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422

HOUSE COMMITTEE REPORT

(9)

Date Referred: April 26, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 4/28/90

The RESOURCES Committee considered:

CSSB 422(Rls)am

CS SB NO. 422 (Rules) am

GUIDE-OUTFITTER USE AREAS

"An Act relating to guide-outfitter use area permits, the Big Game Commercial Services Board, guide-outfitters, transporters and air carriers, and providers of other big game commercial services, and commercial use permits; relating to hunting for mountain goat by nonresident hunters; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS CSSB (RES) 422 [] the same title
- [] a new title
- [] have attached amendment(s)
- [] 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) 4/15/90 CED
- [] zero fiscal note(s) _____
- [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

[Signature] MERRARD

[Signature] DAVIDSON

[Signature] NAVARRE

<u>[Signature]</u> HUDSON	<input checked="" type="checkbox"/>		
<u>[Signature]</u> JACKO	<input checked="" type="checkbox"/>		
<u>[Signature]</u> SHARP	<input checked="" type="checkbox"/>		

[Signature]
Chairman's Signature

FISCAL NOTE

APR 10 1990

REQUEST:

Revision Date: _____
Title: An Act relating to guide-outfitter use area permits: . . .
Sponsor: Senate Rules by Request
Requestor: Senate Finance

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	85.3	85.3	85.3	85.3	85.3	85.3
TRAVEL	26.4	26.4	26.4	26.4	26.4	26.4
CONTRACTUAL	8.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	17.6	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	139.3	121.7	121.7	121.7	121.7	121.7
CAPITAL	0	0	0	0	0	0
REVENUE	372.8	372.8*	372.8*	372.8*	372.8*	372.8*

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (GF/PR)	139.3	121.7	121.7	121.7	121.7	121.7
TOTAL	139.3	121.7	121.7	121.7	121.7	121.7

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

*Revenues: Of this amount, \$231.8 is raised from the Commercial Use Permit fee and will be separately accounted for by the Department of Administration for use by the Legislature to make appropriations to DF&G and Public Safety. The remainder is licensing fees for use by the DCED to pay for board expenditures related to this bill. (CONTINUED ON ATTACHED)

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

Phone: 465-2144
Date: 4/9/90

Approved by Commissioner: Larry Mercurieff
Agency: Department of Commerce & Economic Development

Date: 4-10-90

Distribution (by preparer):

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

6267D-4/040990h

CONTINUATION OF FISCAL NOTE FOR CSSB 422 (Fin)

The bill requires the Big Game Commercial Services Board to establish guide-outfitter use areas throughout the state, to adopt procedures for evaluating qualifications of use area applicants, and to annually offer available use areas to qualified guide outfitters.

In addition, the bill authorizes the board to issue use area permits; monitor and limit the number of clients that may be guide-outfitted in a use area each year; suspend or revoke a use area permit; and publish a comprehensive list of all unawarded guide-outfitter areas. The staff work involved in processing the highly complex operational plans will be submitted for competing use area applications and in adequately preparing for board meetings where use areas will be awarded will require an additional Licensing Examiner position. In addition, keeping track of use areas awarded or unawarded will consume extensive staff time. Finally, coordination with ADF&G staff will also require additional time.

The Investigator position is required to beef up enforcement. If we are to properly manage the commercial industry's use of our big game resource, then the state must adequately enforce the licensing requirements contained in SB 422. To assist the board with the responsibilities mandated in the bill, the fiscal note provides for:

1	Occupational Licensing Examiner I, 12 months, GGU, Range 12A	\$ 35.0
1	Investigator III, 12 months, GGU, Range 18A	<u>50.3</u>
	Sub-Total:	\$ 85.3

Travel:

Funding provides two additional meetings annually for the Big Game Commercial Services Board and staff to conduct its business, including review of qualified applicants for issuance of use area permits.

\$ 16.4

This funding will also provide travel for the Investigator III to assist the board in enforcing the use area permit requirements and to conduct rural area education regarding the new big game commercial services statutes and to encourage rural resident participation in the big game commercial services industry.

10.0

Sub-Total: \$ 26.4

Contractual Services:

This funding will cover the expense of public noticing regulations, publishing comprehensive lists of unawarded use areas, postage, and other communications.

\$ 8.0

Supplies:

Provides for daily operating desk top supplies for the two positions. \$ 2.0

Equipment: (One time expense)

2 - Strata III telephone units and lines	\$1.2
2 - Wang DP/WP Workstations	4.4
2 - Desks, double pedestal	1.6
2 - Chairs, swivel with arms	.8
2 - Chairs, side without arms	.5
2 - Typewriters	1.4
2 - File Cabinets, 5-drawer, legal with lock	1.2
2 - Workstations (modular furniture)	<u>6.5</u>
Sub-Total:	\$ 17.6
GRAND TOTAL	<u>\$139.3</u>

Revenues

The revenue figure of \$372.8 represents a combination of program receipt revenues generated by guide-outfitter use area application fees and guide-outfitter and transporter commercial use permit fees.

A. Guide-outfitter use area application fees: \$141.0

Guide-outfitter application fees must generate \$141.0 in program receipts to cover the expense of administration of the use area system by the Big Game Commercial Services Board. This figure is reached by estimating 600 guide-outfitter use area applications at \$235.00 per application. Until we know exactly how many use areas the Division of Wildlife Conservation will recommend be established, it is impossible to accurately detail the number of applications that may be filed and the actual application cost to the applicant for a guide-outfitter use area.

B. Guide-outfitter commercial use permit fee: \$156.8

Based on approximately 2,407 guide-outfitter clients in 1989 (using 215 contracting guides), the commercial use permit progressive fee schedule in Section 12 of the bill will generate \$156.8.

C. Transporter commercial use permit fees:

\$ 75.0

Approximately 117 transporters will also pay commercial use permit fees. At this time, we are unable to estimate the exact amount to be collected from transporters since we have no records of the number of big game hunters transported by transporters and because the fees are to be set by the board through regulation. We, therefore, utilize a guesstimate of \$75.0.

Total

\$372.8

The total estimated income from the Commercial Use Permit fee is \$231.8. While the commercial use permit fee will be collected by the Division of Occupational Licensing, it will be separately accounted for and available for disbursement by the Legislature to the Departments of Fish and Game and Public Safety for wildlife management and enforcement.

6-1718M
Utermohle
4/27/90

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 422 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,
7 the Big Game Commercial Services Board, guide-out-
8 fitters, transporters and air carriers, and providers
9 of other big game commercial services, and commercial
10 use permits; relating to hunting for mountain goat by
11 nonresident hunters; and providing for an effective
12 date."

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

14 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

15 (1) unregulated access to game management units by guide-out-
16 fitters

17 (A) can potentially harm the state's valuable big game
18 resources by allowing overharvest of big game species or populations
19 that have a low recovery capacity or that exist in low abundance; and

20 (B) has hindered management of hunters guide-outfitted by
21 guide-outfitters, led to conflicts among guide-outfitters, and de-
22 creased the quality of the hunting experience for clients of guide-
23 outfitters and other hunters;

24 (2) an economically viable guide-outfitter industry can offer a
25 quality hunting experience to hunters from throughout the world who seek a
26 unique opportunity to pursue and take trophy big game animals in the state
27 and can contribute significantly to the state's economy by increasing
28 tourism and supporting a variety of businesses associated with the guide-
29 outfitter industry;

1 (3) the guide-outfitter industry provides an opportunity for
2 enhancing the state's economy, particularly the underdeveloped economies of
3 the rural regions of the state;

4 (4) intense competition exists for big game in many parts of the
5 state and the allocation of access to big game hunting opportunities among
6 guide-outfitters will prevent overharvest of big game in those areas and
7 will provide continued open access to the big game resource by all users;

8 (5) a resource-based management system for allocating access to
9 big game hunting opportunities among guide-outfitters will alleviate con-
10 flicts among guide-outfitters, will provide an effective basis for regulat-
11 ing guide-outfitters, and will enhance conservation and management of big
12 game;

13 (6) a long-term interest in the conservation of wildlife encour-
14 ages sound management practices among users of wildlife and fosters a
15 mutually beneficial relationship between wildlife and the users of wildlife
16 because the user understands that the user's own future well-being is
17 dependent upon wise use of the resource in the present.

18 (b) The purpose of this Act is to

19 (1) establish a resource-based system of allocating access to
20 big game hunting opportunities among guide-outfitters that is fully con-
21 sistent with common use principles of the Constitution of the State of
22 Alaska; and

23 (2) support the conservation and management of the state's
24 wildlife, provide economic and noneconomic benefits to the state and to the
25 citizens of the state, and generate revenue for the state from the wise use
26 of wildlife for commercial purposes.

27 (c) This Act does not affect the existing rights and privileges of
28 subsistence and resident sport hunters to take game in the state.

29 * Sec. 2. AS 08.54 is amended by adding new sections to read:

1 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

2 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
3 establish guide-outfitter use areas throughout the state. The board
4 shall consider the recommendations of the Department of Fish and Game
5 in identifying the boundaries of the use areas. The board shall adopt
6 the recommendations of the Department of Fish and Game for each use
7 area unless the board obtains a finding from the Department of Fish
8 and Game that an amended use area boundary as proposed by the board
9 will not adversely affect wildlife conservation and management.

10 (b) The board may amend the boundaries of use areas adopted
11 under (a) of this section if

12 (1) the Department of Fish and Game finds that the proposed
13 amendment will not adversely affect wildlife conservation and manage-
14 ment; and

15 (2) the board notifies all guide-outfitters who hold use
16 area permits for the affected use areas of the proposed amendment and
17 provides those guide-outfitters with an opportunity to comment on the
18 proposed amendment.

19 (c) AS 08.54.620 - 08.54.690 do not apply within an area or to
20 the activities of a guide-outfitter within an area of the state that
21 is not included within the boundary of a guide-outfitter use area
22 adopted by the board.

23 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)
24 The board shall annually offer available use areas to qualified guide-
25 outfitters. The board shall stagger the offering of use areas.

26 (b) The board may request recommendations from the public for
27 use areas to be offered at the next offering of use areas.

28 (c) The board shall decide whether a use area will be offered
29 for sole or joint use before offering the use area. In making its

1 decision, the board shall consider for each use area

2 (1) information provided by the Department of Fish and Game
3 on the status of big game populations, historical harvests of big
4 game, and uses of wildlife in the use area;

5 (2) information gathered from previous use by guide-outfit-
6 ters that would facilitate big game management and planning;

7 (3) requirements for economically viable guide-outfitter
8 operations;

9 (4) the number of economically viable guide-outfitter
10 operations that the use area could support;

11 (5) the effect of guide-outfitting activities on resident
12 hunters; and

13 (6) other relevant factors, including land ownership con-
14 cerns, land management concerns, and law enforcement concerns.

15 (d) Use areas for which use area permits have expired, been
16 relinquished by the permittee, automatically revoked under AS 08.54.-
17 660, or revoked by the board may be offered by the board at the next
18 offering of use areas.

19 (e) The notice of the offering of use areas must include for
20 each use area

21 (1) the location and a brief description of the use area;

22 (2) whether the use area is available for sole or joint
23 use.

24 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
25 PERMIT. (a) A guide-outfitter use area permit or registration permit
26 authorizes a guide-outfitter to guide-outfit in the use area for
27 those big game species specified by the permit and may limit the
28 number of clients that may be guide-outfitted in the use area each
29 year.

1 (b) A sole use area permit grants to the permittee the sole
2 privilege to guide-outfit hunts for all big game species that occur
3 within the use area. A joint use area permit grants to the permittee
4 the privilege to guide-outfit hunts in the use area for the big game
5 species specified in the permit; however, all joint use area permits
6 for a use area, when considered together, must grant privileges to
7 guide-outfit hunts for all big game species that occur within the use
8 area.

9 (c) A use area that is not awarded to a guide-outfitter under
10 AS 08.54.650 is open to use by guide-outfitters who are certified to
11 guide-outfit hunts in the game management unit in which the use area
12 is located and who obtain a registration permit for the use area. The
13 board may establish the number of registration permits that will be
14 issued for each use area. Registration permits are valid for the
15 calendar year in which they are issued. A registration permit must
16 specify the big game species for which hunts may be guide-outfitted
17 under the authority of the permit.

18 (d) A guide-outfitter may not guide-outfit a hunt for a big game
19 species in a use area, unless the guide-outfitter has a use area
20 permit or registration permit that entitles the guide-outfitter to
21 guide-outfit hunts for that species in that use area.

22 (e) A guide-outfitter shall physically participate in field
23 operations while guide-outfitted hunts are conducted under the author-
24 ity of a use area permit or registration permit held by the guide-
25 outfitter.

26 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
27 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
28 is certified by the board to guide-outfit hunts in the game management
29 unit in which the use area is located may apply for a guide-outfitter

1 use area permit.

2 (b) A guide-outfitter shall submit a separate application for
3 each use area permit sought. The application shall be made on a form
4 provided by the board and shall be accompanied by the application fee
5 and a proposed operations plan for the conduct of guide-outfitted
6 hunts under the use area permit, including locations of base camps,
7 the number of clients, and the big game species to be hunted.

8 (c) The department shall set the application fee for a guide-
9 outfitter use area permit under AS 08.01.065.

10 Sec. 08.54.650. PROCEDURES FOR AWARDED GUIDE-OUTFITTER USE AREA
11 PERMIT. (a) The board shall adopt by regulation procedures for
12 evaluating and ranking the qualifications of applicants for guide-
13 outfitter use area permits. The procedures must appropriately balance
14 the criteria included under (b) of this section to ensure that all
15 applicants are afforded a fair opportunity to obtain a use area permit
16 in those game management units for which the applicant is certified by
17 the board. The board may adopt regulations to define or clarify the
18 criteria set out in (b) of this section.

19 (b) The board shall evaluate each application to determine
20 whether the applicant is qualified for a guide-outfitter use area
21 permit using the following criteria:

22 (1) the applicant's ability and means to provide the guide-
23 outfitting services proposed in the applicant's operations plan;

24 (2) whether the applicant has the financial capability to
25 carry out the guide-outfitting services proposed in the applicant's
26 operations plan;

27 (3) the applicant's history of safety in guide-outfitting
28 hunts or demonstrated ability to guide-outfit hunts safely;

29 (4) the applicant's history of compliance with state and

1 federal fish and game and guide-outfitting statutes and regulations;

2 (5) the applicant's

3 (A) experience, including experience as a guide-out-
4 fitter, an assistant guide-outfitter, or as a participant in
5 activities directly related to guide-outfitting operations; or

6 (B) knowledge of the use area, including knowledge of
7 the geography, climatic conditions, flora and fauna, and similar
8 knowledge, including knowledge obtained by big game hunting in
9 the use area, that would assist the applicant in guide-outfitting
10 hunts in the use area;

11 (6) the applicant's history of compliance with AS 08.54.-
12 520(a) in regard to prior authorization to enter or remain on state,
13 federal, or private land;

14 (7) whether the applicant has obtained those prior author-
15 izations to guide-outfit hunts on state, federal, or private land in
16 the use area from the significant or major landowners in the use area
17 or has demonstrated the ability to acquire those authorizations;

18 (8) whether the applicant holds all permits and licenses
19 necessary to guide-outfit hunts in the use area or has demonstrated
20 the ability to obtain the necessary permits and licenses.

21 (c) In balancing the criteria under (b)(5)(A) and (B) of this
22 section, the board shall give appropriate weight to each criterion to
23 ensure fair consideration of all applicants.

24 (d) The board shall award a use area permit only to a qualified
25 applicant. If the board determines that more applicants are qualified
26 to receive a use area permit for a use area than there are use area
27 permits available, then the board shall rank all applicants for the
28 use area permit and shall select the best qualified applicants to
29 receive the available permits. The best qualified applicants are

1 those who receive the highest ranking under the criteria set out in
2 (b) of this section and regulations adopted under (a) of this section.

3 (e) If a successful applicant does not provide, at the time the
4 board awards the use area permit, proof of the permits and licenses
5 necessary to guide-outfit hunts on state, federal, or private land in
6 the use area from the significant or major landowners in the use area,
7 the board shall issue a conditional use area permit that is valid for
8 120 days. A conditional use area permit does not entitle the per-
9 mittee to guide-outfit hunts within the use area. If the successful
10 applicant provides proof satisfactory to the board within 120 days
11 after issuance of the conditional use area permit that the applicant
12 has received the necessary permits and licenses and land use authori-
13 zations, the applicant shall be awarded a use area permit. If the
14 successful applicant does not provide the required proof within 120
15 days after issuance of the conditional use area permit, the condi-
16 tional use area permit is void. If a conditional use area permit is
17 voided under this subsection, the board shall offer the use area
18 permit to the next best qualified applicant for the use area.

19 Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE. (a) Not-
20 withstanding AS 08.01.065(c) - (e), the department, in consultation
21 with the board, shall set a fee for a guide-outfitter use area permit
22 that

23 (1) reflects the economic value of the privileges conferred
24 by the use area permit, taking into consideration the term for which
25 the use area permit is issued, the number of clients that may be
26 guide-outfitted in the use area under the use area permit, the big
27 game species for which hunts may be guide-outfitted under the use area
28 permit, and whether the use area permit is for sole or joint use of
29 the use area; and

1 (2) ensures a fair return to the people of the state for
2 the commercial use of the big game species in the use area.

3 (b) The commissioner of administration shall separately account
4 for the use area permit fees deposited in the general fund by the de-
5 partment. The annual estimated balance in the account may be used by
6 the legislature to make appropriations to the Department of Fish and
7 Game and the Department of Public Safety to carry out their respective
8 responsibilities for management of game resources and enforcement of
9 game laws.

10 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
11 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
12 grant guide-outfitter use area permits for a term not to exceed 10
13 years, unless the board determines, after consultation with the De-
14 partment of Fish and Game, that a longer term will further promote the
15 wildlife conservation and management objectives of the use areas. The
16 term of a use area permit may not in any instance exceed 15 years.

17 (b) The board may after a hearing suspend or revoke a use area
18 permit for

19 (1) violation of the conditions of the use area permit;

20 (2) failure to exercise the privileges conferred by the use
21 area permit for one year;

22 (3) a significant unauthorized deviation, as defined by the
23 board, from an operations plan;

24 (4) fraud in applying for a use area permit or assignment
25 of a use area permit; or

26 (5) other good cause, as defined by the board.

27 (c) The board may suspend or revoke a use area permit upon
28 conviction of the permittee of an unlawful act under AS 08.54.520.

29 (d) A use area permit is revoked automatically upon revocation

1 of the permittee's guide-outfitter license. A use area permit is
2 suspended automatically upon suspension of the permittee's guide-
3 outfitter license.

4 (e) If the license of a guide-outfitter is summarily suspended
5 under AS 08.01.075(c), the use area permits held by the guide-out-
6 fitter are suspended automatically until after the final disposition
7 of the disciplinary proceeding by the board.

8 (f) A hearing to suspend or revoke a use area permit may be
9 combined with a disciplinary proceeding under AS 08.01.075 or AS 08.-
10 54.500 involving the use area permittee.

11 (g) A use area permit may be revoked or the terms of the use
12 area permit or an operations plan may be altered by the board for
13 wildlife conservation and management considerations.

14 (h) A use area permittee shall submit an amended operations plan
15 if the permittee intends to vary the permittee's guide-outfitting
16 operation from that stated in the plan. An amended operations plan is
17 not effective until approved by the board. A permittee may not con-
18 duct a guide-outfitting operation outside of the terms of an approved
19 operations plan.

20 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

21 (a) Except as provided in this section, a use area permit may not be
22 sold, leased, or otherwise assigned.

23 (b) A use area permit may be assigned by the board under regu-
24 lations of the board if the assignment is

25 (1) consistent with the purposes of AS 08.54.610 - 08.-
26 54.690;

27 (2) not for consideration to the former permittee;

28 (3) to a guide-outfitter qualified to receive the use area
29 permit; and

1 (4) due to the death or disability of the former permittee
2 or for other good cause, as defined by the board.

3 (c) An assigned use area permit is valid only for the period for
4 which the use area permit was originally issued.

5 (d) If proceedings in which a guide-outfitter license may be
6 revoked or suspended under this chapter are pending against a guide-
7 outfitter, the guide-outfitter's use area permits may not be assigned
8 unless allowed for good cause by the board. During the period for
9 which a guide-outfitter's license is suspended under this chapter, use
10 area permits held by the guide-outfitter may not be assigned.

11 (e) If proceedings in which a guide-outfitter use area permit
12 may be revoked or suspended under AS 08.54.660 are pending against a
13 guide-outfitter, the use area permits that are the subject of the
14 pending proceedings may not be assigned. During the period for which
15 a use area permit is suspended under AS 08.54.660, the use area permit
16 may not be assigned.

17 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND
18 COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish
19 on a regular basis a comprehensive list of all unawarded guide-out-
20 fitter use areas that are open to application for use by qualified
21 guide-outfitters.

22 (b) The board shall maintain a centralized information center
23 where information on guide-outfitter use areas and all commercial use
24 permittees can be readily obtained by guide-outfitters, government
25 agencies, and the public.

26 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

27 (1) "joint use" means the utilization of a guide-outfitter
28 use area by more than one use area permittee;

29 (2) "sole use" means the utilization of a guide-outfitter

1 use area by one use area permittee.

2 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

3 (11) certify guide-outfitters to conduct guide-outfitting
4 activities within a game management unit;

5 (12) establish by regulation a system of guide-outfitter use
6 areas for allocating access to big game hunting opportunities among
7 guide-outfitters.

8 * Sec. 4. AS 08.54 is amended by adding a new section to read:

9 Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The
10 board shall certify guide-outfitters licensed under AS 08.54.350 to
11 guide-outfit hunts within a game management unit.

12 (b) A guide-outfitter may not guide-outfit hunts in a game
13 management unit unless the guide-outfitter is certified by the board
14 to guide-outfit hunts in the game management unit.

15 (c) The board shall allow a guide-outfitter to prequalify for
16 certification for each game management unit in which the guide-out-
17 fitter is competent to guide-outfit hunts. The board shall allow a
18 guide-outfitter to transfer a certification between game management
19 units.

20 * Sec. 5. AS 08.54.370(a) is amended to read:

21 (a) An applicant for renewal of a guide-outfitter license or a
22 marine mammal guide-outfitter license shall submit with the applica-
23 tion for renewal

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

26 (2) the license fee for the next licensing period; [AND]

27 (3) the commercial use permit fee for the next licensing
28 period; and

29 (4) an amended guide-outfitter use area operations plan, if

1 appropriate.

2 * Sec. 6. AS 08.54.460(a) is amended to read:

3 (a) A person, other than a guide-outfitter, marine mammal guide-
4 outfitter, or a transporter, who provides other big game commercial
5 services for compensation shall register with the board on a form
6 provided by the board and shall obtain a commercial use permit and pay
7 the annual commercial use permit fee set by the department in consul-
8 tation with the board [UNDER AS 08.54.470]. In this section, "other
9 big game commercial services" includes provision of accommodations in
10 the field at a permanent lodge, house, or cabin owned by the commer-
11 cial use permit holder, hunt broker services, gear rental services,
12 photographic or videographic services, and services as defined by the
13 board by regulation.

14 * Sec. 7. AS 08.54.470 is amended by adding a new subsection to read:

15 (e) Notwithstanding (a) of this section and AS 08.54.370, a
16 person who is licensed under this chapter as a guide-outfitter but who
17 is retired from or does not engage in guide-outfitting activities is
18 exempt from requirements to obtain a commercial use permit and to pay
19 the commercial use permit fee. The department shall adopt regulations
20 to implement this subsection.

21 * Sec. 8. AS 08.54 is amended by adding a new section to read:

22 Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNT-
23 ERS. (a) A person who is subject to AS 42.30.200 shall submit to the
24 department by January 31 of each year an activity report relating to
25 the carriage, to, from, or in the field, during the previous year of
26 big game hunters, their equipment, and big game animals harvested by
27 hunters. The report shall be made on a form provided by the depart-
28 ment and must contain information required by the board by regulation.

29 (b) A person who knowingly violates this section is guilty of a

1 class B misdemeanor.

2 * Sec. 9. AS 08.54.590(13) is amended to read:

3 (13) "transportation services" means the carriage of or
4 advertising to carry, for compensation, [OF] big game hunters, their
5 equipment, or big game animals harvested by hunters to, from, or in
6 the field; "transportation services" does not include the carriage by
7 aircraft of big game hunters, their equipment, or big game animals
8 harvested by hunters (A) on nonstop flights between state, municipally,
9 or federally maintained airports and float plane docks unless
10 the air taxi operator or air carrier providing transportation services
11 on flights between maintained airports advertises big game commercial
12 services that benefit an air taxi operator or air carrier that is a
13 subsidiary, affiliate, or contractor of the air taxi operator or air
14 carrier that is advertising; or (B) by an air taxi operator or air
15 carrier who does not charge more than the usual tariff or charter rate
16 for [WHICH] the carriage of big game hunters, their equipment, or big
17 game animals harvested by hunters, unless the air taxi operator or air
18 carrier providing transportation services advertises big game com-
19 mercial services; in this paragraph, "advertises" or "advertising"
20 means soliciting big game hunters to be customers of an air taxi
21 operator or air carrier for the purpose of providing air transporta-
22 tion to, from, or in the field through the use of print or electronic
23 media specifically directed to big game hunters, including advertising
24 at trade shows, or the use of hunt broker services or other promotion-
25 al services [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION
26 OF ITS BUSINESS];

27 * Sec. 10. AS 16.05.340(a)(10) is amended to read:

28 (10) Nonresident hunting and sport fishing license96

29 A nonresident may not take a big game animal, including mountain goat,

1 without previously purchasing a numbered, nontransferable, appropriate
2 tag, issued under (15) of this subsection. The tag must be affixed to
3 the animal immediately upon capture and must remain affixed until the
4 animal is prepared for storage, consumed, or exported. A tag issued
5 but not used for an animal may be used to satisfy the tagging require-
6 ment for an animal of any other species for which the tag fee is of
7 equal or less value.

8 * Sec. 11. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

9 The Department of Fish and Game shall propose guide-outfitter use areas for
10 use by the Big Game Commercial Services Board in establishing a resource-
11 based management system for allocating access to big game hunting oppor-
12 tunities among guide-outfitters. The department shall identify proposed
13 guide-outfitter use areas for appropriate regions and areas of the state.
14 The department may set priorities for identifying use areas and may deter-
15 mine the extent and number of use areas to be identified at one time. The
16 department shall complete the identification of proposed use areas within
17 two years after the close of the first public comment period prescribed
18 under (e) of this section. The department shall complete the identifica-
19 tion of proposed use areas for a significant portion of the state within
20 nine months after the close of the first public comment period prescribed
21 under (e) of this section.

22 (b) The Big Game Commercial Services Board may recommend to the
23 department those areas of the state that should receive priority in identi-
24 fying use areas.

25 (c) The department shall publish a public notice that it is accepting
26 public comment for identification of areas as proposed guide-outfitter use
27 areas. The department shall accept public comment for 60 days after the
28 notice is first published.

29 (d) The department shall propose use areas in light of the following

1 considerations:

2 (1) wildlife management concerns, including abundance and diver-
3 sity of wildlife, historical harvest of wildlife from the area, and exist-
4 ing administrative boundaries established for wildlife management purposes;

5 (2) wildlife law enforcement concerns;

6 (3) public comment received under (c) of this section;

7 (4) land ownership in the area;

8 (5) administrative restrictions;

9 (6) existence of boundaries that can be readily identified in
10 the field;

11 (7) accessibility of the area and other transportation consid-
12 erations;

13 (8) existence of complementary and noncomplementary land uses
14 within the area;

15 (9) existing facilities within the area; and

16 (10) other considerations relevant to the purposes of this sec-
17 tion.

18 (e) The department shall provide maps or descriptions to the public
19 of the use areas proposed under (d) of this section and shall solicit
20 public comment on the proposed use areas. The public shall have 45 days
21 after the maps or descriptions are distributed to comment on the use areas
22 proposed by the department. At the close of the comment period, the de-
23 partment shall review the proposed use areas in light of the public comment
24 received and shall then recommend boundaries for the proposed use areas.
25 The department shall transmit its boundary recommendations to the Big Game
26 Commercial Services Board as the recommendations are made final.

27 (f) The actions of the department under this section are exempt from
28 the Administrative Procedure Act (AS 44.62).

29 (g) In this section

1 (1) "department" means the Department of Fish and Game;

2 (2) "public" includes a natural person, corporation, associa-
3 tion, organization, society, company, partnership, or state, federal, or
4 local government agency.

5 * Sec. 12. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER
6 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
7 issuing guide-outfitter use area permits during the first five years that
8 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
9 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
10 Board shall make preliminary determinations of the eligibility of a guide-
11 outfitter to receive use area permits.

12 (b) A guide-outfitter may apply, at times set by the board, for a
13 preliminary determination of eligibility for a use area permit for each
14 game management unit in which the guide-outfitter is certified or prequal-
15 ified for certification to guide-outfit hunts under AS 08.54.355, enacted
16 by sec. 4 of this Act.

17 (c) A guide-outfitter is qualified for a preliminary determination of
18 eligibility to receive a use area permit if the board finds that the guide-
19 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of
20 this Act, that can be satisfied without reference to the characteristics of
21 a specific use area.

22 (d) A preliminary determination of eligibility to receive a use area
23 permit does not vest a right in the guide-outfitter to receive a use area
24 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of
25 this Act.

26 * Sec. 13. During the first five years that offerings of use areas are
27 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
28 Game Commercial Services Board shall offer all guide-outfitter use areas.

29 * Sec. 14. The operation of AS 08.54.440 is suspended until January 1,

1 1991.

2 * Sec. 15. TRANSITION; AIR CARRIER ADVERTISING. Until July 1, 1991,
3 air taxi operators or air carriers who, but for the fact that they solicit
4 big game hunters as customers for the purpose of providing air transporta-
5 tion to, from, or in the field through the use of publicity brochures or
6 other printed material, would not have to obtain a transporter license
7 after the effective date of sec. 9 of this Act, may continue to use
8 existing stocks of publicity brochures and other printed materials that
9 solicit big game hunters as customers of the air taxi operator or air
10 carrier without having to obtain a transporter license if

11 (1) the publicity brochures and other printed materials were
12 produced before April 1, 1990; and

13 (2) the air taxi operator or air carrier does not, on or after
14 April 1, 1990, produce or distribute other publicity brochures or printed
15 materials that solicit big game hunters as customers of the air taxi opera-
16 tor or air carrier.

17 * Sec. 16. SEVERABILITY. If a provision of this Act or the application
18 of this Act to a person or circumstance is held invalid, the remainder of
19 this Act and the application of this Act to other persons or circumstances
20 are not affected by the invalidity.

21 * Sec. 17. Section 14 of this Act is retroactive to May 12, 1989.

22 * Sec. 18. AS 08.54.310(b)(1) is repealed.

23 * Sec. 19. Sections 14 and 17 of this Act take effect immediately under
24 AS 01.10.070(c).

A M E N D M E N T #1

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 1, lines 9 - 10:

Delete ", and commercial use permits"

Page 11, line 8, through page 12, line 18:

Delete all material.

Renumber the following bill section accordingly.

Page 13, line 2, through page 14, line 1:

Delete all material.

Renumber the following bill section accordingly.

Page 14, line 9:

Delete "[NEXT LICENSING]"

Insert "next licensing"

Page 14, line 10:

Delete "covered by the current permit"

Page 14, line 13, through page 17, line 2:

Delete all material.

Renumber the following bill sections accordingly.

Page 20, line 21:

Delete "sec. 5"

Insert "sec. 4"

Page 21, lines 7 - 21:

Delete all material.

Renumber the following bill sections accordingly.

Page 21, line 26:

Delete "Section 21"

Insert "Section 13"

Page 21, line 28:

Delete "21 and 24"

Insert "13 and 15"

A M E N D M E N T #2

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 6, line 8, through page 8, line 9:

Delete all material and insert:

"Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA PERMIT. (a) The board shall adopt by regulation procedures for evaluating and ranking the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board. The board may adopt regulations to define or clarify the criteria set out in (b) of this section.

(b) The board shall evaluate each application to determine whether the applicant is qualified for a guide-outfitter use area permit using the following criteria:

(1) the applicant's ability and means to provide the guide-outfitting services proposed in the applicant's operations plan;

(2) whether the applicant has the financial capability to carry out the guide-outfitting services proposed in the applicant's operations plan;

(3) the applicant's history of safety in guide-outfitting hunts or demonstrated ability to guide-outfit hunts safely;

(4) the applicant's history of compliance with state and federal fish and game and guide-outfitting statutes and regulations;

(5) the applicant's

(A) experience, including experience as a guide-outfitter, an assistant guide-outfitter, or as a participant in activities directly related to guide-outfitting operations; or

(B) knowledge of the use area, including knowledge of the geography, climatic conditions, flora and fauna, and similar knowledge, including knowledge obtained by big game hunting in the use area, that would assist the applicant in guide-outfitting hunts in the use area;

(6) the applicant's history of compliance with AS 08.54.-520(a) in regard to prior authorization to enter or remain on state, federal, or private land;

(7) whether the applicant has obtained those prior authorizations to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area or has demonstrated the ability to acquire those authorizations;

(8) whether the applicant holds all permits and licenses necessary to guide-outfit hunts in the use area or has demonstrated the ability to obtain the necessary permits and licenses.

(c) In balancing the criteria under (b)(5)(A) and (B) of this section, the board shall give appropriate weight to each criterion to ensure fair consideration of all applicants.

(d) The board shall award a use area permit only to a qualified applicant. If the board determines that more applicants are qualified

to receive a use area permit for a use area than there are use area permits available, then the board shall rank all applicants for the use area permit and shall select the best qualified applicants to receive the available permits. The best qualified applicants are those who receive the highest ranking under the criteria set out in (b) of this section and regulations adopted under (a) of this section.

(e) If a successful applicant does not provide, at the time the board awards the use area permit, proof of the permits and licenses necessary to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area, the board shall issue a conditional use area permit that is valid for 120 days. A conditional use area permit does not entitle the permittee to guide-outfit hunts within the use area. If the successful applicant provides proof satisfactory to the board within 120 days after issuance of the conditional use area permit that the applicant has received the necessary permits and licenses and land use authorizations, the applicant shall be awarded a use area permit. If the successful applicant does not provide the required proof within 120 days after issuance of the conditional use area permit, the conditional use area permit is void. If a conditional use area permit is voided under this subsection, the board shall offer the use area permit to the next best qualified applicant for the use area."

A M E N D M E N T #3

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 8, following line 9:

Insert a new section to read:

"Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE. (a) Notwithstanding AS 08.03.065, the department, in consultation with the board, shall set a fee for a guide-outfitter use area permit that

(1) reflects the economic value of the privileges conferred by the use area permit, taking into consideration the term for which the use area permit is issued, the number of clients that may be guide-outfitted in the use area under the use area permit, the big game species for which hunts may be guide-outfitted under the use area permit, and whether the use area permit is for sole or joint use of the use area; and

(2) ensures a fair return to the people of the state for the commercial use of the big game species in the use area.

(b) The commissioner of administration shall separately account for the use area permit fees deposited in the general fund by the department. The annual estimated balance in the account may be used by the legislature to make appropriations to the Department of Fish and Game and the Department of Public Safety to carry out their respective responsibilities for management of game resources and enforcement of game laws."

A M E N D M E N T

#3A

OFFERED IN THE HOUSE

TO: ~~Draft CS HB 448 (Judiciary)~~ Amendment #3A

~~Page 8, line 15.~~

Delete "AS 08.01.065(b) - (e)"

Insert "AS 08.01.065(c) - (e)"