

HB

72

7-LS0354D ✓
Utermohle
2/26/91

CS FOR HOUSE BILL NO. 72 (TRANSPORTATION)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KUBINA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the fee for a transporter license and a commercial use permit; and
2 providing for an effective date."

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

4 * Section 1. AS 08.54.450 is amended by adding a new subsection to read:

5 (d) Notwithstanding AS 08.01.065, AS 08.54.400(a)(2) and (c)(2), and (a) of this section,
6 the transporter license for a United States Coast Guard licensed boat operator for which the
7 carriage of big game hunters, their equipment, or big game animals harvested by hunters is only
8 an incidental portion of the operator's business shall be issued free of charge.

9 * Sec. 2. AS 08.54.470 is amended by adding a new subsection to read:

10 (e) Notwithstanding AS 08.01.065 and (a) and (b) of this section, the commercial use
11 permit fee for a person who receives a transporter license without a charge under
12 AS 08.54.450(d) shall be 50 percent of the usual fee for a commercial use permit.

13 * Sec. 3. This Act takes effect January 1, 1992.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 72

BY REPRESENTATIVE KUBINA

Page 1, line 9, through Page 2, line 3:

Delete all material.

Insert the following material to read:

"(A) on nonstop flights between state or federally maintained airports; or
(B) by an air taxi operator, [OR] air carrier, or United States Coast
Guard licensed boat operator for which the carriage of big game hunters, their
equipment, or big game animals harvested by hunters is only an incidental, as defined by
the board, portion of its business; "

Renumber the following bill section accordingly.

HB 72: An Act amending the definition of transportation services to exempt operators of certain watercraft from the transporter license requirement.

The Department of Commerce and Economic Development opposes passage of HB 72.

In the 1988 Owsichuk decision, the Alaska Supreme Court interpreted the common use clause in the Alaska Constitution. In part, the court said that in development of wildlife law, the clause "constitutionalized" the state's public trust duty toward wildlife. This is a duty to manage these resources for the benefit of all the people. In 1989 a legislative task force on guiding and game made recommendations to the Legislature regarding commercial uses and users of big game. The task force recommendations included licensing of three groups to encompass all the commercial users of big game: Guide Outfitters, Transporters and Commercial Use Permit Holders.

Currently of the 174 licensed transporters, 59 transporters are boat charter operators. These operators are required to be licensed and their watercraft is identified by a transporter decal issued by this department. HB 72 would eliminate all licensing and control over this group of users of game resource. It would eliminate the monetary return to the state for the use of the resource as well as hamper enforcement activities in identifying legal operations versus unlicensed guiding or outfitting.

Glenn A. Olds (Spec Asst)

Glenn A. Olds, Commissioner

Date:

2/6/91

GAO/cw1221d
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FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 72

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act amending the definition of transportation services to exempt operators of certain watercraft from Transporter License. BRU: Occupational Licensing
 Sponsor: Representative Kubina Component: _____
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE	(14.8)	(14.8)	(14.8)	(14.8)	(14.8)	(14.8)
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

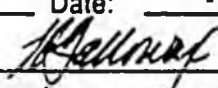
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

This bill would exempt current licensees from future licenses. We currently have 59 licensees who pay the \$150 annual license fee and \$100 Commercial Use Permit fee. (\$250 total annual fee.) $59 \times \$250 = \$14,750$

Prepared By: Barbara Gabier, Licensing Supervisor Phone: 465-3262
 Division: Occupational Licensing Date: February 5, 1991
 Approved by Commissioner: Glenn A. Olds 
 Agency: Department of Commerce and Economic Development Date: February 5, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSHB 72 (Trans)
 (proposed)

Revision Date: 2/27/91 Department Affected: Fish and Game
 Title: Transporter License: Charter BRU: Div. of Wildlife Conservation
boats exempt Component: Wildlife Conservation
 Sponsor: Representative Kubina
 Requestor: _____ COMPONENT SERIAL NO.

	4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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
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REVENUE	(2.9)	(2.9)	(2.9)	(2.9)	(2.9)	(2.9)
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: No FY 91 impact.

ANALYSIS: (Attach a separate page if necessary.)

Commercial use permit fees may be used for enforcement purposes by the department and Fish and Wildlife Protection (Public Safety). This fee would be reduced by 50% for the 59 licensees who currently pay a fee of \$100.
 Annual loss = 59 x \$50 = \$2,900

Prepared By: Phil Koehl Phone: 465-4190
 Division: Wildlife Conservation Date: 2/27/91

Approved by Commissioner: _____
 Agency: Department of Fish and Game Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Note
* Act amended
or pg 69
and pg 70

§ 08.48.341

ALASKA STATUTES SUPPLEMENT

§ 08.48.341

(10) "practice of land surveying" means any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;

(11) "professional architect" means a person who has been legally registered as a professional architect by the board;

(12) "professional engineer" means a person who has been legally registered as a professional engineer by the board;

(13) "professional land surveyor" means a person who has been legally registered as a professional land surveyor by the board;

(14) "responsible charge" means the direct control and personal supervision of work;

(15) "structure" means a system of materials and components that resists horizontal and vertical loads. (§ 3 ch 179 SLA 1972; am §§ 6 — 8 ch 2 SLA 1990)

Revisor's notes. — Paragraph (3) was enacted as (14). Renumbered in 1990, at which time paragraphs (3)—(13) were renumbered as (4)—(14), respectively.

Effect of amendments. — The 1990 amendment substituted "buildings" for "structures" and "drawings" for "plans",

deleted "functional and aesthetic" following "creative work in the", and made other changes in wording in paragraph (7); deleted "buildings" in two places, substituted "drawings" for "plans" and made other changes in wording in paragraph (8); and added paragraphs (14) and (15).

Chapter 54. Guides and Related Occupations.

Article

1. Big Game Commercial Services Board (§§ 08.54.010 — 08.54.330)
2. Licensing (§§ 08.54.350 — 08.54.470)
3. Discipline and Unlawful Acts (§§ 08.54.500 — 08.54.540)
4. General Provisions (§§ 08.54.550, 08.54.590)

Cross references. — For interim task force on guiding and game, see sec. 14, ch. 160, SLA 1988, as amended by §§ 1 — 3, ch. 10, SLA 1989, in the Temporary and Special Acts.

Legislative history reports. — For House letter of intent relating to the interim task force on guiding and game, es-

tablished by sec. 14, ch. 160, SLA 1988 (HCS CSSB 191 (R1s) am H), see 1988 House Journal 3713-3715; for House letter of intent related to the extension of and changes in the task force by ch. 10, SLA 1989 (HCS CSSB 139 (Res)), see 1989 House Journal 584.

§ 08.48.341

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§ 08.54.010

BUSINESS AND PROFESSIONS

§ 08.54.300

Article 1. Big Game Commercial Services Board.

Section

10 — 240. [Repealed]

300. Creation and membership of board

310. Duties and powers

Section

320. Board regulations

330. Board assistance

Cross references. — For transitional SLA 1989 in the Temporary and Special provisions, see §§ 13 — 15, and 17, ch. 37, Acts.

Sec. 08.54.010. Guide Board. [Repealed, § 18 ch 37 SLA 1989.]

Sec. 08.54.020. Appointment and term of office. [Repealed, § 49 ch 94 SLA 1987. For current law, see AS 08.01.035.]

Secs. 08.54.030 — 08.54.141. Board powers and duties, etc.; licensing. [Repealed, § 18 ch 37 SLA 1989.]

Secs. 08.54.142 — 08.54.146. Transporter licensing. [Repealed, § 27 ch 71 SLA 1986.]

Secs. 08.54.150 — 08.54.180. Miscellaneous licensing provisions. [Repealed, § 18 ch 37 SLA 1989.]

Sec. 08.54.185. Additional fees. [Repealed, § 27 ch 71 SLA 1986.]

Secs. 08.54.186 — 08.54.240. Exams; restricted areas; prohibitions; general provisions. [Repealed, § 18 ch 37 SLA 1989.]

Sec. 08.54.300. Creation and membership of board. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Commerce and Economic Development.

(b) The board consists of nine members:

- (1) two members who are licensed guide-outfitters;
- (2) two members who are licensed transporters, one of whom must be engaged in the business of providing air transportation services;
- (3) one member who holds a commercial use permit, but does not hold any class of guide-outfitter license or a transporter license;
- (4) one member of the Board of Game who is chosen by the Board of Game and who does not hold a commercial use permit;
- (5) one member who represents Native landholders; and
- (6) two public members. (§ 3 ch 37 SLA 1989)

Cross references. — For initial appointments to board, see § 16, ch. 37, SLA 1989 in the Temporary and Special Acts.

Sec. 08.54.310. Duties and powers. (a) The board shall

(1) prepare, grade, and administer

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

(B) an oral examination of a guide-outfitter who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide-outfitter is qualified to provide guide-outfitted hunts in each new game management unit for which the guide-outfitter seeks to be certified;

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

(3) establish performance standards for providers of big game commercial services and regulate the activities of these providers;

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

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

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

(7) authorize issuance of transporter licenses;

(8) authorize issuance of commercial use permits;

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

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

(b) The board may

(1) establish, subject to the prior approval of the commissioner of fish and game, a resource-based management system for allocating

§ 08.54.310

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§ 08.54.320

BUSINESS AND PROFESSIONS

§ 08.54.350

access to big game hunting opportunities among guide-outfitters li-
censed under this chapter;

(2) establish the level of supervision that a guide-outfitter shall
provide for class-A assistant guide-outfitters and assistant guide-out-
fitters who are employed by the guide-outfitter. (§ 3 ch 37 SLA 1989)

Effective dates. — Paragraph (b)(1)
took effect on January 15, 1991, under
§ 20, ch. 37, SLA 1989.

Legislative history reports. — For
House and Senate letters of intent related

to the development of a resource-based
management system, under this section,
see 1989 House Journal 917 — 918 and
1989 Senate Journal 1307, respectively.

Sec. 08.54.320. Board regulations. The board shall adopt proced-
ural and substantive regulations required by this chapter or reason-
ably necessary for its administration. (§ 3 ch 37 SLA 1989)

Sec. 08.54.330. Board assistance. The Department of Fish and
Game, Department of Natural Resources, and Department of Public
Safety shall provide the board with information, data, or technical
assistance requested by the board for the purposes of licensing and
regulating the activities of providers of commercial services to big
game hunters. (§ 3 ch 37 SLA 1989)

Article 2. Licensing.

Section	Section
350. Guide-outfitter license	400. Transporter license
360. Marine mammal guide-outfitter li- cense	410. Appeal to commissioner from board on denial of license
370. Renewal of guide-outfitter license and marine mammal guide-outfit- ter license	420. Renewal of licenses
380. Class-A assistant guide-outfitter li- cense	430. Examinations for guide-outfitter li- censes
390. Assistant guide-outfitter license	440. Failure to renew
395. Insurance and other requirements for guide-outfitters	450. License and examination fees
	460. Commercial use permit holder
	470. Commercial use permit and fee

Effective date of article. — Section
22, ch. 37, SLA 1989, makes this article,
except as 08.54.395, effective May 12,

1989, in accordance with AS 01.10.070(c).
Pursuant to section 21, ch. 37, SLA 1989,
AS 08.54.395 is effective July 15, 1989.

Sec. 08.54.350. Guide-outfitter license. (a) A natural person is
entitled to a guide-outfitter license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunt-
ing, judging trophies, field preparation of meat and trophies, first aid,
photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

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

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

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

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

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide guide-outfitting services; and

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

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

(c) A guide-outfitter may contract to guide-outfit hunts for big game and may provide transportation to, from, or in the field that is incidental to a guide-outfitted hunt. (§ 3 ch 37 SLA 1989)

Cross references. — For transitional provisions related to licenses issued under former AS 08.54.010 — 08.54.240, see § 13, ch. 37, SLA 1989 in the Temporary

and Special Acts; for transitional provisions related to outfitters, see §§ 14 and 15, ch. 37, SLA 1989 in the Temporary and Special Acts.

Sec. 08.54.3

(a) The board shall select a natural person who is a resident of marine mammals

(1) is 21 years of age or older;

(2) has, for a period of at least one year, resided in the state in which the license is to be issued;

(3) is able to read and write the English language;

(4) has demonstrated to the board sufficient standards of competence and degree of education;

(A) current knowledge of

(B) relevant regulations;

(C) field preparation;

(D) care of game animals;

(E) use of guide-outfitting equipment;

(F) firearm safety;

(G) practical experience;

(H) booking of clients;

(5) has not been convicted of a crime involving the practice of guide-outfitting;

(6) has not been convicted of a crime involving the practice of guide-outfitting for which the person was fined more than five days;

(7) possesses a business license to provide guide-outfitting services; and

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

(b) A marine mammal guide-outfitter license is for all purposes under this chapter a guide-outfitter license.

(c) A guide-outfitter may contract to guide-outfit hunts for big game and may provide transportation to, from, or in the field that is incidental to a guide-outfitted hunt. (§ 3 ch 37 SLA 1989)

Sec. 08.54.370

mammal guide-outfitter license shall submit written application to the board

(1) the hunt requested by the applicant;

(2) the license fee and commercial use permit fee;

(3) the commercial use permit fee.

(b) The department shall select a natural person who is a resident of marine mammals unless all fees have been paid.

(1) is 21 years of age or older;

(2) has, for a period of at least one year, resided in the state in which the license is to be issued;

(3) is able to read and write the English language;

(4) has demonstrated to the board sufficient standards of competence and degree of education;

(A) current knowledge of relevant regulations;

08.54.350

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§ 08.54.360

BUSINESS AND PROFESSIONS

§ 08.54.370

Sec. 08.54.360. Marine mammal guide-outfitter license.

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

(F) firearm safety;

(G) practical first aid; and

(H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

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

(b) A marine mammal guide-outfitter may contract to guide-outfit hunts for species of marine mammals for which the marine mammal guide-outfitter license is issued. (§ 3 ch 37 SLA 1989)

Sec. 08.54.370. Renewal of guide-outfitter license and marine mammal guide-outfitter license. (a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

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

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

(b) The department may not renew a license under this section unless all fees have been paid in full and the hunt record has been filed. (§ 3 ch 37 SLA 1989)

Sec. 08.54.380. Class-A assistant guide-outfitter license. (a) A natural person is entitled to a class-A assistant guide-outfitter license if

(1) the person

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

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

(2) the person:

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

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

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

(b) A class-A assistant guide-outfitter

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

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

(3) may take charge of a camp and conduct guide-outfitter activities from it without the guide-outfitter being present in the area if the guide-outfitter is supervising the guide-outfitting activities. (§ 3 ch 37 SLA 1989)

Sec. 08.54.390. Assistant guide-outfitter license. (a) A natural person is entitled to an assistant guide-outfitter license if the person

(1) is 18 years of age or older;

(2) passes an examination administered by the board;

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

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

(5) is in sound physical condition; and

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

(b) An assistant guide-outfitter

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

(2) shall be employed by a guide-outfitter and under the supervision of a guide-outfitter or class-A assistant guide-outfitter at all times while the assistant guide-outfitter is in the field on guide-outfitted hunts. (§ 3 ch 37 SLA 1989)

§ 08.54.390

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§ 08.54.395

BUSINESS AND PROFESSIONS

§ 08.54.400

Sec. 08.54.395. Insurance and other requirements for guide-outfitters. (a) A guide-outfitter or marine mammal guide-outfitter, while engaged in providing big game commercial hunting services shall carry, as a minimum, comprehensive general liability insurance of \$300,000 per occurrence or \$500,000 per annual aggregate or post a financial bond in those amounts.

(b) If a guide-outfitter, marine mammal guide-outfitter, class-A assistant guide-outfitter, or an assistant guide-outfitter personally pilots an aircraft to transport clients during the provision of big game commercial hunting services, the guide-outfitter, marine mammal guide-outfitter, class-A assistant guide-outfitter, or assistant guide-outfitter shall have a commercial pilot's rating or a minimum of 250 hours of flying time in the state.

(c) During the provision of big game commercial hunting services, an aircraft used by a guide-outfitter, marine mammal guide-outfitter, class-A assistant guide-outfitter, or assistant guide-outfitter to transport clients must carry aviation passenger liability insurance of at least \$100,000 per seat or must be subject to a financial bond in that amount. (§ 3 ch 37 SLA 1989)

Sec. 08.54.400. Transporter license. (a) A person is entitled to a transporter license if the person

- (1) applies on a form provided by the department;
- * (2) pays the license fee;
- (3) pays the commercial use permit fee;
- (4) provides proof of

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

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

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

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

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

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

- ✕(2) the license fee for the next licensing period;
- (3) the commercial use permit fee for the next licensing period; and
- (4) proof of
- (A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, if the applicant provides air transportation services to big game hunters;
- (B) licensure by the Coast Guard to carry passengers for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.
- (d) The department may not renew a transporter license unless all fees have been paid in full and the activity report required under (c)(1) of this section and the proof required under (c)(4) of this section have been filed.
- (e) A transporter shall place a decal provided by the department on each plane, boat, vehicle, or other equipment used by the transporter to provide transportation services to big game hunters. The decal must bear the transporter's license number. The decal is valid only for the plane, boat, vehicle, or other equipment for which the decal is issued. (§ 3 ch 37 SLA 1989)

Sec. 08.54.410. Appeal to commissioner from board on denial of license. The commissioner of commerce and economic development may order that an applicant for an initial license under AS 08.54.350 — 08.54.400 be allowed to take the license examination or be issued the license if, after reviewing a petition filed by the applicant, the commissioner finds that

- (1) the board denied the applicant an opportunity to take the license examination or refused to approve issuance of the license;
- (2) the board's denial or refusal has been upheld by a final administrative order and the order has not been appealed to the superior court under AS 44.62.560;
- (3) the board's denial or refusal was based on
- (A) an error of fact by the board; or
- (B) the applicant's failure of the license examination due to faulty or unfair examination questions or procedures;
- (4) the applicant is otherwise qualified to take the examination or to be issued the license; and
- (5) sustaining the board's denial or refusal would work a substantial injustice on the applicant. (§ 3 ch 37 SLA 1989)

Sec. 08.54.420. Renewal of licenses. Notwithstanding AS 08.01.100(a), guide-outfitter, marine mammal guide-outfitter, and transporter licenses shall be renewed annually on dates set by the department with the approval of the board. (§ 3 ch 37 SLA 1989)

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BUSINESS AND PROFESSIONS

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Sec. 08.54.430. Examinations for guide-outfitter licenses.

(a) The board shall administer the qualification examinations re-
quired under this chapter at least twice a year. An examination may
not be given within 90 days after the previous examination. At least
once every other year the board shall give the examination at a loca-
tion other than Anchorage.

(b) The board shall regularly disseminate information regarding
examinations and other qualifications for all classes of guide-outfitter
licenses to residents of the rural areas of the state. (§ 3 ch 37 SLA
1989)

Sec. 08.54.440. Failure to renew. (a) A license may not be issued
to a guide-outfitter, marine mammal guide-outfitter, class-A assistant
guide-outfitter, or assistant guide-outfitter who has failed to renew a
license issued under this chapter for two consecutive years unless the
guide-outfitter, marine mammal guide-outfitter, class-A assistant
guide-outfitter, or assistant guide-outfitter again meets the qualifica-
tions for initial issuance of the license.

(b) Notwithstanding (a) of this section, a guide-outfitter who fails to
renew a license is not required to requalify under AS 08.54.350(a)(7),
unless the license has been lapsed for three or more years. (§ 3 ch 37
SLA 1989)

* **Sec. 08.54.450. License and examination fees.** (a) The depart-
ment shall set license fees under AS 08.01.065 for each of the follow-
ing:

- (1) guide-outfitter
- (2) class-A assistant guide-outfitter;
- (3) assistant guide-outfitter;
- (4) marine mammal guide-outfitter;
- (5) transporter.

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

(c) An applicant for a qualifying examination for any class of guide-
outfitter license shall pay a fee established by regulations adopted
under AS 08.01.065. (§ 3 ch 37 SLA 1989)

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Sec. 08.54.460. Commercial use permit holder. (a) A person,
other than a guide-outfitter, marine mammal guide-outfitter, or a
transporter, who provides other big game commercial services for
compensation shall register with the board on a form provided by the
board and shall obtain a commercial use permit and pay the annual
commercial use permit fee set under AS 08.54.470. In this section
"other big game commercial services" includes provision of accommo-
dations in the field at a permanent lodge, house, or cabin owned by the

commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

(b) A commercial use permit may not be issued to a hunting club. A hunting club may not provide other big game commercial services for compensation. (§ 3 ch 37 SLA 1989)

* **Sec. 08.54.470. Commercial use permit and fee.** (a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit and pay an annual commercial use permit fee.

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

(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.

(d) The commissioner of administration shall separately account for commercial use 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. (§ 3 ch 37 SLA 1989)

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Article 3. Discipline and Unlawful Acts.

Section	Section
500. Discipline of guide-outfitters	520. Unlawful acts
505. Discipline of transporters and commercial use permittees	530. Injunction against unlawful action
510. Discipline; general provisions	540. Responsibility of guide-outfitter for violations

Effective date of article. — Section effective May 12, 1989, in accordance with 22, ch. 37, SLA 1989, makes this article AS 01.10.070(c).

Sec. 08.54.500. Discipline of guide-outfitters. (a) The board may hold a hearing to determine whether disciplinary action is necessary if a written complaint concerning the guide-outfitting activities of a licensee who holds any class of guide-outfitter license is filed with the board. The board shall hold a hearing to determine whether a licensee should be disciplined within a reasonable time after

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

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BUSINESS AND PROFESSIONS

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

(3) a licensee has been convicted of a violation of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

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

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

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

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

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

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

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

(A) waste of a wild food animal;

(B) hunting on the same day airborne;

(C) hunting during a closed hunting season; or

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

(d) If a certified copy of a judgment of conviction of a licensee who holds any class of guide-outfitter license for an offense described under (c)(3) of this section is filed with the board, the board shall immediately suspend the licensee's license. The suspension may be ordered even if the conviction resulted from a plea of nolo contendere or if the conviction is under appeal. The suspension remains in effect until after the final disposition of the disciplinary proceeding under this section. (§ 3 ch 37 SLA 1989)

Sec. 08.54.505. Discipline of transporters and commercial use permittees. (a) The board may hold a hearing to determine whether disciplinary action is necessary if a written complaint concerning the big game commercial service activities of a transporter who is licensed under AS 08.54.400 or a commercial use permittee who holds a permit issued under AS 08.54.460 is filed with the board. The board shall hold a hearing to determine whether a licensee or permittee should be disciplined within a reasonable time after

(1) written complaints concerning a licensee's or permittee's activities are filed with the board within a two year period by three or more of the licensee's or permittee's clients from separate hunting parties; or

(2) a licensee or permittee has been convicted of a violation of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

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

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

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

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

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

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

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

(A) waste of a wild food animal;

(B) hunting on the same day airborne;

(C) hunting during a closed hunting season; or

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

(e) If a certified copy of a judgment of conviction of a licensee or permittee for an offense described under (d)(2) of this section is filed with the board, the board shall immediately suspend the licensee's or permittee's license or permit. The suspension may be ordered even if the conviction resulted from a pleas of nolo contendere or if the conviction is under appeal. The suspension remains in effect until after the final disposition of the disciplinary proceeding under this section. (§ 3 ch 37 SLA 1989)

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BUSINESS AND PROFESSIONS

§ 08.54.520

Sec. 08.54.510. Discipline; general provisions. (a) A person who is disciplined under AS 08.54.500 or 08.54.505 may not engage in the provision of big game commercial services during the period of license or permit revocation or other disciplinary action. A person who is licensed under this chapter, or who holds a permit issued under this chapter, may not hire a person whose license or permit to provide big game commercial services is suspended or revoked under AS 08.54.500 or 08.54.505. A person whose license or permit is suspended or revoked may not be employed by a person who is licensed or who holds a permit under this chapter.

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

(c) A certified copy of a judgment of conviction of a licensee or permittee for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the licensee or permittee under AS 08.54.500 or 08.54.505 based on that conviction, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

(d) Within 30 days after conclusion of a hearing under AS 08.54.500 or 08.54.505, the board shall notify the complainant of the results of the hearing, including written reasons justifying a decision not to take disciplinary action. (§ 3 ch 37 SLA 1989)

Sec. 08.54.520. Unlawful acts. (a) It is unlawful for a

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

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

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

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

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

(ii) reporting it;

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

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NOTES TO DECISIONS

Constitutionality of former provisions punishing guiding without valid license as felony. — See Maeckle v. State, Ct. App. Op. No. 1054 (File No. A-2844), P.2d (1990).

Application of former statute to person guiding with expired license. — See Romero v. State, Ct. App. Op. No. 1051 (File No. A-2980), P.2d (1990).

Sec. 08.54.530. Injunction against unlawful action. When in the judgment of the board a person has engaged in an act in violation of AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.520 or the regulations adopted under them, the board may apply to the appropriate court for an order enjoining the action. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond. (§ 3 ch 37 SLA 1989)

Sec. 08.54.540. Responsibility of guide-outfitter for violations. A guide-outfitter who contracts to guide-outfit a hunt is equally responsible under AS 08.54.500 for a violation of a federal or state game or guide-outfitting statute or regulation committed by a class-A assistant guide-outfitter or an assistant guide-outfitter while in the course of the class-A assistant guide-outfitter's or assistant guide-outfitter's employment for the guide-outfitter. (§ 3 ch 37 SLA 1989)

Article 4. General Provisions.

Section
550. Hunt records; confidentiality of hunt records and activity reports

Section
590. Definitions

Effective date of article. — Section 22, ch. 37, SLA 1989, makes this article effective May 12, 1989, in accordance with AS 01.10.070(c).

Sec. 08.54.550. Hunt records; confidentiality of hunt records and activity reports. (a) The department shall collect and maintain hunt records provided by guide-outfitters and marine mammal guide-outfitters. A hunt record must include a list of all big game hunters who used the services of the guide-outfitter or marine mammal guide-outfitter, the number of each big game species taken, and other information required by the board. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records, and activity reports received under AS 08.54.400, available to state and federal agencies charged with the enforcement of statutes and regulations relating to guide-outfitting or game or with management of game if requested for game management or law enforcement purposes. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.125. (§ 3 ch 37 SLA 1989)

Sec. 08.54.590. Definitions. In this chapter

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

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

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

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

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

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

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

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

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

(10) "guide-outfit" means to provide, for compensation or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field; "guide-outfit" includes accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include the provision of transportation to, from, or in the field if the person providing the transportation and the person being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of transportation;

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BUSINESS AND PROFESSIONS

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

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

(13) "transportation services" means the carriage 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 or federally maintained airports; or

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

(14) "unethical activity" means

(A) deception or misrepresentation involving prospective or actual clients either before, during, or following the provision of big game commercial services, including misrepresentations through private or public advertising of the type, duration, cost, or conditions of the services;

(B) making a guaranty that a species or certain number of species of game will be taken on a hunt;

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

(D) accepting a deposit for big game commercial services without providing before the services are rendered a signed written contract to provide the services. (§ 3 ch 37 SLA 1989)

Chapter 64. Medicine.

Article

1. State Medical Board (§§ 08.64.101, 08.64.130)
2. Licensing (§§ 08.64.170 — 08.64.209, 08.64.225 — 08.64.250, 08.64.270 — 08.64.273, 08.64.326, 08.64.335, 08.64.336, 08.64.345)
4. Miscellaneous Provisions (§ 08.64.369)
5. General Provisions (§ 08.64.380)

Article 1. State Medical Board.

Section

101. Duties
130. Board records

Alaska Statutes

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Page 77*

Title 8. Business and Professions.

Chapter

01. Centralized Licensing (§§ 08.01.010, 08.01.035, 08.01.050, 08.01.065, 08.01.087, 08.01.102, 08.01.110)
02. Miscellaneous Provisions (§§ 08.02.010, 08.02.020, 08.02.030)
03. Termination, Continuation and Reestablishment of Regulatory Boards (§§ 08.03.010)
04. Accountancy Act of 1960 (§§ 08.04.140, 08.04.350, 08.04.390, 08.04.500 — 08.04.540, 08.04.560, 08.04.580, 08.04.590)
06. Acupuncture (§§ 08.06.010 — 08.06.190)
18. Construction Contractors (§§ 08.18.011, 08.18.013, 08.18.024, 08.18.025, 08.18.028, 08.18.041, 08.18.071, 08.18.101, 08.18.116, 08.18.121, 08.18.123, 08.18.141, 08.18.161, 08.18.171)
20. Chiropractors (§§ 08.20.055, 08.20.100, 08.20.120, 08.20.155, 08.20.170, 08.20.220 — 08.20.900)
24. Collection Agencies (§ 08.24.110)
36. Dentistry (§ 08.36.114)
40. Electrical and Mechanical Administrators (§§ 08.40.005, 08.40.011 — 08.40.060, 08.40.080, 08.40.090, 08.40.120, 08.40.135, 08.40.170 — 08.40.490)
45. Naturopaths (§§ 08.45.030, 08.45.200)
48. Architects, Engineers and Land Surveyors (§§ 08.48.081, 08.48.111, 08.48.241, 08.48.255, 08.48.261, 08.48.331, 08.48.341)
54. Guides and Related Occupations (§§ 08.54.010 — 08.54.590)
64. Medicine (§§ 08.64.101, 08.64.130, 08.64.170 — 08.64.209, 08.64.225 — 08.64.250, 08.64.270 — 08.64.279, 08.64.326, 08.64.335, 08.64.336, 08.64.345, 08.64.369, 08.64.380)
66. Motor Vehicle Dealers (§ 08.66.090)
71. Dispensing Opticians (§§ 08.71.110, 08.71.130, 08.71.160)
72. Optometry Law (§§ 08.72.050, 08.72.110, 08.72.120, 08.72.125, 08.72.150 — 08.72.175, 08.72.191, 08.72.240, 08.72.270 — 08.72.274, 08.72.280, 08.72.300)
80. Pharmacy Act (§§ 08.80.110, 08.80.116, 08.80.460, 08.80.480)
84. Physical Therapists and Occupational Therapists (§§ 08.84.030, 08.84.032, 08.84.100, 08.84.150, 08.84.190)
86. Psychologists and Psychological Associates (§ 08.86.200)
87. Real Estate Appraisers (§§ 08.87.010 — 08.87.900)

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NOTES TO DECISIONS

Constitutionality of former provisions punishing guiding without valid license as felony. — See Maeckle v. State, Ct. App. Op. No. 1054 (File No. A-2844), P.2d (1990). **Application of former statute to person guiding with expired license. — See Romero v. State, Ct. App. Op. No. 1051 (File No. A-2980), P.2d (1990).**

Sec. 08.54.530. Injunction against unlawful action. When in the judgment of the board a person has engaged in an act in violation of AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.520 or the regulations adopted under them, the board may apply to the appropriate court for an order enjoining the action. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond. (§ 3 ch 37 SLA 1989)

Sec. 08.54.540. Responsibility of guide-outfitter for violations. A guide-outfitter who contracts to guide-outfit a hunt is equally responsible under AS 08.54.500 for a violation of a federal or state game or guide-outfitting statute or regulation committed by a class-A assistant guide-outfitter or an assistant guide-outfitter while in the course of the class-A assistant guide-outfitter's or assistant guide-outfitter's employment for the guide-outfitter. (§ 3 ch 37 SLA 1989)

Article 4. General Provisions.

Section 550. Hunt records; confidentiality of hunt records and activity reports	Section 590. Definitions
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Effective date of article. — Section 550 effective May 12, 1989, in accordance with 22, ch. 37, SLA 1989, makes this article AS 01.10.070(c).

Sec. 08.54.550. Hunt records; confidentiality of hunt records and activity reports. (a) The department shall collect and maintain hunt records provided by guide-outfitters and marine mammal guide-outfitters. A hunt record must include a list of all big game hunters who used the services of the guide-outfitter or marine mammal guide-outfitter, the number of each big game species taken, and other information required by the board. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records, and activity reports received under AS 08.54.400, available to state and federal agencies charged with the enforcement of statutes and regulations relating to guide-outfitting or game or with management of game if requested for game management or law enforcement purposes. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.125. (§ 3 ch 37 SLA 1989)

Sec. 08.54.590. Definitions. In this chapter

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

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

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

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

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

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

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

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

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

(10) "guide-outfit" means to provide, for compensation or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field; "guide-outfit" includes accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include the provision of transportation to, from, or in the field if the person providing the transportation and the person being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of transportation;

54.590

§ 08.54.590

BUSINESS AND PROFESSIONS

§ 08.54.590

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

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

(13) "transportation services" means the carriage 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 or federally maintained airports; or

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

(14) "unethical activity" means

(A) deception or misrepresentation involving prospective or actual clients either before, during, or following the provision of big game commercial services, including misrepresentations through private or public advertising of the type, duration, cost, or conditions of the services;

(B) making a guaranty that a species or certain number of species of game will be taken on a hunt;

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

(D) accepting a deposit for big game commercial services without providing before the services are rendered a signed written contract to provide the services. (§ 3 ch 37 SLA 1989)

Chapter 64. Medicine.

Article

1. State Medical Board (§§ 08.64.101, 08.64.130)
2. Licensing (§§ 08.64.170 — 08.64.209, 08.64.225 — 08.64.250, 08.64.270 — 08.64.279, 08.64.326, 08.64.335, 08.64.336, 08.64.345)
4. Miscellaneous Provisions (§ 08.64.369)
5. General Provision: (§ 08.64.380)

Article 1. State Medical Board.

Section

101. Duties
130. Board records

Alaska State Legislature

Chairman
State Affairs
Committee

Legislative Council

Transportation
Committee



Representative Eugene Kubina

During Session:
State Capitol
P.O. Box V
Juneau, Alaska 99811
(907) 465-4859

During Interim:
P.O. Box 2463
Valdez, Alaska 99686
(907) 835-2111

SPONSOR STATEMENT

Sponsor: Representative Gene Kubina

Subject: HB 72 - Charter boat operator exemption
from transporter license

Date: February 1, 1991

HB 72 is intended to correct a redundant licensing situation involving charter boat operators. The current law, AS 08.54.590(13), requires charter boat operators, among other transport groups, to obtain a transporter license. Charter boat operators who carry passengers for hire must currently license their boats with the Coast Guard.

HB 72 will amend said law to exempt charter boat operators from having to acquire the transporter license. This redundant licensing places a significant financial burden on the charter boat operator engaged in a minimal amount of hunter/game transport trips per year.

Aside from the issue of revenue procurement, another goal of the transporter license is information collection. Any relevant data could be readily collected through the guides and hunters themselves, who are obligated under current state law to provide hunt/game statistics and information.

- DISTRICT SIX -

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MEMO

To: Representative Davidson, Chair
Resources Committee

From: Representative Kubina *Eugene*

Re.: HB72, Licensing for Charter Boat Operators

Date: 11 March 1991

I would appreciate your scheduling my bill HB72 for hearing in your at the earliest possible date.

If I can provide you with any additional material, please don't hesitate to contact me. Thank you.

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MEMO

To: Representative Davidson, Chair
Resources Committee

From: Representative Gene Kubina, Chair
State Affairs Committee *E. Kubina*

Re.: HB72; Transporter License

Date: 5 March 1991

HB recently passed from the Transportation Committee to the Resources Committee. I would appreciate having this bill brought before your committee at the earliest date.

If there is anything I can do to assist, please contact my office.

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MEMO

To: Rep. Davidson, Chair
Resources Committee

From: Rep. Kubina, Chair
State Affairs Committee

Re.: Scheduling HB72

Date: 4 March 1991

A handwritten signature in cursive script, appearing to read "Eugene", written over the "From:" line of the memo.

I would appreciate your scheduling HB 72 in Resources Committee within the near future. If I or my staff can be of any assistance, please don't hesitate to contact us. Thank you.

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