

S B

4 R R

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/90

FURTHER:

DATE TURNED INTO OFFICE: 4/17/90

The Finance Committee considered

SB 422

"An Act relating to guide-outfitter use area permits, the Big Game Commercial Services Board, and guideoutfitters, transporters, and providers of other big game commercial services."

and recommended:

replace with \_\_\_\_\_ CS SB 422 (Fix)  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_

same title  
 new title  
 technical title change (HB only)

attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) DEVED 4/10/90  
139.3 operating, 372.8 RUTUL

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) DEVB 72.0 2/12/90

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]  
[Signature]

John American - No Rec  
Paul Frick - No Rec

1. [Signature] No Rec

2. [Signature] (No Rec)

Co-Chairs' Signatures and Recommendations

ANOTHER 2 New EMPLOYEES

**FISCAL NOTE**

APR 10 1990

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
Title: An Act relating to guide-outfitter BRU: Occupational Licensing  
use area permits; . . .  
Sponsor: Senate Rules by Request Components: \_\_\_\_\_  
Requestor: Senate Finance

**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						
<b>TOTAL OPERATING</b>	<b>139.3</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>

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
<b>TOTAL</b>	<b>139.3</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>

**POSITIONS:**

FULL-TIME						
PART-TIME	2	2	2	2	2	2
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 Phone: 465-2144  
Division: Occupational Licensing Date: 4/9/90

Approved by Commissioner: Larry Merculieff Date: 4-10-90  
Agency: Department of Commerce & Economic Development

**Distribution (by preparer):**

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

## CONTINUATION OF FISCAL NOTE 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.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act Relating to Guide  
Outfitters Use Area Permits...  
Sponsor: Rules Committee  
Requestor: \_\_\_\_\_

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	67.5	71.7	36.9	36.9	20.1	20.1
TRAVEL	3.0	3.0	1.0	1.0	1.0	1.0
CONTRACTUAL	.5	7.5	1.0	1.0	1.0	1.0
SUPPLIES	1.0	1.5	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	72.0	83.7	39.9	39.9	23.1	23.1
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) No FY 90 impact.  
The FY 91 and FY 92 expenditures reflect the development of a computerized mapping and information management system for processing use area data needed in the administration of the guide/outfitter industry. Continued on Page 2

Prepared by: W. Lewis Pamplin, Jr., Director Phone: 465-4190  
Division: Wildlife Conservation Date: 2/9/90

Approved by Commissioner: [Signature] Date: 2/12/90  
Agency: Fish and Game

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

Changes in CSSB 422 (Fin) have no fiscal impact. This fiscal note is appropriate. 4/17/90 page 1 of 2

Expenditures in FY 93 and FY 94 reflect the role that the division plays in providing the Big Game Commercial Services Board with wildlife resource information required to determine the number of guide/outfitters authorizations in each use area and used in the award process. FY 95 and FY 96 reflect the continuing support role of the division to the Board.

		FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	
		Mos. Cost	Mos. Cost	Mos. Cost	Mos. Cost	Mos. Cost	Mos. Cost	
LINE 100 *								
WB III @ \$4.5/mo	11	49.5				3	14.1	
@ \$4.7/mo			12	56.4	6	28.2	6	28.2
AP II @ \$3.3/mo	3	9.9	3	9.9	1	3.3	1	3.3
DPC II @ \$2.7/mo	3	8.1	2	5.4	2	5.4	1	2.7
<b>SUB TOTAL</b>		<b>67.5</b>	<b>71.7</b>	<b>36.9</b>	<b>36.9</b>	<b>20.1</b>	<b>20.1</b>	
LINE 200 TRAVEL		3.0	3.0	1.0	1.0	1.0	1.0	
LINE 300 CONTRACTUAL SERVICES		.5	7.5	1.0	1.0	1.0	1.0	
LINE 400 SUPPLIES		1.0	1.5	1.0	1.0	1.0	1.0	
LINE 500 EQUIPMENT		0	0	0	0	0	0	
<b>TOTAL</b>		<b>72.0</b>	<b>83.7</b>	<b>39.9</b>	<b>39.9</b>	<b>23.1</b>	<b>23.1</b>	

Note: The total for FY 92 is greater than previously projected, and subsequent years totals are lower. This is due to additional mapping work necessitated under the proposed legislation, with less work anticipated after FY 92.

The reduced line 100 costs in FY 95 and FY 96 reflect the fact that by FY 95, the Big Game Commercial Services Board will have already awarded the majority of use areas, and we will begin to assume a "maintenance" role with regard to the system.

\* These positions are existing PCNs.

*Adopted 4-13-90  
Incorporates  
Amend. 1, 2, 3, 4*

Original sponsor(s): Rules Committee by Request

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 422 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "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; and providing for an effective date."

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

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

(1) unregulated access to game management units by guide-outfitters

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

(B) has hindered management of hunters guide-outfitted by guide-outfitters, led to conflicts among guide-outfitters, and decreased the quality of the hunting experience for clients of guide-outfitters and other hunters;

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

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

the rural regions of the state;

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

(5) a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters will alleviate conflicts among guide-outfitters, will provide an effective basis for regulating guide-outfitters, and will enhance conservation and management of big game;

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

(b) The purpose of this Act is to

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

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

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

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

ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall

establish guide-outfitter use areas throughout the state. The board shall consider the recommendations of the Department of Fish and Game in identifying the boundaries of the use areas. The board shall adopt the recommendations of the Department of Fish and Game for each use area unless the board obtains a finding from the Department of Fish and Game that an amended use area boundary as proposed by the board will not adversely affect wildlife conservation and management.

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

(1) the Department of Fish and Game finds that the proposed amendment will not adversely affect wildlife conservation and management; and

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

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

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

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

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

(1) information provided by the Department of Fish and Game

on the status of big game populations, historical harvests of big game, and uses of wildlife in the use area;

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

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

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

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

(6) other relevant factors, including land ownership concerns, land management concerns, and law enforcement concerns.

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

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

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

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

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

(b) A sole use area permit grants to the permittee the sole privilege to guide-outfit hunts for all big game species that occur

within the use area. A joint use area permit grants to the permittee the privilege to guide-outfit hunts in the use area for the big game species specified in the permit; however, all joint use area permits for a use area, when considered together, must grant privileges to guide-outfit hunts for all big game species that occur within the use area.

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

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

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

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

(b) A guide-outfitter shall submit a separate application for

each use area permit sought. The application shall be made on a form provided by the board and shall be accompanied by the application fee and a proposed operations plan for the conduct of guide-outfitted hunts under the use area permit, including locations of base camps, the number of clients, and the big game species to be hunted.

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

Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA PERMIT. (a) The board shall adopt procedures for evaluating 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.

(b) The board shall evaluate each application and determine whether the applicant is qualified for a guide-outfitter use area permit under criteria adopted by the board, including

(1) the applicant's ability and means to provide the type and quality of guide-outfitting services proposed by the applicant, as demonstrated by the applicant's proposed operations plan;

(2) whether the applicant has proposed a guide-outfitting operation in the use area that is economically feasible given the economic resources of the applicant;

(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 experience in or knowledge of 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) 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 reevaluate the applications of the qualified applicants and, with or without requesting additional documentation, shall select the best qualified applicants to receive the available permits. The board may request the qualified applicants to appear before the board to discuss the applicant's application in regard to the criteria in (b) of this section.

(d) The board shall award a use area permit only to a qualified applicant.

(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 in the use area or the 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, 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

1 issuance of the conditional use area permit that the applicant has re-  
2 ceived the necessary permits and licenses and land use authorizations,  
3 the applicant shall be awarded a use area permit. If the successful  
4 applicant does not provide the required proof within 120 days after  
5 issuance of the conditional use area permit, the conditional use area  
6 permit is void. If a conditional use area permit is voided under this  
7 subsection, the board shall offer the use area permit to the next best  
8 qualified applicant for the use area.

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

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

- 18 (1) violation of the conditions of the use area permit;
- 19 (2) failure to exercise the privileges conferred by the use  
20 area permit for one year;
- 21 (3) a significant unauthorized deviation, as defined by the  
22 board, from an operations plan;
- 23 (4) fraud in applying for a use area permit or assignment  
24 of a use area permit; or
- 25 (5) other good cause, as defined by the board.

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

28 (d) A use area permit is revoked automatically upon revocation  
29 of the permittee's guide-outfitter license. A use area permit is

1 suspended automatically upon suspension of the permittee's guide-  
2 outfitter license.

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

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

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

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

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

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

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

24 (1) consistent with the purposes of AS 08.54.670 - 08.-  
25 54.690;

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

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

29 (4) due to the death or disability of the former permittee

1 or for other good cause, as defined by the board.

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

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

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

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

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

25 Sec. 08.54.690. DEFINITIONS. In AS 08.54.670 - 08.54.690

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

28 (2) "sole use" means the utilization of a guide-outfitter  
29 use area by one use area permittee.

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

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

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

7 \* Sec. 4. AS 08.54.350(a) is amended to read:

8 (a) A natural person is entitled to a guide-outfitter license if  
9 the person

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

11 (2) has practical field experience in the handling of  
12 firearms, hunting, judging trophies, field preparation of meat and  
13 trophies, first aid, photography, and related guide-outfitting activi-  
14 ties;

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

17 (4) has passed the qualification examinations prepared and  
18 administered by the board;

19 (5) has demonstrated to the board sufficient standards of  
20 competence and ethical conduct and has not been convicted of a state  
21 or federal hunting or guide-outfitting statute or regulation within  
22 the last five years for which the person was fined more than \$500 or  
23 imprisoned for more than five days;

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

27 (7) has been licensed as and performed the services of a  
28 class-A assistant guide-outfitter or assistant guide-outfitter in the  
29 state for a part of each of three years, or has guide-outfitted in the

1 state for a part of each of three years under a marine mammal guide-  
2 outfitter license issued under AS 08.54.360;

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

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

7 (10) has been favorably recommended in writing by six big  
8 game hunters, two for each year of the person's most recent three  
9 years as a class-A assistant guide-outfitter or assistant guide-  
10 outfitter, when the person has guide-outfitted or assisted in guide-  
11 outfitting as a class-A assistant guide-outfitter or assistant guide-  
12 outfitter, whose recommendations have been solicited by the board from  
13 a list provided by the applicant;

14 (11) possesses a business license to provide guide-outfit-  
15 ting services; and

16 (12) has paid the license fee and has applied for a commer-  
17 cial use permit [FEE].

18 \* Sec. 5. AS 08.54 is amended by adding a new section to read:

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

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

25 (c) The board shall allow a guide-outfitter to prequalify for  
26 certification for each game management unit in which the guide-out-  
27 fitter is competent to guide-outfit hunts. The board shall allow a  
28 guide-outfitter to transfer a certification between game management  
29 units.

1 \* Sec. 6. AS 08.54.360(a) is amended to read:

2 (a) The board may issue a marine mammal guide-outfitter license  
3 to a natural person who applies to guide-outfit a hunt for a specific  
4 species of marine mammal in a specifically designated area if the  
5 person

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

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

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

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

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

14 (B) relevant characteristics of the specific species  
15 to be hunted;

16 (C) field preparation of trophies;

17 (D) care of game meat;

18 (E) use of guide-outfitting gear;

19 (F) firearm safety;

20 (G) practical first aid; and

21 (H) booking and contracting hunts;

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

26 (6) possesses a business license to provide guide-outfit-  
27 ting services; and

28 (7) has paid the license fee and has applied for a commer-  
29 cial use permit [FEE].

1 \* Sec. 7. AS 08.54.370(a) is amended to read:

2 (a) An applicant for renewal of a guide-outfitter license or a  
3 marine mammal guide-outfitter license shall submit with the applica-  
4 tion for renewal

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

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

8 (3) the commercial use permit fee for the [NEXT LICENSING]  
9 period covered by the current permit; and

10 (4) an amended guide-outfitter use area operations plan, if  
11 appropriate.

12 \* Sec. 8. AS 08.54.400(a) is amended to read:

13 (a) A person is entitled to a transporter license if the person

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

15 (2) pays the license fee;

16 (3) applies for a [PAYS THE] commercial use permit, if  
17 required under AS 08.54.470 [FEE];

18 (4) provides proof of

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

23 (B) licensure by the Coast Guard to carry passengers  
24 for hire, if the person provides water transportation services to  
25 big game hunters and if licensure is required by the Coast Guard;  
26 and

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

28 \* Sec. 9. AS 08.54.400(c) is amended to read:

29 (c) An applicant for renewal of a transporter license shall

1 submit with the application for renewal

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

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

6 (3) the commercial use permit fee for the [NEXT LICENSING]  
7 period covered by the current permit, if the applicant was required to  
8 obtain a permit under AS 08.54.470; 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 \* Sec. 10. AS 08.54.460(a) is amended to read:

19 (a) A person, other than a guide-outfitter, marine mammal guide-  
20 outfitter, or a transporter, who provides other big game commercial  
21 services for compensation shall register with the board on a form  
22 provided by the board and shall obtain a commercial use permit and pay  
23 the annual commercial use permit fee set by the department in consul-  
24 tation with the board [UNDER AS 08.54.470]. In this section, "other  
25 big game commercial services" includes provision of accommodations in  
26 the field at a permanent lodge, house, or cabin owned by the commer-  
27 cial use permit holder, hunt broker services, gear rental services,  
28 photographic or videographic services, and services as defined by the  
29 board by regulation.

1 \* Sec. 11. AS 08.54.470(a) is amended to read:

2 (a) A person who is licensed under this chapter as a guide-  
3 outfitter, marine mammal guide-outfitter, or transporter shall obtain  
4 an annual commercial use permit. However, a transporter who provides  
5 only air transportation services and who does not charge more than the  
6 usual tariff or charter rate for the carriage of big game hunters,  
7 their equipment, or big game animals harvested by hunters is exempt  
8 from the requirement to obtain a commercial use permit or to pay the  
9 commercial use permit fee. The [AND PAY AN] annual commercial use  
10 permit fee shall be paid as set out in this section.

11 \* Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

12 (b) The commercial use permit fee shall be set by the depart-  
13 ment, in consultation with the board,

14 (1) for transporters on the basis of a progressive fee in  
15 proportion to the number of big game hunters transported by the trans-  
16 porter during the period for which the permit was issued;

17 (2) for guide-outfitters and marine mammal guide-outfit-  
18 ters, at not less than the following amounts based on the number of  
19 clients guide-outfitted by the guide-outfitter or marine mammal guide-  
20 outfitter during the period for which the permit was issued:

21	0 - 5 clients	\$ 250
22	6 - 10 clients	500
23	11 - 15 clients	750
24	16 - 20 clients	1,000
25	21 - 25 clients	1,500
26	26 - 30 clients	2,000
27	31 or more clients	2,500.

28 \* Sec. 13. AS 08.54.470(c) is amended to read:

29 (c) A guide-outfitter, marine mammal guide-outfitter, and

transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued.

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

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

\* Sec. 15. AS 08.54 is amended by adding a new section to read:

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

(b) A person who intentionally violates this section is guilty of a class B misdemeanor.

\* Sec. 16. AS 08.54.590(13) is amended to read:

(13) "transportation services" means the carriage of or advertising to carry, for compensation, [OF] big game hunters, their equipment, or big game animals harvested by hunters to, from, or in

the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters (A) on nonstop flights between state, municipally, or federally maintained airports and float plane docks unless the air taxi operator or air carrier providing transportation services on flights between maintained airports advertises big game commercial services that benefit an air taxi operator or air carrier that is a subsidiary, affiliate, or contractor of the air taxi operator or air carrier that is advertising; or (B) by an air taxi operator or air carrier who does not charge more than the usual tariff or charter rate for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters, unless the air taxi operator or air carrier providing transportation services advertises big game commercial services; in this paragraph, "advertises" or "advertising" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media specifically directed to big game hunters, including advertising at trade shows, or the use of hunt broker services or other promotional services [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

\* Sec. 17. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a) The Department of Fish and Game shall propose guide-outfitter use areas for use by the Big Game Commercial Services Board in establishing a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters. The department shall identify proposed guide-outfitter use areas for appropriate regions and areas of the state. The department may set priorities for identifying use areas and may determine the extent and number of use areas to be identified at one time. The

department shall complete the identification of proposed use areas within two years after the close of the first public comment period prescribed under (e) of this section. The department shall complete the identification of proposed use areas for a significant portion of the state within nine months after the close of the first public comment period prescribed under (e) of this section.

(b) The Big Game Commercial Services Board may recommend to the department those areas of the state that should receive priority in identifying use areas.

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

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

- (1) wildlife management concerns, including abundance and diversity of wildlife, historical harvest of wildlife from the area, and existing administrative boundaries established for wildlife management purposes;
- (2) wildlife law enforcement concerns;
- (3) public comment received under (c) of this section;
- (4) land ownership in the area;
- (5) administrative restrictions;
- (6) existence of boundaries that can be readily identified in the field;
- (7) accessibility of the area and other transportation considerations;
- (8) existence of complementary and noncomplementary land uses within the area;
- (9) existing facilities within the area; and

(10) other considerations relevant to the purposes of this section.

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

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

(g) In this section

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

(2) "public" includes a natural person, corporation, association, organization, society, company, partnership, or state, federal, or local government agency.

\* Sec. 18. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER USE AREA PERMIT. (a) In order to facilitate and expedite the process for issuing guide-outfitter use area permits during the first five years that offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services Board shall make preliminary determinations of the eligibility of a guide-outfitter to receive use area permits.

(b) A guide-outfitter may apply, at times set by the board, for a preliminary determination of eligibility for a use area permit for each game management unit in which the guide-outfitter is certified or prequalified for certification to guide-outfit hunts under AS 08.54.355, enacted

by sec. 5 of this Act.

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

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

\* Sec. 19. During the first five years that offerings of use areas are made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services Board shall offer all guide-outfitter use areas.

\* Sec. 20. The operation of AS 08.54.440 is suspended until January 1, 1991.

\* Sec. 21. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date

of this section.

\* Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. An air taxi operator or air carrier, whose operations are not included within the definition of "transportation services" in AS 08.54.590(13), as amended by sec. 16 of this Act, but whose publicity brochures or other print media produced before April 1, 1990, contain advertisements for big game commercial services that remain in circulation or use after April 1, 1990, will not be considered as advertising big game commercial services.

\* Sec. 23. SEVERABILITY. If a provision of this Act or the application of this Act to a person or circumstance is held invalid, the remainder of this Act and the application of this Act to other persons or circumstances are not affected by the invalidity.

\* Sec. 24. Section 20 of this Act is retroactive to May 12, 1989.

\* Sec. 25. AS 08.54.310(b)(1) is repealed.

\* Sec. 26. Sections 20 and 24 of this Act take effect immediately under AS 01.10.070(c).

4-17-90  
Burns  
Amend.

A M E N D M E N T N O. 1

Adopted  
as amended.

OFFERED IN THE SENATE

TO: CSSB 422(Resources):

Page 17, Line 28, after "docks":

Insert: ", unless the air taxi operator or air carrier providing transportation services on flights between maintained airports advertises big game commercial ~~hunting~~ services that benefit an air taxi operator or air carrier that is a subsidiary, affiliate, or contractor of the air taxi operator or air carrier that is advertising"

Page 18, Line 3, after "hunters":

Insert: ", unless the operator or carrier providing transportation services advertises big game commercial ~~hunting~~ services; in this paragraph, "advertises" or "advertising" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media specifically directed to big game hunters, including advertising at trade shows or the use of hunt broker services or other promotional services"

Burns- Recommend: "big game  
commercial services"

Remove: "hunting"

Adopted

A M E N D M E N T N O . 2

4-17-90  
Burns  
Amend.

Adopted  
as amended

OFFERED IN THE SENATE

TO: CSSB 422(Resources)

Page 21, Line 15:

Insert a new section to read:

April 1

"\* Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. An air taxi operator or air carrier whose operations do not fall within the definition of transportation services contained in Sec. 16 of this Act but whose publicity brochures or other print media produced prior to ~~June 30, 1990~~ contain advertisements for big game commercial hunting services that remain in circulation or use after ~~June 30, 1990~~ will not be considered as advertising big game commercial hunting services. ~~In no event will an air taxi operator or air carrier be required to become licensed as a transporter simply because print media produced prior to June 30, 1990 remained in circulation after that date.~~

Renumber the following sections accordingly.

Burns- Change June 30 to April 1  
and eliminate last  
sentence.

Adopted

4/17/90  
6-1718Ee Pearce  
Utermohle  
Amend. #3  
Stoops

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Page 14, line 17, after "permit":

Insert ", if required under AS 08.54.470"

Page 15, line 7, following "permit":

Insert ", if the applicant was required to obtain a permit under AS 08.54.470"

Page 16, line 3, following ".":

Insert "However, a transporter who provides only air transportation services and who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters is exempt from the requirement to obtain a commercial use permit or to pay the commercial use permit fee."

Duncan 4/17/90

Amend. #4

Burke

AMENDMENT

OFFERED IN THE SENATE

TO: CS SB 422 (Resources)

P. 6, Line 9, Replace (a) with the following:

(a) The board shall adopt procedures for evaluating 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.

APR 2 1990

SB 422  
file

PROPOSED AMENDMENT

BY: The Big Game Commercial Services Board, Division of Occupational Licensing, Department of Commerce & Economic Development

Page 17, Line 28

ADD: after "docks":

unless the person providing transportation services advertises as defined in this section;

Page 18, Line 3

ADD: after "hunters":

unless the person providing transportation services advertises as defined in this section;

Page 18, Line 5

ADD: a new Sec. 17 to read:

\* Sec. 17. AS 08.54.590, the DEFINITIONS section, is amended by adding a new paragraph to read:

(15) "advertise" means to make big game hunting and related transportation services publicly and generally known through the use of a media or indirectly through hunt brokers services or promotional services;

Renumber the following bill sections accordingly.

CSB:RPB/s

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 18, 1990

SUBJECT: CSSB 422 (Finance); Transition: Air Carrier  
Advertising

TO: Senator Rick Uehling  
Co-chair, Senate Finance Committee

FROM: George Utermohle *GU*  
Legislative Counsel

The Senate Finance Committee has included in CSSB 422 (Finance) an amendment providing for the transition of new provisions regarding the advertising of big game commercial services by air taxi operators and air carriers.

It is unclear from the language of the amendment what the amendment is intended to accomplish. The amendment provides that if an air carrier is not a provider of transportation services as defined in Section 16 of the bill then any advertising brochures produced by the air carrier prior to April 1, 1990 are not considered to be advertising big game commercial services. However under the bill if the air carrier does advertise big game commercial services, then the air carrier is a provider of transportation services and thus is not eligible to benefit from the exemption.

I can only speculate as to the intent of this transition provision, but it is my assumption that the provision is intended to protect those air carriers who are not included within the current definition of transportation services, because they fly hunters only between state or federally maintained airports or transport big game hunters as only an incidental part of their business, but nonetheless do advertise big game commercial services to the public. After this bill takes effect these air carriers would be required to obtain a transporter license because they advertise big game commercial services and transport big game hunters. Conceivably the transition provision intends to allow this group of air carriers to continue their business as in the

Senator Rick Uehling  
Page 2  
April 18, 1990

past and to use up their existing stocks of advertising material without falling under the new definition of transportation services. If this is in fact the case, then this result can be achieved by the following language:

Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. Air taxi operators or air carriers who were not required to obtain a transporter license under AS 08.54 before the effective date of sec. 16 of this Act and who, but for the fact that they solicit big game hunters as customers for the purpose of providing air transportation to, from, or in the field through the use of publicity brochures or other printed material, would not have to obtain a transporter license after the effective date of sec. 16 of this Act, may continue to use existing stocks of publicity brochures and other printed materials that solicit big game hunters as customers of the air taxi operator or air carrier without having to obtain a transporter license if

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

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

If some other result is intended, please contact me so that the appropriate language can be prepared.

GU:pl  
WKP4/064

7/17/90

RESOLUTION NO. 90-50-BOG

ALASKA BOARD OF GAME

RELATING TO REPORTING OF HUNTER USAGE OF AIR TAXI OPERATIONS

WHEREAS, it is of critical importance to the Board of Game in its role of protecting the wildlife resources of the State and allocating uses of these resources to the public, to know the location, numbers and timing of game harvest by hunters utilizing air taxi transportation; and

WHEREAS, the Board recognizes that air transportation is a very important means of access to game resources by many citizens of Alaska as well as non-residents, and

WHEREAS, the Board has received many reports from the public of excessive local harvest in certain areas by hunters transported by air taxi, and

WHEREAS, the lack of legal requirements for reporting of hunters transported by air taxi operators prevents the Board from having the information necessary to objectively determine whether a problem exists and whether corrective action is necessary,

NOW THEREFORE BE IT RESOLVED,

the Alaska Board of Game urges the Alaska State Legislature to pass legislation that would require all air taxi operators to report the number of hunters and big game animals transported; and

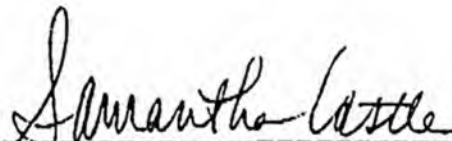
Post-It brand fax transmittal memo 7671 # of pages 2

To	Senate Vohling	From	Low Pamplin
Co.	Senate	Co.	ADF-G
Dept.		Phone #	267-2129
Fax #	465-4455	Fax #	344-7914

RESOLUTION NO. 90-50-806  
Alaska Board of Game  
Page Two

BE IT FURTHER RESOLVED,

that copies of this Resolution be promptly transmitted to the Governor, the President of the Senate, the Speaker of the House, the Chairman of the Senate and House Resources, and Transportation, committees, and to the Commissioner of the Department of Fish and Game.



-----  
Samantha Castle, Chairman  
Alaska Board of Game

ADOPTED: April 2, 1990  
Anchorage, Alaska  
VOTE: 7 Favor 0 Oppose

2/22/90  
(5) RES  
FIN

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to guide-outfitter use area permits; . . .

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

Sponsor: House Rules by Request  
Requestor: House Resources

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						
<b>TOTAL OPERATING</b>	<b>139.3</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>

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

REVENUE	361.0	361.0	361.0	361.0	361.0	361.0
---------	-------	-------	-------	-------	-------	-------

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

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. (CONTINUED ON ATTACHED)

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

Phone: 465-2144  
Date: 2/21/90

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

Date: 21 Feb 90

**Distribution (by preparer):**

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

SB 422

CONTINUATION OF FISCAL NOTE  
FOR SB 422

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 \$361.0 represents a combination of program receipt revenues generated by guide-outfitter use area application fees and guide-outfitter and transporter paid wildlife conservation fees.

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.

Collection of the annual wildlife conservation fees is estimated by the Department of Fish and Game to generate \$220.0 in program receipts. DF&G based its estimate on 1988-1989 harvest data concerning the harvest of big game by individuals who utilized big game commercial services. While the wildlife conservation fee is collected by the Division of Occupational Licensing, it is separately accounted for and is available for disbursement by the Legislature to the Departments of Fish and Game and Public Safety for wildlife management and enforcement.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to guide-outfitter use area permits; . . .  
 Sponsor: Senate Rules by Request  
 Requestor: Senate Resources  
 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						
<b>TOTAL OPERATING</b>	<b>139.3</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>	<b>121.7</b>

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

REVENUE	32.2	32.2	32.2	32.2	32.2	32.2
---------	------	------	------	------	------	------

**FUNDING:** (Thousands of Dollars)

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

**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)

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. (CONTINUED ON ATTACHED)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144  
 Division: Occupational Licensing Date: 2/7/90

Approved by Commissioner: Larry Mercurieff Date: 2/8/90  
 Agency: Department of Commerce & Economic Development

**Distribution (by preparer):**

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

**CONTINUATION OF FISCAL NOTE  
FOR SB 422**

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 \$139.3

**Revenues**

The revenue identified is based on 1,286 guide-outfitters and transporters paying the \$25 Wildlife Conservation Fee required in Section 6 of the bill at least once annually.

Presently, we are unable to more accurately predict the amount of revenues generated each year by this bill. However, revenues collected are anticipated to be more than the amount shown in this fiscal note as a result of the use area permit application fee (yet to be established by the Big Game Commercial Services Board) and the \$25 and \$5 Wildlife Conservation Fees for each big game animal taken annually.

2/13/90  
(5) RE

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Guide-Outfitter Use Areas

Agency Affected: Public Safety  
BRU: Fish & Wildlife Protection

Sponsor: Senate Rules  
Requestor: Senate Resources

Component: Enforcement & ISU

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
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)  
No fiscal impact is anticipated.

*This fiscal note did not accompany the bill.*

Prepared by: Captain Conrad G. Seibel  
Division: Fish & Wildlife Protection

Phone: 269-5509  
Date: 2-9-90

Approved by Commissioner: SA. H. English  
Agency: Department of Public Safety

Date: 2-9-90  
Page 1 of 1

*Copy 2/9/90*