and intended that the public "retain broad access to fish, wildlife and water resources."

In discussing the development of wildlife law, the court said that the common use clause "constitutionalized" the state's public trust duty toward wildlife. This is a duty to manage these resources for the benefit of all the people.

The court summarized its interpretation of the common use clause by stating that the clause was intended to put into the constitution "certain trust principles guaranteeing access to

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(Footnote Continued)

At the time of the court's decision, 256 licensed guides had been assigned either exclusive or joint use guide areas. One hundred and eighty four licensed guides had no area to guide in. Therefore, after June 1 the Owsichek decision means that 184 more guides will be able to guide hunts in any of the game units for which they are certified. The additional hunting pressure, of course, varies from unit to unit. For example, the number of eligible guides in units 1, 2, 3, and 4 (southeast Alaska) will increase three-fold (from 13 to 33) while the number of eligible guides in unit 17 (Togiak - Dillingham area) will increase over six fold (from 17 to 129).

the fish, wildlife and water resources of the state" and, at a minimum, this meant a "prohibition against any monopolistic grants or special privileges." It also stated that the clause makes no distinction between use for personal purposes and use for professional purposes; common use applies to commercial guiding as well as recreational hunting.

In deciding that the EGA's violated these principles, the court noted the following features of the system:

1. The EGA system gave one guide the right to exclude all other guides from conducting hunts in his or her EGA. This right was based on the area holder's seniority, that is, his or her use, occupancy, and investment in the area.
2. EGA rights had no time limit, and the system of transferring them, based as it was on the selling of "improvements" and a holder's designation of his or her successor, allowed the selling of areas as if they were a property interest.
3. The assignment of EGA's was not based primarily on wildlife management concerns. The system could not be justified as a game management tool and therefore was unlike licensing requirements, bag limitations, and seasonal restrictions which were proper and "time-honored methods of conserving the resources." In this regard, it is important to note that the court said that even if used as a wildlife management tool, this would not "save the EGA system from unconstitutionality under the anti-monopolistic common use clause."

Finally, the court had made a distinction between the EGA's on one hand and state leases and exclusive concessions on the other. The latter are permissible because they are of limited duration, because they are subject to competitive bidding, because they are limited by contract terms and restrictions, and because the state receives compensation for them.

## II. IMPLICATIONS FOR A NEW AREA MANAGEMENT SYSTEM

The Legislative Task Force on Guiding and Big Game has recommended that the state develop a new area management system for allocating access to guiding opportunities among licensed guides. It has recommended the establishment of a land-based concession system. While the Department of Law could defend this type of system, we believe that it would ultimately fail a legal challenge.

We may be able to defend a concession system based on an analogy to the state's current shore fisheries lease program. That program enables the Department of Natural Resources to lease small tracts of shoreline for use by persons who hold set net permits under the state's fisheries limited entry program. For a guide area system to qualify for this analogy and answer some of the concerns raised by Owsichek, the concessions would have to be limited to state owned lands, would have to involve small tracts of land, would have to be limited in duration (one to three years), and would have to provide equal opportunity of access for all qualified guides when the concession was available for reassignment.

Even with these features, we believe that a concession system would still be found unconstitutional because of the severe manner that it would impinge on the common use guarantee as expressed in Owsichek. The analogy to the shore fisheries lease program is weakened by several factors. That program is tied directly to the state's limited entry program, a system of limiting access to fishery resources that has constitutional underpinning. A guide concession would limit access to game opportunities without an equivalent constitutional basis. 3/

State concessions and leases, as such, are not included in the common use clause. When their purpose is to allocate access to resources like timber and grazing land, the state is freer to grant exclusive rights. When allocating exclusive access to fish, wildlife, or waters, however, a land-based system would conflict with the principle of broad public access guaranteed by the common use clause.

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3/ In 1972 the Alaska Constitution was amended to allow the state to limit entry into fisheries. Ak. Const. art. VIII, §15. In a later case, the Supreme Court held that although fisheries limited entry is inconsistent with the "common use" clause, this system was validated by the 1972 amendment. State v. Ostrosky, 667 P.2d 1184 (Alaska 1983), appeal dismissed 467 U.S. 1201, 81 L.Ed. 2d 339 (1984).

There is no provision in the constitution that allows for limiting entry to game resources, and currently there is no proposal for such an amendment. (Amendments to the constitution are accomplished by a proposal by each house, passed by at least a 2/3 vote, followed by a majority vote of the public at the next general election. Ak. Const. art. XIII, §1.)

Even if a system were developed that served only game management purposes and not the economic welfare of a segment of the guiding industry, it would not be safe. The Owsichek court noted that the common use clause precluded exclusive guide areas even if they could be justified as a wildlife management tool. 4/ In the court's view, the traditional game management tools -- licensing requirements, bag limits, and seasonal restrictions -- apparently are sufficient to protect the resource without conflicting with the clause. A court would recognize that the state can respond to any increased pressure on game resources by requiring hunter registration, permit drawing, or other methods now available to the Board of Game. Although these techniques may bring unpredictability to the business of guiding, we believe that a court would favor them over a system that has inherent constitutional problems.

In conclusion, a constitutional amendment is the only certain step that will guarantee a stable, long-term system that allows some, but not all qualified guides to have access to game resources in a particular area. We believe that any statutory, land-based system that does not have explicit constitutional underpinning and that resembles even remotely the EGA scheme that was struck down in Owsichek will be destined to the same fate.

Sincerely yours,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By: *Stephen M. White*  
Stephen M. White  
Assistant Attorney General

SMW:jf

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4/ Owsichek v. State, Guide Licensing and Control Board, 763 P.2d 488, 497 n.14 (Alaska 1988).



## Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

### AEL ISSUE PAPER: HJR's 112 & 113; SB's 139 & 140 - BIG GAME GUIDING AND COMMERCIAL HUNTING BILLS

We would like to commend both the House and Senate Resources Committees for their hard work on a difficult subject. We applaud the recognition that regulation of all commercial activity related to big game hunting is necessary, including transport and outfitter services. Regulation of all hunting-related services is essential to wise conservation and management of our game resources.

We urge the task force to remember, as it develops alternative allocation systems, that its primary responsibility is to proper management of the game resource for all users, including noncommercial hunters and nonconsumptive users. This is our concern. We will be watching with interest.

March 14, 1989  
by Bill Glude



February 9, 1989

TO: SENATOR FAHRENKAMP, AND ALL SENATE RESOURCE COMMITTEE MEMBERS  
REPRESENTATIVE MENARD, AND ALL HOUSE RESOURCE COMMITTEE MEMBERS

The Alaska Outfitters Association, Inc. (AOA) supports SB 140 and HB 112 at this time. The AOA does have some comments on the bill and some areas of concern. The AOA is not offering any amendments at this time, however should the bill receive what the AOA considers to be negative editing the AOA will become more involved.

AS 08.54.300. CREATION AND MEMBERSHIP OF BOARD

The new board could have a better balance of commercial use members. The different activities represented by the board should not be lumped together. Each activity has its own specific considerations that can only be understood by representation on the board. Please consider that the broad scope of the Task Force duties was not understood by many who are affected by the results, such as wilderness lodge operators, marine charter boat operators and transporters other than air taxis, consequently these other commercial users did not say much at the Task Force hearings.

Sec. 08.54.310. DUTIES AND POWERS

On page 3 lines 26 through 29, the concern is that this may be setting the foundation for another restricted guide area concept, contrary to the Owsichuk decision.

Sec. 08.54.470. COMMERCIAL USE PERMIT HOLDER

The definition of other big game commercial services is too vague and has no definitions. Possibly lines 6 through 10 on page 12 would read better in this manner; In this section "other big game commercial services" includes provision of accommodations and services as defined by the board by regulation.

Sec. 13 TRANSITION: OUTFITTERS

Page 26, line 12; A few outfitters with camps registered on federal lands were instructed by representatives of the Department of Public Safety not to register their camps with the state. These few outfitters should be allowed to participate. This may be achieved by a judgement call by Occupational Licensing.

2



Page 26, line 17; The AOA would like to see the oral portion of the guide-outfitter exam waived for transitional outfitters or given by someone other than a registered guide. The guide-outfitter exam should be offered as many times as possible during the outfitter transitional period, with the first exam before the 1989 fall hunting season and with ample time after the effective date for study.

Page 26, line 28; There is no business license classified "big game outfitter", with evidence in accordance with number (3) of this section, on this page, any business license for recreational services should be appropriate.

Page 28, line 4; The outfitter affidavit should be considered as confidential information, not information available to the general public.

The AOA wanted a longer transitional period with a different structure but we will accept this, however we ask that you keep in mind the topics mentioned.

Thank you for taking the time to read this list of AOA concerns. We appreciate the interest that our senators and representatives have shown the AOA and look forward to a good working relationship with you in the future.

In closing, please do all you can to pass this legislation in the best possible form and as quickly as possible.

Respectfully,  
*Paul Ellis*  
Paul Ellis  
Vice-president

3

1 PAGE  
1 INC

Testimony on SB 139 & 140, HB 112 & 113  
Wed 5-8-89 1:30 PM Teleconference

Madam Chairman and members of the Committee  
I am Byron Haly of 1002 Pioneer Rd, Fairbanks  
Alaska 99701 Retired and a 40 year resident  
of Fairbanks. I am President of Chitina Dipnetters  
Assoc., secretary of the Fairbanks Advisory Committee  
to the Boards of Fish and Game, a Lifemember  
of the Tanana Valley Sportmen Assoc. and a  
Trustee of the Alaska Outdoor Council.

I am not representing any of these organizations  
at this teleconference and this testimony is my  
own personal views.

I would like to thank the task  
force for there work on this very complex  
issue by bring forth a bill that a majority  
of the users groups can support, but as  
was brought out at Monday teleconference  
the job is only half done now comes the  
job of making up a management plan for  
the whole state which all user groups  
can support which is going to take a lot of  
work by everyone that is involved and I  
would like the Legislature to Pass SB 139 +  
HB 113 for a start.

On SB 140 + HB 112

The Big Game Commercial Services Board  
home office should be in Anchorage

2

so it would be more assailable to the public, guide-outfitters and Transporters.

There are some change I think need to be made.

On page 4 lines 12 and 21 after the word hunting the word Fishing should be added. I think it is very important to include the words Fishing, Fishermen or Fish in the bill where ever it is needed. A lot of fishing takes place along with guide-outfitters, hunt and would be used very much by a Transporter. Other areas in the bill where the word fishing should be added after the word hunting are as follows

Page 14 lines 8 and 9

Page 15 lines 2, 12, 23 and 24

Page 17 line 22

Page 18 line 10 use the word Fishermen

Page 21 line 7 add Fishermen and line 17 add Fishing.

On page 4 lines 22+23, Page 6 lines 13+14 Delete the words "For which the person was fined more than \$500 or imprisoned for more than five days" Any violation of Fish and Game laws should be used in

issuing or revoking a license. A dollar valuation or imprisonment should not be used in judging any violation of Fish and Game regulation and should be brought before the Big Game Commercial Service Board. a violation is a ~~real~~ violation and should be treated as such.

Under Transporter License Sec. 08. 54. 400 Pages ~~8~~, <sup>8</sup> ~~9~~ and <sup>10</sup> ~~10~~ There should be some wording to the effect that if a transporter is illegally transporting Fish and Game his Transporter license will be revoked and a renewal denied.

Above all the resource has to be protected at all cost.

This concludes my testimony and I would like to thank the committee for this opportunity to testify.

Byron W. Haley

FEB 14 1989



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
committee name

committee on SB 140, dated \_\_\_\_\_  
bill/subject

Senator Fahrenkamp:

I very much appreciate being able to present this testimony to the Committee regarding SB 140 and the bill extending the Task Force Study period.

It is very important that action be taken on both these bills. There is a very pertinent consideration that SB 140 does not address - that of determining the legal way to allot commercial use of areas. However, SB 140 should move ahead regardless.

I have several concerns with the bill. First, the composition of the Commercial Services Board - I feel more guides should be on that board. Another point is conservation fees. I believe that the "25% of tag" fee should be added to the tag fee up front. Collecting from the commercial user is going to be extremely cumbersome.

I also would like to see the Master Guide rating retained with perhaps some upgrading of the requirements.

Thank you for considering these points.

Signed: Ray McNutt  
Testifier Ray McNutt, Chairman

Alaska Guide Board

Representing (Optional)

Box 469, Sterling, Ak 99672

Address

262-4678

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
 committee on SB 140 Guide & SB 139 Outfitters, dated 2/13/89  
 bill/subject

I am a registered guide in Kodiak. I have been guiding 9 yrs. I did not have my own area. I would like to make the following remarks on the new G/O bill. 1. I strongly oppose the reduction in penalties from a felony to a misdemeanor. This is only going to encourage people to try to get away with more things than they already do. 2. I don't like the idea of someone who has not put the time in, in the field like I did to get my license to be able to guide a registered licensee just because he outlived for a couple of years. 3. I think on the makeup of the board that 1 member should be a guide from the time when exclusive areas were ~~made~~ legal so that 2 "Outfitters" don't get on. That would be unfair for the guides we have been the only ones who have compromised to be

Signed: William J. Newcomer

Testifier

myself

Representing (Optional)

Box 2204 Kodiak AK 99615

Address

907 - 486 - 6096

Phone No.

Thank you



# Alaska State Legislature

Please enter into the record my testimony to the Resource  
 committee name  
 committee on Guide outfitting dated 2/18/89  
 bill/subject

*In regards to the user fees new & existing that will follow this legislation. These fees except for a minor percentage 10-15% for administration should be delegated to the management of the resources from which they were derived*

Signed: *William P. Schenk* (SCHENK)  
 Testifier

Representing (Optional)  
*Box 1541-2*  
 Address  
*Kenai, AK 99611*  
 Phone No.  
*476-5692*



# Alaska State Legislature

Please enter into the record my testimony to the Resources Committee  
committee name

committee on SB 140, dated Feb 8, 1989  
bill/subject

My husband, Dick has been in Alaska 20 years. He began as a packer 19 yrs ago - he worked his way through the system, becoming a registered guide, then a master guide. His major concern is the transition from outfitter to guides. It would be nice to have more stringent qualifications for outfitters to do, in the year what it took which 19 yrs. to do. By the transition pass, then what about looking into a rating system such as in place already for the guides, that is, assistant guide, registered guide, then master guide. Then clients would know who they are hiring & what their knowledge & experience is.

One 2nd concern is the composition of the new board. We would like to see a person on there who actually represents the guide profession - with the 2 positions for the guide - outfitter available →

Signed: Sue Parker  
Testifier

Park's Bear Camp  
Representing (Optional)

Box 2289 Kodiak Ak 99615  
Address

486.5835  
Phone No.

it would be possible that those 2 positions  
could be filled by those who were rejected,  
thus still representing the same man.

We would recommend retaining the  
Master Guide (rejected) classification.

We may the extension of the Task Force.  
We commend them on all the work they  
have done.

Thank you.

# Alaska Adventures Unlimited

February 8, 1989

Alaska State Legislature  
Sixteenth Legislature  
Senate Resources and House Resources Committee Members

Thomas J. Kirstein

Registered Guide

P.O. Box 82808

Fairbanks, Alaska 99708

Telephone (907) 455-0111

Dear Members:

*"This Chase"*

I'm here today to testify about my current situation as a Licensed Alaskan Registered Guide and how this Guide Task Force Bill (SB-140) relates to me and my future livelihood.

I started my guiding career 16 years ago as an assistant guide and after gaining the years of experience needed to be able to qualify for the registered guide examination and meeting those qualifications, I successfully passed the exam. That was eleven years ago and I'm still very proud to be an Alaskan Registered Guide today!

Over the years I have seen a lot of changes that have to deal with the guiding industry. The current Guide Board that was established in the early 1970's and shortly thereafter the guide area system which was copied from the British Columbia guiding industry and adapted to Alaska's needs. I remember well the difficulty that was undertaken for all guides to adapt and give into this system of restricted guiding areas and the new regulations for guiding and its activities.

The Guide's Board task to impliment this system was monumental during its first conceptions. As time went on and guides began to settle into the area concepts and guide laws, I recall the atmosphere of guiding to become somewhat more personal with real concerns as to ones future in this guiding industry. The years of D-2 and the land grabs sure hurt Alaskan Residents, and the effect was devistating to hundreds of guides who operated their businesses in these areas. As we now begin to look back on that time period not so long ago I wonder if most Alaskan's are not just begining to realize what was lost in the late 70"s.

The past several years as I have become more involved with a concern for the future and making a living in this guiding business, I have invested like many other guides have, a considerable amount of monies into my business based on the system which has been in place now for 15 years. I have a camp located on the Alaska Peninsual and on Kodiak Island where I conduct my guiding services for my clients. The recent supreme court decision has effected my livilihood considerable, and what a surprise to me to now nave everything I've worked for tossed out and the lawful rug pulled out from under my feet. The supreme courts decision was obviously based on a very narrow view point towards one persons individual rights, and to say it wasn't a game management tool is beyond that judge's comprehension I feel!

Needless to say the supreme court must of realized their fruitful error with this decision because of its effect on a whole industry and hundreds of people's livelihoods, thus granting in early December the courts Stay until June 1. My guess would be that thinking some changes would be made to correct the problems discribed in the courts decision of October 21, 1988.

Through many efforts of individuals concerned with their future livelihoods a panal meeting took place in early December which involved all State, Federal land, and Fish & Game agencies. This was the first ever such a gathering of different and varied agencies to deal with one main concern, the policies for guides in the coming future and those actions. To me this meeting had a very important outcome, the Interior Fish & Wildlife Dept. came forth with their interium plans for all Federal Refuge Lands, thus putting a limit on the number of commercial users to the level of 1988 which deal with services for Big Game Hunting. Because i guide on Kodiak Island Wildlife Refuge this interium decision was very important due to the fact a emergency Board of Game meeting scheduled for mid-January was cancelled which had plans to deal with a crisis situation that had came up because of the supreme courts decision. Its been very obvious that the Federal agencies and our State Fish and Game Dept. recognized the important of guide areas as an important management tool for the game resources.

During Governor Sheffield's administration approximately 5 years ago when the guide board was under the sunset review process there was an amendment to delete the portion that addressed transportors, because of a conflict with Federal FAA laws. During this same time period Alaska started a large scale advertising plan to build the tourism industry in Alaska. From that time of revamping the guide laws and all the advertising to have more people interested in coming to Alaska, the door was opened to a group of unregulated commercial users for which Senate Bill 191 would finally recognize for what they are worth. I think Senator Cognill's plan for a task force to deal with this issue was in fact a good one. The undertaking of that job by the Task Force has given proof that the wildlife resources in Alaska are important, and that a part of the commercial tourism industry using those resources is very viable to Alaska's future. The recommendations that the Task Force have come forth with, I feel are in the best interest of Alaska's Wildlife Resources. You would think from the previous years of many numerous teleconferences and now with the undertaking by your own Task Force and with all its public input these past months that the issues have been covered and the problems, with solutions recognized.

This coming March Board of Game hearings in Anchorage will determine my future in the guiding profession for those

seasons greatly affecting me will be determined at that time. I will be faced with the possibilities on the Alaska Peninsula of having my Moose season completely closed and the Brown Bear seasons changed or shortened because of the over reaction by the Dept. of Fish and Game. There are nearly two hundred guides whom are licensed for this region called unit 9, but with only about one-third of these being active in previous years. It doesn't take a master mind to see that the resource could easily suffer if all these commercial users hit this region because of this court decision opening up this State to over harvest. This was the problem in the 60's and is exactly what brought about the Guide Board and the Area Concept in the first place. I don't want to tell my clients they can't plan their hunting trips for this spring or for next fall. I don't like being in the situation of knowing that in thirty days from now I may be put out of business because of new regulations governing the Big Game Seasons in my region, that is not very comforting believe me! How would you like to explain this to your clients and return their deposit for services you have promised but no longer can produce. I don't like to think that the State of Alaska lead me down the path all these years holding a carrot out in front. I by my own choosing got into this guiding profession and I am dam proud for doing so, because I believe in our Alaska Renewable Resources and this professsion is very unique for North America and to Alaska, its one of a kind!

Senate and House Resources Members page 6

I do honestly feel the State in good faith has given me the methods, means, and the rights to conduct my guiding business under the current system which has been in place for some 15 years. Now to only find out that the system has failed the test is really disheartening. I don't for one minute think the State of Alaska in good faith under the direction of the Guide Board set up the guiding industry to its current level and the guiding area system to have it all through out the window! I do feel the State of Alaska has responsibilities to the people in the guiding industry and all Alaskans to address these problems in a fast timely manner. I would like to ask that this 16th legislature take to heart this plea of testimony to deal with these issues quickly in order to get laws and direction in place to protect the Wildlife Resources of Alaska and get some stability back into the guiding industry.

Thank you all for taking the time to listen and for the efforts of the Guide Task Force.

Sincerely,



Thomas J. Kirstein

① For Samantha Casse

Chairperson: Bettye Fahrenkamp -  
- Chairperson - members of the Legislature -

I would like to compliment you and thank each of you for your sincere efforts to protect and provide for our usage of our unique and valuable big game resource.

I wish to specifically compliment Henry Springer and his Task Force for the excellent job they have done. In the beginning I didn't think it was possible to come up with as many sound and workable solutions as their Task Force has. They have literally worked through every facet and turned our piles, as Mr. Springer so well put it, of that "smelled bad and needed aired!"

③

my livelihood and providing for my family

The Alaskan Registered and Master Guides are a unique group of people, in the main dedicated people. Dedicated to the wildlife resource for it is simple, they are completely dependent upon these resources.

I recall men like Hal Wough, Charlie Madsen, Chuck Keim and Mark Jensen - the list goes on - each a great man, each completely dedicated to the big game. At a meeting a good many years ago in Fairbanks when a move to put all bears on the predator list with a bounty was proposed, Hal Wough spoke up to say bears were a unique and

(5)

written record of every animal and person I have guided: Guides are our first line of defense and of sound usage of our wilderness - people resource.

The air-Taxi has little direct interest in wildlife aside as it coincides with travel and we must not confuse the transportation business with the protection of our wildlife resource. They are handy but not dependent and the future of the air-Taxi business is not fully dependent upon the future of our wildlife resource.

The Task Force reports really address all quite well but "nit-picking" can tear almost anything apart. After saying this I have a

⑦

also in good faith.

I'm honored to have been able to  
submit my ideas and I wish to  
thank you all.

Harmon R. (Bud) Helmerich

# *Iniakuk Lake Lodge*

*Finest Lodge in the Brooks Range*

BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

7 February, 1989

Ms. Bettye Fahrenkamp  
Chairman  
Senate Resource Committee  
P.O.Box V  
Juneau, AK 99811

ref: SB 139  
SB 140

Dear Ms. Fahrenkamp:

I am Bernd Gaedeke, master guide #43, a 28 year resident of Alaska and a full-time guide/outfitter since 1967.

When I first obtained my registered guide license in 1967 I felt extremely proud to become a member of a fairly exclusive group of dedicated and respected professionals. In those days it was still easy to find an area that was not already claimed by another guide. Although there was no exclusive guide area concept at that time, there was a gentlemen's agreement among the guides as to who operated where and any conflicts that arose were usually settled in a gentlemanly fashion. Hunting seasons were much longer and harvest quotas were more generous. I remember when the sheep hunts in the Brooks Range opened on July 15 and the limit was two sheep per hunter.

But within just a few years the number of guides increased rapidly as did the number of hunters. The seasons and bag limits were reduced in order to protect our game resources. Unfortunately there was also an increasing number of guides who were more interested in making big money than in protecting our game populations. These were the so-called vacuum cleaner guides, most of whom are fortunately no longer with us.

Suddenly the guiding industry was out of control and measures had to be taken to not only protect our resource, but to protect a profession that contributes millions of dollars to our economy. The exclusive guide area concept was conceived with the overwhelming support of the guides. The assignment of exclusive guide areas certainly had its flaws, but it was a valuable resource management tool for the Dep't. of Fish & Game as well as for Fish & Wildlife protection. It also gave the guides parameters within which they could operate and plan from year to year how many hunters could be booked in their exclusive areas on a sustained yield basis.

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Many guides suffered a severe, if not lethal blow when the many new national parks were established under ANILCA in '79. I, for one, lost 50% of my exclusive area to the Gates of the Arctic N.P. I lost my entire sheep hunting area as well as prime bear, moose and caribou habitat. Other guides lost everything and simply gave up.

But despite the numerous set-backs a good number of guides have prevailed and continue to offer some of the best professional services in the world. Guides have always been individuals who could stand on their own two feet and have never depended on the government to bail them out when the chips were falling.

The events that have transpired in recent years have made it evident to all of us and hopefully to all of you that legislation must be enacted in this session if we are to survive as a viable industry. An ever growing number of irresponsible and unethical so-called Outfitters have made a mockery of the guiding industry by being able to pretty much do as they damned well please. I believe that the Legislature should have acted several years ago instead of dragging their feet from one session to the next. We're all getting tired of testifying year after year on the same issues. I personally would like to get on with my life instead of living in limbo from one season to the next, never knowing what tomorrow will bring. I have invested hundreds of thousands of dollars in lodges, camps, inholdings, aircraft and equipment.

I feel it is our state's responsibility to protect our interests as well as those rights granted to us some 15 years ago. We are licensed professionals who have in good faith entered a contractual agreement with our government. We are managing a renewable resource in a responsible manner. Our fees and dues and insurance premiums (as required on all federally managed lands) are climbing at a staggering rate. I often ask myself lately why I'm still in this business, but having invested the best 23 years of my life in an honorable profession, enjoying the outdoors and the many good clients who keep coming back year after year, and especially being totally self-reliant make it all pretty hard to just give up and walk away from. Our backs are to the wall and we're not going to retreat any farther.

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I know that chairman Springer and his task force have worked very hard at trying to address all the problems that face us. There are some items which I don't fully support, but since time is of the utmost importance in resolving this conflict, I urge you to do so expeditiously.

The bottom line is our resource which must be protected from exploitation. The game board is scheduled to deliberate from March 6 through the 22nd. It is essential that they know laws will be passed during this legislative session which will prevent a total collapse of the present guiding system. Without such assurances they will be forced to place restrictions on the taking of game in numerous critical areas of the state. And this, in turn, will jeopardize the contractual agreements we have signed with our clients.

As a final comment I'd like to recommend that the task force's proposal to re-name the presently licensed master guides and registered guides as Guide/Outfitters, be altered to continue issuance of a Master Guide/Outfitter license to those who are currently licensed as master guides and to allow others the opportunity to achieve the master status under present guidelines. After all, there are master and bachelor degrees issued at our universities and numerous other professions have masters as well as journeymen. I see no valid reason why I should be given a demotion that I did not deserve.

Thank you for your time and PLEASE, resolve this critical issue for once and for all.



# Alaska State Legislature

Please enter into the record my testimony to the TASK FORCE ON GUIDING & OUTFITTING  
committee name

committee on HB #13940, dated 2/8/89  
bill/subject

I SUPPORT THE PASSING OF THOSE BILLS  
EXCEPT FOR SEC 13. I AM AN  
ASSISTANT GUIDE. FOR ME TO QUALIFY  
TO TAKE THE REG. GUIDE EXAM I  
MUST HAVE 3 YRS FIELD EXPERIENCE  
AND SIX LETTERS FROM HUNTERS RECOMMENDING  
ME. THIS IS NOT FAIR ALLOWING  
OUTFITTERS TO WALK IN AND TAKE THE TEST  
I ALSO DISAGREE WITH A COMMERCIAL USE FEE.  
WE NEED AN EXCLUSIVE GUIDE AREA  
SYSTEM I WOULD SUPPORT AN AMENDMENT TO  
THE CONSTITUTION.

Signed: M. A. Roswell  
Testifier

Representing (Optional)

BOY 3687 KODIAK AK 99615

Address

487-2541

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Joe Kratoch  
 committee name  
 committee on SB 140, dated 2-8-89  
 bill/subject

I am an assistant guide on Kodiak and have worked for 3 years as one. Now with SB140 it lets any outfitter with no field experience take a test & become a registered guide which will flood an already overpopulated area, who will be competing with the guides who originally guided in a specific area for game & affecting the livelihood of many people who rely only on guiding as their livelihood.

Signed: Joe Kratoch  
 Testifier

Representing (Optional)  
Box 493 Kodiak, Ak, 94615  
 Address

Phone No.

(2)  
(1)

455-6151

Mary Bishop  
1555 Green Circle  
Apt 99009

My name is Mary Bishop. I represent myself only, although I am especially influenced by my activities as a board member of Alaska Fish & Wildlife Safeguard — which you may recognize as the State's "crimestopper" program for fish & game violations.

I strongly support legislation like SB 140. I believe it's necessary to regulate all businesses that provide services to big game hunters.

I recently read that the illegal taking of wildlife resources is the 2<sup>nd</sup> largest illegal dollar grossing activity — 2<sup>nd</sup> only to drugs. It's an international industry <sup>only to drugs</sup> 2<sup>nd</sup>. I doubt we Alaskans realize what a potential — or real — problem we have ~~on our hands~~.

I strongly support our privilege to hunt — but every illegal or unethical activity related to hunting endangers that privilege. I believe legislation like this will aid our state's enforcement agency in its effort to keep tabs on what's going on out in-the-field & I think that is essential.



# Alaska State Legislature

Please enter into the record my testimony to the JT. Resource  
 committee on SB139+140 Big Game committee name  
Guide, dated 2/6/89  
 bill/subject

Bill 140:

- ① When will INTERIM - OUTFITTERS LICENSES BE AVAILABLE?
- ② When will license fees be set for Guide - Outfitter license + commercial use operator?
- ③ What Business license number (sic) will apply to Guide - Outfitter - Transporter - Commercial Use permit?
- ④ Sec 13.3 - What is "Satisfactory Evidence," to Board of Big Game commercial services, that I have ~~engaged~~ engaged in the business of Big Game outfitting in 1986, 87, +88?

Signed: Bill Gavin

Testifier  
GAVIN'S KENAI RIVER CHARTERS

Representing (Optional)  
PO BOX 3628 SOLDOTNA AK 99669

Address  
262-7746

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House & Senate Resource  
 committee name  
 committee on House Bill 112 & Senate Bill 139, dated Feb. 8, 1989  
 bill/subject

I have the following comments on this proposed Legislation:

1. The Big Game Commercial Services board should include representation from Private, Non-native landowners as well as consumer groups.
2. The Big Game Conservation Fee will be passed on to the hunter and will result in increased expense to the hunter. With the increase in license & tag fees also being proposed will make too much of an increase in one year. This fee is due only if an animal is killed, however the increase fees will probably be charged to the hunter if he kills an animal or not.
3. Adding Mountain Goat to the list of species which a nonresident needs a guide is an obvious attempt to increase income to guides in those areas which have goats. Would an outfitted hunt provided by a licensed guide-outfitter but with out a guide being with you when you killed the animal qualify under this provision?
4. This bill adds additional regulation to the providers of these services. This will increase cost to the hunter and will result in fewer hunters in the state. Then the guides will want a non-resident quota for tags to insure ~~profitability~~ profitability for their business.
5. The Big Game Commercial Services Board should only be concerned with the licensing and regulating of providers of services to Big Game hunters let the Fish and Game regulate the wildlife resource. This would be to do away with restricted areas for guides. Fish and Game should regulate the number of animals taken in each game management unit.

Signed: Harry M. Champlin  
 Testifier

Representing (Optional)  
Box 428 Delta Jct. AK 99737  
 Address  
895-4241 Day 895-5004 Home  
 Phone No.

TESTIMONY OF THE ALASKA AIR CARRIERS ASSOCIATION  
REGARDING SENATE BILL 140/HOUSE BILL 112  
BEFORE THE JOINT HOUSE/SENATE  
RESOURCE COMMITTEE  
February 8, 1989  
Juneau, Alaska

Senator Fahrenkamp, Representatives Menard and Jacko, and members of the House and Senate Resource Committees, my name is John Hajdukavich and I am here today on behalf of the Alaska Air Carriers Association.

The bill before you today deals mainly with the regulation of guides and outfitters. It is a carry-over of the debate last year which centered on regulating the outfitters, who were previously unregulated and growing rapidly. We think that the Legislature acted appropriately last year by passing SB 191. Since then, the Supreme Court decided that the existing system of exclusive guide areas was unconstitutional, and the Guide/Outfitters Task Force prepared recommendations which would create a new system of commercial users of big game. Many of the Task Force recommendations are included in SB 140.

The Alaska Air Carriers Association, which currently represents sixty-six carriers, believes that most of the bill seems reasonable, except for two sections. The first is Section 08.54.400, on page 8, which creates a new system of licensed "transporters." We believe this section should be deleted for the following reasons:

1. Air carriers are engaged in the transportation of persons from point to point, regardless of the purpose of one's trip. Almost all carriers charge point-to point fares, not fares

which differ for hunters or other air travelers. ;Most carriers derive a small portion of their revenue from the transportation of hunters. It makes no sense to require carriers to obtain another license specifically for the purpose of transporting hunters to the field. We already have federal 135 certificates and must register all of our aircraft with the Department of Commerce (\$50/aircraft fee) after proof that we have adequate liability insurance (\$150,000/seat).

2. This section also requires transporters to pay a commercial use permit fee. Apparently the theory behind this requirement is that because we derive commercial benefit from game, which is a common property resource, we should pay a fee. We strongly disagree with that theory for the same reason cited above - we simply transport people from point A to point B for the same charter fee, regardless of the intended activity of that person.

If the State wants to tax businesses which benefit from our game resources, then to be fair, the State would have to tax a hunter's trip to Alaska (for non-residents), the sporting goods stores, the grocery stores, the hotels, and any other services that the hunter uses while in Alaska. Arbitrarily singling out the last leg of the trip - the charter to the remote lake or air strip where the hunting takes place - is not reasonable.

The logical extension of this theory, if enacted into statute here for hunting, is to begin charging a transportation tax on any use of state land for any purpose - fishing, hiking,

photography, rafting, etc., as each represent uses of a common property resource. We simply disagree.

3. Another reason cited for these requirements is to "protect the resource." The proposed requirements are a very inefficient means to this end. The best way to "protect the resource" is more effective and frequent field presence of wildlife protection officers. The simplest way to raise money for this purpose is to increase the big game tag fees - because it is the hunters themselves who derive the greatest benefit from the harvest of game - and because it does not require additional administrative costs to collect the increased fees. If air carriers pay the fee for each hunter which harvests game, we will be forced to pass on that fee to the hunter anyway.

4. Existing law already requires air carriers to report activities relating to the transportation of hunters and the harvest of game, and there are stiff fines associated with violation. If there is a problem with compliance of the existing law, it would make more sense to simply increase the fine and do a better job of monitoring the reports, and the same result will be achieved.

AACA's second concern with SB 140 is the proposed repeal of the existing requirement that guides and outfitters obtain Part 135 certificates, just like all other air carriers. The legislature acted responsibly by requiring professional and equal standards for anyone transporting passengers for hire. Guide and outfitters argue that they should not be subject to same require-

ments because their flying is "incidental" to their business. Whether the flying is incidental or not is irrelevant. To protect public safety, anyone who receives compensation is whole or in part for flying people should be subject to the same basic standards of quality and professionalism. Under SB 140, guide/outfitters may fly hunters to the field with only a private pilots' license and an annual plane inspection. There is no requirement for a commercial pilot's license for liability insurance, or other standards required for all other carriers.

We intend to meet with representatives of the guide/outfitters and the Task Force to discuss our continued concerns with SB 140 and to see if there are mutually acceptable solutions which will resolve them.

We thank you for the opportunity to testify on this legislation.

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